

# DRAFT

DATE: April 10, 2026

TO: Council Members

FROM: Melanie A. Bachman, Executive Director

RE: **DOCKET NO. 307** - SBA Infrastructure LLC Certificate of Environmental Compatibility and Public Need for the construction and maintenance of a telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut. **Connecticut Siting Council Motion to Reopen this Certificate to eliminate Condition No. 3 of the December 19, 2024 Modified Decision and Order based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).**

---

---

On April 27, 2006, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to National Grid Communications, Inc. d/b/a Gridcom (Gridcom) for the construction, maintenance and operation of a 120-foot flagpole telecommunications facility at 71 Pleasant View Road in Derby, Connecticut.<sup>1</sup> The facility was designed to accommodate the antennas of T-Mobile and other entities, both public and private, including, but not limited to, the City of Derby (City). During the proceedings held on the Certificate application, the City participated as a party and the Pleasant View Hilltop Committee participated as an intervenor.

Condition No. 2 of the Council's April 27, 2006 Decision and Order (D&O) required Gridcom to submit a Development and Management (D&M) Plan for the facility in compliance with Regulations of Connecticut State Agencies (RCSA) §16-50j-75 to §16-50j-77. Condition No. 3 of the Council's April 27, 2006 D&O required that prior to submission of the D&M Plan to the Council, Gridcom shall discuss a tower design with the City and agree upon a tower design, but any differences would be resolved by the Council.

On August 18, 2006, Gridcom submitted the D&M Plan for the certificated facility that included T-Mobile antennas at the 117-foot level. In compliance with Condition No. 3 of the Council's D&O, the D&M Plan included a tower design agreed upon by the City for a flagpole or structure with internally mounted antennas capable of flying a national flag with a light at the base of the structure. The Council approved Gridcom's D&M Plan for the certificated facility with the condition that an American flag be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1.

On December 15, 2008, in compliance with CGS §16-50k(b), SBA Infrastructure, LLC (SBA or Certificate Holder) requested a transfer of the Certificate for this facility from Gridcom to SBA. The Council approved the transfer of the Certificate to SBA on January 8, 2009.

Between January 14, 2020 and October 2, 2024, Tim and Nancy Marren, representatives of the Pleasant View Hilltop Committee (the Marrens), submitted correspondence to the Council expressing concerns with the absence of an American flag and lack of compliance with design requirements at the facility site.

---

<sup>1</sup> Council Docket No. 307 Record, Final Decision and Enforcement Action, *available at* [https://portal.ct.gov/csc/1\\_applications-and-other-pending-matters/applications/2\\_docketnos200-399/docket-307](https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/2_docketnos200-399/docket-307)

On October 4, 2024, pursuant to CGS §16-50u, the Council initiated an Enforcement Action for this facility.

On December 20, 2024, the Council issued a Final Order associated with the Enforcement Action. The Council's Order partially modified Condition No. 3 of the Certificate as follows:

“An American flag shall be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1. The Certificate Holder shall install and maintain a sign, in legible condition, at a location common to all tower tenants, such as the utility meter or other conspicuous location, that instructs tower tenants and/or tower technicians to ‘REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION,’ for the life of the facility.”

SBA complied with modified Condition No. 3 of the Certificate on February 21, 2025 by replacing the American flag at the facility in accordance with the Flag Code and installing a sign on the entrance gate to the facility directing all tenants to replace the flag upon completion of equipment installation.

On November 4, 2025, SBA, on behalf of T-Mobile, requested an exempt modification to swap 3 antennas at the 116-foot level of the facility for 3 new antennas, remove equipment cabinets and associated ground level equipment, install new equipment cabinets and associated ground level equipment, and modify tower cables.<sup>2</sup>

The Council acknowledged the T-Mobile exempt modification on December 15, 2025 with the following relevant conditions:

- **Condition No. 3:** REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION.
- **Condition No. 8:** The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities.
- **Condition No. 9:** Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed along with a representative photograph of the facility modification.
- **Condition No. 11:** The validity of this action shall expire within one year of the date of the Council's acknowledgment.

T-Mobile commenced construction on or about March 26, 2026. The current deadline for T-Mobile to complete construction is December 15, 2026.

On March 8, 2026, the Council received correspondence from the Marrens inquiring as to when the American flag will be installed on the tower because there has not been a flag on the tower for months.

On March 10, 2026, the Council provided the Marrens with the details and conditions of the Council's approval of T-Mobile's request for an exempt modification, including the deadline for T-Mobile to complete construction. A copy of the Council's response was also sent to representatives of SBA and T-Mobile. See Attachment 1.

