



CONSERVATION DEPARTMENT
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WESTPORT™

TO: James Marpe, First Selectman
Ira Bloom, Town Attorney
FROM: Alicia Mozian, Conservation Director
DATE: June 23, 2021

RE: Environmental Issues Facing Cell Tower Location at 92 Greens Farms Rd.

At your request, I have compiled the following list of environmental concerns I feel need to be analyzed to properly assess the environmental impact from a cell tower at 92 Greens Farms Rd. These issues were compiled without close observation of the site but from information collected through reviewing maps and my own knowledge of the area. The site contains several areas of environmental interest. It contains steep slopes and is surrounded on two sides by watercourses. It also contains floodplain and is directly adjacent to an aquifer. It is my professional opinion that without each of these concerns being thoroughly addressed, the Siting Council cannot fully evaluate whether the tower will have an impact on the health and safety of Westport's citizens and the environmental resources of the state.

Areas of Concern:

A. Water Quality:

1. The property is directly adjacent to a fine-grained stratified drift aquifer. Leakage of the fuel used to service the generator into this aquifer would cause severe environmental damage.
2. If any of the surrounding properties are serviced by a drinking water well(s), consideration must be given to how a fuel leak would impact people's drinking water wells and the surrounding aquifer.
3. The watercourse directly adjacent to the site discharges to an estuarine embayment and then to Long Island Sound. This estuarine embayment is home to commercial shellfish beds and a multitude of shorebirds and other wildlife. Where will the generator be located and how will it be fueled? How big will the fuel tank be to service the generator? What provisions are in place in case there is a fuel leak?

B. Impact to Wetlands:

Wetlands and watercourses are located on and directly adjacent to the site.

1. Are the wetlands on the property tidal or inland, or both? A soil scientist and a tidal wetland biologist will need to make the determination of each of these resources.
2. The CT DEEP needs to be contacted for their review of what impact the tower would have on adjacent watercourses and wetlands that are on adjacent state property.

3. Will the state DOT and DEEP authorize work in its right-of-way where one of the two wetland/watercourse areas appears to be located?
4. Will a state DEEP permit be required since the work could cause an adverse impact to the wetland if not properly protected?
5. Has the Army Corps of Engineers (ACOE) been contacted? Filling of a watercourse or wetland or changes to the on-site large culvert may need their review.
6. The Connecticut Inland Wetlands and Watercourses Act (hereafter referred to as "The Act") allows protection of wetlands and watercourses outside the area for which an activity is proposed if said activity would cause an impact to those resources. In this case, a watercourse and associated wetland is directly adjacent to the property. Because of the steep nature of the presumed location of the cell tower, a significant amount of regrading will need to be done to accommodate the access road to the tower and to construct the base of the tower and associated appurtenances. This work will be directly adjacent to a watercourse and floodplain. The Act also requires a determination of whether an activity will cause a significant impact to a wetland or watercourse. Who will make that determination here? Certainly without the answers to these questions no one can make any determination.
7. The Act also requires that feasible and prudent alternatives be considered which in this case could include consideration of an alternative location(s) where so many natural resources would not be impacted.

C. Waterway Protection Line Ordinance and Flooding Concerns

1. Section 30-80 through 30-97 of the Town Code (formerly Chapter 148) is the Waterway Protection Line Ordinance. This is a local ordinance that has been in place since 1980 and is based upon an authorizing statute. Its purpose is to protect all waterways of the Town from activities that would cause hazards to life and property and or activities having an adverse impact upon the flood carrying and water storage capacity of the waterway and floodplains and the natural resources and ecosystems of the Town. Both watercourses on and adjacent to this property are regulated pursuant to this Ordinance. Will the tower encroach into this area? Is the Town prevented from requiring that permits be secured pursuant to this Ordinance?
2. Information that will need to be identified includes the location of the 25-year and 100-year flood boundaries.
3. A large culvert is located on-site. Where is the tower relative to this? Will the footings for the tower-base interfere with this? Will the culvert need to be replaced? If so, ACOE review and approval is required.
4. A large area drains from the north onto and around this property into the Sherwood Mill Pond and then into Long Island Sound. Will the tower interfere with the natural drainage patterns and existing drainage pipes in the area?
5. Will fill be placed in the waterway?
6. Will the fuel tank be in the flood zone?

D. Septic Issues

1. According to the Assessor's records the property is served by a septic system. Will the tower interfere with that or occupy an area for future septic location should the existing system fail?

In summary, the environmental concerns associated with the placement of a cell tower on this property include its impact on: water quality; wetlands; watercourses; floodplains; aquifers; estuarine embayments; drainage; and, water quality. If this activity were presented to the Conservation Commission pursuant to the "Inland Wetland and Watercourse Regulations of the Town of Westport" and the "Waterway Protection Line Ordinance" it would not, at face value, be approved without consideration of all that has been listed above and consideration of feasible and prudent alternatives that would cause less or no impact.

Furthermore, a review by the Army Corps of Engineers and the Connecticut Department of Energy and Environmental Protection should be secured to ascertain their specific jurisdiction and concerns.