

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

THE TOWERS, LLC APPLICATION FOR A : DOCKET NO. 543
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED :
FOR THE CONSTRUCTION, :
MAINTENANCE, AND OPERATION OF A :
TELECOMMUNICATIONS FACILITY :
AND ASSOCIATED EQUIPMENT :
LOCATED AT 17 WARREN ROAD, : MAY 27, 2026
WASHINGTON (NEW PRESTON), :
CONNECTICUT :

**PROPOSED FACTUAL FINDINGS OF STEEP ROCK ASSOCIATION, INC.,
INTERVENOR UNDER GENERAL STATUTES § 22a-19**

Alternatives

1. The applicant submitted three alternative designs for the proposed cell tower site. Record.
2. The first alternative design proposed by the applicant would result in 758 square feet of direct wetlands impact and 255 square feet of temporary wetlands impacts. According to the applicant “To minimize wetland impacts the narrowest portion of Wetland 1 was selected for this crossing. Narrative, 18/25; Application Att. 16/25.
3. The second alternative design proposed by the applicant reduced the permanent wetlands impacts to 228 square feet and reduced the temporary wetlands impacts to 26 square feet. Responses to Council Interrogatories, 11/26/25, Question 9, 10/74.

4. The third alternative design proposed by the applicant increased the permanent wetlands impacts to 267 square feet and increased the temporary wetlands impacts to 170 square feet. Tr., 4/14/2026, p. 18 (Gustafson).
5. The third alternative design proposed by the applicant will result in increased wetlands impact. Tr., 12/4/2025, p. 90 (Gustafson).
6. The disturbed area in the first alternative design would be 30,848 square feet. Tr. 1/13/2026, p.13 (Johnston).
7. The disturbed area in the third alternative design would be 64,260 square feet. Tr. 1/13/2026, pp.12, 13 (Johnston).¹
8. The length of the access road in the first alternative design is 725 feet. Site Evaluation Report and Project Plans 3/25.²
9. The length of the access road in the third alternative design is 1,143 feet. Late-filed Exhibits, 12/30/25, 1/57.
10. The first alternative design would result in the removal of 76 trees over six inches in diameter at breast height Tr., 1/13/2026, p. 14 (Johnston).³
11. The third alternative design would result in the removal of 120 trees over six inches in diameter at breast height Tr., 1/13/2026, p. 14 (Johnston).
12. The 9,000 square foot wetlands enhancement plan proposed by the applicant in connection with the third alternative design could readily be implemented in conjunction with the first and second alternative designs. Late-filed Exhibits, 12/30/25, 18/57.

Access Road

13. A portion of the proposed access road will cross through Statewide Important Farmland Soils. Narrative, 19/25; Application Att. 13.
14. The proposed access road in the third alternative design will have a finish grade of 21.5 percent for a distance of 637 feet. Tr., 01/13/2025, pp. 35-36 (Johnston).

¹ The applicant did not disclose the disturbed area for the second alternative design.

² The applicant did not disclose the length of the access road for the second alternative design.

³ The applicant did not disclose the number of trees to be removed in the second alternative design.

15. The applicant's engineer testified that the access road width could be reduced from 12 to 10 feet post-construction. Tr., 01/13/2025, pp. 44-45 (Johnston).
16. Driveway grades steeper than 12 percent are dangerous to traverse in the winter. Tr. 4/28/2026, p. 83 (Trinkaus).
17. Concrete trucks, dump trucks, cranes, semi-trailer trucks, single-unit vehicles and passenger vehicles will utilize the access road during construction. Tr. 4/14/2026, p. 65 (Kendall).
18. Construction vehicles cannot safely traverse grades steeper than 12 percent due to their high center of gravity and distribution of weight. Tr. 4/28/2026, p. 83 (Trinkaus).
19. Standard civil engineering practice is to specify that driveways with grades exceeding six percent should be paved in order to avoid erosion of the gravel. Tr. 4/28/2026, pp. 85-86, 88 (Trinkaus).
20. There are no means to treat stormwater from a gravel driveway with a grade exceeding 12 percent, so untreated stormwater from the proposed access road will discharge directly into the onsite wetlands. Tr. 4/28/2026, p. 88 (Trinkaus).
21. According to the best information currently available to the applicant, the on-site soils are highly erodible. Tr., 1/13/2026, pp. 39-40 (Johnston).
22. The applicant said it had done a drainage design for the proposed access road but did not submit its drainage calculations as part of the record. Tr., 01/13/2025, pp. 38-39 (Johnston).
23. It will not be possible for the applicant to comply with Department of Energy and Environmental Protection, Connecticut Council on Soil and Water Conservation, Connecticut Guidelines for Soil Erosion and Sediment Control, effective date March 30, 2024, Connecticut Siting Council Administrative Notice Item No. 42, if the proposed access road is not paved. Tr. 4/28/2026, pp. 89-92 (Trinkaus).

