

**From:** David Hoogasian <dhoogasian@nbcllc.com>  
**Sent:** Saturday, December 11, 2021 1:24 PM  
**To:** CSC-DL Siting Council <Siting.Council@ct.gov>  
**Subject:** TS-DISH-130-211112 SUPPLEMENTS / DISH / Tower Share Request / 111 Upper Fishrock Rd Southbury, CT / (411188 SOUTHBURY CT)

Attached please find supplemental documentation for the above referenced Tower Share Request:

- Original Tower facility approval (CSC Docket No. 325 on April 10, 2007)
- Project Narrative referencing the original facility approval
- Property owner record cards + Map

One 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 11, 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  
111 Upper Fishrock Road Southbury, CT 06488  
Latitude: 41°26'17.412" / Longitude: -73°14'16.296"

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 111 Upper Fishrock Road in West Granby (the "Property"). The existing 100-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by Carl Ferencek. 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 Jeff Manville, First Selectman for the Town of Southbury, Mark D. Cody, Town of Southbury Building Official & the Carl Ferencek as the property owner.

## Background

This facility was approved by the Council under Docket No. 325 on April 10, 2007. A copy of the Decision and Order is included in the filing attachments. The existing ATC facility consists of a 100-foot monopole tower located within an existing leased area. Verizon Wireless currently maintains antennas at the 99-foot level and AT&T Mobility currently maintains antennas at the 90-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 111 Upper Fishrock 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 78-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 111 Upper Fishrock Road 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*

<b>DOCKET NO. 325</b> – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut.	} } }	Connecticut  Siting  Council  April 10, 2007
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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, operation, 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 Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a wireless telecommunications facility to be located at 111 Upper Fish Rock Road in Southbury, 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 no taller than 100 feet above ground level to provide telecommunications services to both public and private entities.
2. No construction activity related to this facility shall occur between February 1 and August 1.
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 Towns of Southbury and Newtown 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, antenna mountings, equipment building, access road, utility line, and landscaping; and
  - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

4. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of 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 electromagnetic radio frequency power density is submitted to the Council in the event other carriers locate at this facility or if 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 Southbury 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 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.
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 Southbury. 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 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, we hereby direct 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 Waterbury Republican-American.

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 in this proceeding are:

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Cellco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108  Kenneth Baldwin, Esq. Robinson & Cole, LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>

**CERTIFICATION**

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 325** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut, and voted as follows to approve the proposed site, located at 111 Upper Fish Rock Road, Southbury, Connecticut:

**Council Members**

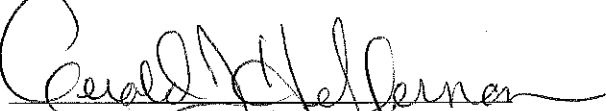
**Vote Cast**

  
Daniel F. Caruso, Chairman


Yes

\_\_\_\_\_  
Colin C. Tait, Vice Chairman

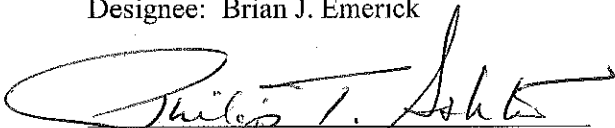
Absent

  
Commissioner Donald W. Downes  
Designee: Gerald J. Heffernan

Yes

  
Commissioner Gina McCarthy  
Designee: Brian J. Emerick

Yes

  
Philip T. Ashton


Yes

\_\_\_\_\_  
Daniel P. Lynch, Jr.

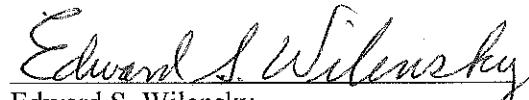
Absent

  
James J. Murphy, Jr.

Yes

  
Dr. Barbara Currier Bell

Yes

  
Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, April 10, 2007.



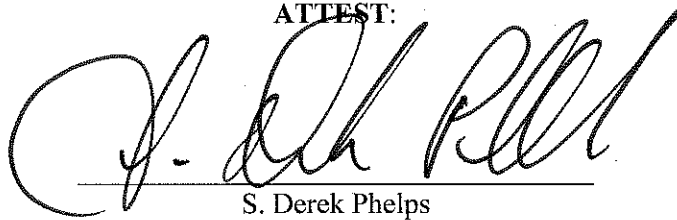
STATE OF CONNECTICUT )

ss. New Britain, Connecticut :

COUNTY OF HARTFORD )

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



S. Derek Phelps  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 325 has been forwarded by Certified First Class Return Receipt Requested mail on April 11, 2007, to all parties and intervenors of record as listed on the attached service list, dated November 8, 2006.

