

**DOCKET NO. 541** – The Towers, LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for the }  
construction, maintenance, and operation of a telecommunications } Siting  
facility and associated equipment located at 132 Bass Road, }  
Windham, Connecticut. } Council

February 27, 2026

### **DRAFT Opinion**

On June 23, 2025, The Towers, LLC (TT or Applicant) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 156-foot wireless telecommunications facility and associated equipment at 132 Bass Road, Windham, Connecticut (Project). TT is a joint venture between Vertical Bridge REIT, LLC (VB) and Cellco Partnership d/b/a Verizon Wireless (Cellco).

The purpose of the proposed facility is to provide reliable wireless communications services for Cellco customers and address coverage and capacity deficiencies in the northeast portion of Windham and northwest portion of Scotland (collectively, Municipalities).

The party to this proceeding is the Applicant. There are no Connecticut Environmental Protection Act (CEPA) Intervenor to this proceeding. In this Opinion, the Council incorporates its record disposition of all substantive and procedural motions that were raised by the Applicant during the course of the proceeding.

The United States Congress recognized a nationwide need for high quality wireless services through the adoption of the Federal Telecommunications Act of 1996 and directed the Federal Communications Commission (FCC) to establish a market structure for system development and develop technical standards for network operations. The FCC preempts state or local regulation on matters that are exclusively within the jurisdiction and authority of the FCC, including, but not limited to, network operations and radio frequency emissions. Preservation of state or local authority extends only to placement, construction and modifications of telecommunications facilities based on matters not directly regulated by the FCC, such as environmental impacts. The Council’s statutory charge is to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment.

Under Connecticut General Statutes (CGS) §16-50p(b), there is a presumption of public need for personal wireless services and the Council is limited to consideration of a specific need for any proposed facility to be used to provide such services to the public.

TT owns and/or operates wireless telecommunications facilities in the state. VB would construct, maintain and own the proposed facility and would be the Certificate Holder. Cellco is licensed by the FCC to provide personal wireless communications service throughout the state and would lease space on the proposed tower for their telecommunications equipment.

The total estimated cost of the proposed facility is \$600,000, inclusive of costs associated with Cellco’s, equipment installation. Neither the facility, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies or to be funded in whole or in part by the state through any grant or contract. VB and Cellco are private entities.

Cellco has coverage and capacity deficiencies in its wireless communications network in the northeast portion of Windham and northwest portion of Scotland. Deficiencies occur on portions of Bass Road, Kemp Road, Back Road, Beaver Hill Road and other area roadways.

Currently, Cellco maintains five facilities within four miles of the proposed site. None of these facilities are able to provide adequate coverage to the proposed service area. Two of these facilities experience ineffective attempts/lost calls at rates of 1.4% to 1.8%, exceeding Cellco's standard of less than 0.6%.

Cellco would deploy 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3700 MHz wireless services at the site, all capable of transmitting voice and data services. The 3700 MHz frequencies would provide 5G services.

Cellco's installation at the 150-foot level of the tower would provide reliable 700 MHz service to a 6.4 square mile area, including but not limited, to portions of Bass Road, Kemp Road, Back Road, Beaver Hill Road, as well as Beaver Brook State Park.

Small cells or distributed antenna systems would not be a practicable or feasible means of addressing the existing coverage deficiency within the proposed service area. Small cells limit the number of frequencies that can be deployed, limit structure sharing with other carriers, and lack space for emergency backup power. To provide wireless service to the proposed service area would require a significant number of small cell deployments either on existing utility poles or on new utility poles along roadways or on private parcels throughout the proposed service area and would not be economically viable as a replacement for a single tower site. Therefore, the Council finds small cells are not a feasible alternative to the proposed facility.

Based on a lack of reliable wireless service for Cellco in the northeast Windham and northwest Scotland area, the Council finds a specific need for the facility. Although the proposed site provides necessary reliable coverage to portions of the greater area of need, it cannot meet all of the coverage needs of Cellco due to hilly terrain and the expansiveness of the underserved area, especially at the higher frequencies within Cellco's network. Additional facilities may be required in the future to provide reliable wireless services to areas that remain underserved.

Cellco initiated a site search in the Windham area in April 2023, expanding the search ring in 2024 after the initial search did not identify any suitable properties. After investigating 15 potential sites, TT signed a lease with the host parcel owner in August 2024. The 14 other properties investigated were rejected due to no response from landowners, or the inability to reach a lease agreement with interested property owners.

For any site to be considered a feasible and prudent alternative to a proposed facility site, it must be available to host the proposed facility. The Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility nor shall the Council be limited in any way by the applicant having already acquired land or an interest therein for the purpose of siting a facility.

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate. The Town of Windham (Town) did not provide the Council with any location preferences pursuant to CGS §16-50gg.

TT commenced the 90-day pre-application municipal consultation process in March 2025 by submitting a technical report for the proposed facility to the chief elected officials of the Municipalities. Neither municipality commented on the proposal.

Pursuant to CGS §16-50p(b), the Council shall examine whether the proposed facility may be shared with any public or private entity that provides service to the public, provided such shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, and may impose reasonable conditions as it deems necessary to promote the immediate and shared use of telecommunications facilities and avoid the unnecessary proliferation of such facilities in the state. The facility would be designed to accommodate four wireless carriers and municipal antennas. No other wireless carriers, nor the municipalities, have expressed an interest in collocating antennas on the tower at this time.

The tower site is in the wooded, northeast portion of the 12.4-acre host parcel. The host parcel, zoned residential, is developed with a residence, garage, and other outbuildings, and is used for livestock grazing.