---

<sup>2</sup> **EM-T-MOBILE-037-251117** – T-Mobile notice of intent to modify an existing telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut, *available at* [https://portal.ct.gov/-/media/csc/2\\_ems-medialibrary/derby/pleasantviewrd/t-mobile/em-t-mobile-037-251117\\_filing\\_pleasantviewrd\\_derby\\_a.pdf?rev=31742cb8af9a4c0d8748f3caaf8e2dc2&hash=D9040B4B32A468AF21E32E826011EEC0](https://portal.ct.gov/-/media/csc/2_ems-medialibrary/derby/pleasantviewrd/t-mobile/em-t-mobile-037-251117_filing_pleasantviewrd_derby_a.pdf?rev=31742cb8af9a4c0d8748f3caaf8e2dc2&hash=D9040B4B32A468AF21E32E826011EEC0)

On April 6, 2026, the Council received correspondence from the Marrens indicating the American flag is not installed on the tower and evidencing the American flag is stuck in nearby trees, which is disrespectful. See Attachment 2.

Although well-intentioned at the time the Certificate was issued with T-Mobile as the only tenant, a condition to fly an American flag on the facility consistent with The Flag Code, Title 4, United States Code, Chapter 1 is no longer practical. Currently, the facility hosts T-Mobile, Cellco Partnership d/b/a Verizon Wireless and Boost Mobile f/k/a Dish, who implement periodic maintenance and equipment upgrades that necessitate removal of the American flag from the facility while work is in process until after work is completed, which could take up to a year or beyond in accordance with the Council's approvals.

Twenty years ago, the facility was designed to aesthetically resemble a flagpole. However, its principal use is for telecommunications purposes. The facility was not designed to be principally used as a flagpole.

Therefore, staff recommends the Council make its own motion to reopen the Docket No. 307 Certificate to eliminate Condition No. 3 of the December 19, 2024 Modified Decision and Order based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) and to solicit comments from the original service list related to the elimination of Condition No. 3 and whether a public hearing should be held.

## Attachment 1



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](mailto:siting.council@ct.gov)  
Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

March 10, 2026

Tim Marren  
195 Sentinel Hill Road  
Derby, CT 06418  
[gotflowman@yahoo.com](mailto:gotflowman@yahoo.com)

RE: **DOCKET NO. 307** - SBA Infrastructure LLC Certificate of Environmental Compatibility and Public Need for the construction and maintenance of a telecommunications facility located at one of two sites at 71 Pleasant View Road, Derby, Connecticut.

**EM-T-MOBILE-037-251117** – T-Mobile notice of intent to modify an existing telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut.

Dear Tim Marren:

The Connecticut Siting Council (Council) is in receipt of correspondence dated March 8, 2026 concerning the above-referenced facility. Thank you for taking the time to provide the Council with your comments.

On December 20, 2024, the Council issued a Final Order associated with an Enforcement Action initiated by the Council for this facility. The Council's Order partially modified Condition No. 3 of the Certificate of Environmental Compatibility and Public Need (Certificate) for this facility as follows:

"An American flag shall be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1. The Certificate Holder shall install and maintain a sign, in legible condition, at a location common to all tower tenants, such as the utility meter or other conspicuous location, that instructs tower tenants and/or tower technicians to 'REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION,' for the life of the facility."

SBA, the Certificate Holder, complied with modified Condition No. 3 of the Certificate on February 21, 2025 by replacing the American flag at the facility in accordance with the Flag Code and installing a sign on the entrance gate to the facility directing all tenants to replace the flag upon completion of equipment installation.

On November 4, 2025, SBA, on behalf of T-Mobile, requested an exempt modification to swap 3 antennas at the 116-foot level of the facility for 3 new antennas, remove equipment cabinets and associated ground level equipment, install new equipment cabinets and associated ground level equipment, and modify tower cables.

The Council acknowledged the T-Mobile exempt modification on December 15, 2025 with Condition No. 3 as follows: REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION.

