



Inland Wetlands Commission
Roxbury, Connecticut 06783

Daniel M. Laub
Cuddy & Feder LLP
445 Hamilton Ave., 14th floor
White Plains, NY 10601

February 16, 2010

Re: Proposed Cingular Wireless cell tower in Roxbury, CT

Dear Mr. Laub,

The Roxbury Inland Wetlands and Watercourses Commission has reviewed AT&T's proposal to construct a Cingular Wireless cell tower, associated structures, and access driveway on property at 126 Transylvania Road in Roxbury, CT.

In evaluating this proposal, the Commission applied the same criteria it would use to judge any application from any citizen of the Town. After examining the site and reviewing the plans, the Commission concludes that this project, as proposed, does not comply with Town ordinances and regulations. Consequently, the Commission would necessarily reject this proposal if it were to come before us in its present form as a normal application. Our reasons follow.

In general, the proposal underestimates and fails to take into account the amount of resulting storm water runoff on the access driveway, on Transylvania Road, and subsequently onto down-gradient wetlands and other properties. It is the judgment of this Commission, based on good storm water management practices, that neither the driveway drainage system as proposed nor the existing drainage system on Transylvania Road can handle runoff of this magnitude.

Specifically, these are the shortcomings the Commission would like to see addressed:

- **The proposed access driveway is too steep.** The grade of 21%, as depicted in the plan, exceeds the standards set by town ordinance, which generally limits driveway grades to no more than 15%.

- **The proposed driveway drainage system is inadequate to handle the resulting storm water runoff.** In our experience, the proposed system of level spreaders with modified riprap would fail to control runoff of this magnitude and would result in flooding off site.
- **Storm water runoff from this project would overwhelm the existing drainage system on Transylvania Road.** The plan underestimates and fails to take into account the amount of runoff onto this narrow and fragile dirt road. In our opinion, the road's present drainage system cannot handle runoff of this magnitude.
- **The proposal would result in flooding on down-gradient wetlands and other properties.** Again, the plan underestimates and fails to take into account the amount and impact of increased storm water runoff. After overwhelming Transylvania Road, this runoff would discharge into wetlands across the road and into other down-gradient properties, perhaps extending as far as Southbury Road. As a rule, the Commission has been vigilant in preventing any discharge of water that would either (1) compromise offsite wetlands or (2) damage other property owners. This proposal would do both. AT&T's maps do not even acknowledge or delineate the presence of down-gradient wetlands across the road.
- **The proposal does not identify the location(s) of the septic systems at 126 Transylvania Road.** Furthermore, it does not provide an evaluation of those septic systems or projections of the impact that excess driveway runoff would have on them.

The chairman of our Commission, the undersigned Russell J. Dirienzo (P.G., LEP), is a geologist and a hydrologist; another member of the Commission, John A. Smoliga, is a geologist and a qualified soil scientist as defined by the state of Connecticut. Many of the other members of the Commission have completed the Municipal Inland Wetlands Commissioners Training Program in wetlands management offered by the Connecticut Department of Environmental Protection.

Both Mr. Dirienzo and Dr. Smoliga disagree with the opinions of Dean Gustafson and Sean Hayden as to the soil permeability at the site of the proposed cell tower. These differences of opinion are significant because they bear directly on the soil drainage and runoff issues we believe will arise if the cell tower, associated structures, and access driveway are constructed as proposed.

As scientists and as residents of the town of Roxbury, Mr. Dirienzo and Dr. Smoliga, as well as other members of the Commission, have found that what are described as the general soil properties in the CT Soil Survey (cited by Mr. Gustafson) differ from the conditions that have been actually observed over time on Transylvania Road.

Specifically, the soils occurring on this property (and throughout Roxbury) are glaciofluvial soils derived from micaceous schist. Factors at this site which contribute to adverse drainage/runoff issues include: (1) the existence of dynamic glaciofluvial conditions in the past (advance, melting, recession, readvance), which lead to highly variable soils; (2) an abundance of fine-grained mica, which can significantly lower soil permeability; and (3) poorly fractured schistose bedrock relatively close to the surface, which can also inhibit drainage.

In conclusion, we believe that the project as proposed would harm wetlands, is contrary to good storm water management practices, and is at variance with the regulations of the Roxbury Inland Wetlands and Watercourses Commission and the ordinances of the Town of Roxbury.

We would be happy to evaluate a revised proposal that addresses the problems we have outlined.

Yours truly,



Russell J. Dirienzo, P.G., LEP

Chairman, Roxbury Inland Wetlands and Watercourses Commission

Cc:

Barbara Henry, First Selectman

Mary Barton, WEO, ZEO

Michelle Briggs, AT&T