

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF SBA TOWER II, LLC FOR : DOCKET NO. 396
A CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE AND :
OPERATION OF A TELECOMMUNICATIONS :
FACILITY AT 49 BRAINERD ROAD, :
NIANTIC (EAST LYME), CONNECTICUT : MARCH 16, 2010

PRE-FILED TESTIMONY OF GARY GOESCHEL,
DIRECTOR OF PLANNING AND CONSERVATION
OF THE TOWN OF EAST LYME

1. Q. Mr. Goeschel, please describe your educational background and professional experience.

A. I am a professional land use planner with a bachelor's degree in Environmental Earth Science from Eastern Connecticut State University. I have completed the Connecticut Department of Environmental Protection Commissioner's Training Program for Inland Wetlands and Watercourses. I hold a certification as a zoning enforcement official from the Connecticut Association of Zoning Enforcement Officials, and am a member of the American Planning Association (APA). I have approximately eight years of employment experience with the towns of Wilton, Colchester and East Lyme. In addition, I have been involved in the land use regulatory process for numerous projects, including the review of cellular communication towers in both public and private industry. I have worked extensively with local planning and zoning commissions, conservation commissions and inland wetland agencies in Connecticut and New York. I am well versed with the Connecticut General Statutes governing environmental protection and community planning. During my career I have gained significant experience in developing creative land use policies and solutions to environmental challenges. My goal has been to balance the dichotomy between conservation and development by applying a solid knowledge of environmental and planning principles, practices, and regulatory compliance with site development.

2. Q. As the Town of East Lyme's professional Land Use Planner and Conservation Director, what are your primary concerns regarding SBA Tower II, LLC's proposed telecommunications tower?

A. First, the proposed tower is in a Coastal Boundary, the importance of which will be discussed in further detail in Question 4. Second, unlike many cellular tower sites, the property in question is not immediately contiguous to an interstate or other state highway system, nor is the facility planned for a large parcel that is well-buffered from non-compatible uses. On the contrary, the applicant proposes to construct a 170 foot tower on a dead end road going into a narrow road within a quiet, well maintained residential neighborhood. The introduction of a tall tower within a setting of this nature is contrary to the basic principles of land use planning which aims to protect the predominate character of a given area; in this case a strong, well-established residential character.

The town recognizes the need for cellular coverage in this region of the community. However, the applicant is strongly encouraged to explore new technology, such as DAS and combined antenna technology, with an eye toward minimizing visual impacts to the residential and semi-rural character of the neighborhood.

3. Q. Is the proposal cellular communication tower consistent with the Town's Plan of Conservation and Development?

A. No. The East Lyme Plan of Conservation and Development (POCD), which was last amended in 2009, places great emphasis on the protection of view sheds throughout the community. The recent amendments to the POCD were based on a land use study that was conducted between the fall of 2008 and spring of 2009 by the University of Connecticut's ("UConn") Community Research and Design Collaborative (CRDC). The purpose of the study was to inventory and analyze all existing town features (natural and cultural) and provide guidance in determining the most logical and reasonable locations for future land uses within the Town in an effort to balance conservation, preservation and development. Objective 1.1 of East Lyme's POCD is to maintain the traditional New England character of the community and enhance the village identities of East Lyme. The policy set forth in the POCD which supports this objective states, "East Lyme offers an attractive residential environment and other quality-of-life factors, including expansive water views, extensive open spaces, a seaside village center, agricultural opportunities, recreational opportunities and quality public services. As such, the Town should maintain the unique character and personality of both Niantic and Flanders villages." Objective 1.2 of the POCD is to

establish a coordinated, cooperative system of land-use decision making to ensure that development continues to meet high performance standards, specifically with regard to open space preservation, view corridor protection, environmental protection, sustainability, and landscaping and building design treatments consistent with East Lyme's New England setting. The placement of the 170 foot tower in the proposed location ignores the criteria set forth in East Lyme's POCD.

The East Lyme POCD encourages the adoption of policies aimed at protecting view corridors and the existing character of the area. Moreover, the POCD advocates the protection of ecologically and historically sensitive properties. To this end, over 22.26 acres of land (Raven's Wood) adjacent to the proposed site has been acquired and preserved for conservation purposes. The concept of developing a new tower of great height and mass is at variance with the overall objective of protecting the underlying character of the area. Short of seeking alternative sites, the applicant at the very least, should explore technologically-creative alternatives aimed at reducing the visual impact to this unique location in East Lyme.

4. Q. What is the significance of the proposed tower being located within the Coastal Boundary Area?

A. The Town of East Lyme's POCD specifically addresses the importance of the Pattagansett River Estuary (p. 132). The tidal marshes total 170 acres and are designated as a natural area of Statewide significance "due to their extent, productivity, and relatively undisturbed condition." A substantial portion of the marsh (72 acres) is controlled (either through ownership or easement) by the Nature Conservancy or the East Lyme Land Trust including Watts Island. A 170 foot cell tower would be visible from all areas along the estuary and out into the Long Island Sound.

Section 5.3 of the Town's POCD specifically addresses Coastal Area Development. The East Lyme Coastal Area Development Plan (CADP) was adopted by the Planning Commission in 1982 and has been in every amendment to the POCD since then. The Town's Municipal Coastal Plan specifically adopts the Connecticut Coast Management Act (C.G.S. §22a-90, et seq.). The proposed cell tower location is within the Coastal Boundary Area as defined in the CCMA.

The Applicant has not fully evaluated the consistency of the proposed tower with the Town's POCD, particularly its visual policies and CCMA policies. Given the vast amount of area, most of it from public waters, from which the proposed tower would be seen. I would encourage the Applicant to fully evaluate the alternative locations

proposed by the Town and move the tower to a less visible location, out of the Coastal Boundary and away from residences.

5. Q. Is the proposed replacement tower necessary in order to accommodate the Town's emergency communications services?

A. No. Based on discussions with appropriate personnel, this equipment has and can continue to operate at its present location.


The statements above are true and complete to the best of my knowledge.

3/16/2010
Date



Gary Goeschel

Subscribed and sworn to before me on this 16th day of March, 2010.



Notary Public
Commissioner of Superior Court

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of March, 2010, a copy of the foregoing was sent via electronic mail and/or regular mail to:

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