

**From:** David Hoogasian <dhoogasian@nbcllc.com>  
**Sent:** Friday, December 10, 2021 7:29 AM  
**To:** CSC-DL Siting Council <Siting.Council@ct.gov>  
**Subject:** TS-DISH-014B-211119 SUPPLEMENTS / DISH / Tower Share Request / 123 Pine Orchard Rd. Branford CT (283419 BRANFORD CT)

Good morning. Attached please find supplemental documentation for the above referenced Tower Share request:

- Original Facility Decision and Order (CSC Docket No. 386 - February 25, 2010)
- Project Narrative referencing the original facility approval
- Property owner record card + map

A hard copy of these materials will be mailed in to you shortly.

If you have any questions or need any further information, please feel free to contact me.

**Thank you,**

**David Hoogasian**

*Project Manager*

**NETWORK BUILDING + CONSULTING**

100 Apollo Drive | Suite 303 | Chelmsford, MA | 01824  
M 508.344.3343



December 10, 2021

Melanie A. Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Request of DISH Wireless LLC for an Order to Approve the Shared Use of an Existing Tower  
123 Pine Orchard Road, Branford, CT 06405  
Latitude: 41°16'29.11" / Longitude: -72°47'35.45"

Dear Ms. Bachman:

Pursuant to Connecticut General Statutes ("C.G.S.") §16-50aa, as amended, DISH Wireless LLC ("DISH") hereby requests an order from the Connecticut Siting Council ("Council") to approve the shared use by DISH of an existing telecommunication tower at 123 Pine Orchard Road in Branford (the "Property"). The existing 123-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by Malavasi Investments LLC. DISH requests that the Council find that the proposed shared use of the ATC tower satisfies the criteria of C.G.S. §16-50aa and issue an order approving the proposed shared use. A copy of this filing is being sent to James Cosgrove, First Selectman for the Town of Branford, Anthony Cinicola, Town of Branford Building Official and Malavasi Investments LLC as the property owner.

### **Background**

This facility was approved by the Council under Docket No. 386 on February 25, 2010. A copy of the Decision and Order is included in the filing attachments. The existing ATC facility consists of a 123-foot monopole tower located within an existing leased area. T-Mobile currently maintains antennas at the 122-foot level and 120-foot level. AT&T currently maintains antennas at the 112-foot level. Verizon Wireless currently maintains antennas at the 102-foot level. Equipment associated with these antennas are located at various positions within the tower and compound.

DISH is licensed by the Federal Communications Commission ("FCC") to provide wireless services throughout the State of Connecticut. DISH and Crown Castle have agreed to the proposed shared use of the 123 Pine Orchard Road tower pursuant to mutually acceptable terms and conditions. Likewise, DISH and ATC have agreed to the proposed installation of equipment cabinets on the ground within the existing compound. ATC has authorized DISH to apply for all necessary permits and approvals that may be required to share the existing tower.  
(See attached Letter of Authorization)

DISH proposes to install three (3) antennas, (1) Tower platform mount, (6) Remote radio units at the 80-foot level along with (1) over voltage protection device (OVP) and (1) Hybrid cable. DISH will install an equipment cabinet on a 5'x7' equipment platform. DISH's Construction Drawings provide project specifications for all proposed site improvement locations. The construction drawings also include specifications for DISH's proposed antenna and groundwork.

C.G.S. § 16-50aa(c)(1) provides that, upon written request for approval of a proposed shared use, "if the Council finds that the proposed shared use of the facility is technically, legally, environmentally and economically feasible and meets public safety concerns, the council shall issue an order approving such a shared use." DISH respectfully submits that the shared use of the tower satisfies these criteria.

**A. Technical Feasibility.** The existing ATC tower is structurally capable of supporting DISH's proposed improvements. The proposed shared use of this tower is, therefore, technically feasible. A Feasibility Structural Analysis Report ("Structural Report") prepared for this project confirms that this tower can support DISH's proposed loading. A copy of the Structural Report has been included in this application.

**B. Legal Feasibility.** Under C.G.S. § 16-50aa, the Council has been authorized to issue order approving the shared use of an existing tower such as the ATC tower. This authority complements the Council's prior-existing authority under C.G.S. § 16-50p to issue orders approving the construction of new towers that are subject to the Council's jurisdiction. In addition, § 16-50x(a) directs the Council to "give such consideration to the other state laws and municipal regulations as it shall deem appropriate" in ruling on requests for the shared use of existing tower facilities. Under the statutory authority vested in the Council, an order by the Council approving the requested shared use would permit the Applicant to obtain a building permit for the proposed installations.

