

From: David Hoogasian <dhoogasian@nbcllc.com>

Sent: Tuesday, December 7, 2021 12:42 PM

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

Subject: TS-DISH-120-211112 Supplements / RE: DISH / Tower Share Request / 377 Southbury Road
Roxbury, CT (280501 ROXBURY 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 Tower facility approval (CSC Docket No. 428– Decision and Order)
- Project Narrative referencing the original facility approval
- Property owner record card

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



DOCKET NO. 428 – New Cingular Wireless PCS, LLC	}	Connecticut
(AT&T) application for a Certificate of Environmental	}	
Compatibility and Public Need for the construction, maintenance,	}	Siting
and operation of a telecommunications facility located at one of	}	
two sites: Roxbury Tax Assessor Parcel ID #32-008 off of Route	}	Council
67, Roxbury, Connecticut, or 126 Transylvania Road, Roxbury,	}	
Connecticut.		March 21, 2013

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 New Cingular Wireless PCS, LLC (AT&T), hereinafter referred to as the Certificate Holder, for a telecommunications facility at Site A, located at Roxbury Tax Assessor Parcel ID #32-008 off of Route 67, Roxbury, Connecticut. The Council denies certification of Site B, located at 126 Transylvania Road, Roxbury, 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, shifted 100 feet to the north of the proposed location and no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of AT&T and other entities, both public and private, but such tower shall not exceed a height of 170 feet above ground level. The height at the top of the Certificate Holder's antennas shall not exceed 170 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 Roxbury 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, Certificate Holder portion of the 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.
3. Prior to commencing construction of the AT&T portion of access road, the Certificate Holder shall submit to the Council a letter signed by the Roxbury Land Use Enforcement Officer who, pursuant to the condition in the Roxbury Inland Wetlands Commission permit dated September 2, 2010, shall be on the first day of construction of the landowner's portion of the access road and who shall indicate that construction is underway.

4. The Certificate Holder shall follow the Eastern Box Turtle protective measures recommended by the Department of Energy and Environmental Protection letter dated May 10, 2012.
5. 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.
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. 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 Roxbury. 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 Voices.

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

New Cingular Wireless PCS, LLC

Its Representative

Lucia Chiocchio, Esq.
Daniel M. Laub, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067-3900

Party

Town of Roxbury

Its Representative

Barbara Henry
First Selectman
Town of Roxbury
P.O. Box 203
Roxbury, CT 06783

Party

Town of Woodbury

Its Representative

Paul R. Jessell, Esq.
Slavin, Stauffacher & Scott, LLC
27 Siemon Company Drive, Suite 300W
Watertown, CT 06795

Gerald Stomski
First Selectman
Town of Woodbury
P.O. Box 369
Woodbury, CT 06798

Intervenor

Bronson Mountain Farm Homeowners Association

Its Representative

John W. Knuff, Esq.
Hurwitz, Sagarin, Slossberg
& Knuff, LLC
P.O. Box 112
Milford, CT 06460

December 7, 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
377 Southbury Road, Roxbury, CT 06783
Latitude: 41°30'54.7" / Longitude: -73°15'46.8"

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 377 Southbury Road in Roxbury (the "Property"). The existing 170-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by Apex Acres 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 Barbara Henry, First Selectman for the Town of Roxbury, John Blaney, Town of Roxbury Building Official and Apex Acres LLC as the property owner.

Background

This facility was approved by the Council under Docket No. 428 on March 21, 2013, with no conditions that would limit colocations. A copy of this approval is included in the filing attachments. The existing ATC facility consists of a 170-foot monopole tower located within an existing leased area. AT&T currently maintains antennas at the 166-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 377 Southbury 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 136-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 377 Southbury 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



Summary

ParcelId	00015800
Location Address	377 SOUTHBURY RD
Map-Block-Lot	32/008
Use Class/Description	Vacant
Assessing Neighborhood	B03
Survey	9/13
Acreage	96.49

Owner

Current Owner
 APEX ACRES LLC
 562 UPPER GRASSY HILL RD
 WOODBURY, CT 06798

Current Appraised Value

	2020	2019	2018	2017
+ Building Value	\$0	\$0	\$0	\$0
+ OB/Misc	\$0	\$0	\$0	\$0
+ Land Value	\$1,085,604	\$1,085,604	\$1,085,604	\$1,085,604
= Total Appraised Value	\$1,085,604	\$1,085,604	\$1,085,604	\$1,085,604

Assessment History

	2020	2019	2018	2017
+ Building Value	\$0	\$0	\$0	\$0
+ OB/Misc	\$0	\$0	\$0	\$0
+ Land Value	\$296,290	\$759,920	\$759,920	\$759,980
= Total Assessment	\$296,290	\$759,920	\$759,920	\$759,980

Land

Use	Class	Land Type	Zoning	Area	Value
Vacant	R	Cell Site	C	0.01	\$204,000
Vacant	R	Res Vac Excess	C	92.48	\$62,175
Vacant	R	Res Vacant House Lot	C	4	\$136,400

Sales History

Sale Date	Sale Price	Deed Book/Page	Owner
6/24/2020	\$425,000	129/906	APEX ACRES LLC
7/3/2019	\$750,000	128/31	GENESIS ROXBURY CT LLC
1/1/1900	\$0	0040/0716	C N BUILDERS INC

Permit Information

Permit ID	Issue Date	Type	Amount	Inspection Date	% Complete	Date Complete	Comments
BP21-38	10-27-2020		\$30,000	1/1/1900 12:00:00 AM	100	04-01-2021	CELL TOWER: EQUIPMENT MODIFICATION - ANTENNA UPGRADES - NAC
BP17-23	09-16-2016		\$40,000	1/1/1900 12:00:00 AM	100	01-01-1900	ANTENNA UPDATES
EP16-2	07-02-2014	Generator	\$27,600	1/1/1900 12:00:00 AM	100	01-01-1900	
EP14-34	11-21-2013	Electrical	\$10,000	1/1/1900 12:00:00 AM	100	01-01-1900	CELL TOWER

No data available for the following modules: Buildings Data, Commercial Building, Out Buildings\Extra Features, Sketch, Photos.

The Town of Roxbury Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 12/7/2021, 2:04:03 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.164