

**DOCKET NO. 543** - 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 17 Warren Road, Washington (New Preston), Connecticut. } Connecticut  
} Siting  
} Council

June 5, 2026

### **DRAFT Opinion**

On July 30, 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 140-foot monopole wireless telecommunications facility at 17 Warren Road, Washington, 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 in northeast Washington, southeast Warren, and southwest Litchfield.

The parties to this proceeding are TT, Town of Washington (Town), and Town of Warren. The intervenors and Connecticut Environmental Protection Act (CEPA) Intervenors are Washington Montessori Association, Inc. (WMA), Joslyn Pollock, Patricia Werner, Imad Afiouni, Robert Odum, Russell James Mackie, Jr., and Kristy Faulhaber (Area Residents Group or ARG). The CEPA Intervenor is Steep Rock Association, Inc. (SRA). 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. TT 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 \$740,000, 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 existing deficiencies in its wireless communications network in northeast Washington, southeast Warren, and southwest Litchfield, including but not limited to, portions of Route 341, Route 202, and secondary roads. Cellco currently operates four facilities within approximately 6.5 miles of the proposed site. None of these facilities provide adequate coverage to the proposed service area. The nearest existing Cellco facility (*Litchfield SW*) is approximately two miles northeast of the site.

Cellco's installation at the 140-foot level of the tower would provide reliable service to a 14 square mile area, including but not limited to, portions of Route 341 and Route 202 and the surrounding area. Cellco would deploy 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3700 MHz frequencies at the site, all capable of transmitting voice and data services. The 3700 MHz frequency would provide 5G services.

Litchfield County Dispatch (LCD), a regional emergency response entity, serves Washington and Warren and would collocate its communications equipment on the tower. Both the Town and the Town of Warren Fire and Emergency Management Departments indicated that emergency services would benefit from increased cell coverage. The Town of Warren indicated it would be interested in collocating municipal communication services on the tower.

Based on a lack of reliable wireless service for Cellco in the Washington, Warren and Litchfield area, and the interest in increased cell coverage from regional and local emergency response entities, the Council finds a specific need for the proposed facility.

The Applicant investigated 42 potential sites in northeast Washington and southwest Warren and signed a lease with the host parcel owner in September 2025. The 41 other properties 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.

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.

Additional potential locations for a site on the host parcel suggested by WMA during the proceeding are not feasible or prudent alternatives to the proposed site location due to steep terrain and the need for a taller tower at lower ground elevations. Lowering the height of the antennas by 10 feet would reduce the coverage footprint along Route 202 and Route 341, limiting connectivity to Cellco's existing *Litchfield SW* facility.

SRA presented a conceptual small-cell system design prepared by Isotrope, LLC (Isotrope) which was limited to coverage on Route 202 in Washington. Under the Isotrope model, gaps in wireless service would remain on Route 202.

Cellco utilizes small cells to enhance wireless service provided by an existing macrosite installation. To provide wireless service to the proposed service area using a small cell network, Cellco estimates 46-59 small cells would be required. Isotrope did not provide an estimate as to the number of small cells required to meet Cellco's coverage objective.

Based on a review of the exhibits and testimony in the evidentiary record pertaining to small cells, the Council finds small cells are not a feasible or prudent alternative to the proposed facility due to the limited service area of each small cell deployment, the topography of the proposed service area which limits the effectiveness of service, limitations on the number of wireless service frequencies that can be deployed,

incapability of collocation by other carriers, lack of space for emergency backup power, and inability to host emergency communication equipment.

The facility is consistent with the state policy to promote tower sharing to avoid the unnecessary proliferation of towers in the state as it would be designed to support the collocation of three wireless carriers as well as local and regional emergency service equipment. The facility would be able to provide backup emergency power, when necessary.

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 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 March 2025 by submitting a Technical Report for the proposed facility to the chief elected officials of the Town and Town of Warren. The municipalities did not comment on the Technical Report during the municipal consultation process.

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, regional and local emergency response entities and municipal antennas. No other wireless carriers have expressed an interest in collocating antennas on the tower at this time. The Town of Warren expressed interest in future collocation of municipal antennas on the tower during the proceeding.

The facility site is located on an approximate 13.6-acre host parcel zoned Farming and Residential. The host parcel is developed with a residence and open areas, accessible from a driveway off Warren Road. The remaining area consists of forest. The tower site is located near the summit of a hill at an approximate ground elevation of 930 feet above mean sea level (AMSL).

The tower site would be accessed by a new 12-foot wide, 1,143-foot long gravel access drive. The access drive route was initially proposed to extend along the west property line with the abutting parcel at 290 Woodville Road in Warren that is also owned by the host parcel owner. The initial access drive alignment included a potential modification to cross a wetland at a narrower point. The Applicant examined use of the existing residence driveway off Warren Road as an alternative access route. It is not a feasible or prudent alternative due to additional site clearing.