**C. Environmental Feasibility.** The proposed shared use of the ATC tower would have a minimal environmental effect for the following reasons:

1. The proposed installation will have no visual impact on the area of the tower. DISH's equipment cabinet would be installed within the existing facility compound. DISH's shared use of this tower therefore will not cause any significant change or alteration in the physical or environmental characteristics of the existing site.
2. Operation of DISH's antennas at this site would not exceed the RF emissions standard adopted by the Federal Communications Commission ("FCC"). Included in the EME report of this filing are the approximation tables that demonstrate that DISH's proposed facility will operate well within the FCC RF emissions safety standards.
3. Under ordinary operating conditions, the proposed installation would not require the use of any water or sanitary facilities and would not generate air emissions or discharges to water bodies or sanitary facilities. After construction is complete the proposed installations would not generate any increased traffic to the ATC facility other than periodic maintenance. The proposed shared use of the ATC tower, would, therefore, have a minimal environmental effect, and is environmentally feasible.

D. **Economic Feasibility.** As previously mentioned, DISH has entered into an agreement with ATC for the shared use of the existing facility subject to mutually agreeable terms. The proposed tower sharing is, therefore, economically feasible.

E. **Public Safety Concerns.** As discussed above, the tower is structurally capable of supporting DISH's full array of three (3) antennas, (1) Tower platform mount, (6) Remote radio units, (1) over voltage protection device (OVP) and (1) Hybrid cable and all related equipment. DISH is not aware of any public safety concerns relative to the proposed sharing of the existing ATC tower

### **Conclusion**

For the reasons discussed above, the proposed shared use of the existing ATC tower at 123 Pine Orchard Road in satisfies the criteria stated in C.G.S. §16-50aa and advances the Council's goal of preventing the unnecessary proliferation of towers in Connecticut. The Applicant, therefore, respectfully requests that the Council issue an order approving the proposed shared use.

Sincerely,

*David Hoogasian*

**David Hoogasian**  
*Project Manager*

**DOCKET NO. 386** – T-Mobile Northeast LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for }  
the construction, maintenance and management of a } Siting  
telecommunications facility located at 123 Pine Orchard Road, } Council  
Branford, Connecticut. }

February 25, 2010

### **Decision and Order**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and management of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to T-Mobile Northeast LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 123 Pine Orchard Road, Branford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile Northeast LLC and New Cingular Wireless PCS LLC and other entities, both public and private, but such tower shall not exceed a height of 125 feet above ground level. Panel antennas shall be installed in a flush-mount configuration or utilizing t-arm mounts and such panel antennas shall not exceed a height of 125 feet above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Branford for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
  - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
  - c) correspondence indicating results of discussions with the property owner at 119 Pine Orchard Road regarding continued use of the existing driveway entrance. If an agreement cannot be reached and the driveway is expanded as proposed, a 12-foot spruce tree shall be planted in the front yard of 121 Pine Orchard Road.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Branford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Branford. Any proposed modifications to this Decision and Order shall likewise be so served.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the New Haven Register.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

**Applicant**

T-Mobile Northeast LLC

**Its Representative**

Julie D. Kohler, Esq.  
Monte E. Frank, Esq.  
Jesse A. Langer, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

**Intervenor**

New Cingular Wireless PCS, LLC

**Its Representative**

Christopher B. Fisher, Esq.  
Daniel M. Laub, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601



# Town of Branford, CT

## Property Listing Report

Map Block Lot

F08/000/006/

Bldg # 1

Sec # 1

PID

1046

Account

003607

### Property Information

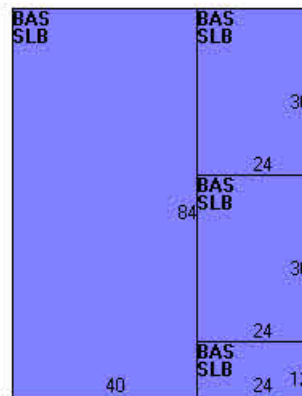
Property Location	123 PINE ORCHARD RD
Owner	MALAVASI INVESTMENTS LLC
Co-Owner	na
Mailing Address	35 STONY CREEK RD BRANFORD CT 06405
Land Use	3160 COMM WHS MDL96
Land Class	C
Zoning Code	R3
Census Tract	

Neighborhood	0070
Acreage	3.76
Utilities	Public Water,Public Sewer
Lot Setting/Desc	Suburban Level
Book / Page	0802/0624

### Photo



### Sketch



### Primary Construction Details

Year Built	1941
Building Desc.	COMM WHS MDL96
Building Style	Service Shop
Building Grade	C
Stories	1
Occupancy	1.00
Exterior Walls	Concr/Cinder
Exterior Walls 2	NA
Roof Style	Flat
Roof Cover	T&G/Rubber
Interior Walls	Minim/Masonry
Interior Walls 2	NA
Interior Floors 1	Concr-Finished
Interior Floors 2	NA

Heating Fuel	Oil
Heating Type	Hot Air-no Duc
AC Type	None
Bedrooms	0
Full Bathrooms	0
Half Bathrooms	0
Extra Fixtures	0
Total Rooms	0
Bath Style	NA
Kitchen Style	NA
Fin Bsmt Area	
Fin Bsmt Quality	
Bsmt Gar	
Fireplaces	

