



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

www.ct.gov/csc

VIA ELECTRONIC MAIL

December 1, 2021

Honorable Carl P. Fortuna, Jr.
First Selectman
Town of Old Saybrook
302 Main Street
Old Saybrook, CT 06475
Carl.Fortuna@OldSaybrookct.gov

Re: EM-VER-106-211118 – Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 77 Springbrook Road, Old Saybrook, Connecticut.

TS-DISH-106-211119 – Dish Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 77 Springbrook Road, Old Saybrook, Connecticut.

Dear First Selectman Fortuna:

The Connecticut Siting Council (Council) is in receipt of your November 24, 2021 correspondence submitted in response to a request for an exempt modification filed by Verizon on November 18, 2021 and a request for tower sharing filed by Dish on November 19, 2021. Specifically, there are concerns regarding the overall condition of the host property, including, but not limited to, blighted buildings and vegetative overgrowth. Thank you for taking the time to submit your concerns.

According to the Council's Statewide Comprehensive Telecommunications Database, the existing telecommunications facility was approved by the Town in 2005 and is currently owned by American Tower Corporation. Verizon is an existing tenant on the tower with equipment located at the 173 foot level. Its above-referenced request seeks to remove 3 antennas and install 3 new antennas. Dish's above-referenced request seeks to become a new tenant on the tower to install 3 antennas and associated equipment at the 140 foot level.

The Council did not certificate this tower and therefore, no conditions to maintain the tower or the host property exist. The first request submitted to the Council to collocate equipment on this facility was a request for tower sharing filed by Verizon in 2008. Approval of the request for tower sharing did not include a condition to maintain the structure or the host property. A copy of the Council's decision on Verizon's 2008 request for tower sharing is enclosed for your convenience.

Please be advised that telecommunications carriers with existing equipment installations on the tower and telecommunications carriers requesting to collocate equipment on the existing facility cannot be required or subject to a condition to maintain the host property. They do not own the property or the tower. They lease space on the tower.

Despite the lack of a certificate and any conditions to maintain the host property, a copy of your correspondence and this correspondence are being distributed among the attorneys for the carriers seeking

to install equipment on the facility and those with existing installations on the facility, as well as to the current owner of the facility, American Tower Corporation, and the owner of the host property, Crossroads Communications of Old Saybrook, LLC.

Thank you for your interest and concern in this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie A. Bachman
Executive Director

cc: Margaret Robinson, Esq., American Tower
Kenneth C. Baldwin, Esq., Robinson + Cole
John Coleman, Centerline Communications
Crossroads Communications of Old Saybrook, LLC



Daniel F. Caruso
Chairman

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October 2, 2008

William A. Childress, Esq.
Law Office of William A. Childress
210 Main Street
Old Saybrook, CT 06475

RE: **TS-VER-106-080320** – Cellco Partnership d/b/a Verizon Wireless request for an order to approve tower sharing at an approved telecommunication facility located at 77 Springbrook Road, Old Saybrook, Connecticut. – Replacement Tower

Dear Attorney Childress:

The Connecticut Siting Council (Council) is in receipt of recent correspondence from Christina M. Costa, Zoning Enforcement Officer for the Town of Old Saybrook (dated September 24, 2008) in reference to the above-referenced tower share authorization. Ms. Costa's correspondence contained a letter from you addressed to her (dated September 22, 2008) in reference to the same.

As you are likely aware, the Connecticut Siting Council (Council) is an executive branch agency of Connecticut State Government charged with the review and permitting of wireless (i.e. cellular and PCS) telecommunications facilities in Connecticut. On March 20, 2008, the Council received a Tower Sharing Application from Cellco Partnership d/b/a Verizon Wireless (Cellco) to co-locate at a replacement tower at 77 Springbrook Road, Old Saybrook.

In the Tower Sharing Application, Cellco stated the following:

On August 9, 1994, the Council approved Petition No. 327, a proposal by Cellco to establish a telecommunications facility at 2 Ferry Place in Old Saybrook. This proposal involved the installation of antennas on an abandoned chimney stack. As the Council is aware, Cellco is currently upgrading many of its existing telecommunications facilities throughout Connecticut. Structurally, the existing chimney stack at 2 Ferry Place cannot support Cellco's proposed upgrades and facility modifications.

In the Spring of 2005, Crossroads Communications of Old Saybrook, LLC (Crossroads) received approval from the Town of Old Saybrook to construct a 175-foot monopole tower. This new tower would replace one of its existing WLIS auxiliary radio towers located at 77 Springbrook Road in Old Saybrook. Cellco intends to remove its antennas and related equipment from the facility at 2 Ferry Place and establish a new wireless telecommunications facility on the Crossroads tower. The Crossroads tower will be owned and managed by National Tower, LLC (National) and is planned for construction in 2008...



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer

Cellco is licensed by the Federal Communications Commission (FCC) to provide cellular and PCS wireless telephone services in the State of Connecticut, which includes the area to be served by Cellco's proposed Old Saybrook installation.

