



# COUNCIL ON ENVIRONMENTAL QUALITY

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*Executive Director*

March 26, 2014

Robert Stein, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

RE: Docket #444, Proposed Telecommunications Facility at Kent Rd,  
New Milford

Dear Chairman Stein:

I am writing in response to the Connecticut Siting Council's solicitation of written comments and consultation regarding Docket #444. The Council on Environmental Quality (CEQ) offers the following comments.

The proposed tower would be located in an area of the state known regionally and nationally for its exceptional scenic attributes. Extraordinary precautions by telecommunication providers are appropriate when proposing towers in those areas.

Section 16-50p(b)(1) of the Public Utility Environmental Standards Act specifically requires the Siting Council to examine whether a proposed facility would be located in an area of the state that the Council finds "to be a relatively undisturbed area that possesses scenic quality of local, regional, or state-wide significance." Section 16-50p(b)(1) authorizes the Siting Council to deny an application for such a facility if it "would substantially affect the scenic quality of its location and no public safety concerns require the proposed facility to be constructed in such a location."

## 1. Appalachian Trail

This trail is a federally designated trail that possesses all three levels of significance identified in Section 16-50p(b)(1). The applicant has acknowledged that the proposed tower would be visible from portions of the Appalachian Trail. The applicant responded to the Siting Council's interrogatories that the tower would not appear profiled against the ridgeline and would be located close to pre-existing electric transmission lines.

The CEQ recommends that in this instance, and in similar future cases, it is appropriate that the Siting Council require photo-simulations from the portions of the

Trail from which the tower would be visible. Such a request is equivalent to the Siting Council's requirement in section G5 of its application guidelines that photographic documentation be provided from the water when the proposed tower is in close proximity to a lake or river. A nationally designated scenic trail deserves as much consideration.

Sections T3 and T4 of the Siting Council's application guidelines anticipate the possibility of a cell tower application proposed for a scenic area. It implies the possibility of vegetative screening to reduce scenic intrusion. The feasibility of occlusive plantings along the Trail, as well as other options and alternative sites, should be examined by the applicant.

## **2. Upper Housatonic Valley National Heritage Area**

In [PA 09-221](#) the legislature identified [this part](#) of the state as "having significant historic, recreational, cultural, natural and **scenic** resources that form an important part of the state's heritage" (emphasis added). The act directs that "each state agency, department, board and commission (1) shall consider Connecticut Heritage Areas when developing planning documents and processes". This is a co-designation with the National Park Service.

The portions of the Appalachian Trail from which the tower would be visible fall within the National Heritage Area. Care should be exercised when placing a 21<sup>st</sup> century tower in an area that is visited for its 19<sup>th</sup> century ambiance. The applicant addressed the issue of flush mounted antennae in its response to the Siting Council's interrogatories. The CEQ recommends that the least intrusive design be used on towers that will be visible from portions of this National Heritage Area.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions.

Please note that CEQ member Michael Klemens recused himself from any participation in this matter. Thank you.

Sincerely,



Karl J. Wagener  
Executive Director

CC: Melanie Bachman, Acting Executive Director, Connecticut Siting Council  
Robert Klee, Commissioner of Energy and Environmental Protection