To address concerns raised during the proceeding regarding stormwater management and driveway sight lines along Route 341, the Applicant revised the initially proposed access drive by relocating the entrance approximately 200 feet to the east to an existing driveway apron along Route 341 and realigning the access drive route up the hill along a curve. The revised access drive would cross the wetland using a box culvert.

The facility consists of a 140-foot monopole within a 50-foot by 50-foot fenced compound. Cellco would install 9 antennas and 6 remote radio heads on a three-sector antenna frame at a tower centerline height of 135 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, 12-foot wide access gate.

Utilities servicing the facility would extend underground along the access drive from existing service on Route 341, transitioning to overhead to span a wetland and continuing uphill to the compound. The access drive and utilities would be installed within a 30-foot wide easement.

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 30 residential structures within 1,000 feet of the proposed site.

The nearest property line from the tower is approximately 104 feet to the west, owned by WMA at 240 Litchfield Turnpike, Washington. The tower setback radius would extend onto this parcel; therefore, the Council will order the Applicant to design a tower yield point to ensure the tower setback radius remains within the boundaries of the host parcel.

The nearest off-site residential structure from the tower is located approximately 312 feet to the northwest at 270 Woodville Road, Warren.

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 would be determined after the geotechnical survey is complete. Blasting is not anticipated.

The construction limit of disturbance is approximately 1.5 acres; therefore, a Department of Energy and Environmental Protection (DEEP) Stormwater Permit would be required. The Stormwater Permit requires construction to comply with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* and requires site inspections by a professional engineer. On August 22, 2025, pursuant to CGS §16-50j(i), the Council solicited comment regarding the Application from DEEP. No comments were received.

Stormwater at the facility site would be controlled by rip-rap lined swales along the access drive. The access drive would be pitched to direct runoff water into the swales. Check dams would be installed within the swales to reduce stormwater velocities.

Approximately 1.4 acres of trees would be removed to develop the site, mostly related to grading necessary to establish the access drive. Site development would directly impact 0.12 acre of a 4-acre small core forest that extends from the host parcel southward onto the abutting WMA parcel and create an edge effect, reducing the small core forest to approximately 1 - 1.5 acres. The ecological value of the small core forest is minimal compared to larger core forests (greater than 250 acres). Once the access drive is constructed, the Applicant would replant the graded areas along the hillside adjacent to the access drive with native trees and shrubs. The Applicant would also implement an invasive species management program to prevent invasive species from colonizing the restoration area, with a monitoring period of two years.

An on-site wetland inspection identified a linear wetland system that traverses the northern portion of the host parcel, extending onto the abutting property that is also owned by the site host parcel owner at 290 Woodville Road in Warren (Wetland 1). It contains a seasonal intermittent watercourse that dissipates on the host parcel once it reaches highly permeable soils. Wetland 1 and the intermittent watercourse do not extend onto abutting properties to the southeast. No indicators of vernal pools were identified on the facility site host parcel.

The access drive would cross Wetland 1 using a box culvert where it narrows into a dug, intermittent drainage channel approximately 4 feet wide. Installation of the box culvert would result in approximately 267 square feet of permanent wetland impact and 170 square feet of temporary wetland impact. Native stream material would be placed within the bottom of the culvert, restoring watercourse characteristics. Site construction would not alter existing wetland flows or its primary function as water conveyance.

To compensate for permanent and temporary wetland impacts, the Applicant would restore disturbed areas and enhance a 9,000 square foot wetland area north of the box culvert crossing by removing invasive species, installing 60 wetland shrub/tree plantings and applying wetland seed mix. The wetland enhancement area would be monitored for a period of two years. The host parcel owner is amenable to modifying the site lease to include the wetland enhancement area. The Council will order the Applicant to submit a modified site lease to include the wetland enhancement area as part of the D&M Plan. The Council will also order the Applicant to retain an on-site environmental monitor during construction 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. To be protective of water resources, the Applicant would implement a fuel storage and spill prevention plan during construction.

Operation of the facility would comply with state noise control standards at the property lines. Noise resulting from the operation of emergency equipment is exempt from state standards.

The facility will comply with the 2022 Connecticut Fire Safety Code. The slope and width of the access drive are suitable for fire trucks.

The Applicant would apply for an encroachment permit from the Department of Transportation (DOT) for the access drive entrance at the existing apron off Route 341. Some of the sight lines at the entrance do not meet DOT standards; therefore, based on the limited use of the access drive post-construction, the Applicant would apply for a sight line exception. DOT may require tree clearing within the Route 341 public right-of-way and possibly the host parcel to improve driveway sight lines. The Council will order the Applicant to submit a copy of the DOT encroachment permit as part of the D&M Plan.

