

From: David Hoogasian <dhoogasian@nbcllc.com>

Sent: Thursday, December 9, 2021 1:33 PM

To: CSC-DL Siting Council <Siting.Council@ct.gov>

Subject: TS-DISH-060B-211112 Supplements / DISH / Tower Share Request / 79 Moose Hill Rd. Guilford CT / (284988 GUILFORD CT)

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

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

- Original Facility Decision and Order (CSC Docket No. 417 dated 10/06/11)
- 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 9, 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
79 Moose Hill Rd. Guilford, CT 06437
Latitude: 41°16'2.881" / Longitude: -72° 42' 57.82"

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 79 Moose Hill Rd in Guilford (the "Property"). The existing 109-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by Leete Associates Inc. 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 Matthew T. Hoey III, First Selectman of Town of Guilford, Kimberly Norman-Rosedam, Town of Guilford Building Official and Leete Associates Inc as the property owner.

Background

This facility was approved by the Council under Docket No. 417 on October 6, 2011. A copy of the Decision and Order is included in the filing attachments. The existing ATC facility consists of a 109-foot monopole tower located within an existing leased area. T-Mobile currently maintains antennas at the 108-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 79 Moose Hill Rd 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 97-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 ground work.

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 79 Moose Hill Rd 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. 417 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at Moose Hill Road, Guilford, Connecticut.	} } }	Connecticut Siting Council October 6, 2011
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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 operation 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 located off Moose Hill Road (Map 66, Lot 64) in Guilford, Connecticut.

Unless otherwise approved by the Council, 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 the applicant and other entities, both public and private, but such tower shall not exceed a height of 110 feet above ground level. The height at the top of the Certificate Holder’s antennas shall not exceed 110 feet above ground level.
2. The Certificate Holder shall install a tower foundation and tower that is capable of supporting an extension. Any extension of the tower must be approved by the Council.
3. 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 Guilford 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;
 - 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, and;
 - c) provisions for a contractor awareness program for the Eastern Box Turtle and Wood Turtle.

4. Prior to the commencement of operation, the Certificate Holder shall 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.
5. 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.
6. 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.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Guilford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service 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. 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 8 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 Guilford. 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. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed 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.

13. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
14. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
15. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
16. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

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.
Jesse A. Langer, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

All information is for assessment purposes only. Assessments are calculated at 70% of the estimated October 1, 2017 market value which was the date of the last revaluation as completed by eQuality Valuation Services, LLC.



The Town of
Guilford
Connecticut, USA Founded 1639



Information on the Property Records for the Municipality of Guilford was last updated on 12/7/2021.



Parcel Information

Location:	79 MOOSE HILL RD	Map and Parcel:	066064	Census Tract:	1902
Zoning:	R-8	Developer's Map:		Developer's Lot:	
Total Acreage:	163	Farm, Forest, Open Space Acres:	162	Unique ID:	4101

Value Information

	Appraised Value	Assessed Value
Land	1,120,373	122,160
Buildings	0	0
Detached Outbuildings	0	0
Total	1,120,373	122,160

Owner's Information

Owner's Data

LEETE ASSOCIATES INC
PO BOX 45
GUILFORD CT 06437

Owner History - Sales

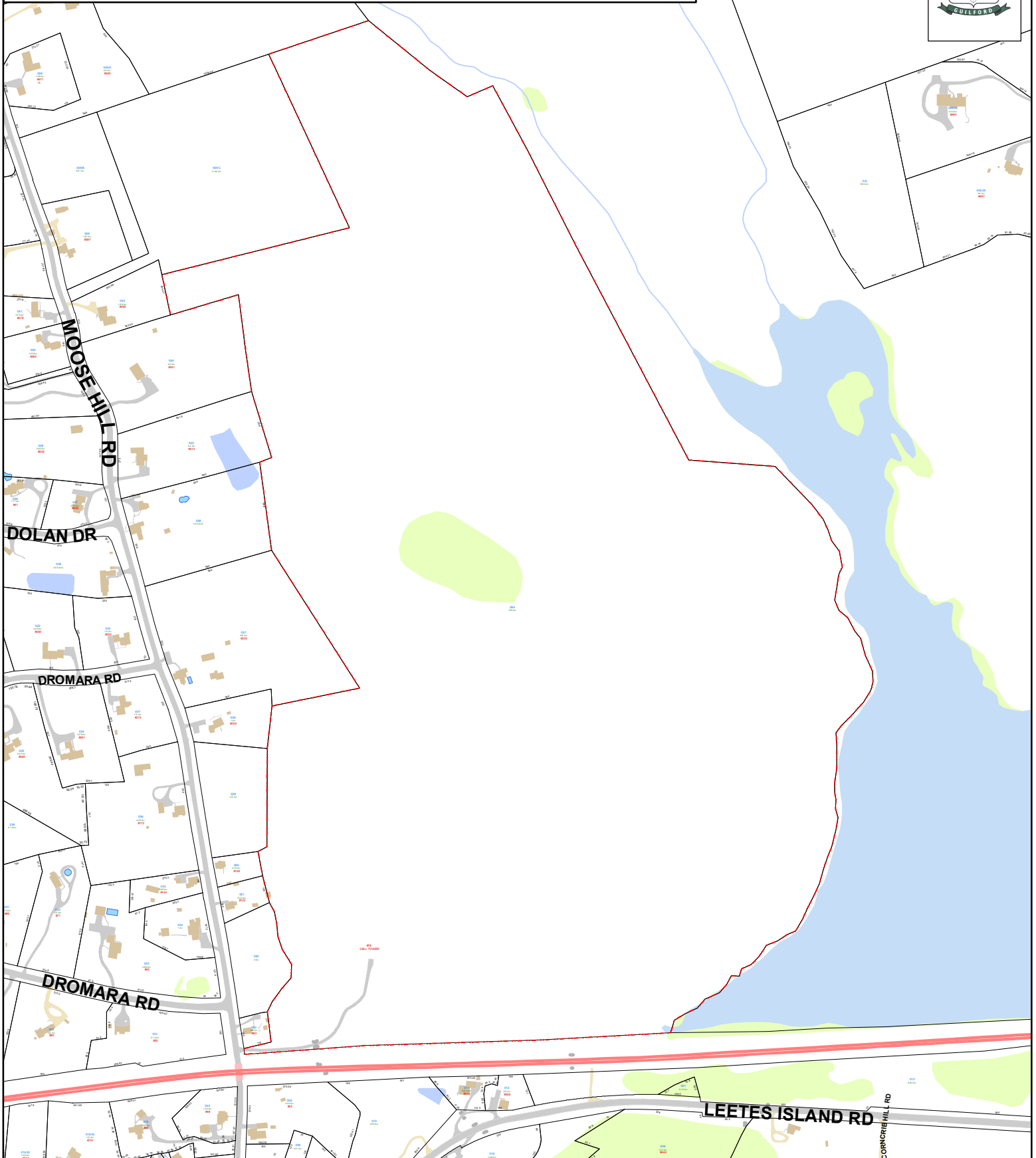
Owner Name	Volume	Page	Sale Date	Deed Type	Sale Price
LEETE ASSOCIATES INC	0734	0353	11/13/2006	Quit Claim	\$0

Information Published With Permission From The Assessor

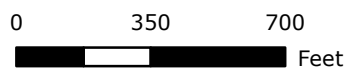
Town of Guilford, Connecticut - Assessment Parcel Map

Unique ID: 4101

Address: 79 MOOSE HILL RD



Approximate Scale: 1 inch = 500 feet



Map Produced:
August 2021

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