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August 27, 2009

Hon. Daniel F. Caruso, Chairman
and Members of the Siting Council
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Transmitted via e-mail and regular U.S. mail

Re: Docket No. 366 – Development & Management Plan

Dear Chairman Caruso:

Enclosed please find the following documents which will serve as the City of Danbury's comments on the Applicant's Development and Management Plan ("D&M Plan"):

1. Report of Dr. Steven Danzer dated August 25, 2009; and
2. Report of Deputy Planning Director, Sharon B. Calitro, dated August 25, 2009.

Please take these comments into consideration in your review of the D&M Plan. We respectfully submit that these comments warrant the Council's disapproval and/or modification of the D&M Plan. Thank you for the opportunity to comment on the D&M Plan.

Very truly yours,

/s/

Robin L. Edwards
Assistant Corporation Counsel

Enclosure

cc: Laszlo L. Pinter, Deputy Corporation Counsel
Daniel E. Casagrande, Esq.
Christopher B. Fisher, Esq.
Robert Marconi, Esq.
Attorney Melanie Bachman
Sharon B. Calitro, Deputy Planning Director
Steven Danzer, PhD



CITY OF DANBURY
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PLANNING & ZONING DEPARTMENT
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August 25, 2009

Ms. Robin Edwards, Assistant Corporation Counsel
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: Review of Development & Management Plan ("D&M") by Optasite Towers, LLC
52 Stadley Rough Road, CSC Docket 366

Dear Ms. Edwards:

The Department has reviewed the D&M submitted by Optasite Towers LLC in furtherance of its Certificate of Environmental Compatibility and Public Need for the new tower to be located at the above-referenced site.

Staff comments are noted below.

1. The drawing by Rohn Products LLC entitled "140' Tapered Steel Pole Design for SBA Communications" does not appear to identify the "yield point" agreed to by Optasite during testimony. Such breaking point is however, shown on CHA Drawing C-5 entitled "Site Details." The plans submitted to the CSC should be consistent.
2. Staff questions whether the structural integrity of the pole is compromised by locating antennae 100 feet above ground elevation as indicated in the table on the above-referenced Rohn Products LLC Drawing when the "yield point" is, as shown on the CHA Drawing, at the same elevation. The table on the Rohn Drawing notes a 100 foot elevation for the 3-way T-arm fifth set of antennae.
3. Staff recommends the Building Department provide comment on the same Rohn drawing specifically related to pole design criteria of 50 mph wind speed and .75 inches of ice.
4. Number 13 on the submittal entitled "Foundation General Notes" references a geotechnical report that was not submitted.

5. The letter dated June 1, 2009 from Habib Azouri, P.E., to SBA Communications indicates that the pole has been designed to provide a "contained fall radius" that would result in fall zone "less than 100 feet from the pole base." SBA has relocated the pole north and easterly of the location of the pole in the application to the CSC. The revised location provides a greater distance to the property line allowing for a 100 foot fall zone radius to be maintained on the subject site. As previously noted, there appears to be some discrepancy between plans or an omission on one of the plans relative to the elevation location of the "yield point." The yield point location on the pole should be identified on all pole design plans and the 100 foot radius delineated on the site plan.
6. The letter from Suburban Sanitation Services, Inc. is not dated nor has the person at the "City Health Department" with whom Mr. Snow spoke regarding "as-built" drawings been identified.
7. The site plan drawings prepared by CHA show an extended lease area on the north side of the lease area that is to provide a second turn-around for the driveway. Disturbance within this area, approximately 300 square feet, was not evaluated during the public hearing process. Additionally, this area is outside the area identified as the "Property" as defined in the lease agreement between the Church and Optasite. However, we note that there appears to be language within the lease that allows for the grant of additional area or privileges as may be necessary to serve the facility.
8. CHA Drawing C-3, "Site Grading Plan," references the requirement for installation of a geotextile filter under the compound. It is not clear why such a filter or fabric would be necessary if the soils are suitable to support the tower and equipment as proposed and noted on other drawings (i.e., compaction strengths are noted on other drawings but geotextile filters are not identified as being required *under* (emphasis added) the compound).
9. Trees noted to remain on CHA Drawing C-3 should be tagged in the field. A note indicating such tagging should also be added to the drawings so contractors are on notice.
10. The boulder identified on many of the CHA drawings is not on C-4. It is not clear whether this boulder is being removed and if so, how such removal will occur.
11. It is not clear why the "new utility center" has not been located within the fenced compound. All compound appurtenances should be located within the enclosed compound.
12. It is questionable whether the style of wood fencing proposed meets the intent of the condition of the CSC requiring architectural treatment of the compound. The requirement appears to have been intended to help increase compatibility of the tower and cabinets with the existing adjacent land uses. In our opinion, the proposed fence, which lacks any architectural elements whatsoever, fails to satisfy this requirement. The fence is no more than a basic wood stockade-style privacy fence. Additionally, there is no architectural treatment of the utility cabinets as was required by the CSC.
13. CHA Drawing L-1 indicates a double row of eastern hemlock trees are proposed along the west side of the compound outside the fence. The species is unacceptable for several reasons. First, this species is highly prone to Hemlock Woolly Adelgid disease and therefore their survival over the long term is questionable. Secondly, this species, while growing to a potential height of 70 or 80 feet, loses its understory as it grows and therefore its effectiveness as screening may be considered limited at best. A landscape plan that incorporates several species, prepared by a licensed landscape architect, should

be submitted and reviewed. If the Council determines that the proposed hemlock species alone is acceptable, it should consider requiring annual monitoring and treatment, if necessary, to ensure the species longevity.

