

Town of

108 Pennsylvania Ave.
P.O. Drawer 519
Paul M. Formica
First Selectman



East Lyme

Niantic, Connecticut 06357
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March 16, 2010

State of Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: DOCKET NO. 396 – SBA Towers, II, LLC Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut

Pre-Filed Testimony of Paul Formica, First Selectman, Town of East Lyme, Connecticut

Dear Siting Council:

On behalf of the Town of East Lyme, I respectfully submit the following Pre-Filed Testimony in connection with the Application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut (the "Application").

As First Selectman of the Town of East Lyme, I have a responsibility to represent the interests and concerns of the residents of our community. The Board of Selectmen voted unanimously to become a party to this action to voice our strong opposition to this site.

I would like to begin by discussing the character of Brainerd Road itself. Brainerd Road is a narrow residential dead-end street. It is bordered on one side by the Pattagansett River, a sensitive estuary of the Long Island Sound, and on the other by woodlands. The developers proposed site is at the end of the road, directly adjacent to Raven's Wood, a twenty-six acre nature preserve owned by the East Lyme Land Conservation Trust ("ELLCT"). The ELLCT has preserved this land for open space and passive recreation. A letter from the President of the ELLCT in opposition to the proposed site is attached as Exhibit "A". A 170 foot telecommunications tower would be extremely detrimental to the residents of Brainerd Road and all East Lyme residents who recreate at Raven's Wood. Such a structure would significantly detract from the natural rural beauty of the road and surrounding area, and could potentially lower property values.

The Board of Selectmen opposes the Applicant's proposed location of the telecommunication tower, as it is within the Coastal Boundary Area designated by the

Connecticut Department of Environmental Protection. The coastline is East Lyme's greatest natural resource, as well as a significant economic resource. People come to East Lyme from all over to enjoy our coast and by extension, the other benefits the Town has to offer, such as its shops and restaurants.

In other pre-filed testimony, East Lyme's Planning and Conservation Department has submitted a detailed report (see Pre-Filed Testimony of Gary Goeschel, Town Planner and Conservation Director) outlining reasons for the town's opposition to this application and questioning the statements made by the applicant. The proposed location directly conflicts with the Town of East Lyme's Plan of Conservation and Development adopted in 2009, particularly with regard to its visual policies and the Connecticut Coastal Management Act.

Our State Congressional representatives, as well as the State Department of Environmental Protection, also oppose the Application. The Honorable Andrea Stillman, State Senator, and the Honorable Ed Jutilla, State Representative, have detailed their concerns in letters submitted to the Siting Council. David J. Fox, the State of Connecticut, Department of Environmental Protection's Senior Environmental Analyst, Office of Environmental Review, has gone on record as officially opposed to the SBA Tower II LLC's application to the Connecticut Siting Council. In his letter, Mr. Fox stated that the Office of Long Island Sound Programs (OLISP) reviewed the Application and found that "the visibility of the tower from numerous public areas represents a significant adverse impact in comparison to the existing uninterrupted natural vistas and terrain, inconsistent with...noted CCMA policy."

The Town urges the Siting Council to consider the alternative sites proposed by the Town, namely the DEP owned property immediately adjacent to the proposed site, the Indian Woods Road, Niantic, site owned by Timothy and Kathleen Norton (which has been leased to T-Mobile) and the PondCliff Condominium site proposed by Joseph Raia, an Intervenor. All three alternative sites would be outside the Coastal Boundary and farther from residences.

Finally, the Town, as set forth in its answers to SBA's Interrogatories, is attempting to acquire the DEP parcel and is confident that it will. We have been informed by SBA that four locations on the DEP site are potentially suitable for the development of a facility. The Town has identified three of those locations as acceptable to it.

We look forward to the opportunity to present our case in opposition to the Application before the Siting Council on March 23rd. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Formica', enclosed within a large, hand-drawn oval.

Paul Formica, First Selectman
Town of East Lyme



Box 104
East Lyme, Connecticut 06333
860-739-7791

March 3, 2010

Dear Members of the Connecticut Cell Tower Siting Council,

I am writing as president of the East Lyme/Niantic Land Conservation Trust, Inc. a thirty eight year old organization. The word "Trust" in our name is very important to each of us and we take it seriously. The East Lyme/Niantic Land Conservation Trust, Inc. owns Raven's Wood, a twenty six acre property that was donated in full to the Trust by Mrs. Helene Raven of Annapolis, Maryland. Mrs. Raven did this as a memorial to her husband's memory. The Raven family has been in this town for more than a hundred years.

The Raven's Wood property is adjacent to the property proposed to be a site for a new cell tower, at the end of Brainerd Road. In fact, the Trust has a conservation easement on the proposed site and under no circumstances would we endorse such activity or relinquish our easement. Why should we?

Raven's Wood is used by many local and not so local people and families for hiking, walking, running, communing with nature, and especially bird watching. "Story Time" events there are popular with parents and children, alike. Of course, to avoid a potential lawsuit against the Trust, should there be harmful effects as now documented in the literature in like situations, including cell towers and other uses of electromagnetic devices and transmitters, The Trust would request the siting council choose another area in which to place their tower(s).

Birding is the second largest hobby in this country. One of the criteria for choosing sites and eliminating others is the importance of migratory birds, such as those that use practically all of the Connecticut shoreline twice a year. The birds are drawn to the towers, or fly into them at night, with many killed. The bird populations in general are diminishing and this would add significantly to that problem and have no solution. This would be a terrible loss of our natural resources and citizens have a right to protect these visitors that bring such joy to so many.

Children are more important than birds, which is why an international agreement that all such towers must be at a minimum of 1500 feet from any house, school, etc in which children live, play or use for recreation. (The Venice Resolution, December 17, 2007). In our research we have found the towers and cell phones in Europe have been used for a longer period than in the United States, and data indicating far reaching problems has dictated the minimum of 1500 feet standard. Why do you ignore it?

There are young children living on Brainerd Road, near the proposed siting, and while in the past there was some confusion as to harmful results from said towers to said young children, the literature in scientific journals, written by acknowledged experts in the field, have shown a light on the tragic results.

Internationally respected magazines, such as The Economist, Business Week and Gentlemen's Quarterly have all recently exposed the problems such towers and the cell phones they power, cause. Time has caught up with these problems, and scientists such as David Carpenter, director of the Institute for Health and Environment at SUNY Albany stated recently at a meeting in Maine that "The U.S. may face an epidemic of brain cancer," if nothing is done to warn consumers of the risks. He is only one of many now coming forward. These thoughts were similar to what was written in the magazines, noted.

We will seek an indemnification and "hold harmless" agreement from the tower owners and users for all liability to third parties, should the tower be erected on the proposed site, despite our firm rejection of it. We suggest other towns do the same, based on new studies and data collected over the past five years.

Kathryn Stillwell Burton, president

