

From: David Hoogasian <dhoogasian@nbcllc.com>
Sent: Friday, December 10, 2021 7:20 AM
To: CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: TS-DISH-101-211112 Supplements / DISH / Tower Share Request / 50 Devine Street North Haven CT (283418 NORTH HAVEN CT)

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

- Original Facility Decision and Order (CSC Docket No. 384 - 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
50 Devine Street, North Haven, CT 06473
Latitude: 41°22'40.0" /Longitude: -72°52'34.2"

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 50 Devine Street in North Haven (the "Property"). The existing 129-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by 424 Chapel Street 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 Michael Freda, First Selectman for the Town of North Haven, Elio Floriano, Town of North Haven Building Official, and 424 Chapel Street LLC as the property owner.

Background

This facility was approved by the Council under Docket No. 384 on February 25, 2010. A copy of the Decision and Order is included in the filing attachments. The existing ATC facility consists of a 129-foot monopole tower located within an existing leased area. Verizon Wireless currently maintains antennas at the 130-foot level. T-Mobile currently maintains antennas at the 119-foot level. AT&T Mobility currently maintains antennas at the 107-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 ATC have agreed to the proposed shared use of the 50 Devine Street tower pursuant to mutually acceptable terms and conditions. Likewise, DISH and ATC have agreed to the proposed installation of equipment cabinets 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 96-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 50 Devine Street 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. 384 – Phoenix Partnership, 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 50 Devine Street, North }
Haven, Connecticut. } Council

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, management, and maintenance 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 Phoenix Partnership, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 50 Devine Street in North Haven, 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 Youghiogheny Communications Northeast, LLC d/b/a Pocket Wireless and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level.
2. The tower shall be designed with a yield point at a height of approximately 90 feet above ground level.
3. All ground equipment associated with antennas installed on the tower shall be installed at a level above the 100-year flood elevation.
4. 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 North Haven 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.
5. 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.
6. 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.
7. 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.
8. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of North Haven public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. 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.
10. 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.
11. Any request for extension of the time period referred to in Condition 9 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 North Haven. Any proposed modifications to this Decision and Order shall likewise be so served.

12. 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.
13. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
14. 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

Phoenix Partnership, LLC
110 Washington Avenue
North Haven, Connecticut 06473

Its Representative

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

Intervenor

Youghiogheny Communications Northeast LLC d/b/a
Pocket Wireless

Its Representative

Carrie Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

The Assessor's office is responsible for the maintenance of records on the ownership of properties. Assessments are computed at 70% of the estimated market value of real property at the time of the last revaluation which was 2019.



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



Parcel Information

Location:	50 DEVINE ST	Property Use:	Industrial	Primary Use:	Light Industrial
Unique ID:	256482	Map Block Lot:	051 021	Acres:	5.97
490 Acres:	0.00	Zone:	IG80	Volume / Page:	0832/0052
Developers Map / Lot:		Census:	0		

Value Information

	Appraised Value	Assessed Value
Land	547,119	382,980
Buildings	1,217,608	852,330
Detached Outbuildings	360,000	252,000
Total	2,124,727	1,487,310

Owner's Information

Owner's Data
424 CHAPEL STREET LLC 50 DEVINE ST NORTH HAVEN CT 06473

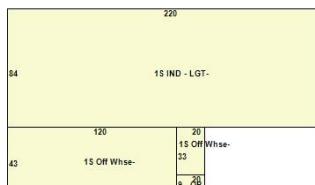
Building 1



Category:	Industrial	Use:	Light Industrial	GLA:	24,300
Stories:	1.00	Construction:	Masonry	Year Built:	1949
Heating:	Forced Hot Air	Fuel:	Natural Gas	Cooling Percent:	100
Siding:	Brick/Masonry	Roof Material:	Asphalt	Beds/Units:	0

Special Features

Mezzanine Unfinished	3000	Type:	Year Built:	Area:
Wet Sprinklers	24300	Open Porch	1949	180



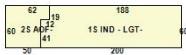
Building 2



Category:	Industrial	Use:	Light Industrial	GLA:	18,228
Stories:	1.00	Construction:	Steel	Year Built:	1984
Heating:	Forced Hot Air	Fuel:	Natural Gas	Cooling Percent:	50
Siding:		Roof Material:	Metal	Beds/Units:	0

Special Features

Attached Components



Detached Outbuildings

Type:	Year Built:	Length:	Width:	Area:
Paving	2007	0.00	0.00	45,000
Cell Tower	2010	0.00	0.00	1

