

EXHIBIT K



Connecticut Commission on Culture & Tourism

October 19, 2009

Historic Preservation
and Museum Division

One Constitution Plaza
Second Floor
Hartford, Connecticut
06103

860.256.2800
860.256.2763 (f)

Ms. Coreen Kelsey
Vanasse Hangen Brustlin Inc.
54 Tuttle Place
Middletown, CT 06457-1847

Subject: SBA Towers II LLC Telecommunications Facilities
49 Brainerd Road
Niantic (East Lyme), CT
CT11794-East Lyme

Dear Ms. Kelsey:

The State Historic Preservation Office has reviewed the above-named project. This office expects that the proposed undertaking will have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

This office appreciates the opportunity to have reviewed and commented upon the proposed undertaking.

This comment is provided in accordance with the National Historic Preservation Act and the Connecticut Environmental Policy Act.

For further information, please contact Dr. David A. Poirier, Staff Archaeologist.

Sincerely,

David Bahlman
Deputy State Historic Preservation Officer





STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Inland Fisheries Division-Natural History Survey
Natural Diversity Data Base
79 Elm Street, 6th floor
Hartford, CT 06106-5127

September 30, 2009

Ms. Coreen Kelsey
Vanasse Hangen Brustlin, Inc.
54 Tuttle Place
Middletown, CT 06457-1847

Subject: Proposed Telecommunications Facility, SBA Towers II, LLC, 49 Brainerd Rd., Niantic, CT

Dear Ms. Kelsey:

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided and listed above. According to our information, there are no known extant populations of Federal or State Endangered, Threatened or Special Concern species that occur at the site in question.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Geological and Natural History Survey and cooperating units of the DEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available.

Please contact me if you have further questions (nancy.murray@ct.gov; 860-424-3589). Thank you for consulting the Natural Diversity Data Base and continuing to work with us to protect State listed species.

Sincerely,

Nancy M. Murray
Biologist/Senior Environmental Analyst
NDDDB Program Coordinator

cc: NDDDB File # 17188

NM:ho



EXHIBIT L



Vanasse Hangen Brustlin, Inc.

54 Tuttle Place
Middletown, Connecticut 06457
860 632-1500
FAX 860 632-7879

Memorandum

To: Ms. Hollis M. Redding
SBA Towers II LLC
One Research Drive, Suite 200 C
Westborough, MA 01581

Date: November 13, 2009

Project No.: 40999.30

From: Dean Gustafson
Senior Wetland Scientist

Re: Coastal Consistency Analysis
East Lyme - Site No. CT11794
49 Brainerd Road
Niantic (East Lyme), Connecticut

Vanasse Hangen Brustlin, Inc. (VHB) provides the following assessment to demonstrate that the proposed SBA Towers II LLC project meets the requirements of the Connecticut Coastal Management Act (CGS Section 22a-90 through 22a-112) and is adequately protective of the interests of these regulations and the State's coastal resources.

The property consists of a residential property improved with a single family residence that is primarily forested. The 51± acre parcel is located at the end of Brainerd Road in Niantic (East Lyme), Connecticut. Based on a review of plans prepared by Clough Harbour & Associated LLP (latest revised date 08/21/09) VHB understands that SBA Towers II LLC proposes to construct a wireless communications facility in the north-central portion of the subject property in an upland forested area. VHB also understands that the proposed access drive for the SBA Towers II LLC facility will occur in an upland forested area travelling approximately 130 feet east from the end of Brainerd Road to the proposed facility.

The proposed facility location is within the coastal boundary; refer to the enclosed Coastal Boundary Map. Coastal resources are located on the subject property approximately 450 feet west of the proposed facility and 650± feet to the east associated with an unnamed tributary to the Pattagansett River and the Pattagansett River, respectively. No federal or state-regulated tidal wetlands or watercourses were delineated on the subject property due to the distance from the proposed facility. According to the 1979 Connecticut Coastal Resources Map, coastal resources include tidal wetlands and estuary resources associated with the Pattagansett river and a tributary stream.

Due to the significant distance separating coastal resources on the subject property from the proposed facility, no likely adverse impact to coastal resources will result from the proposed SBA Towers II LLC project. The project's consistency with the State's coastal policies and goals are detailed below.

Coastal Consistency Review

The proposed SBA Towers II LLC project will not result in adverse impacts to coastal resources as defined in the Connecticut Coastal Management Act (CCMA). The CCMA identifies eight potential adverse impacts to coastal resources. This section provides a definition of each potential adverse impact for each resource area and why the proposed project will not adversely affect each resource.

- 1) *Degrading **water quality** of coastal waters by introducing significant amounts of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity.*

The proposed project will not affect water quality within the Pattagansett River, the unnamed tributary or associated tidal wetlands, located 450± feet west of the proposed facility and 650± feet to the east. Since the proposed wireless telecommunications compound creates minimal impervious surface and is underlain by a gravel surface, no significant stormwater runoff will be generated by the proposed project.

- 2) *Degrading **existing circulation patterns of coastal waters** by impacting tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours.*

The proposed project is located outside of tidally influenced coastal water areas and as such will not impact current drainage or circulation patterns to tidally influenced areas.

- 3) *Degrading **natural erosion patterns** by significantly altering littoral transport of sediments in terms of deposition or source reduction.*

The proposed project would not affect littoral transport of sediments since the facility location is not on a shoreline.

- 4) *Degrading **natural or existing drainage patterns** by significantly altering groundwater flow and recharge and volume of runoff.*

Existing drainage patterns, groundwater flow and recharge and stormwater runoff will not be significantly altered by the proposed facility due to its small size (0.13± acre compound) and limited impervious surfaces.

- 5) *Increasing the hazard of **coastal flooding** by significantly altering shoreline configurations or bathymetry, particularly within high velocity flood zones.*

The proposed project will not significantly alter shoreline configurations or bathymetry. The proposed project is located outside of the 100-year flood hazard zone.

- 6) *Degrading **visual quality** by significantly altering the natural features of vistas and viewpoints.*

Although the proposed 170 foot monopole will be visible from select areas along the Pattagansett River and from open water in Long Island Sound, the proposed facility will not significantly obstruct views of coastal resources from scenic overlooks or publically accessible areas. Refer to VHB's Visual Resource Evaluation Report, dated November 2009, provided under separate cover.

- 7) *Degrading or destroying essential wildlife, finfish or shellfish habitat by significantly altering the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significantly altering the natural components of the habitat.*

The proposed facility will not degrade or destroy essential coastal wildlife, finfish or shellfish habitat. The proposed facility is located in an upland forest with the nearest coastal resource 450± feet to the west.

- 8) *Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments by significantly altering their natural characteristics or function.*

The proposed project will not alter the natural characteristics of any coastal resource area. The proposed facility is located in an upland forest with the nearest coastal resource 450± feet to the west.

Enclosure



Base Map Source: USGS 7.5 Minute Topographic Quadrangle Maps, Old Lyme (1970) and Niantic (1983)

Legend

- site
- Coastal Boundary



Vanasse Hangen Brustlin, Inc.

Coastal Boundary Map
 Proposed SBA Towers II LLC
 Wireless Telecommunications Facility
 East Lyme
 49 Brainerd Road
 Niantic, Connecticut