The facility consists of a 156-foot monopole within a 50-foot by 50-foot compound. Cellco would install 9 antennas and 6 remote radio heads on an antenna platform at a tower centerline height of 150 feet above ground level (agl). Cellco would install one equipment cabinet, one battery cabinet, an H-frame with small cabinets, and a 50-kilowatt diesel-fueled emergency backup generator within the compound. The compound can support equipment of three additional tenants. To deter unauthorized access to the compound and tower, the compound would be enclosed by an eight-foot chain link fence, accessed through a locked, 16-foot wide access gate.

In the event of an outage of commercial power, Cellco would rely on its emergency backup generator that could provide approximately 50 hours of run time before refueling is necessary. Cellco would also have an 8-hour battery backup power source for use in the event the generator does not start.

The compound would be accessed from an existing 700-foot long gravel driveway extending from Bass Road and a new 12-foot wide, 245-foot long gravel driveway extension.

Utilities servicing the facility would extend underground along the driveway from the compound to an existing utility pole on the host parcel.

There are 17 residential structures within 1,000 feet of the site. The nearest property line from the tower is approximately 100 feet to the north at 52 Parish Hill Road in Windham. The nearest off-site residential structure is approximately 545 feet to the southeast at 568 Kemp Road in Scotland. Due to the proximity of the tower to the northern property line, the Council will order a yield point on the tower to ensure the tower setback radius remains within the boundaries of the host parcel.

A geotechnical survey would be performed prior to construction to evaluate existing subsurface conditions as part of the Development and Management (D&M) Plan. Construction would require approximately 23 cubic yards of excavation and approximately 92 cubic yards of fill. Blasting is not anticipated. Logs and debris from tree clearing activities may be used by the host parcel owner or disposed of off-site.

The construction limit of disturbance is approximately 0.43 acre, therefore the facility would not require a DEEP Stormwater Permit. The proposed facility would be constructed in compliance with the applicable *Connecticut Guidelines for Soil Erosion and Sedimentation Control*.

The proposed facility would be located on 0.04-acre of mapped prime farmland soil.

Development of the site would require the removal of 20 trees with a diameter of six inches or greater at breast height.

The nearest wetland from the proposed site is approximately 61 feet southwest of the proposed compound. It is a small isolated disturbed wetland adjacent to the existing driveway and outbuildings that was formed by a manmade excavation. Although this wetland contains a small vernal pool supporting low populations of vernal pool obligate species, the vernal pool is considered of low-quality due to variable hydrology and the significant amount of preexisting development within 100 feet of the vernal pool edge. A second wetland with a vernal pool is located along the existing driveway but no construction is proposed that would result in short-term or long-term impacts to amphibian productivity. Due to proximity of site construction to the wetlands and vernal pools, the Council will order the implementation of a Wetland and Vernal Pool Protection Plan.

The site is not within a flood zone or within an aquifer protection area or public water supply watershed area.

The site is not located within a DEEP Natural Diversity Database buffer area. The site is within the range of the Northern long-eared bat (NLEB), a federal-listed and state-listed endangered species. The U.S. Fish and Wildlife Service (USFWS) determined that construction of the facility would not likely have an adverse effect on NLEB if construction-related tree clearing is conducted from October 1 – April 14. Therefore, the Council will order the Applicant to adhere to USFWS recommended NLEB tree clearing restriction as part of the D&M Plan.

The proposed facility is not within a National Audubon Society designated Important Bird Area. The design of the facility would comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species.

There are no resources listed on the National Register of Historic Places or State Register of Historic Places within 0.5-mile of the proposed site.

Operation of the facility would comply with state noise control standards at the property lines.

Based on a viewshed analysis, the proposed tower would be visible year-round from approximately 50 acres and seasonally visible (leaf-off) from 60 acres within two miles of the site. A majority of these views are in the immediate area of the site and from areas west of Back Road, approximately 0.5 miles west of the site. Approximately 8 residential properties may have seasonal and/or year-round views of the proposed tower within a 0.5-mile radius of the site, including two abutting residences to the southeast that may have seasonal views of the facility.

There are no state-designated scenic roads within two-miles of the site.

The nearest hiking trail is within Beaver Brook State Park, approximately 0.4 miles northwest of the site. The top of the tower would be visible from a pond in the park.

Pursuant to CGS §16-50p(b), the Council shall examine whether the proposed facility would be located in an area of the state which the Council, in consultation with DEEP and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance and the latest facility design options intended to minimize aesthetic and environmental impacts.

No comments were received from the Town, Office of Policy and Management or DEEP regarding any impacts to scenic quality or resources.

The Council finds that the proposed facility would not be located in an area of the state that possesses scenic quality of local, regional or state-wide significance and would not substantially affect the scenic quality of its location or surrounding neighborhood.

Pursuant to CGS §16-50p(a)(3)(F), for a telecommunications facility proposed to be installed on land near a building containing a school, the facility will not be less than 250 feet from the building containing a school unless the location is acceptable to the chief elected official of the municipality or the Council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school is located. No schools or commercial child day care facilities are located within 250 feet of the proposed site.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the cumulative worst-case maximum power density from the radio frequency emissions from the operation of Celco's proposed antennas to be installed on the tower have been calculated to amount to 5.1 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure (MPE) using a far-field methodology for the proposed facility that accounts for a 6-foot tall person at ground level and the actual antenna patterns. This is conservatively based on the antennas emitting maximum power. This percentage is below federal standards established for the frequencies used by wireless companies.

If federal power density standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other entities add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Potential harm to wildlife from radio frequency emissions, like the potential harm to human health from radio frequency emissions, is a matter of exclusive federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

The Council finds that the proposal would not cause unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state. The Council has considered all reasonable alternatives and finds that the proposal represents the best alternative consistent with the reasonable requirements of the public health, safety and welfare.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed location, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the state concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 156-foot monopole wireless telecommunications facility at 132 Bass Road, Windham, Connecticut.