Sight Lines

24. The proposed access road intersects Connecticut Route 341, a State highway, also known as Warren Road. Site Evaluation Report and Project Plans.

25. The Connecticut Department of Transportation measures sight line distances from a point 15 feet in from the edge of pavement in determining whether intersection sight line distances are adequate. Tr. 4/28/2026, p. 115 (Bolella).
26. The Connecticut Department of Transportation uses the 85th percentile speed in determining whether intersection sight line distances are adequate. Tr. 4/28/2026, p. 116 (Bolella).
27. The proposed access road does not meet the intersection sight distances required by the Connecticut Highway Design Manual for State roads. Tr. 2/24/2026, p. 73 (Kendall); Steep Rock Association, Inc., Administrative Notice Item No. 50.
28. It would be impossible to locate an access driveway anywhere along the frontage of the proposed cell tower site which would conform to the intersection sight line requirements of the Connecticut Department of Transportation, Highway Design Manual, Revised July 2025, Steep Rock Association Administrative Notice List Item No. 50. Tr., 4/28/2026, p. 117 (Bolella).
29. Intersection sight distance is a controlling design criterion in the Connecticut Department of Transportation Design Control Manual Section 6-5.0 governing applications for design exceptions to the encroachment permits. Tr., 2/24/2026, pp. 79-80 (Kendall).
30. The applicant intends to seek a design exception for the proposed access driveway from the Connecticut Department of Transportation because the driveway does not meet the intersection sight distances required for cars traveling at 85th percentile speeds. Tr., 2/24/2026, p. 74 (Kendall).
31. The applicant's engineer testified that the proposed access road was moved to the location proposed in the third alternative design because the intersection sight distances were better, but acknowledged that he did not measure the sight line distances for the first two locations proposed. Tr., 01/13/2025, pp. 22-23 (Johnston).
32. Vice Chair Morissette in consultation with Attorney Bachman refused to allow cross-examination regarding the first and second access road locations proposed by the applicant based on the applicant's attorney's statement that they are no

- longer viable solutions due to intersection sight distance deficiencies. Tr., 01/13/2025, pp. 42-43.
33. The applicant did not make its boundary survey part of the hearing record. Tr., 01/13/2025, p. 26 (Johnston).
 34. The applicant's statement that "Based on a preliminary review by project engineers, the new driveway shown on [Late-filed] Exhibit 1 [12/30/2025] would comply with sightline distances along Warren Road (State Route 341) to both the north and south" was contradicted by its own traffic engineer. Late filed Exhibits 12/30/2025 3/57; cf. Tr. 2/24/2026, pp. 42-44 (Kendall).
 35. If the applicant requests an exception from the intersection sight distance requirements of the Connecticut Department of Transportation, Highway Design Manual, Revised July 2025, Steep Rock Association Administrative Notice List Item No. 50, the applicant would have to provide mitigation in the form of clearing and grubbing on the proposed cell tower site and the adjacent property at 290 Woodville Road in common ownership with the proposed cell tower site. Tr., 4/28/2026, p. 120-123 (Bolella).
 36. Additional clearing will be required at 17 Warren Road and 290 Woodville Road in order to obtain improved sight lines for the access driveway. Tr. 4/14/2026, pp. 50-51 (Kendall); Tr. 4/28/2026, p. 122-123 (Bolella).
 37. The applicant's calculation of "disturbed area" does not include clearing necessary to establish or improve the sightlines from the access driveway for the proposed cell tower. Tr., 01/13/2025, pp. 13-14 (Johnston).

Environmental Impacts

38. The Council on Environmental Quality "does not support the loss of core forest since disturbances to core forest (i.e. fragmentation) would provide substandard habitat for some species of wildlife." Letter dated August 27, 2025, from Council on Environmental Quality to Connecticut Siting Council.
39. The Washington Conservation Commission "strongly recommend[s] the proposed cell tower be relocated to an alternative and unforested location in town, rather than clearing an intact acre of forest at the current site." Letter dated November

25, 2025, from Washington Conservation Commission to the Honorable James Brinton.

