



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

May 25, 2023

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Ten Franklin Square
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PETITION NO. 1569 - Dish Wireless, LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for proposed modifications to an existing telecommunications facility located at St. Matthew Lutheran Church, 224 Lovely Street, in Avon, Connecticut.

Dear Attorney Bachman:

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1569.

Wildlife

The Council reviewed the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) maps for the Town of Avon and discovered that the location of the wireless facility appears to be within an NDDDB buffer area. The Petition does not include information on state-listed species, evidence of consultation with NDDDB, or scientific data that would ensure that state-listed species in the area would be conserved. Consequently, the Council recommends that the Petitioner consult with the NDDDB to confirm that the proposed project would not adversely impact state-listed species in the area.

Wetlands

According to the Findings of Fact for Docket 373A, “the east edge of the compound would be approximately 15 feet from wetlands associated with Roaring Brook”. The Petitioner states that “no on-site or off-site wetlands or watercourses will be impacted by the proposed facility expansion”; however, the Petitioner makes no mention of the proximity of the proposed facility expansion to the wetlands associated with Roaring Brook nor is there any discussion of how erosion and sedimentation control measures would be employed. Further, the Council notes that the proposed expansion of the facility compound is within an upland review area and would be a regulated activity under the Town of Avon’s Inland Wetlands and Watercourses Regulations. The Council recommends that the Petitioner clearly identify the location of the nearby wetlands and the methods for controlling erosion and sedimentation, consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

The Council’s comment above addresses only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive style with a long horizontal flourish at the end.

Paul Aresta
Executive Director