



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



February 17, 2010

Daniel F. Caruso, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: Wireless Telecommunications Facility
SBA Towers II LLC
East Lyme, Connecticut
Docket No. 396

Dear Chairman Caruso:

Staff of the Office of Long Island Sound Programs (OLISP) has reviewed the above referenced *Application for a Certificate of Environmental Compatibility and Public Need* and offers the following comments to the Council for your use in this docket.

The Connecticut Coastal Management Act (CCMA) contains a general statement in §22a-91(5) of the Connecticut General Statutes that the coast is rich in "aesthetic resources," and §22a-93(15)(F) defines an "adverse impact on coastal resources" as "degrading visual quality through significant alteration of the natural features of vistas and view points."

Visual impacts include changes in appearance of the landscape as a result of development. They can be positive or negative, direct or indirect, temporary or permanent, single or cumulative, and can vary in magnitude and significance. Factors to consider with the subject 170-foot high wireless communications tower and facility include the extent of potential visibility of the proposed tower from public lands, water areas, streets, parks and other public places.

Those areas from which the tower would be especially visible include public trust waters within the 2-mile study area as shown on the Viewshed Map, Attachment B to Exhibit I. These include the lower Pattagansett River, the waters surrounding Watts and Griswold Island, Niantic Bay and adjacent waters of Long Island Sound. In addition, the tower would remain visible at points further waterward of those areas. Within the large area of potential public visibility, adverse impacts would occur when the character of a visual natural resource, in this case a significant corridor of natural and uninterrupted terrain, is diminished and impaired. This is most clearly demonstrated in Views 1, 3 and 4 of the Photolog Documentation, depicting views from Old Black Point Road. The visibility of the tower from numerous public areas represents a

significant adverse impact in comparison to the existing uninterrupted natural vistas and terrain, inconsistent with the above noted CCMA policy.

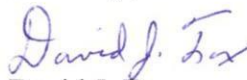
Given the vast amount of area, most of it public waters, from which the proposed tower would be seen, it would be prudent to fully evaluate more alternatives, in addition to those outlined in Exhibit G, that would move the location of the tower to a less visible location and/or minimize and mitigate its visual impacts. Perhaps with further land parcel analysis, additional nearby sites could be found that already have existing interrupted vistas or tall visual features, which could be considered as a worthy alternative to the proposed site. Alternative designs to minimize and mitigate the overall visual impact, such as camouflaging, can also be considered.

Finally, it does not appear the applicant has fully evaluated the consistency of this proposed cell tower with the Town's *Plan of Conservation and Development*, particularly its visual policies and CCMA policies (as detailed above). Consistency with this and other town plans that may apply should be more thoroughly evaluated.

OLISP has a sample list of general methods for minimizing or mitigating visual impacts of various types of development available upon request.

Thank you for the opportunity to review this application and to submit these comments. If you have any questions regarding these comments, please contact Marcy Balint of OLISP. She may be reached at 860-424-3034 or Marcia.Balint@ct.gov.

Sincerely,



David J. Fox

Senior Environmental Analyst
Office of Environmental Review

cc: Marcy Balint, DEP/OLISP
Robert Hannon, DEP/OPPD