

DOCKET NO. 538 - The Towers, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility and associated equipment located at 1022 Trumbull Highway, Lebanon, Connecticut. } Connecticut
} Siting
} Council

April 24, 2026

DRAFT Opinion

On May 2, 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 150-foot monopole wireless telecommunications facility at 1022 Trumbull Highway, Lebanon, Connecticut. 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 eastern portions of Lebanon and western portions of Franklin.

The parties to this proceeding are TT, Cynthia Arons (Arons), and Philip Griffin and Lesley Varszegi. The intervenor in this proceeding is Gregory and Natalie Roy (Roy). There are no Connecticut Environmental Protection Act (CEPA) Intervenors to this proceeding. In this Opinion, the Council incorporates its record disposition of all substantive and procedural motions that were raised by the parties and intervenors 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 \$640,000, 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 eastern portions of Lebanon and western portions of Franklin, including portions of Route 87, Route 207, Route 32, and local roads.

Cellco currently operates four facilities within approximately four miles of the proposed site. In addition to its tower facilities, Cellco operates a small cell facility approximately 1 mile southwest of the proposed site. None of these facilities provide adequate coverage to the proposed service area.

Cellco's installation at the 150-foot level of the tower would provide reliable 700 MHz service to a 6.1 square mile area, including but not limited, to portions of Route 87, Route 207, and Route 32 and the surrounding area. It would also provide limited capacity relief to Cellco's existing *Lebanon Center* and *Pride's Corner* facilities. 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.

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 Lebanon-Franklin area, the Council finds a need for the proposed facility.

The Applicant commenced a site search in October 2023. After investigating 31 potential sites, a lease agreement was signed with the host parcel owner in July 2024. The 30 other properties investigated were rejected due to failure to meet wireless service objectives, no response from property owners, or the inability to reach a lease agreement with interested property owners. Seven additional potential sites suggested by Roy during the proceeding were investigated, but were not viable due to redundant or insufficient coverage to the proposed service area.

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 Lebanon (Town) did not provide the Council with any location preferences pursuant to CGS §16-50gg.

The Applicant commenced the 90-day pre-application municipal consultation process in January 2025 by submitting a technical report for the proposed facility to the chief elected official of the Town. The Town did not comment on the technical report.

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 facility site is located at the edge of a field on an approximate 42-acre host parcel zoned Rural Agricultural Residence. The host parcel is developed with a residence in the southern portion, accessible from Trumbull Highway, with the remaining areas consisting of agricultural fields and woodlands.

The originally proposed access drive followed an old farm road to the south of the residence. During the proceeding, the access drive alignment was revised due to concerns regarding tree clearing, stonewall disturbance and proximity to Arons property line. The revised access drive would follow an existing driveway on the host parcel for 502 feet, extending along the north side of the residence, before transitioning to a new 12-foot wide, 1,448-foot long gravel drive along the southeast and northern edges of an agricultural field to the site.

The facility consists of a 150-foot monopole within a 50-foot by 50-foot fenced compound within a 100-foot by 100-foot lease area. Cellco would install 9 antennas and 6 remote radio heads on an antenna platform at a tower centerline height of 145 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.

Utilities servicing the facility would extend underground from the compound along the revised access drive, diverging southward near the residence to follow the old farm road to avoid utility trenching adjacent to the residence and extend to an existing utility pole along Trumbull Highway.

In the event of an outage of commercial power, Cellco would rely on its diesel-fueled 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.

There are 5 residential structures within 1,000 feet of the proposed site.

The nearest property line from the tower is approximately 221 feet to the southeast at 1038 Trumbull Highway (Arons property) and the nearest off-site residential structure from the proposed tower is approximately 778 feet to the southeast at 1044 Trumbull Highway (Roy residence).

During the proceeding and in response to concerns about proximity of the tower to the Arons property, the Applicant developed an alternative tower location approximately 250 feet northwest of the proposed tower location.

The alternative tower location is located in a wooded area at the northeast edge of an agricultural field, increasing the distance of the tower to the Arons property from approximately 221 feet to approximately 460 feet and to the Roy residence from approximately 778 feet to approximately 1,247 feet. Due to a difference in ground elevation that is 14 feet lower than the proposed tower location, the Applicant would construct a 160-foot monopole at the alternative tower location to maintain Cellco's coverage objectives. The alternative tower location would utilize the revised 1,806-foot long access drive alignment.

