



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

October 4, 2024

Anne Hathaway  
SBA Communications Corporation  
8051 Congress Avenue  
Boca Raton, FL 33487-9457  
[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)

RE: **DOCKET NO. 307** - SBA Infrastructure LLC Certificate of Environmental Compatibility and Public Need for the construction and maintenance of a telecommunications facility located at one of two sites at 71 Pleasant View Road, Derby, Connecticut. **Enforcement Action Notice.**

Dear Anne Hathaway:

The Connecticut Siting Council (Council) is in receipt of additional email correspondence, dated October 2, 2024 from Derby residents, Tim and Nancy Marren (Marrens), the owners of property at 195 Sentinel Hill Road, concerning the absence of an American flag associated with the above-referenced Council-certificated telecommunications facility site.

The Marrens, who actively participated in the Council's 2006 proceedings held on the application for this facility as an intervenor (Pleasant View Hilltop Committee), initially submitted email correspondence to the Council regarding the absence of an American flag and lack of compliance with overall facility site design requirements on January 14, 2020.

The Council contacted SBA Infrastructure LLC (SBA), the Certificate Holder of record for this facility, on January 16, 2020 as notification of the Marrens' concerns regarding the absence of an American flag and lack of compliance with overall design requirements at the facility site. SBA acknowledged receipt of the correspondence.

The Marrens submitted additional email correspondence to the Council on May 5, 2020 acknowledging the facility site had been secured and requesting a status update as to the absence of an American flag and lack of compliance with overall design requirements at the facility site.

The Council contacted SBA on May 5, 2020. SBA acknowledged receipt of the correspondence and indicated there were manufacturing delays for the antenna shroud parts required to be installed before a flag could be flown on the tower.

The Marrens submitted additional email correspondence to the Council on October 27, 2020 and November 30, 2020 requesting a status update as to the absence of an American flag and indicating loud generator noise occurs at the facility site at night. The Council contacted SBA on December 2, 2020. SBA acknowledged receipt of the correspondence and indicated crews would be at the facility site on December 7, 2020 to resolve the identified issues.

Please be advised that under Connecticut General Statutes (CGS) §16-50u, “If the council finds that any person... has failed to comply with any certificate..., the council shall fine such person, order such person to pay restitution or order such person to pay a combination of a fine and restitution. The council may assess civil penalties in an amount not less than one thousand dollars per day for each day of... operation in material violation of... any certificate...”

Pursuant to CGS §16-50u, the Council hereby provides notice of a reason to believe that a violation of Condition No. 3 of the Council’s April 27, 2006 Certificate of Environmental Compatibility and Public Need (Certificate) and associated Condition No. 1 of the Council’s September 6, 2006 Development and Management (D&M) Plan approval for this facility has occurred.

Condition No. 3 of the Council’s April 27, 2006 Certificate states: “Prior to submission of the D&M Plan to the Council, *the Certificate Holder* shall discuss a tower design at this site with the City of Derby. The Town and Certificate Holder shall agree upon a tower design, but any differences would be resolved by the Council.” (Emphasis added).

Condition No. 1 of the Council’s September 6, 2006 D&M Plan approval states: “An American flag be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1... This approval applies only to the D&M Plan submitted on August 14 and 18, 2006. Any changes to the D&M Plan require advance Council notification and approval.”

This certificated facility site has not been in compliance and is currently not in compliance with Condition No. 3 of the Council’s April 27, 2006 Certificate and associated Condition No. 1 of the Council’s September 6, 2006 D&M Plan approval.

In accordance with CGS §16-50u, the Council shall fine the Certificate Holder \$1,000/day commencing with the date of this notice letter.

Please be advised that pursuant to CGS §16-50u, the Certificate Holder shall have **20 days** from the date of receipt of this notice to submit a written application for a hearing or a written request for modification of this notice to the Council.

Thank you for your attention to this very important matter.