40. The Washington Inland Wetlands Commission believes that the proposed cell tower “as well as the proposed access road will no doubt create long term negative [environmental] effects.” Town of Washington Corrected Inland Wetland Commission Letter to the First Selectperson, 12/2/25.
41. There is presently a 4-acre area of core forest on the site, of which .12 acres will be removed. Tr. 4/14/2026, p. 26 (Gustafson).
42. Following construction, the remaining non-edge core forest will be 1 to 1.5 acres. Tr. 4/14/2026, p. 30. (Gustafson)
43. Construction of the proposed cell tower and access road will result in the eradication of core forest at the project site. Tr. 4/28/2026, pp. 59-60 (Hagenbuch).
44. The proposed cell tower is located on the edge of the Shepaug Forest Block Important Bird Area, one of the region's most significant interior-forest habitats. Increasing fragmentation and disturbance here runs counter to the designation and goals of this IBA. Letter dated November 25, 2025 from Washington Conservation Commission to the Honorable James Brinton.
45. The applicant proposes to clear trees within the Shepaug Forest Block Important Bird Area. Tr., 12/4/2025, p. 53 (Gustafson).
46. Any effects from the proposed cell tower and access road on avian species would be the same whether they were within or adjacent to the Shepaug River Important Bird Area. Tr., 01/13/2025, pp. 20-21 (Gustafson).
47. Any effects from the proposed cell tower and access road on avian species would be the same whether they were within or adjacent to the core forest. Tr., 01/13/2025, pp. 21-22.
48. Of the three alternative plans proposed by the applicant, the third alternative plan, submitted as a late-filed exhibit on December 30, 2025, will cause the greatest adverse biological impacts. Tr., 4/28/2026, pp. 18, 59-60 (Klemens, Hagenbuch).
49. The evidence presented by the applicant with respect to whether a vernal pool exists at the proposed tower site was inconclusive and did not meet scientific

- standards for documenting the absence of vernal pool. Tr., 4/28/2026, pp. 19-20, 28-29 (Klemens).
50. There is a reasonable likelihood that a vernal pool exists at the proposed tower site. Tr., 4/28/2026, p. 32 (Klemens).
 51. If a vernal pool does exist at the proposed tower site in the location identified by Dr. Klemens, the access road as shown in the third alternative plan will have a major adverse environmental impact due to the destruction of critical terrestrial habitat. Tr., 4/28/2026, pp. 27-28 (Klemens).
 52. The Shepaug River, which is just to the east of the site, is a well-documented wood turtle riparian habitat. Tr., 12/4/2025, pp. 11-112 (Gustafson).
 53. The wood turtle is a candidate for listing under the federal Endangered Species Act, . 16 U.S.C. 1531 et seq. , Tr., 4/28/2026, pp. 29-30 (Klemens).
 54. The wood turtle is present at property adjacent to the project site and probably at the project site itself. Tr., 4/28/2026, pp. 30-31 (Klemens).
 55. The applicant's proposed measures to effectively mitigate adverse impacts to wood turtles are inadequate and will result in the exclusion of wood turtles from areas of potential seasonal habitat use during construction. Tr., 4/28/2026, pp. 29-30 (Klemens).
 56. The proposed cell tower fails to follow the Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*, last updated March 2021, Connecticut Siting Council Administrative Notice Item No. 14. Tr., 4/28/2026, pp. 36-40 (Manville).
 57. The *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*, recommends that cell towers not be placed "on or near wetlands, other known bird concentration areas, state or federal refuges, staging areas, rookeries or important bird areas, or in known migratory bird movement routes, daily movement flyways, areas of breeding concentration, in habitat of threatened or endangered species, or key habitats for birds of conservation concern;" Tr. 4/28/2026, pp. 39-40 (Manville);

- and the proposed cell tower fails to follow these recommendations. Tr. 4/28/2026, pp. 40-45 (Manville).
58. Even unguied, unlit, monopole cell towers at heights less than the proposed cell tower cause increased mortality to migratory birds. Tr., 4/28/2026, p. 36 (Manville).
 59. The proposed cell tower will generate significant amounts of heat from the radio heads laced at the top of the tower, which can serve as an attractant to birds. Tr., 4/14/2026, p. 130-131 (Lawton); Tr. 4/28/2025, p. 42 (Manville).
 60. Birds, bats and insects regularly collide with cell towers at heights comparable to the cell tower proposed by the applicant, particularly during periods of low visibility. Pre-filed Testimony of Albert M. Manville, II, Ph.D., 11/22/25, 6-8/19; Tr. 4/28/2025, p. 45 (Manville).
 61. Dean Gustafson, who prepared the applicant's memorandum purporting to "document the proposed Facility's proximity to avian resource areas and its compliance with recommended guidelines of the United States Fish and Wildlife Service ("USFWS") for minimizing the potential for telecommunications towers to impact bird species," has a B.S. degree in Plant and Soil Sciences from the University of Massachusetts, and disclosed no degrees, education or experience in ornithology, zoology, ecology, or any other disciplines concerning migratory birds. Late-filed Exhibits, 12/30/25, 7/57.
 62. The bog turtle does not occur in Connecticut east of the Housatonic River. Tr., 4/28/2026, p. 21 (Klemens).
 63. Except for the Bog Turtle Habitat Survey conducted by Quinn Ecological, LLC on March 27, 202, the applicant's experts conducted no fieldwork to determine the presence of listed species at the proposed tower site. Tr., 12/4/2025, p. 111 (Gustafson).
 64. Listed species identified at the Macricostas Preserve are likely found at the proposed tower site. Tr. 4/28/2026, pp. 55-59 (Hagenbuch).