Cellco proposes to install a total of twelve (12) panel-type antennas at the 173-foot level on the 175-foot tower. Cellco will also install a 12' by 20' equipment shelter and stand alone back-up generator within a fenced compound at the base of the tower...

Based on these representations the Council's understanding that the replacement tower described above would operate primarily as a (backup/auxiliary) radio tower and thus did not fall within the meaning of "telecommunications towers" under Connecticut General Statutes (CGS) §16-50i(a)(6). Under that scenario, approval of the tower would properly fall within municipal jurisdiction and would not require Council approval. Cellular and PCS carriers, however, are of course eligible to apply for tower sharing with the Council pursuant to CGS §16-50aa even if the tower itself is a radio tower. Thus, Cellco's Tower Sharing Application was approved by the Council on April 10, 2008. This approval granted Cellco permission to co-locate on the replacement radio tower.

It is our understanding that the replacement tower has already been constructed, and Cellco has installed equipment on the tower. Your letter seems to confirm this. Furthermore, we are advised that the studio transmitter link disk (associated with radio service) is not installed on the tower, pending the installation of electrical service.

Please note that it is our view that if Cellco is operating its (cellular or PCS) equipment on this tower in the absence of any radio equipment, this tower is effectively functioning as a "telecommunications tower" consistent with CGS §16-50i(a)(6), without Council approval. This is potentially problematic for everyone concerned.

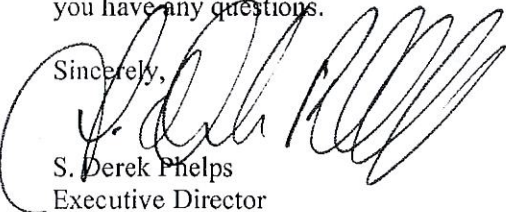
Simply put, without the presence of the WLIS auxiliary radio equipment on the tower and the basis of the subsequent tower sharing application that came before this agency earlier this year, the rationale for municipal approval of this tower is thrown into significant question. This means that what exists today is a tower that requires Council approval, most likely through an application for a Certificate of Environmental Compatibility and Public Need.

For the reasons described above I am writing to you today to explain that there are only two apparent remedies to this situation described herein: promptly install the proposed radio equipment to allow the tower to function as a back-up radio tower as permitted by the municipality or file an application with the Council for a Certificate of Environmental Compatibility and Public Need to certify this tower as a telecommunications tower.

Attorney Childress, please be advised that your client has six months from the date of this letter to implement one of these remedies and to demonstrate compliance with this agency. Failure to suitably comply with this directive will result in further actions by the Council which may include referral to the state Attorney General for enforcement action pursuant to applicable statutory authority.

Thank you for your anticipated prompt attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

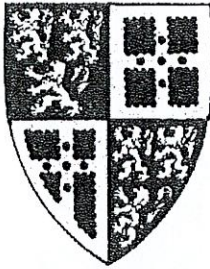


S. Derek Phelps
Executive Director

SDP/MP

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c: Honorable Michael A. Pace, First Selectman, Town of Old Saybrook
Christine Nelson, Town Planner, Town of Old Saybrook
Kenneth C. Baldwin, Esq., Robinson & Cole LLP



TOWN OF OLD SAYBROOK

Land Use Department

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216

RECEIVED
SEP 25 2008

CONNECTICUT
SITING COUNCIL

September 24, 2008

ORIGINAL

Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**RE: Crossroads Communications, LLC. (WLIS Radio)
CZC#05-056/Special Exception Permit for construction of 175' monopole tower
77 Springbrook Road, Old Saybrook, Map 58, Lots 17-1 & 17-2, B-2 Zone**

Dear Mr. Phelps,

Enclosed please find correspondence from Attorney William Childress regarding questions that I posed to him in a telephone conversation several weeks ago and a copy of the applicant's 2005 statement of use that was included with the permit application. I hope this letter will assist in clarifying permitting issues that we discussed.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Christina M. Costa".

Christina M. Costa
Zoning Enforcement Officer

Copy to: File
Robert Friedmann, Chairman, Zoning Commission
Attorney William Childress
Adrienne Hutt, Resident of 6 Drummers Trail



Law Office
of
WILLIAM A. CHILDRESS
Attorneys at Law

210 MAIN STREET
OLD SAYBROOK, CONNECTICUT 06475

WILLIAM A. CHILDRESS
CHRISTINA P. BURNHAM
H. BENJAMIN HODGE

TEL (860) 388-4464
FAX (860) 395-0412

September 22, 2008

Ms. Christina Costa, Zoning Enforcement Officer
Town of Old Saybrook
302 Main Street
Old Saybrook, CT 06475

Re: Crossroads Communications - CZC #92-126

Dear Chris:

I have reviewed the file and spoken to my client on the referenced matter. The application for special exception was approved in September of 2002 and again in May of 2005 after the original approval lapsed. In both applications, and in the public hearings on each, the tower was represented as "auxiliary" or "back-up" to the WLIS radio tower on Route 9; and in both hearings the prospect and desirability of attracting telecommunication co-locators was discussed. Although I don't find it in the minutes, both my client and I recall that one or more members of the Commission encouraged co-location and commented that the Town should refer co-locators to my client to help preclude additional towers elsewhere in Town.