(\*Industrial / Commercial Details)

Building Use	Ind/Comm
Building Condition	G
Sprinkler %	NA
Heat / AC	NONE
Frame Type	MASONRY
Baths / Plumbing	AVERAGE
Ceiling / Wall	CEILING ONLY
Rooms / Prtns	AVERAGE
Wall Height	15.00
First Floor Use	NA
Foundation	NA



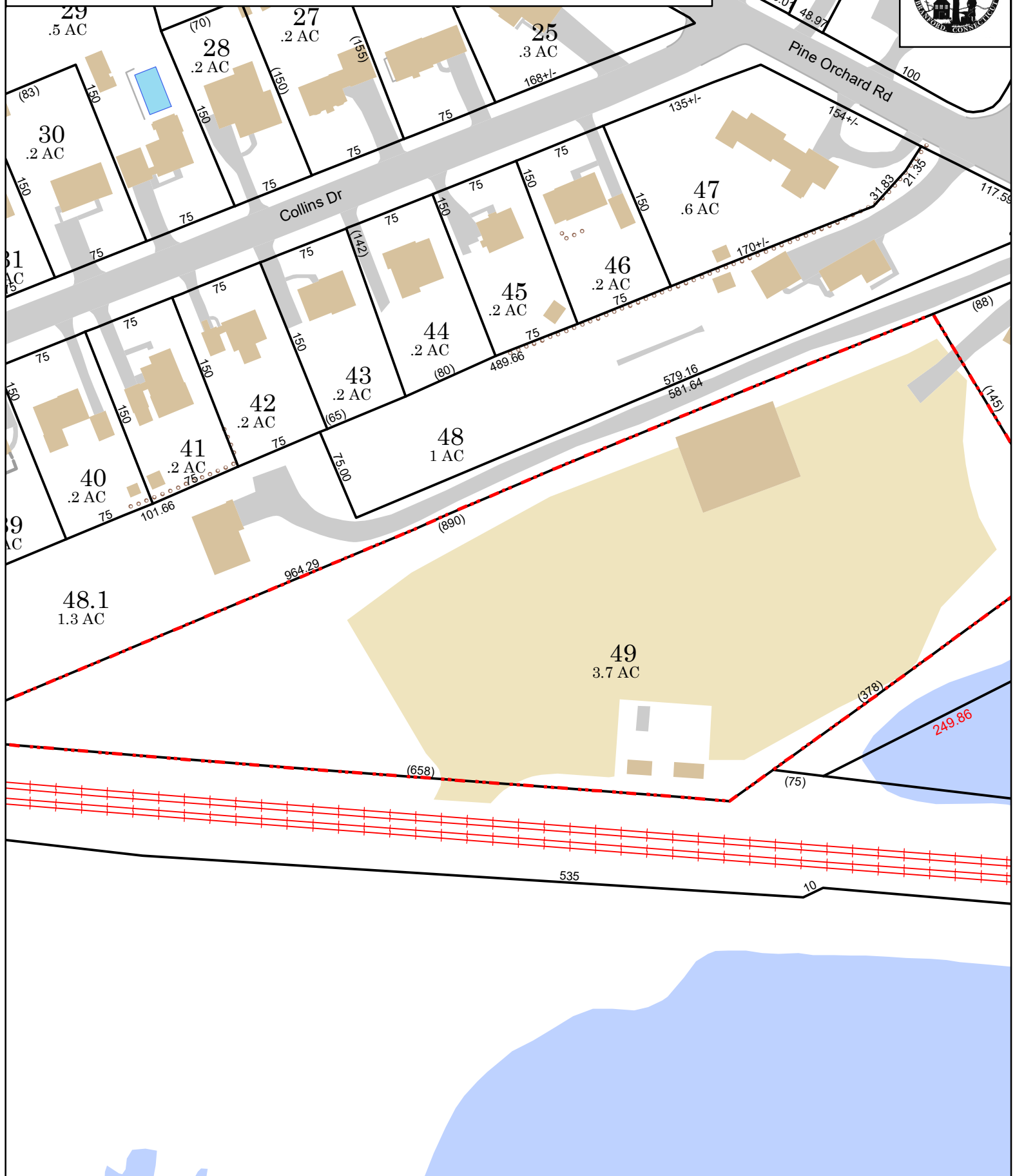




# Town of Branford, Connecticut - Assessment Parcel Map

Parcel: F08-000-006-00049

Address: 123 PINE ORCHARD RD



Approximate Scale: 1 inch : 100 feet

Grand List Date June 2021

**Disclaimer:**

This map is for informational purposes only. All information is subject to verification by any user. The Town of Branford and its mapping contractors assume no legal responsibility for the information contained herein.