Owner History - Sales

Owner Name	Volume	Page	Sale Date	Deed Type	Sale Price
424 CHAPEL STREET LLC	0832	0052	08/02/2010		\$0
424 CHAPEL STREET LLC	0772	0943	08/02/2007		\$0
PAPA ANTHONY S (RET ANN TRUST 1,2,3) &	0427	0372	02/11/1992		\$0
PAPA ANTHONY S	0410	0102	07/24/1990		\$0
PAPA ANTHONY S	0410	0087	07/24/1990		\$0
PAPA ANTHONY S	0315	0103	01/08/1981		\$0
WRIGHT ROBERT E	0258	0068	05/06/1971		\$0

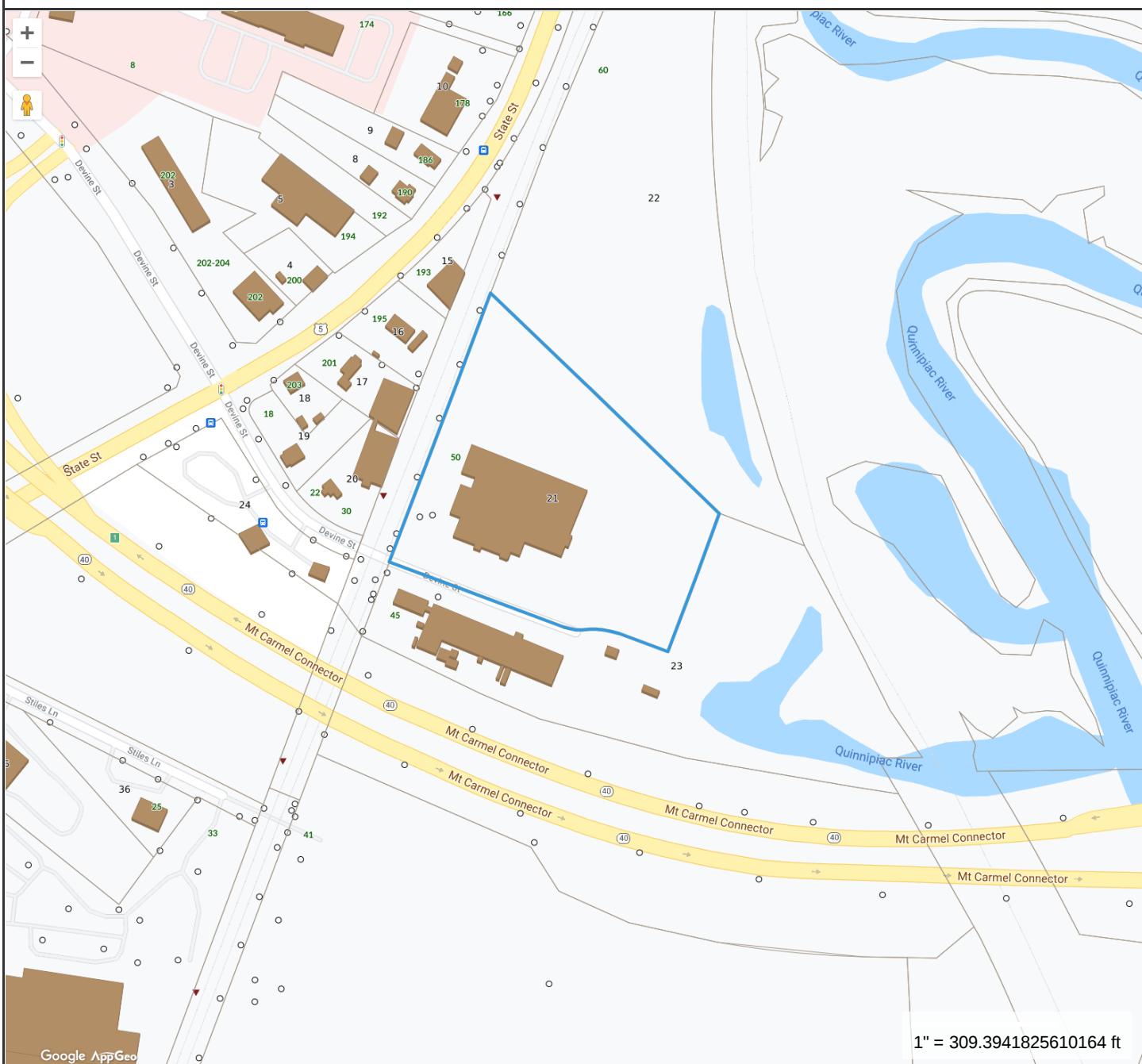
Building Permits

Permit Number	Permit Type	Date Opened	Reason
B-20-1021	Other	12/02/2020	T-MOBILE AND AMERICAN TOWER PROPOSE UPGRADES TO ITS EXISTING TELECOMMUNICATIONS FACILITY ON THE EXISTING TOWER
B-19-1008	Generator	11/15/2019	INSTALL (1) EMERGENCY BACK UP GENERATOR AND (1) CONCRETE PAD IN THE EXISTING COMPOUND
B-19-620	Other	07/24/2019	MODIFY EXISTING AT&T ANTENNA FACILITY ON TOWER: INSTALL MOUNT STABILIZER KIT AND REMOVE & REPLACE
B-18-84	Electrical	03/26/2018	REPLACE 6 ANTENNAS AND INSTALL REMOTE RADIO HEAD UNITS PURSUANT TO CT STING COUNCIL APPROVAL AND PL
B-17-240	Electrical	05/31/2017	Swap of (6) Remote Radio Heads (RRUS) for similar models as per attached plans on existing telecomm
B-15-346	Commercial	06/23/2015	INSTALLATION OF 12 ANTENNAS ON EXISTING TOWER (REPLACEMENT FOR PERMIT B-13-753)
B-15-51	Commercial	04/02/2015	(3) NEW COMSCOPE ANTENNA & (3) NEW RRV MOUNTED ON EXISTING PIPE MAST. (1) NEW EMERSON CABINET MOUNT
B-14-565	Commercial	10/31/2014	REPLACING EXPIRE PERMIT B-13-753 INSTALLATION OF ANTENNAS ON EXISTING TOWER AND AN EQUIPMENT SHELTER
B-14-287	Commercial	06/26/2014	PHOENIX TOWERS CELL TOWER WORK SWAP NEW 6201 CABINET/REPL 3 ANTENNA/ ADD 3 NEW ANTENNA/ ADD 1 FIBER
..	Plumbing	06/04/2014	2 BTHRM & STR HTR ON MEZZANINE