Condition No. 9 requires written notification of completion of construction be provided to the Council within 45 days **along with a representative photograph of the facility modification.**

Condition No. 11 indicates the validity of the acknowledgment shall expire within one year of the date of the Council's acknowledgment. Therefore, the deadline for T-Mobile to complete construction is **December 15, 2026.**

At this time, written notice of construction completion in accordance with Condition No. 9 has not been provided.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/ANM/laf

Enclosure: **EM-T-MOBILE-037-251117** Decision Letter, dated December 15, 2025

c: Rick Woods, SBA ([rwoods@sbsite.com](mailto:rwoods@sbsite.com))  
Kaleb Bell, Esq., SBA([kbell@sbsite.com](mailto:kbell@sbsite.com))  
Stephen Roth, SBA ([sroth@sbsite.com](mailto:sroth@sbsite.com))  
Mark Luther, SBA ([mluther@sbsite.com](mailto:mluther@sbsite.com))  
Mark Richard, T-Mobile ([markrichard64@t-mobile.com](mailto:markrichard64@t-mobile.com))



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](mailto:siting.council@ct.gov)  
Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

December 15, 2025

Rick Woods  
Senior Manager, Site Development Services  
SBA Communications Corporation  
134 Flanders Road, Suite 125  
Westborough, MA 01581  
[rwoods@sbsite.com](mailto:rwoods@sbsite.com)

RE: **EM-T-MOBILE-037-251117** – T-Mobile notice of intent to modify an existing telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut. **Decision.**

Dear Rick Woods:

The Connecticut Siting Council (Council) hereby acknowledges your notice to modify this existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies with the following conditions:

1. Approval of any changes be delegated to Council staff;
2. All antennas and tower mounted equipment shall be installed internally within the flagpole structure consistent with Sheet A-2 of the construction drawings dated October 13, 2025 and stamped and signed by Clement Salek;
3. REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION;
4. RF access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
5. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
6. Any deviation from the proposed modification as specified in this notice and supporting materials submitted to the Council shall render this acknowledgement invalid;
7. Any material changes to the proposed installation as specified in the original request and supporting materials filed with the Council shall require an explicit request for modification to the Council, including all relevant information regarding the proposed change with a rigorous cumulative far-field analysis for all entities located on the tower, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin 65;
8. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;

**EM-T-MOBILE-037-251117**

December 15, 2025

Page 2

9. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed **along with a representative photograph of the facility modification;**
10. Any nonfunctioning antenna and associated antenna mounting equipment, or other equipment at this facility owned and operated by T-Mobile shall be removed within 60 days of the date the antenna or equipment ceased to function;
11. The validity of this action shall expire one year from the date of this letter; and
12. T-Mobile may file a request for an extension of time beyond the one year deadline provided that such request is submitted to the Council not less than 60 days prior to the expiration.

The proposed modifications including the placement of all necessary equipment and shelters within the tower compound are to be implemented as specified here and in your notice dated November 4, 2025. The modifications are in compliance with the exception criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies as changes to an existing facility site that would not increase tower height, extend the boundaries of the tower site by any dimension, increase noise levels at the tower site boundary by six decibels or more, and increase the total radio frequencies electromagnetic radiation power density measured at the tower site boundary to or above the standards adopted by the Federal Communications Commission pursuant to Section 704 of the Telecommunications Act of 1996 and by the state Department of Energy and Environmental Protection pursuant to Connecticut General Statutes § 22a-162. This facility has also been carefully modeled to ensure that radio frequency emissions are conservatively below state and federal standards applicable to the frequencies now used on this tower.

This decision is under the exclusive jurisdiction of the Council. Please be advised that the validity of this action shall expire one year from the date of this letter. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73. Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin 65. Thank you for your attention and cooperation.

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/ANM/cj

c: The Honorable Joseph L. DiMartino, Mayor, City of Derby ([mayor@derbyct.gov](mailto:mayor@derbyct.gov))

-----Original Message-----

From: Tim <[gotflowman@yahoo.com](mailto:gotflowman@yahoo.com)>

Sent: Sunday, March 8, 2026 12:28 PM

To: CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>; CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>

Cc: Nancy Marren <[nanmar15@yahoo.com](mailto:nanmar15@yahoo.com)>

Subject: Flag missing from flagpole.

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.

Siting Council,

The neighbors of the of Pleasant View Hilltop committee would like to know when the American flag will be on the flagpole cell tower? There has not been a flag on there for months.

Regards,

Tim Marren

## Attachment 2

-----Original Message-----

From: Tim <gotflowman@yahoo.com>

Sent: Monday, April 6, 2026 4:26 PM

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

Cc: Nancy Marren <nanmar15@yahoo.com>; Fontaine, Lisa <Lisa.Fontaine@ct.gov>

Subject: Flag pole 71 Pleasant View Road Derby 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.

Siting Council,

As you are aware, per previous emails, the flag is down from the flag pole. Should it remain stuck in the trees like it is? This is disgraceful. Obviously nothing is being done to rectify the matter.