Visual Impacts

65. The applicant acknowledges that the “primary impact of facilities such as this is visual.” Narrative, p. 16/25.
66. C.G.S. § 16-50p (b) (1) (C) requires the Siting Council, in every application for a proposed cell tower, to examine, among other things, "whether the proposed facility would be located in an area of the state which the council, in consultation with the Department of Energy and Environmental Protection and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance.” There is no evidence in the record that the Siting Council consulted with the Department of Energy and Environmental Protection as required by this statute.
67. Visual impairment is included among the environmental concerns protected by the Connecticut Environmental Protection Act. *Stevens v. Department of Energy and Environmental Protection*, Superior Court, judicial district of New Britain, Docket No. HHB-CV25-6095289-S (March 16, 2026) 2026 WL 810256.
68. Visual impacts are considered in evaluating the value of historic properties. Tr., 4/28/2026, p. 124 (Haynes).
69. Town of Washington designated scenic road Romford Road is not designated as such on the applicant’s visual assessment. Tr., 01/13/2025, pp. 54-56 (Landino).
70. The average tree height in the vicinity of the proposed tower is 73 feet, so the proposed tower will rise 67 feet above the height of the trees. Tr. 1/13/2026, p. 111 (Landino).
71. The Tower will be visible from areas of Macricostas Preserve. Supplemental Pre-filed Testimony of Brian E. Hagenbuch, Ph.D., received 02/10/26.
72. Views of the tower from the Macricostas Preserve will adversely affect public use of the Preserve. Tr. 4/28/2026, pp. 51-52, 61-62 (Hagenbuch).
73. Steep Rock’s Macricostas Preserve has about 30,000 visitors each year, and a number of visitors have expressed concern about the visual impact of the proposed tower. Tr., 4/14/2026, p. 105 (Hagenbuch).

74. The proposed cell tower will be visible from the Washington Montessori School campus. Pre-Filed Testimony Dorton 11/25/2025, p. 3; Tr., 1/13/2026, pp. 57-60 (Landino); Tr. 4/28/2026, pp. 77-79 (Dorton).
75. The adverse visual impact to the Washington Montessori School would be substantial and perpetual. The proposed cell tower would be prominently visible from the School property, including key outdoor learning and recreation areas, as well as from the main entrance. Pre-Filed Testimony Dorton 11/25/2025, p. 5; Pre-Filed Testimony Dorton 2/10/2026, Exhibit A.

Historic Resources

76. Michael Libertine, author of the applicant's "Preliminary Historic Resources Determination," does not satisfy the Secretary of the Interior's qualifications for an expert in archeological and historic resources, has no expertise in historic preservation, and has no degrees or education in any areas concerning historical or archaeological resources. Tr. 2/24/2026, pp. 12-13 (Libertine); Tr. 4/14/2026, p. 52 (Libertine).
77. Michael Libertine is not qualified to determine whether a property is eligible for listing on the National Register of Historic Places or the State Register of Historic Places. Tr. 2/24/2026, pp. 28-29 (Libertine).
78. Mr. Libertine did not review the State Historic Preservation Office Files to determine whether there were listed resources within the Area of Potential Effects, relying instead on a report from another consultant. Tr. 2/24/2026, pp. 20-21 (Libertine).
79. A purpose of the applicant's Visual Assessment is to identify historic resources in the Area of Potential Effects and whether or not the proposed tower would have a visual impact on those resources. Tr. 2/24/2026, pp. 15-16 (Libertine).
80. The proposed cell tower will have an adverse effect on historic properties within its viewshed. Tr., 4/28/2026, p. 124 (Haynes).
81. The proposed cell tower will be visible from 7 Warren Road. Application, Att. 9 Visual Assessment.