..	Mechanical	06/04/2014	INSTALL 92% EFF HEAT & A/C & DUCT WORK FOR OFFICES
..	Electrical	06/04/2014	WIRE 5 OFFICES FOR NEW TENANT- PER DRAWINGS/EMERGENCY & EXIT LIGHTS
B-14-183	Commercial	06/02/2014	OFFICE FIT OUT TO INCLUDE DRYWALL PARTITIONS, DOORWAYS AND ACOUSTICAL CEILING
..	Plumbing	05/21/2014	TENANT FIT OUT 1 TOILET, 1-6WATER HEATER
..	Electrical	05/07/2014	PROVIDE POWER, TELEPHONE AND GROUNDING FOR NEW AT&T SHELTER TO BE INSTALLED ON AN EXISTING CELL SIT
B-14-46	Commercial	02/27/2014	CELL TOWER EQUIP UPGRADE
B-13-753	Commercial	12/18/2013	12 ANTENNAS INSTALLED ON EXISTING TOWER WITH EQUIPMENT SHELTER AT BASE WITHIN EXISTING COMPOUND
B-13-52	Commercial	02/04/2013	
B-10-0452	Commercial	06/08/2010	NEW CELL TOWER

Permit Number	Permit Type	Date Opened	Reason
E-10-0453	Electrical	06/08/2010	SVC CELL TOWER 168739
06-1404	Miscellaneous	11/27/2006	HVAC 4 RTUS DUC
06-1405	Miscellaneous	11/27/2006	PL GAS PIPING R
06-1366	Miscellaneous	11/13/2006	BDG INT WALL LA
06-1367	Miscellaneous	11/13/2006	PL FIRE SPR SYS
06-1368	Miscellaneous	11/13/2006	ELE WIRING
06-1282	Miscellaneous	10/31/2006	PL A/G BATH RMS
06-1283	Miscellaneous	10/31/2006	DEMO PRT WAREHO
06-1199	Miscellaneous	10/11/2006	BD BRICK WORK O
06-1069	Miscellaneous	09/14/2006	PLUMBING
06-0927	Miscellaneous	08/28/2006	ELE FIT OUT

Information Published With Permission From The Assessor

50 Devine St



Property Information

Property ID 51/21
 Location 50 DEVINE ST
 Owner 424 CHAPEL STREET LLC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town of North Haven, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/24/2021
 Data updated daily

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.