STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

January 19, 2011

Daniel F. Caruso, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: Wireless Telecommunications Facility
T-Mobile Northeast, LLC
Branford, Connecticut
Docket No. 407

Dear Chairman Caruso:

Staff of the Office of Long Island Sound Programs (OLISP) has reviewed the above referenced *Application for a Certificate of Environmental Compatibility and Public Need* for consistency with the goals and policies of the Connecticut Coastal Management Act (CCMA) [CGS Sections 22a-92 through 22a-112, inclusive] and offers the following comments to the Council for your use in this docket.

The proposed telecommunications tower lies within the coastal boundary, but would be well set back from Long Island Sound. The project footprint is small and the corresponding stormwater would presumably infiltrate into the surrounding soil. Incorporation of appropriate erosion and sedimentation control best management practices (BMPs) during and post construction should minimize potential adverse impacts to coastal resources from sedimentation and stormwater runoff.

The visual impact of the proposed tower, by contrast, poses more complicated issues. In its legislative findings [Sec. 22a-90(5)], the CCMA states that "the coastal area is rich in… aesthetic resources." The Act also contains three policies regarding visual quality/access related issues. They are as follows:

1. To insure that the state and the coastal municipalities provided adequate planning for facilities and resources which are in the national interest as defined in section 22a-93 and to insure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (c) unreasonably restricts **physical or visual** access to coastal waters [CGS Sec. 22a-92(a)(10)] emphasis added, and
2. To require that new or improved shoreline rail corridors be designed and constructed so as… (iii) to enhance or not unreasonably impair the visual quality of the shoreline [CGS Sec. 22a-92(c)(1)(F)], and
3. "Adverse impacts on coastal resources" include but are not limited to… (F) degrading visual quality through the significant alteration of the natural features of vistas and view points [CGS Sec. 22a-93(15)].

From a coastal management perspective, the Council should assess the potential adverse visual impacts of the proposed telecommunications tower on coastal resources and evaluate the applicability of the relevant state statutes. The policy above regarding adverse impacts [Sec. 22a-93(15)] appears to be the primary CCMA policy applicable to the current proposal. OLISP has consistently interpreted the visual quality and visual access policies in the Act to apply to "public" views of the coastline and coastal resources.

The application includes a set of photographic simulations (Exhibit N) which show a scaled photograph of a typical telecommunications tower superimposed onto scenic photographs taken from various locations in Branford facing the proposed tower location. The telecommunications tower is proposed east of a prominent, secluded tidal marsh which is bisected by the Pine Orchard Trail, a popular public trail that is elevated, in part, above the marsh surface. A section of the Amtrak rail line, including adjacent catenary poles, is located near the head of the marsh and is visible from the trail. Additionally, a set of railroad tracks used to transport gravel to the Tilcon Connecticut, Inc./Pine Orchard Marine Terminal run along the western boundary of the marsh. There are 2-3 homes at the end of a cul-de-sac that are seasonably visible from the western parking area and trail entrance. Except for these man-made features, no other structures are visible from the public trail looking landward or towards the proposed tower location, and the marsh is primarily surrounded by vacant, forested land. Finally, there is a rock ridge situated along a portion of the eastern boundary just north of the public trail.

From portions of the trail and the western-most parking area, the tower would be visibly prominent, representing the only vertical structure rising well above the surrounding tree line. The Council should refer to the simulated photographs included in the application to assist in evaluating any visual impacts to the marsh, particularly from the public trail. Specifically, Views #5-8 were taken from various sections along the public trail beginning at the parking lot and moving east along the trail. Visual impacts from the tower would likely disappear behind the ridge as one continues to move east along the trail past the location depicted in View #8.

As mobile phone coverage within the coastal boundary continues to expand, the Council will likely be addressing this issue repeatedly. Therefore, it may be helpful to develop an approach to consistently apply the statutes to each telecommunications tower or other shoreline structures that will come under the Council's purview. To assist in developing a consistent approach regarding a proposed structure's potential adverse visual quality impact, we are enclosing a Fact Sheet on *Landscape Protection and Visual Impacts* as background material. More specifically, we offer the following guidelines for the Council's consideration in making decisions consistent with CCMA policies. The potential adverse visual quality impact of a coastal structure:

1) Increases as the relative size/height of the structure increases with respect to surrounding structures;
2) Increases as distance from the structure to the coastal resource(s) decreases;
3) Increases as the number of similar-sized or larger structures in a visual corridor decrease.
4) Increases as visibility from public areas increases.
5) Increases as the coastal resources are more isolated from general development (i.e. a visual impact on resources located in a secluded cove would presumably be greater than the impact on the resources in a commercial harbor); and

6) Increases as the attraction to the eye increases (i.e., would the structure draw your attention to it versus surrounding structures because it is taller, out of character, its orientation differs, or due to any other physical characteristic?).

At a minimum, the Council should be satisfied that all reasonable and feasible alternatives that would reduce or minimize any unacceptable adverse visual quality impacts, if any are determined to exist, are incorporated into a project before it renders a final approval. Such alternatives could include, but are not limited to, reducing the size/height of a structure, favoring an alternative location, using alternative technology that would minimize the visual impacts of a proposed structure, locating the telecommunications equipment on an existing structure, and incorporating any visual screening where feasible.

While the application shows that the tower would be visible from a variety of locations within the project radius, we believe that the only potential adverse visual impacts addressed by CCMA policies would be on the tidal marsh represented by Views #5-8 in the application. We consider the other potential visual impacts of the tower to be acceptable because either the tower would represent a relatively small visual presence or be one among many nearby visual impairments. Therefore, we believe that the Council should focus its attention on the section of the Pine Orchard Public Trail located inland from the Tilcon Connecticut, Inc./Pine Orchard Marine Terminal when evaluating any potential adverse visual quality impacts on coastal resources.

Please note that these comments in no way reduce the importance of a structure's visual impact on any other public or private views or aesthetic impacts on upland views or surrounding development, but only address the statutory language of the CCMA.

Thank you for the opportunity to review this application and to submit these comments. If you have any questions regarding these comments, please contact John Gaucher of OLISP. He may be reached at 860-424-3660 or john.gaucher@ct.gov.

Sincerely,

David J. Fox

David J. Fox
Senior Environmental Analyst
Office of Environmental Review

cc: Christina Walsh, CSC
John Gaucher, DEP/OLISP
Robert Hannon, DEP/OPPD