CONNECTICUT SITING COUNCIL

APPLICATION OF THE TOWERS, LLC	)	**DOCKET NO. 543**
FOR A CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED FOR THE	)	
CONSTRUCTION, MAINTENANCE AND OPERATION	)	**NOVEMBER 25, 2025**
OF A TELECOMMUNICATIONS FACILITY AT	)	
17 WARREN ROAD, WASHINGTON (NEW PRESTON),	)	
CONNECTICUT	)	

APPLICATION OF IMAD AFIOUNI TO INTERVENE UNDER C.G.S. §§ 22a-19, 4-177a, 16-50g AND 16-50n

Pursuant to Connecticut General Statutes §§ 22a-19, 4-177a, 16-50g and 16-50n, IMAD AFIOUNI, an individual residing at 10 Warren Road, New Preston, Connecticut (hereinafter the "Proposed Intervenor") hereby moves and petitions the Connecticut Siting Council (hereinafter the "Council") to be a party intervenor in the above application by Towers, LLC (hereinafter "The Towers") for a certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 17 Warren Road, Washington (New Preston), Connecticut (hereinafter the "Site") and the Connecticut Siting Council accepted the application and references it as Docket No. 543 (hereinafter the "Project"). The Proposed Intervenor represents that his participation is in the interests of justice and the environment and that his participation will not impair the orderly conduct of the proceeding.

In support of this request, the Proposed Intervenor states the following:

1. The names and address of the Proposed Intervenor is as follows:

Imad Afiouni:

c/o Mario F. Coppola, Esq.
Matthew L. Studer, Esq.
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His Attorneys

2. The Proposed Intervenor is the owner of a residential property at 10 Warren Road, New Preston, Connecticut. The Proposed Intervenor has concerns about the public need for the construction and existence of the proposed cellular communications tower and accessory structures, equipment and improvements which will have a severe negative impact on this very sensitive environmental area, public water sources, inland wetlands and watercourses, ingress, egress and safe passage on adjacent public roadways, scenic vistas, neighboring property values, and the general character and harmony of the surrounding neighborhood. Pursuant to C.G.S. §§ 22a-19, 16-50n, 16-50g and 4-177a, the Proposed Intervenor has a direct interest in the proceedings which will specifically and substantially, as well as directly and indirectly, affect his property which is located in close vicinity to the Project area. The Proposed Intervenor seeks to intervene in the above proceedings for the purpose of submitting testimony, briefs and other evidence relevant to the Council's consideration of Docket 543.

3. The Towers failed to provide sufficient information and documentation to the Council to allow it to properly evaluate the environmental impact of the proposed cellular communications tower and accessory structures, equipment and improvements on the wetland and watercourses on the Site and adjacent properties, including a failure to clearly identify and delineate the wetlands and their characteristics and functions.

4. The construction, maintenance and operation of the proposed cellular communications tower and accessory structures, equipment and improvements in the Project is

reasonably likely to result in significant adverse impacts to onsite inland wetland and water courses, including a vernal pool, which the Applicant has not properly identified and delineated for the Council's consideration.

5. The Project is located on steep topography at the Site that is susceptible to erosion so the construction, maintenance and operation of the proposed cellular communications tower and accessory structures, equipment and improvements in the Project will most likely adversely affect the water quality of the inland wetlands and watercourses on Site and at adjacent properties.

6. The Project is located within the Shepaug Forest Block Important Bird Area as designated by the National Audubon Society, and further identified by it as Site ID No. 2197, and the Towners has failed to properly address the significant potential negative impacts on birds within this specifically protected and identified area resulting from the construction, maintenance and operation of the proposed cellular communications tower and accessory structures, equipment and improvements in the Project.

7. The Project violates local and/or State guidelines and/or requirements for providing minimum sightline distances for the proposed access for ingress and egress to and from the Site.

8. The Project fails to meet the requirements of local regulations of the Town of Washington, including the Town Plan of Conservation and Development, in a way which fundamentally harms the general welfare of the community.

9. The Proposed Intervenor hereby presents this verified pleading, pursuant to C.G.S. § 22a-19, for the purpose of asserting that evidence and testimony shall be presented in order to demonstrate that the activity proposed by the Towers for the Project Area is likely to

unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut because, if granted, the Project will unreasonably have a severe impact on this very sensitive environmental area, public water sources, inland wetlands and watercourses, ingress, egress, and safe passage on public roadways, scenic vistas, neighboring Property values, and the general character and harmony of the surrounding neighborhood.

10. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that the severe environmental impact from the Project could be reasonably mitigated by the use of alternate locations and/or alternative design options for the Project.

11. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that there are reasonable and prudent alternatives to the Project which the Towers could implement in the area of the Project to achieve its reasonable coverage needs instead of the construction and maintenance of the proposed Tower.

12. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that pursuant to C.G.S. § 16-50g, any need for adequate and reliable telecommunications service that will be fulfilled by the Project will be significantly outweighed by the need to protect the environment and ecology of the State and to minimize damage to scenic, historic, recreational and property values.

13. The Connecticut Siting Council should be aware of the statutory requirements that apply to interventions pursuant to C.G.S. § 22a-19, also known as the Connecticut Environmental Protection Act (hereinafter "EPA"). Section 22a-19(a) provides that any person "may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other

natural resources of the state." Section 22a-19(b) provides that the Connecticut Siting Council "shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as long as, considering all relevant surrounding circumstances and facts, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare."

"The purpose of the EPA is to give private citizens a voice in ensuring that the air, water and other natural resources of the state remain protected, preserved and enhanced, and to provide them with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction." (Internal quotation marks and citations omitted); Avalon Bay Communities, Inc. v. Coning Commission of the Town of Stratford, 87 Conn. App. 537, 547 (2005); *see also*, Branhaven Plaza, LLC v. Inland Wetlands Commission of Town of Branford, 251 Conn. 269, 276 (1999). The Connecticut Courts have consistently held that a plaintiff seeking to assert a claim under C.G.S. § 22a-19 merely needs to articulate a colorable claim of unreasonable pollution, impairment or destruction of the environment. Finley v. Inland Wetlands Commission of Town of Orange, 289 Conn. 12, 35 (2008); Windels v. Environmental Protection Commission, 284 Conn. 268, 289-90 (2007). "Statutes such as the EPA are remedial in nature and should be liberally construed to accomplish their purpose." Avalon Bay Communities, Inc., 87 Conn. App. at 548; *see also*, Keeney v. Fairfield Resources, Inc., 41 Conn App. 120, 132-33 (1996).

"Section 22a-19(a) makes intervention a matter of right once a verified pleading is filed complying with the statute, whether or not those allegations ultimately prove to be unfounded." Avalon Bay Communities, Inc., 87 Conn. App. at 543; *see also*, Polymer Resources, Ltd. V.

Keeney, 23 Conn. App. 340, 348-49 (1993) ("[Section] 22a-19[a] compels a trial court to permit intervention in an administrative proceeding or judicial review of such a proceeding by a party seeking to raise environmental issues upon the filing of a verified complaint. The statute is therefore not discretionary."). The one who files a verified pleading under § 22a-19 becomes a party to the administrative proceeding upon doing so and that person then has statutory standing to appeal for the limited purpose of raising environmental issues. Mystic Marinelife Aquarium v. Gill, 175 Conn. 483, 490 (1978).

Upon the filing of the verified pleading and approval by the Council, the Proposed Intervenor shall become a party with statutory standing to appeal, and that right to appeal is independent of any other party. Mystic Marinelife Aquarium, 175 Conn. at 499-500. Even the denial of an application to intervene under § 22a-19 may be appealed by filing an original appeal for improper denial of intervenor status. CT Post Limited Partnership v. New Haven City Planning Commission, Conn. Sup. 2000 WL 1161131 (July 21, 2000, Downey, J.).

For the above stated reasons, the Proposed Intervenor respectfully requests that his application for intervenor status, pursuant to C.G.S. §§ 22a-19, 16-50n and 4-177a, be granted by this Honorable Council.

RESPECTFULLY SUBMITTED BY:
IMAD AFIOUNI

BY: _____

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FOR THE PROPOSED INTERVENOR

The Proposed Intervenor request copies of all filings made in the course of this Petition to date and from this date forward via regular U.S. Mail or electronic transmission.

VERIFICATION

I, IMAD AFIOUNI, being duly sworn, do depose and say that the above application is true and accurate to the best of my knowledge and belief.

IMAD AFIOUNI

Sworn and subscribed before me this 24th day of November, 2025.

Mario F. Coppola, Esq.
Commissioner of Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage pre-paid this 25th day of November, 2025 to the individuals on the Service List for this Docket, as of November 25, 2025. The original and fifteen copies (plus one electronic copy) of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage-paid this 25th day of November, 2025 to:

Melanie Bachman, Esq., Executive Director
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(1 original, 15 copies, plus 1 electronic)

Mario F. Coppola, Esq.