The tower was constructed as approved. Although there is some co-locator equipment attached to the tower, it is not yet operational as electricity has not yet been brought to the site. My client advises that the Siting Council approved the co-locators at this site.

The plans (see "Proposed Monopole Tower Elevation") show a "24" radius STL transmitting disk" at the 100' level. STL stands for Studio Transmitter Link and is the apparatus which would be used in the exercise of this tower's auxiliary radio function. My client advises that the STL disk will be installed on the tower after electric power is in place, estimated to be in the next few weeks.

I hope this clarifies this situation. Please call if you have further questions.

Very truly yours,

William A. Childress

WAC:sca

cc: Donald DeCesare

To: Old Saybrook Zoning Commission
From: Crossroads Communications of Old Saybrook, LLC
Re: Special Exception Application - Map 58, Lots 17-1 & 17-2
Date: March 18, 2005.

STATEMENT OF USE

USE: The applicant will use the portion of the property affected by this application for the installation of a new monopole to replace the existing WLIS auxiliary radio tower. The monopole will be 175 feet tall, with dish antennae. The tower site(30' x 30') will be fenced and screened with evergreens. Access to the site is provided as shown on the plan. Use of the site for this use is authorized by variance No. 04/05-40 granted by the Old Saybrook Zoning Board of Appeals on March 9, 2005.

WATER SUPPLY: N/A - Structure will not be used for habitation and no water supply is necessary.

SEWAGE DISPOSAL: N/A - Structure will not be used for habitation and no septic system is necessary.

SOLID WASTE: To the extent any waste or debris is generated during the use of the structure, the owner will be responsible for removal of the same from the site. No dumpster or other receptacle is proposed.

DRAINAGE: Existing and proposed driveway and parking areas will be pervious, and no additional drainage measures are proposed.


UTILITIES: Underground power to the tower facility will be provided from the existing building on the site; a pad-mounted transformer will be provided within the tower site.

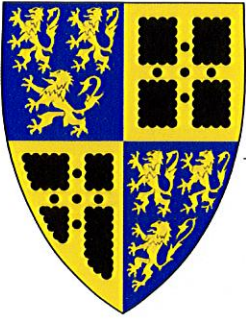
VISITS: There will be no one occupying the tower site and no visits from the public. Visits from technicians will be approximately one per month. If additional carriers should co-locate on the tower in the future, one visit per carrier per month might be reasonably anticipated.

PARKING: No parking requirements are set forth in the regulations. The existing gravel driveway on the site provides areas for parking.

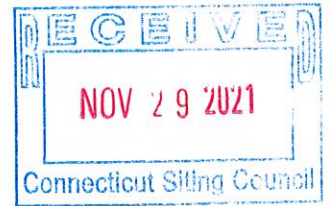
HAZARDOUS SUBSTANCES: No toxic or hazardous substances will be used, stored or processed in connection with the proposed use or occupancy.

CROSSROADS COMMUNICATIONS OF
OLD SAYBROOK, LLC

By 
William A. Childress
Its Attorney



TOWN OF OLD SAYBROOK
Office of the Board of Selectmen



302 Main Street • Old Saybrook, Connecticut 06475
Telephone (860) 395-3123 • FAX (860) 395-3125

November 24, 2021

State of Connecticut
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Attn: Melanie Bachman, Executive Director

Re: EM-VER-106-211118 – Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 77 Springbrook Road, Old Saybrook, Connecticut and TS-DISH-106-211119 – Dish Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 77 Springbrook Road, Old Saybrook, Connecticut.

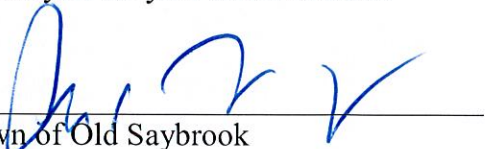
Dear Executive Director Bachman,

Thank you for the opportunity to comment on these two applications.

This tower is unfortunately in a residential area. In fact, the tower at issue sits in the rear of a property that has a house on it. The owner, Crossroads Communications of Old Saybrook, owns another adjacent piece of property at 71 Springbrook Road with a house on it. Both homes (71 and 77 Springbrook Road) are blighted, open to the elements and serve as a destination for transients and rodent infestation. Furthermore, the landscaping on the property at issue (77 Springbrook) has become so bad that the neighboring property at 93 Springbrook Road has a fence that is being undercut by the overgrowth from 77 Springbrook.

The corporate owner simply takes the funds from the tower lease and pockets the funds, leaving the neighborhood a mess and surrounding property values in distress. As a result, I am objecting to the modification of both these applications until something is done to these properties. At this point, razing of both structures is probably required. This is truly a disgraceful situation. Verizon and Dish should both be aware of the inequity of which they are a part.

Thank you for your consideration.


Town of Old Saybrook
Carl P. Fortuna, Jr., First Selectman