14. The "shrub" detail on CHA Drawing L-2 should be deleted as none of the associated plans show shrub installation.
15. The plans provided are insufficient in detail to determine whether they comply with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. We understand that Dr. Danzer will be providing detailed comments relative to this compliance review.
16. Attorney Fisher's letter, at the end of the paragraph at the top of Page 2, indicates that if "equipment shelters extend above the fence line," Optasite will ensure architectural treatment of such shelters in accordance with the CSC approval. The City vehemently objects to any equipment shelter rising above the fence line. If Optasite or future carriers require shelters taller than the 8 foot high wood fence, the fence itself should be increased in height to appropriately screen these internal structures. Architectural treatment of the actual equipment cabinet has not been proposed.

If there are any questions regarding this letter, do not hesitate to contact me.

Sincerely,



Sharon B. Calitro, AICP
Deputy Planning Director

- C: Laszlo Pinter, Deputy Corporation Counsel
Daniel E. Casagrande, Esquire
Wayne Shepperd, Chief of Staff, Mayor's Office
Daniel Baroody, Senior Env. Inspector
Dr. Stephen Danzer



STEVEN DANZER, PHD & ASSOCIATES LLC

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WETLAND BOUNDARIES • POND & LAKE MANAGEMENT • CONSTRUCTION FEASIBILITY CONSULTATIONS • ENVIRONMENTAL STUDIES

Date: August 25, 2009

By: Steven Danzer PhD

Soil Scientist (listed SSSSNE)

Professional Wetland Scientist (PWS #1321)

Certified Professional in Erosion and Sediment Control (CPESC)

Arborist – CT DEP License S-5639

PhD Natural Resources

Review of D&M Plan

Plans reviewed: Application of Optasite Towers LLC and Omnipoint Communications, Inc. to the Connecticut Siting Council, for proposed activities located at 52 Stadley Rough Road, Danbury, CT. Docket # 366. DM Plan SHEETS T1-2, GN1, C1-8, L1-2.

Summary

The above-referenced plans were reviewed on behalf of the City of Danbury to determine if they were in compliance with the following:

- Condition #4 of the Decision and Order;
- RCSA Sections 16-50j-75 through 77 (Elements of a D&M Plan);
- Relevant representations made on the record by the applicant during the course of the public hearing.

After review of the plans, it was concluded that the plans were deficient with regard to the above criteria, in at least three major areas. To summarize:

1. The proposed activities were reconfigured to the north and east in a flawed attempt to satisfy the Siting Council's concerns regarding maximum buffer

protection for the neighbor to the west. The reconfiguration moves the activity along the entire flank of the wetlands. **This reconfiguration results in a significantly more environmentally damaging site plan** than the original plan discussed during the public hearings. **The environmental impacts could be easily avoided with another additional reconfiguration.** Furthermore, it is my opinion as a plan reviewer that this change constitutes a major modification. Since this reconfiguration was done under the D&M process, there was not adequate time for all concerned parties to consider all environmental impacts; however a few will be briefly highlighted later in this review.

2. **A suitable and detailed Erosion Control Plan was not submitted** despite the repetitive regulatory requirements of Sec.-50j-76 of the RCSA, condition 4b of the Decision and Order, and the promises made on record in the Applicant's report by Kleinfelder of January 22, 2009. This is a significant concern, considering the volume of discussion that transpired on this topic during the public hearings. This concern is heightened by the fact that the new plan involves substantially more impact to the wetland resources than the originally submitted plan.
3. **The Landscape Plan is deficient in details and concept.** The standard detail that was provided is not appropriate for the type of plantings proposed. The concept of the plan, a single species of Hemlocks, is neither sustainable, nor appropriate to the site. A better concept design is possible and warranted. There was much discussion and promises made during the hearing regarding wetland and upland habitat enhancements, yet none has been proposed in the D&M plan.

Detailed Comments

Environmental impact of the reconfiguration:

The previously discussed site plan proposed the compound a few feet from the southeast corner of the intermittent watercourse in the vicinity of wetland flag #5. The new site plan proposes to relocate the compound along the entire southwestern flank of the watercourse, and intrudes upon the southwestern side of the depressional wetland as well.

Under this new proposal, there is minimal protective buffer maintained between the wetland resources and the compound. There will be significant hydrologic, physically

intrusive, and ecologically damaging impacts to the wetlands pre and post construction due to this relocation. **There is no practical way** this facility can be built under this new proposed site plan without intrusion into the wetland during the grading process. The impact of a relocation was not considered during the public hearing process, as there was a totally different configuration under review. The lack of erosion control plan (to be discussed in the next section) will exacerbate the impacts mentioned.