Sincerely,



Executive Director

Enclosures: Marren Correspondence dated January 16, 2020; May 5, 2020; October 27, 2020; November 30, 2020; and October 2, 2024

c: Stephen Roth, SBA ([sroth@sbsite.com](mailto:sroth@sbsite.com))  
Mark Luther, SBA ([mluther@sbsite.com](mailto:mluther@sbsite.com))  
Tim Marren ([gotflowman@yahoo.com](mailto:gotflowman@yahoo.com))  
Nancy Marren ([nanmar15@yahoo.com](mailto:nanmar15@yahoo.com))  
Council Members

MAB/RDM/laf

From: Gotflowman @ <gotflowman@yahoo.com>  
Sent: Wednesday, October 2, 2024 8:13 PM  
To: CSC-DL Siting Council <Siting.Council@ct.gov>  
Cc: Nancy Marren <nanmar15@yahoo.com>  
Subject: 71 Pleasant View Road Derby CT Cell Tower

Siting Council,

The neighbors of the of Pleasant View Hilltop committee would like to know when the American flag will be on the flagpole cell tower? There has not been a flag on there for months.

Regards,

Tim Marren

**From:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Sent:** Thursday, December 3, 2020 9:19 AM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>  
**Cc:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Subject:** RE: [External] Fw: Cell Tower, 71 Pleasant View Road, Derby

Good morning Melanie,

Crews will be on site 12/7 to get everything taken care of.

**Stephen Roth**

*Regional Site Manager, Operations  
CT, LI, RI & MA*

413.417.6966 + **T**  
860.539.4920 + **C**

**From:** Bachman, Melanie [<mailto:Melanie.Bachman@ct.gov>]  
**Sent:** Wednesday, December 2, 2020 12:32 PM  
**To:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Subject:** [External] Fw: Cell Tower, 71 Pleasant View Road, Derby

Good afternoon, Steve.

I'm sorry to bother you, but Mr. Marren has concerns again about the flagpole tower at this site. In addition to the shrouds, there is also a concern related to a generator. Any assistance you could provide about the status of this tower would be greatly appreciated.

Thanks. Have a great day.

Melanie

Melanie A. Bachman, Esq.

Executive Director/Staff Attorney

Connecticut Siting Council

10 Franklin Square

New Britain, CT 06051

860-827-2951



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**From:** Tim Marren <[marren@injector.com](mailto:marren@injector.com)>

**Sent:** Monday, November 30, 2020 1:56 PM

**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>

**Cc:** Mercier, Robert <[Robert.Mercier@ct.gov](mailto:Robert.Mercier@ct.gov)>; Nancy Marren <[nmarren@injector.com](mailto:nmarren@injector.com)>

**Subject:** Re: Cell Tower, 71 Pleasant View Road, Derby

Melanie,

I am re sending a e-mail that I have sent to you back a month again. Have not heard anything. One more thing. It's been brought to my attention that the neighbors on the Lombardi Drive complaining of the generator has been going on at all times of the night. Very loud.

On 10/27/2020 3:22 PM, Tim Marren wrote:

Hello Melanie,

It's been 9 months, if not longer, in getting the flag pole fixed so it looks like a flagpole.? Are there any updates?

It is not the configuration that was approved for that site.? Not only is it not aesthetically pleasing to look at, the output of the panels is concerning.

Regards,

--

Tim Marren  
Marren Fuel Injection  
91 Willenbrock Road  
Unit B2  
Oxford, CT 06478  
203-267-FUEL (3835)  
[www.injector.com](http://www.injector.com)

On 5/5/2020 10:21 AM, Bachman, Melanie wrote:

Good morning, Mr. Marren.

?

Bob Mercier forwarded me your correspondence regarding the cell tower located at 71 Pleasant View Road in Derby.

?

Please be advised that the cell tower owner, SBA Communications, is awaiting delivery of new shrouds to cover the panel antennas that are required to be installed prior to the installation of a new flag on the tower. Unfortunately, due to the national response to coronavirus, delivery of the shrouds and other replacement parts for the cell tower has been delayed by the manufacturer. Once the shrouds and other replacement parts are received and installed, a new flag will be installed on the cell tower.