ATTEST:



Lisa A. Fontaine  
Administrative Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Cellco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108  Kenneth C. Baldwin, Esq. Robinson & Cole, LLP 280 Trumbull Street Hartford, CT 06103-3597 P: 860-275-8200



# Town of Southbury, CT

## Property Listing Report

Map Block Lot

25A-61-13B

Building # 1

Section # 1

Account

00224000

### Property Information

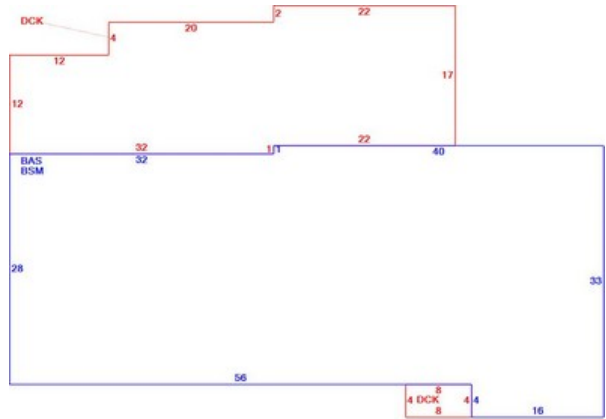
Property Location	111 UPPER FISH ROCK ROAD
Owner	FERENCEK CARL M & MARILYN T (SV)
Co-Owner	na
Mailing Address	111 UPPER FISH ROCK ROAD SOUTHURY CT 06488
Land Use	107 SFR w/Acc Apt
Land Class	R
Zoning Code	R-20
Census Tract	2293

Street Index	34
Acreage	31.55
Utilities	UNKNOWN
Lot Setting/Desc	UNKNOWN UNKNOWN
Additional Info	

### Photo



### Sketch



### Primary Construction Details

Year Built	1974
Stories	1
Building Style	Ranch
Building Use	Residential
Building Condition	G
Interior Floors 1	Carpet
Interior Floors 2	
Percent Good	
Total Rooms	10
Basement Garages	2
Occupancy	2.00
Building Grade	C+
Foundation	Conc Block

Bedrooms	4 Bedrooms
Full Bathrooms	3
Half Bathrooms	0
Extra Fixtures	0
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles
AC Percent	100
PLN FPL	1
DET FPL	1
Gas Fireplace	0

Exterior Walls	Wood Shingle
Exterior Walls 2	
Interior Walls	Panel
Interior Walls 2	
Heating Type	Forced Hot Air
Heating Fuel	Oil
Sq. Ft. Basement	530
Fin BSMT Quality	Better Quality
Percent Basement	100
Basement Access	6
% Attic Finished	0
LF Dormer	0



# Town of Southbury, CT

Property Listing Report

Map Block Lot

25A-61-13B

Building # 1

Section # 1

Account

00224000

## Valuation Summary (Assessed value = 70% of Appraised Value)

Item	Appraised	Assessed
Buildings	237420	166190
Extras	0	0
Improvements		
Outbuildings	27720	19400
Land	373290	76800
<b>Total</b>	<b>638430</b>	<b>262390</b>

## Sub Areas

Subarea Type	Gross Area (sq ft)	Living Area (sq ft)
First Floor	2120	2120
Basement	2120	0
Deck	870	0
<b>Total Area</b>	<b>5110</b>	<b>2120</b>

## Outbuilding and Extra Features

Type	Description
Garage	1320 S.F.

## Sales History

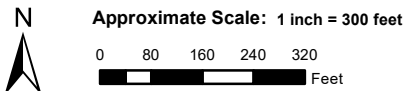
Owner of Record	Book/ Page	Sale Date	Sale Price
FERENCEK CARL M & MARILYN T	0181/0206	1985-07-08	0
FERENCEK CARL M & MARILYN T (SV)	0553/0282	2008-12-11	0

# Town of Southbury Connecticut - Assessment Parcel Map



Parcel: 25A-61-13B

Location: 111 UPPER FISH ROCK ROAD



Map Produced November 2021

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