

From: David Hoogasian <dhoogasian@nbcllc.com>
Sent: Friday, December 10, 2021 7:55 AM
To: CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: TS-DISH-132-211202 SUPPLEMENTS / DISH / Tower Share Request / 391 Niederwerfer Rd. - South Windsor CT (302474 SOUTH WINDSOR 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 morning. Attached please find supplemental documentation for the above referenced Tower Share request:

- Original Facility Decision and Order (CSC Docket No. 40 – May 15, 1984)
- 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
391 Niederwerfer Road South Windsor CT 06074
Latitude: 41°51'48.8" / Longitude: -72°31'23.16"

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 391 Niederwerfer Road in South Windsor (the "Property"). The existing 75-foot monopole tower is owned by American Tower Corporation ("ATC"). The underlying property is owned by Carolcliff Hill 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 Andrew Paterna, Mayor for the Town of South Windsor, Kenneth Rich, Town of South Windsor Chief Building Official and Carolcliff Hill LLC as the property owner.

Background

This facility was approved by the Council under Docket No. 40 on May 15, 1984. A copy of the Decision and Order is included in the filing attachments. The existing ATC facility consists of a 75-foot monopole tower located within an existing leased area. AT&T Mobility currently maintains antennas at the 73-foot level and 16-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 391 Niederwerfer 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 on the south side of the tower 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 63-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 391 Niederwerfer 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

AN APPLICATION SUBMITTED BY THE SOUTHERN : CONNECTICUT SITING
NEW ENGLAND TELEPHONE COMPANY FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR THE CONSTRUCTION, : COUNCIL
MAINTENANCE, AND OPERATION OF FACILITIES
TO PROVIDE CELLULAR SERVICE IN THE HARTFORD :
AND MIDDLESEX COUNTIES. : May 15, 1984

D E C I S I O N A N D O R D E R

Pursuant to the foregoing opinion, the Council hereby directs that a certificate of environmental compatibility and public need as required by section 16-50k of the General Statutes of Connecticut, revisions of 1958, revised to 1983, as amended, be issued to Southern New England Telephone for the construction, operation, and maintenance of a telecommunications tower and associated equipment to provide cellular service at each of the following sites:

Shuttle Meadow Road, Southington, Connecticut;
Mountain Street, Hartford, Connecticut;
Prestige Park Road, East Hartford, Connecticut;
Beckley Road, Berlin, Connecticut;
Slicer tract, Niederwerfer Road, South Windsor, Connecticut; and
Kikapoo Road, Middlefield, Connecticut.

The facilities shall be constructed, operated, and maintained as specified in the Council's record on this matter, and subject to the following conditions.

1. The towers shall be no taller than necessary to provide the proposed service and in no event shall exceed
 - a) 150 feet at the Southington site,
 - b) 100 feet at the Hartford site,
 - c) 150 feet at the East Hartford site,
 - d) 150 feet at the Berlin site,
 - e) 75 feet at the South Windsor site, and
 - f) 75 feet at the Middlefield site.
2. A fence not lower than eight feet shall surround each tower and its associated equipment.

3. The applicant or its successor shall notify the Council if and when directional antennas or any other equipment is added to any of these facilities.
4. The applicant or its successor shall permit in accordance with representations made by it during the proceeding public or private entities to share space on the facilities, for due consideration received, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
5. Unless necessary to comply with condition number seven, below, no lights shall be installed on any of these towers.
6. The facility construction shall be conducted in accordance with all applicable federal, state, and municipal laws and regulations.
7. The applicant shall submit a development and management plan (D&M) for the South Windsor, Southington, and Berlin sites pursuant to sections 16-50j-85 through 16-50j-87 of the regulations of state agencies, except that irrelevant items in section 16-50j-86 need only be identified as such. The D&M plans shall include appropriate evergreen screening of the sites. The applicant shall comply with the reporting requirements of section 16-50j-87 for all sites. The applicant shall consult with Mrs. Claire Aubin and the Town of South Windsor in the preparation of the South Windsor site D&M.
8. Construction activities shall take place during daylight working hours.
9. This decision and order shall be void and the towers and associated equipment approved herein shall be dismantled and removed,

or reapplication for any new use shall be made to the Connecticut Siting Council before any such new use is made, if the towers do not provide or permanently cease to provide cellular service following completion of construction.