82. The property at 7 Warren Road was built by a pioneer of the iron industry and has architectural significance as the site of an unusual building of the early Republic period in Connecticut and historical significance for its association with the Underground Railroad. Tr., 4/28/2026, pp. 126-127 (Haynes).
83. The property at 7 Warren Road is eligible for listing in the National Register of Historic Places. Tr., 4/28/2026, p. 105 (Haynes).
84. The proposed cell tower will have an adverse effect on the historical value of 7 Warren Road if constructed as proposed. Tr., 4/28/2026, p. 127 (Haynes).

Small Cell Alternative

85. The Washington North 2 Facility is designed primarily as a coverage site. Narrative, 12/25.
86. The applicant's coverage objective is Routes 202 and 341. Tr. 12/4/2026, p. 106 (Paul).
87. Verizon deploys small cells in Connecticut. Tr., 12/4/2025, p. 42 (Vellante).
88. Warren First Selectman Greg LaCava testified that the Town of Warren would be interested in co-locating on the proposed tower but was unaware that services might be offered. Tr., 4/14/2026, pp. 70-71 (LaCava).
89. A small cell network is a viable alternative to the proposed tower because of the limited dimensions of the area to be served and density of usage, Tr., 4/14/2026, pp. 99-101, 112 (Lawton).
90. The existing coverage maps provided by the applicant show only in-building and in-car service thresholds, not outdoor service thresholds. Application, Att. 6; Tr., 12/4/2025, p. 128 (Vellante); Tr., 4/14/2026, pp. 109-110 (Lawton).
91. Site development costs for the original access road location were estimated at \$340,000. Site development costs for the third alternative design are estimated at double that amount. Narrative, 24/25; Tr., 4/14/2026, pp. 25-26 (Paul).
92. A reasonable estimated cost for a single small cell installation in Connecticut would be \$20,000 to \$25,000. Supplemental Pre-filed Testimony of Michael Lawton, received 02/10/26 4-7/426; Tr. 4/14/2026, p. 123 (Lawton).

93. The applicant's coverage maps showing anticipated coverage after construction of the proposed tower in "Coverage Maps – Washington North 2 and Surrounding Cell Sites" show better coverage for 850 megahertz than for 700 megahertz, which is an anomaly. Tr., 4/14/2026, pp. 126-127 (Lawton).
94. The applicant did not consider the new Verizon tower at 10 Blackville Road in Washington Depot in evaluating the existing wireless service in the area of the proposed cell tower. Narrative, p. 12/25.
95. The applicant's coverage maps in "Coverage Maps – Washington North 2 and Surrounding Cell Sites" do not provide or include coverage for the new Verizon antenna at 10 Blackville Road in Washington Depot. Application, Att. 6; Tr., 4/14/2026, p. 127 (Lawton).

Vice Chair

96. John Morissette was appointed to the Connecticut Siting Council by Governor Ned Lamont as a public member on October 21, 2019. Connecticut Siting Council website.
97. Elin Swanson Katz was appointed to the Connecticut Siting Council by Governor Ned Lamont as a public member on October 15, 2024. Connecticut Siting Council website.
98. Elin Swanson Katz was appointed Chairperson of the Connecticut Siting Council by Governor Ned Lamont and confirmed by the Senate of the State of Connecticut on April 15, 2025. Senate Session Transcript for 4/15/2025, pp. 44-47.
99. At a meeting of the Connecticut Siting Council held on April 17, 2025, "Chair [Elin] Katz nominated Mr. [John] Morissette as Vice Chair of the Connecticut Siting Council; seconded by Mr. Carter. The motion passed unanimously." Connecticut Siting Council website, Meeting Minutes of April 17, 2026.
100. At a meeting of the Connecticut Siting Council held on June 12, 2025, Vice Chair [John] Morissette announced the resignation of Elin Katz as Chair of the Connecticut Siting Council. Connecticut Siting Council website, Meeting Minutes of June 12, 2025.

101. John Morissette has acted as Vice-Chair of the Connecticut Siting Council continuously from April 17, 2025 to the present without appointment by the Governor nor confirmation by the House or Senate.

Notice

102. C.G.S § 16-50j (i) requires in pertinent part that “Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the Departments of Energy and Environmental Protection, Public Health, Agriculture, Economic and Community Development and Transportation and the Council on Environmental Quality, the Public Utilities Regulatory Authority, the Office of Policy and Management and the Office of Consumer Counsel....” There is no evidence in the record that the Siting Council complied with this requirement.

STEEP ROCK ASSOCIATION, INC.,
INTERVENOR

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was electronically mailed to the following service list on May 28, 2026.

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s/ David F. Sherwood
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