

STATE OF CONNECTICUT
CONNECTICUT SITTING COUNCIL

IN RE:

APPLICATION OF NORTH ATLANTIC TOWERS, LLC
AND NEW CINGULAR WIRELESS PSC, LLC (AT&T)
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY
AT ONE OF TWO SITES: 171 SHORT BEACH ROAD,
BRANFORD, OR 82 SHORT BEACH ROAD,
EAST HAVEN, CONNECTICUT

DOCKET NO. 427

September 1, 2012

My name is Bruce H Williams Jr. and I live with my father, Bruce H Williams Sr., at 54 Hilton Avenue in East Haven. My father is the property owner (see deed, Williams Administrative Notice (“WAN”) Item 1) and I wish to represent his interest in this matter. I am a life-long resident of this address, which directly abuts 82 Short Beach Road to the south. As a life-long resident I can offer the Council over forty years of knowledge specific to the proposed East Haven site.

A. CONCERNS

I have three major concerns regarding construction of a telecommunications tower at 82 Short Beach Road.

1. Stability of the site

The size and composition of the property held by the Riverside Improvement Association have changed over the years, and it is these changes that contribute to our concern whether the site at 82 Short Beach Road is suitable for a telecommunications tower facility. The history of the property strongly suggests that the better part of the facility, as proposed, would be built on unconsolidated fill.

The Riverside Improvement Association purchased the original 82 Short Beach Road property in 1923. The original rectangular lot was 100 feet along Short Beach Road, then known as Dyke Street, and only 150 feet deep (see deed, WAN Item 2). The building was constructed in 1927, and the 1945 Town of East Haven Tax Assessors card described the original site as “drops abruptly in rear” (WAN Item 3). Additional property was purchased in 1957 including a full lot to the east and a narrow piece which wrapped

around the south side of the original property (see deed, WAN Item 15). The 1958 survey map by Leighton shows the foot of the slope, now included in the newly expanded Riverside Improvement Association property, to be approximately 75 feet from the centerline of the south side of the building (see survey, WAN Item 4). This distance would have been reduced to approximately 60 feet in 1990 when a 15' addition was built on to the south side of the building (see building permit, WAN Item 7). Presumably the natural top of the slope is even closer to the building than 60 feet.

The angle and extent of the slope have been altered over the years by filling. The first recorded reference to filling on the site shows up in the September, 1931 minutes of the Riverside Improvement Association. In the 1960s and 1970s I personally witnessed filling done on the south side of the 82 Short Beach Road property to extend the parking area of the firehouse. When the area was filled a variety of materials were used including sand, gravel, rock, construction materials, tree stumps, yard and household waste, and tires. Recent photographs of the slope are included as WAN Items 8 and 9. They show some of the fill materials used that are still visible towards the top of the slope. Some of the materials may have been dumped without the knowledge of the Fire Department. In the 1970s it was not uncommon to hear dumping occurring at night.

By 1973 the fill extended over the 1958 property boundary. That year, my father, Bruce H Williams Sr., contacted the Riverside Volunteer Fire Department regarding the filling and negotiated a land swap (see Exhibit A – copy of letter dated April 4, 1973). His intent was to ensure that any existing fill on the slope would be confined to property owned by the Fire Department. In October of 1973, two parcels of 3,497 square feet each were swapped between the two parties (see survey map, WAN Item 10, and Quit Claim deeds, WAN Items 11 and 12). Filling continued on the site after 1973. Since that time the hillside would periodically slump and material would slide or roll down the hill and over the property line. To this day, it is not uncommon to have large rocks roll down the embankment.

There are two aerial photographs (WAN items 5 and 6), which illustrate the extent of the filling since 1966. The first photograph shows an aerial view of the site in 1966 and the second shows the site in 2006. When comparing the photographs, it is important to remember that the building footprint itself has extended southwards in the 2006 photograph due to the 15' addition on the south side of the building which was not present in 1966 (see building permit, WAN Item 7).

It is clear that the area of the property at 82 Short Beach Road was increased over the years by acquisition. But on the south side it was the slope, and areas below the slope, that were being included. This land had to be filled to be useful. I am neither a surveyor nor an engineer, but based on simple scaled measurements from the 1958 Leighton map (WAN Item 4) and the Applicant's site plans (drawing sets behind Tab 5A of Application, April 23, 2012 and behind Tab 4 of Applicants Supplemental Information, August 7, 2012) it is reasonable to conclude that the south perimeter of the tower compound is directly over the natural foot of the unfilled slope – with somewhere in the order of 28 feet of fill beneath it. (Note that all measurements were taken on a line

extending south directly behind, and perpendicular to, the center-point of the back wall of the firehouse; and elevations were taken from the drawing set behind Tab 5A of Application, April 23, 2012.)