?

Thank you.

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Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT? 06051  
860-827-2951



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**From:** Bachman, Melanie  
**Sent:** Tuesday, May 5, 2020 8:44 AM  
**To:** 'Stephen Roth' <[sroth@sbsite.com](mailto:sroth@sbsite.com)>; 'Anne Hathaway' <[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)>  
**Cc:** Mark Luther <[mluther@sbsite.com](mailto:mluther@sbsite.com)>  
**Subject:** RE: [External] SBA tower, 71 Pleasant View Road, Derby, CT

Good morning, Steve.

Thank you very much for your incredibly speedy response. Certainly, the current state of affairs has impacted every aspect of normal operations. We will inform Mr. Marren that his patience would be appreciated.

Have a great day.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
860-827-2951



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**From:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Sent:** Tuesday, May 5, 2020 8:41 AM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>; 'Anne Hathaway' <[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)>  
**Cc:** Mark Luther <[mluther@sbsite.com](mailto:mluther@sbsite.com)>; Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Subject:** RE: [External] SBA tower, 71 Pleasant View Road, Derby, CT

Good morning Melanie,

I've had the property cleaned up, we are waiting on new shrouds for the tower to come in so we can get flag installed, and unfortunately we are being delayed by manufacture due to currents state of things going on. I am pushing them constantly to get me the replacement parts.

**Stephen Roth**  
*Regl Site Mgr – Ops*  
*CT, LI, MA & RI*

413.417.6966 + T  
860.539.4920 + C

**From:** Bachman, Melanie [<mailto:Melanie.Bachman@ct.gov>]  
**Sent:** Tuesday, May 5, 2020 8:33 AM  
**To:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>; Arthur E. Hayes <[aehayes@sbsite.com](mailto:aehayes@sbsite.com)>; 'Anne Hathaway' <[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)>  
**Cc:** Mark Luther <[mluther@sbsite.com](mailto:mluther@sbsite.com)>  
**Subject:** RE: [External] SBA tower, 71 Pleasant View Road, Derby, CT

Good morning.

I hope all is well.

In January, the CSC was contacted by Mr. Tim Marren regarding the tower facility located at the above-referenced address. At the time, I contacted SBA and was assured this matter would be resolved. Please see e-mail exchange below. However, I did not receive any confirmation that the matter was resolved. Attached please find further correspondence from Mr. Marren received by our staff analyst yesterday. Although Mr. Marren acknowledges that the site has since been secured, he indicates that the panel antennas are not concealed and the flag remains absent.

I would greatly appreciate a detailed response as to the status of this facility at your earliest convenience.

Thank you.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
860-827-2951



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**From:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>  
**Sent:** Thursday, January 16, 2020 10:49 AM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>; Arthur E. Hayes <[aehayes@sbsite.com](mailto:aehayes@sbsite.com)>;

'Anne Hathaway' <[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)>

**Cc:** Mark Luther <[mluther@sbsite.com](mailto:mluther@sbsite.com)>; Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>

**Subject:** RE: [External] SBA tower, 71 Pleasant View Road, Derby, CT

Good Morning Melanie,

I'll take a look at what's going on. I know shrouds & the flag were down because of work that was taking place. I will make sure it's closed up and all issues rectified.

**Stephen Roth**

*Regl Site Mgr – Ops  
CT, LI, MA & RI*

413.417.6966 + **T**  
860.539.4920 + **C**

**From:** Bachman, Melanie [<mailto:Melanie.Bachman@ct.gov>]

**Sent:** Thursday, January 16, 2020 9:29 AM

**To:** Stephen Roth <[sroth@sbsite.com](mailto:sroth@sbsite.com)>; Arthur E. Hayes <[aehayes@sbsite.com](mailto:aehayes@sbsite.com)>; 'Anne Hathaway' <[AHathaway@sbsite.com](mailto:AHathaway@sbsite.com)>

**Cc:** Mark Luther <[mluther@sbsite.com](mailto:mluther@sbsite.com)>

**Subject:** [External] SBA tower, 71 Pleasant View Road, Derby, CT

Good morning, all.