10. This decision and order shall be void if all construction authorized is not completed within three years of the issuance of this decision.

Pursuant to section 16-50p(c) of the General Statutes, we hereby direct that a copy of the opinion and decision and order be served on each person listed below. A notice of the issuance shall be published in the Hartford Courant, Journal Inquirer, and the Middletown Press.

The parties to this proceeding are

Southern New England
Telephone Company
Room 314
227 Church Street
New Haven, Connecticut 06506

(Applicant)

ATTN: Mr. Peter J. Tyrrell, Esquire

(its attorney)

Town of South Windsor
1540 Sullivan Avenue
South Windsor, Connecticut 06074

represented by:

Mr. Richard M. Rittenband
Town Attorney
1734 Ellington Road
South Windsor, Connecticut 06074

Frank Niederwerfer
260 Niederwerfer Road
South Windsor, Connecticut 06074

(service waived)

Claire Aubin
407 Niederwerfer Road
South Windsor, Connecticut 06074

(service waived)

Betty S. Kleiner
Chairman
Hartford Audubon Society, Inc.
5 Flintlock Ridge
Simsbury, Connecticut 06070

(service waived)

Roger Thorpe
2916 Ellington Road
South Windsor, Connecticut 06074

Intervenors in this proceeding are

Dwight A. Johnson
Murtha, Cullina, Richter
and Pinney
101 Pearl Street
P.O. Box 3197
Hartford, Connecticut 06103-0197

representing:

Metromedia TeleCommunications
Nutmeg Telecommunications, Inc.
CSI of New Haven
CSI of Stamford
Cellular Communications, Inc.
LIN Cellular Corp.
Cellular Mobile Services
Maxcell TeleCommunications, Inc.
Mobile Cellular Telephone, Inc.
Cellular Dynamics
Connecticut Corridor Cellular
Chase/Post Cellular

C E R T I F I C A T I O N

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case or read the record thereof, and that we voted as follows:

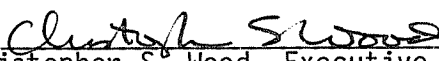
Dated at New Britain, Connecticut, this 15th day of May, 1984.

<u>Council Members</u>	<u>Vote Cast</u>
<u>Gloria Dibble Pond</u> Gloria Dibble Pond Chairperson	Yes
<u>P. G. Boucher</u> Commissioner John Downey Designee: Commissioner Peter G. Boucher	Yes
<u>Stanley Pac</u> Commissioner Stanley Pac Designee: Christopher Cooper	Yes
<u>Owen L. Clark</u> Owen L. Clark	Yes
<u>Fred J. Doocy</u> Fred J. Doocy	Yes Abstain <i>AD</i>
<u>Mortimer A. Gelston</u> Mortimer A. Gelston	Yes
<u>James G. Horsfall</u> James G. Horsfall	Absent
<u>Janet Sitty</u> Janet Sitty	Yes
<u>Colin C. Tait</u> Colin C. Tait	Absent

STATE OF CONNECTICUT)
 :
COUNTY OF HARTFORD) ss. New Britain, May 15, 1984

I hereby certify that the foregoing is a true and correct copy of the decision and order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:

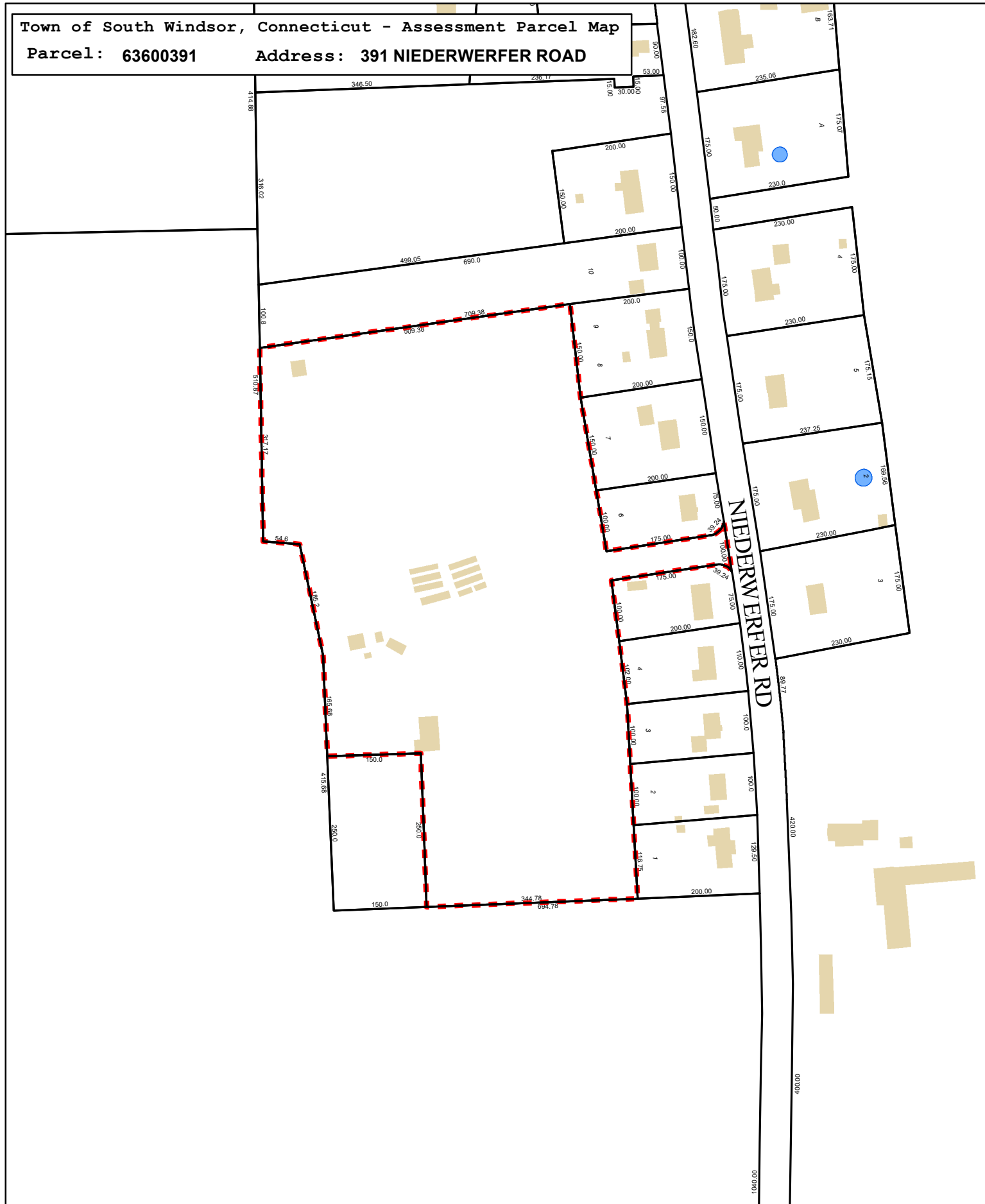


Christopher S. Wood, Executive Director
Connecticut Siting Council

Town of South Windsor, Connecticut - Assessment Parcel Map

Parcel: 63600391

Address: 391 NIEDERWERFER ROAD



Approximate Scale:
1 inch = 200 feet

Map Produced:
January 2021



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