Since the applicant seems able to reconfigure the shape of the compound, it seems reasonable for the applicant to be directed to continue to work with the Siting Council and the City of Danbury to reshape the compound, to maximize avoidance of environmental impact.

There is room to the north that still can be worked with. Reshaping and relocation would avoid environmental impact to the wetlands and still satisfy the Siting Council's screening concerns regarding the neighbor to the west.

Erosion Control Plan

Sec. 16-50j-76 of the RCSA stipulates that a D&M plan must include sedimentation and erosion control procedures. Condition 4b of the Siting Council Decision and Order stipulates that the plan should be consistent with the 2002 Connecticut Guidelines for Soil and Sediment Control, as amended. Numerous references to Best Management Practices and representations were made during the course of the public hearing, most notably in the report by Kleinfelder regarding dewatering procedures, grading, drainage details, and landscaping, much of it in response to persistent requests by the City of Danbury for the applicant to address deficiencies in the application.

There was no stand-alone plan labeled "Erosion Control Plan" in the documents reviewed. Nor were there any details typical of such a plan incorporated in the reviewed documents other than the perfunctionary installation of silt fence. What was submitted does not fulfill the basic requirements of a professionally designed Erosion Control Plan.

The following is a summary of what an appropriately designed erosion control plan should include for a project of this scope, adopted from the 2002 CT Guidelines pp 3:10-3:12. The elements of such a plan should include, but not be limited to:

- A. **Narrative** laying out the project description, site control objectives especially specific to this project (i.e. development adjacent to a wetland area), and major strategies devised to meet these objectives.
- B. **Construction Sequence** itemizing major phases in construction, with a practical timeline for completion for each activity.
- C. **Locations** of stockpiles, temporary roads, plans for removal of fill.
- D. **Dewatering Detail** to reduce impact of sediment into the wetland during excavation phases.
- E. **Final Drainage Design Details** to reduce impact to the wetlands.
- F. **Grading Plan** if different from proposed grades on the D&M plan.
- G. **Prevention and Control Measures.**
- H. **Specialized Construction Techniques** specific to limiting impact to the environmental resources.
- I. **Maintenance Plan** for all erosion control measures and all installed plantings.
- J. **Provisions for Immediate Contact Information** for supervisor in charge of the Erosion Control Plan.

Landscape Plan Comments

1. **Upland Mitigation:** Page 7 of the 1/21/09 Kleinfelder report proposes: a) Deer enclosures around upland areas, to be planted with the same species of trees to be removed to replace loss functions; and b) an Invasive species removal plan. Neither "a" nor "b" was included in the submitted documents.
2. **Wetland Mitigation:** Considering that under the original plan, and under the new reconfiguration, extensive development is proposed adjacent or within the wetland area, it would be reasonable for the applicant to submit both a wetland planting plan and a wetland buffer planting plan, to soften the impact and enhance the quality of the environs. The Siting Council should mandate that such plans be incorporated into the D&M plan.
3. **Planting details:** Sheet L2 contains planting details that are inappropriate and/or outdated. Staking is not appropriate for this site. The planting hole detail should depend on actual root ball size rather than stem diameter and conform with current ANSI standards as explained below. The planting hole should be amended with a mixture of local soils rather than solely using organic and fill amendments. The details as currently proposed should be substantially revised in their entirety. A qualified landscape architect, designer, or arborist should be consulted to provide acceptable detail. That professional should be knowledgeable enough to know that excellent detail is available through the International Society of Arboriculture (ISA) through the ANSI standards program.

4. **Planting concept:** It is recommended that a monoculture design (i.e. single species design) not be used, as this type of design is less resistant to the inevitable stress of insects and disease, and therefore results in higher plant mortality than a design that incorporates diversity of species. The proposed design is not consistent with best management design practices. There are a variety of different types of planting material available and appropriate for the proposed site conditions.. A qualified landscape architect, designer, or arborist should be consulted to complete such a design. The design consultant should visit the site before designing the plan, and take into account both screening objectives and forest ecology objectives. The plants should be able to thrive in fill soils and/or the soils should be suitably amended with a mixture of local soils and appropriate amendments. The combination of plant material should not be greatly susceptible to insect and disease.

5. **Hemlocks:** Hemlocks are extraordinarily susceptible to woolly adelgid. If Hemlocks are used then a maintenance plan should be included to stipulate spring monitoring and treatment (if needed) by a qualified licensed arborist.

6. **Maintenance Plan:** A maintenance plan for all plantings should be included in the D&M materials. The plan should stipulate (but not be limited to)
 - a) a minimum 5 year bonded guarantee for all planting material,
 - b) yearly monitoring visits by a licensed Arborist to check for insects or disease,
 - c) Weekly watering for at least the first growing season for all trees. (This will require a water source or visits by a watering vehicle.)

Thank you for the opportunity to comment.