Unless the unfilled slope was a vertical cliff, which by all accounts it was not, then the implication is that the top of the unfilled slope is between the south perimeter of the compound and the back of the firehouse. The compound at the point of measurement is only approximately 25 feet deep, and it narrows to the east. The setback between the compound and the firehouse is just 35 feet. Although the natural top of the slope cannot be located with certainty without a subsurface investigation, the inevitable conclusion is that at least some, if not all, of the tower compound is sitting directly on unconsolidated fill.

The current proposal is to build a tower at the East Haven site within 10 feet of the top of today's filled slope. Even if it were possible to engineer supports for a tower at this site, I would question the prudence of such actions. John Stevens, Engineer with Infinigy Engineering, has expressed concerns about locating the tower too close to the top of the slope. At the July 10th hearing he stated, "the only problem with moving it all the way to the corner -- actually, moving it all the way to the corner you're getting closer to the top of the slope. One of the advantages I have of where I have it now is that I'm away from the top of the slope and it allows me to -- for the tower foundation, which I'm guessing may be problematic, and I'm trying to give myself more flexibility. So I wouldn't want to move it all the way to the east because then you're probably 10 feet from the top of the slope" (page 19, lines 5-14, July 10th Evidentiary Hearing transcripts).

My concern is that there has been a history of slumping at this site and construction activities may destabilize the bank causing materials or structures to tumble down the embankment on to our property, either during construction or after the project is completed. We clearly recall the day in the mid-1970s when a Connecticut Gas Company truck dumping fill over the embankment slid all the way down the bank and landed in our backyard. The truck incident would pale in comparison with an accident involving the proposed telecommunications tower facility.

2. Structural failure of the tower

The proposed East Haven tower site is within 10 feet of the top of the slope. The setback from the tower to our property line is only 56 feet and located entirely on the slope of the embankment. In the event of a structural failure, the applicant cannot guarantee that all materials would be contained on site (as stated by John Stevens, Infinigy Engineering – August 15th Hearing transcripts, page 104, line 16). The tower is proposed to be approximately 103 feet high. Even if it separates at the breakpoint, we face the possibility of 51.5 feet of tower and antennas tumbling down a hill toward our yard and house.

Wetlands

The applicant did not provide any information on wetlands below the toe of the slope. I am not a soil scientist, but I can provide personal knowledge and photographs of this area. There is a small intermittent stream that begins on our property approximately 120 feet from the toe of the slope (see photograph, WAN Item 13). This intermittent stream flows seasonally out to the salt marshes in Farm River State Park. The entire wetland system of the Lippincott portion of the Farm River State Park, including the down gradient portion of the stream that originates on our property, was delineated by Soil Resouce Consultants, David Lord soil scientist, and depicted on a Connecticut DEP survey map (see survey, WAN Item 14). The delineation of the stream for the DEP ended just beyond the property boundary with 54 Hilton Avenue, although the stream itself continues (see lower right quadrant of survey, WAN Item 14).

The wetlands habitat near the toe of the slope is dominated in the spring with wetlands plants, such as skunk cabbage (*Symplocarpus foetidus*). The habitat in the 1.8 acres at the rear of 54 Hilton Avenue is wooded and similar to that found in Farm River State Park, and there is no clear demarcation between the two properties. It is the intention of my father and myself to keep this property undeveloped as part of the larger Farm River ecosystem. My concern is that construction at the proposed East Haven site may erode the embankment and impact the wetlands and stream below. There is also the possibility that drains placed around the tower site may divert water away from the wetlands, changing either the direction of the flow or diverting it into storm drains.

B. CONCLUSION

Over the past forty years my father and I had to deal with materials and trash tumbling over the embankment into our yard, items as small as small stones and as large as trucks. The headaches have been constant and numerous. We have had to deal with the Fire Department filling on to our property and nighttime dumping of household trash. Now the prospect of having a communications tower on top of the slope above us is frightening. I would urge the Council to consider an alternative site, where stability and proximity to a slope are not issues.

I would like to thank the Siting Council for its time and consideration.

Respectfully,

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