I'm sorry for the inconvenience, but I received a call from a neighbor to the above-referenced site who claims the tower is "out of its design criteria." This is a flag-pole tower with internally mounted antennas and a flying flag at a church. The last installation to occur at this site was an antenna swap performed by Sprint that was completed in April 2019. We researched every modification we approved on this tower and every modification was consistent with the Certificate conditions (internally mounted antennas in concealed canister).

The complaining neighbor is Tim Marren who resides at 195 Sentinel Hill Road. His wife intervened in opposition to the original application in 2006 on behalf of the Pleasant View Hilltop Committee. He claims there is no flag on the tower at this time, antennas are exposed, landscaping from 14 years ago was not installed (there is landscaping in the general area where it was indicated on the site plans), the compound is a mess and the access road is overgrown. He reports that the condition of the tower is a hazard for children.

By any chance, could someone look into this, please? I'm not sure if I included the right SBA contacts for the issue, but please forward this to the appropriate representative. Any information you could provide would be greatly appreciated.

Thanks. Have a nice day.

Melanie

Melanie A. Bachman, Esq.



Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
860-827-2951



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**From:** Cunliffe, Fred <[fred.cunliffe@ct.gov](mailto:fred.cunliffe@ct.gov)>  
**Sent:** Tuesday, January 14, 2020 11:29 AM  
**To:** Bachman, Melanie  
**Cc:** Nwankwo, Ifeanyi; Walsh, Christina  
**Subject:** RE: Pleasant View Road, Derby

Hello Melanie,

Mr. Marren (Marren Motorsports on caller ID when he returned my call) says the site appears not to be secure (safety concern for neighborhood kids that ride bikes and explore on the church property), that landscaping initially proposed was not planted (he gets that companies will push the envelope and not follow through), that within the last 3-6 months antennas are installed on the exterior of the pole, and up until recently a U.S. Flag that has been flown is no longer on the pole. He does not object to the cell tower but is following up on what his understanding of the what the pole would look like – he remembers that it would be a flagpole with internal mounted antennas and an American flag be flown. This would be consistent with the D&M approval letter. He has spoken with the town officials who have stated the pole and ground equipment was approved by the Siting Council. He has offered to send pictures. Cell tower #382 is from the Comprehensive Database.

Not sure you want staff to make a site visit and take photographs?

I did tell him I would call back with findings/resolution.

Fred Cunliffe  
Siting Analyst Supervisor  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
website:ct.gov/csc

email:fred.cunliffe@ct.gov  
desk-860.827.2939  
fax-860.827.2950

**From:** Bachman, Melanie  
**Sent:** Tuesday, January 14, 2020 9:18 AM  
**To:** Cunliffe, Fred  
**Cc:** Nwankwo, Ifeanyi; Walsh, Christina  
**Subject:** Pleasant View Road, Derby

Good morning, Fred.

When you have a chance, would you please call Tim Marin at 203-231-1691? He left me a voicemail that he believes the existing tower at this site (it's a church) is out of its "design criteria." The tower is a flagpole with internally mounted antennas. It was the subject of Docket 307. The last EM we approved for this site was from Sprint in 2018. They just swapped antennas and did some ground work, so I'm curious as to why Mr. Marin is reporting a violation of the design criteria. Maybe the ground work? The completion letter indicates the installation was done as of April 2019. The EM we approved before Sprint was for Verizon in 2016. Similar request to swap antennas. SBA could be conducting non-jurisdictional work, or another carrier may be assessing the tower for future work? We don't appear to have anything pending for this site. He also referred to the tower as cell tower #382. Maybe that's on the SBA signage.

Thanks.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
860-827-2951



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