The site is not located within a DEEP Natural Diversity Database buffer area. It is located within the range of the northern long-eared bat (NLEB), a federally-listed and state-listed endangered species and the tricolor bat (TCB), a state endangered and proposed federal endangered species. The U.S. Fish and Wildlife Service (USFWS) recommends a tree clearing restriction from April 15 – October 31 to minimize potential disturbance to bats. The Applicant would adhere to the USFWS recommendation.

The Applicant would establish reinforced erosion control barriers enclosing the construction areas. The barriers would prevent small wildlife from entering the construction area. The barriers would be subject to monitoring by the construction contractor, professional engineer and on-site environmental monitor.

The proposed tower is adjacent to the National Audubon Society-designated Shepaug Forest Important Bird Area (IBA). The southern portion of the host parcel is within the IBA. The facility site is not within the IBA. The IBA comprises a 13,900-acre area in portions of Washington, Morris and Roxbury. It includes, but is not limited to, SRA-owned properties, Mount Tom State Park, land trust parcels, roadways, undeveloped land, and agricultural, commercial, residential and institutional development. An Audubon-designated IBA only recognizes a given area as significant. It does not impose land use restrictions or regulations.

The Shepaug River riparian corridor most likely serves as a flyway for migrating birds. The river is approximately 0.25 mile northeast of the site at its closest point.

The USFWS recommends that new towers be less than 199 feet tall, free standing and avoid lighting. The design of the facility would comply with these USFWS recommendations for minimizing the potential for telecommunications towers to impact bird species. The tree clearing restriction from April 15 – October 31 for NLEB and TCB would also be protective of nesting birds.

The facility site is not located within an historic district. There are no resources listed on the National Register of Historic Places (NRHP) or State Register of Historic Places (SRHP) within 0.5-mile of the facility site. The 0.5-mile radius was established by the FCC in cooperation with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers as the Area of Potential Effect (APE) for towers less than 200 feet tall.

Two structures, the Mount Tom State Park observation tower in Mount Tom State Park, Washington, 1.6 miles southeast of the site, and the Rye House at 122-132 Mount Tom Road, Litchfield, 1.3 miles northeast of the site, are listed on both the NRHP and SRHP. Neither of these structures would have views of the facility.

During its review, SHPO may expand the APE to include an analysis of NRHP or SRHP properties beyond the 0.5-mile radius. On August 22, 2025, pursuant to CGS §16-50j(i), the Council solicited comment regarding the Application from SHPO. No comments were received.

The host parcel is not located on a scenic road. The tower would not be visible year-round from any state or locally designated scenic road within two miles of the site. The tower would be seasonally visible at the intersection of Romford Road, a local scenic road, and Route 202.

Based on a viewshed analysis, the tower would be visible year-round from approximately 20 acres and seasonally visible (leaf-off) from an additional 138 acres within two miles of the site. A majority of these views occur within a half-mile of the site and include roadways, agricultural areas, institutional, and residential properties. The surrounding tree canopy averages approximately 73 feet in height. Approximately 22 residences within 0.5-mile of the site would have combined year-round and seasonal visibility.

The tower may be visible from several outlooks at SRA's Macricostas Preserve. These outlooks are approximately 1.5 to 2.2 miles west-southwest of the tower site. The tower would not be visible from the Mount Tom State Park observation tower, 1.6 miles southeast of the site or from a hiking trail within Wyantenock State Forest, approximately 0.9 mile north of the site.

An alternative unipole or flagpole design would require more height to accommodate three wireless carriers and could not accommodate LCD equipment. The cost of a unipole design is comparable to a monopole design. An alternative monopine design would appear out of place given its wide profile, height above the tree line when viewed from certain vantage points and its location in primarily deciduous forest. The cost of a monopine or faux silo design would cost approximately three times the cost of a monopole. An alternative fire tower design would appear out of place given its height as fire towers in the surrounding region are generally less than 100 feet. Painting the tower would not reduce visibility significantly and a darker color would stand out against the sky. The Council finds that the galvanized steel tower design minimizes aesthetic impacts to the surrounding area.

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, Town of Warren, Office of Policy and Management or DEEP regarding any impacts to scenic quality or resources. The Town Plan of Conservation and Development does not list any designated scenic areas.

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 facility 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 Cellco's proposed antennas to be installed on the tower have been calculated to amount to 2.8 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 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 140-foot monopole wireless telecommunications facility at 17 Warren Road, Washington, Connecticut.