A geotechnical survey would be performed prior to construction to evaluate existing subsurface conditions as part of the Development and Management (D&M) Plan. The method of site excavation (blasting, chipping) would be determined after the geotechnical survey is complete.

The construction limit of disturbance is approximately 1.2 acre for the proposed tower location and 1.7-acre for the alternative tower location, therefore, construction at either the proposed tower location or alternative tower location would require a DEEP Stormwater Permit and be constructed in compliance with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control*.

The proposed facility would be located on approximately 1.1 acres of prime farmland soil and approximately 0.50 acres of statewide important farmland soil.

Approximately 16 trees with a diameter of six inches or greater at breast height would be removed to construct either the proposed or alternative facility compound. An additional 10 trees would be removed to install the underground utility line within the old farm road.

A wetland system traverses the southwestern portion of the host parcel. It extends off the host parcel to the north and south where it has been impacted by past and current agricultural uses. The proposed site compound and alternative site compound are approximately 760 feet and 870 feet west, respectively, of the nearest wetland boundary.

The revised access drive would cross the wetland using the existing 10- to 12-foot-wide culvert crossing that would be upgraded by applying gravel and widened to a consistent 12-foot wide travel surface, resulting in approximately 940 square feet of permanent wetland impact and 700 square feet of temporary wetland impact. Notification to the U.S. Army Corps of Engineers would be required. The Applicant would restore and enhance disturbed areas adjacent to the access drive through shrub plantings, appropriate seeding and invasive species removal.

A vernal pool is located within the wetland system on the host parcel, approximately 140 feet north of the access drive wetland crossing. No facility-related development would occur within the vernal pool envelope. Due to proximity of site construction to the wetland and vernal pool, the Council will order the Applicant to implement a Wetland and Vernal Pool Protection Plan as part of the D&M Plan.

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

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

The site is not located within a DEEP Natural Diversity Database buffer area. It is located within the range of the tricolor bat (TCB), a proposed federal and state-listed endangered species. The U.S. Fish and Wildlife Service (USFWS) recommends avoiding tree clearing during the pup season for the TCB from June 1 through August 15. Applicant would implement a tree clearing restriction from June 1 through August 15.

The proposed facility is not located 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. The Lebanon Green Historic District, listed on the National Register of Historic Places, is approximately 0.6 miles west of the alternative tower location at its closest point. The upper portion of both the proposed and alternative tower locations would be visible year-round from the Town Green at distances of 1.2 to 1.5 miles.

The host parcel is not located on a scenic road.

Based on a viewshed analysis, the tower would be visible year-round from approximately 359 acres and seasonally visible (leaf-off) from 420 acres within two miles of the site with a majority of these views from hillside open fields. Views within a half-mile include, but are not limited to, year-round and seasonal views from field and forested areas as well as residential areas. Approximately seven residential properties would have year-round and seasonal views and an additional six residential properties would have seasonal views.

The upper portion of the tower in the proposed location would be visible year-round from field and open areas on the abutting Arons property to the south at 1038 Trumbull Highway, abutting residential properties to the northwest at 1006 and 1012 Trumbull Highway, and from portions of the nonabutting Roy property to the south at 1044 Trumbull Highway.

Visibility of the tower in the alternative location is similar to the proposed tower location, with a slight reduction of approximately 5 percent. The upper portion of the tower in the alternative tower location would be visible above the tree line from the field areas on the abutting Arons property and through gaps in tree cover on the non-abutting Roy property.

Due to the facility site location within a wooded area, the Council will order the Applicant to install a tower with a brown color paint scheme on the lower portion of the tower that does not exceed the height of the surrounding tree canopy and an unpainted galvanized steel finish on the upper portion of the tower above the tree canopy.

There are no state parks/forests or associated hiking trails within two miles of the site.

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 its 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 sites.

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 Cellco's proposed antennas to be installed on the tower have been calculated to amount to 5.2 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 the alternative tower location preferable over the proposed tower location as it is in a central area of the host parcel, more removed from area residences. Although there is more land disturbance associated with the alternative tower location of a half-acre, the disturbance is mostly related to a longer access drive along the edge of a field. There is no significant difference in the amount of tree clearing, wetland impact or visual impact to the Lebanon Green Historic District between the two sites.

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 alternative tower location 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 alternative tower 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 160-foot monopole wireless telecommunications facility with a two-tone color scheme at the alternative tower location at 1022 Trumbull Highway, Lebanon, Connecticut.