

environmentalcommons

November 5, 2007

Ms. Teresa Beddoe, Project Coordinator
Mr. Ray Hall, Coastal Permit Administrator
Mendocino County Planning and Building
790 South Franklin Street
Fort Bragg, CA 95437

RE: CDP #55-2006, Deny

Dear Ms. Beddoe & Mr. Hall,

I write this letter on behalf of Environmental Commons and the many members of the public whose interests it represents requesting the County of Mendocino deny CDP 55-2006.

Environmental Commons is a Gualala-based non-profit organization working to preserve natural areas, protect wildlife, and promote decision-making that minimizes harm to the environment. Our organization values and recognizes the myriad benefits and services that arise from untrammelled natural and vital places—our “commons.”

As proposed, CDP 55-2006 fails to preserve our community’s “commons.” The Gualala River Estuary and its surrounding area is the environmental cornerstone of our town. The project would radically change the natural elegance and beauty of our community’s natural focal point.

From a regulatory standpoint, CDP 55-2006 fails to meet the goals and policies of the Local Coastal Program and the environmental assessment is deficient in adequately mitigating environmental effects.

Our comments address the following:

- Analysis of LCP/ Coastal Act policies regarding retaining walls
- Proper Environmental Assessment under CEQA
 - i. Project Segmentation, Growth Inducement, and Cumulative Impacts
 - ii. Substantial Evidence for Significant Environmental Impact - Aesthetics

Project Description:

CDP 55-2006 is described as “construction of a 285±-foot long concrete block retaining wall to connect to a proposed 105±-foot long retaining wall on the adjacent lot to the south (APN 145-261-05 – Coastal Commission jurisdiction). Associated drainage improvements include the

installation of 414± length feet of drainpipe, a storm drain manhole, and a six-foot stormwater treatment structure. Relocation and upgrade of underground septic systems.” It should be noted that the project description does not provide any information regarding the nature of the upgrading of the septic system (e.g., Is the capacity of the system proposed for expansion) or of the stormwater treatment structure (e.g., what is its intended use/application).

The proposed project is not only part of a larger project for the parcel (APN 145-261- 13), but also is related to a project currently under Coastal Commission review involving the repair and construction of a retaining wall on parcel, APN 145-261-05. The applicant has met with the County regarding both Phase I and II plans for the parcel of which CDP 55-2006 will take place (Pre-Application Conference 1-2007). Phase I and II involves the demolition of existing commercial buildings, development of adequate drainage and marine bluff retaining wall, creation of a central paved parking area, and construction of new commercial structures. Phase I is being reviewed under two separate permit applications, CDP 24-2007 and CDP 55-2006 while Phase II (paved parking area, boundary line adjustment, and construction of new offices) does not yet have an application pending. CDP 55-2006, the application in question, is being proposed to protect coastal dependent uses, an existing bluff trail and dirt parking area. Its necessity is offered to remediate unstable earth conditions (shallow surface failures) caused by inappropriately placed fill not compacted by today’s building standards. These unstable conditions are purportedly leading to erosion of sediment into the Gualala River Estuary. It is the County Staff’s position that “the project would result in improvements to existing unstable earth conditions.” A mitigated negative declaration has resulted from staff’s review of the project.

Analysis of LCP/ Coastal Act Policies Regarding Retaining Walls, Division II, Title 20 of the Mendocino County Coastal Zoning Code:

Sec. 20.500.010 Purpose

(3) Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Ord. No. 3785 (part), adopted 1991)

The current application is proposed to correct erosion occurring from improperly placed uncompacted fill. In most instances where retaining walls are advised, it is the marine bluff and subsequent cliff that have become unstable. In this instance both of the aforementioned are stable. According to Baye, 2007, “The majority of the bluff supports dense, continuous cover of mature coastal scrub vegetation...The shrubs are large and old, including multiple excellent specimens of large, mature wind-sheared coast silk-tassel...Even the exposed bedrock within the wave splash zone supports large specimens of long-lived, stress-tolerant coastal cliff forbs...The existing coastal vegetation structure and patterns on the bluff do not indicate modern history of slope failure. They do not reflect the heterogeneous age-structure and complex patterns associated with uneven-aged slope failures that exist elsewhere on the Sea Ranch-Gualala area coast, particularly on weakly consolidated sediments of raised marine terraces. This apparent stability is very likely related to the erosion- resistant bedrock cliff base, which protects the softer sediment above from wave action and undermining. In addition, the toe of the slope (lagoon shoreline below high tide line) is boulder-armored. The only indication of significant instability on the bluff within or near the project area is associated with past unengineered fill placed with an excessively steep slope.” Initial Study not provided any information that would

question this assessment.

In contrast to the wall's stated purpose, the construction of a retaining wall on an otherwise stable bluff may in fact constitute overkill and ultimately destabilize the marine bluff. According to Morgenstern and Sangrey, deep excavations for construction of a retaining wall may add to increased instability of a slope during construction.¹ Retaining walls can also result in increased pressures developing behind the wall due to the build up of groundwater throughout the year. (This issue is not addressed in the Initial Study.) Retaining walls, once constructed, require ongoing maintenance in order to continue to secure bluff faces. In the past, the applicant apparently has not maintained his other retaining wall, as evidenced by his current application in front of the Coastal Commission whereby the applicant is requesting a permit to repair and extend the retaining wall permitted by CDP No. 1-83-270-A1. The wooden retaining wall behind Surf Supermarket failed in February 2006 due to the same applicant's failure to maintain the wall as required by Special Condition No. 1 CDP No. 1-83-270-A1) requiring the retaining wall to be maintained for the life of the development on the site.

In light of the marine bluff's stability, we would suggest that the Initial Study and CDP incorporate a less intensive solution -- removing the fill, reducing the slope angle, and altering drainage patterns to reduce erosion. Proper drainage could eliminate the need for the proposed retaining wall altogether. Control of surface and groundwater flow is important in minimizing erosion and siltation and should increase slope stability. Drainage control is particularly important in bluff top stabilization along the coast particularly where human activity has caused the erosion problems. Bluff top stabilization is often best attained by designing final site contours that direct surface water away from the bluff to storm drains.² If the sole purpose of this project were bluff stabilization, and not preparing the site for the Phase II development, then this approach would clearly be feasible and would assure compliance with this policy, unlike the proposed project.

Sec. 20.500.020 Geologic Hazards - Siting and Land Use Restrictions

(E) Erosion.

(1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.

¹ Morgenstern, N.R., and Sangrey, D.A., 1978, Methods of stability analysis, in Landslides: Analysis and Control: National Academy of Sciences, Washington, D.C., Special Report 176, p. 155-171

² Kuhn, G.C., and Shepard, F.P., 1984, Sea Cliffs, Beaches, and Coastal Valleys of San Diego County: Berkeley, University of California Press, 193 p.

(4) Within the Gualala Town Plan planning area, a special condition shall be attached to all coastal permits for bluff top residential or commercial development, requiring recordation of a deed restriction that states the following:

(a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;

(b) The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;

(c) The landowner shall not construct any bluff or shoreline protective devices to protect the subject permitted residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;

(d) The landowner shall remove the subject permitted house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the subject permitted house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.

(e) The requirements of Subsection (d) shall not apply to residences or associated improvements on the property that pre-date the subject coastal permit. (Ord. No. 3785 (part), adopted 1991, Ord. No. 4083, adopted 2002)

While we are willing to accept that the coastal bluff trail and dirt parking are considered “coastal dependent uses” and “existing development”, respectively, we contend that 1) The coastal trail does not require a seawall for ongoing protection. The trail easement is a “moving easement” not “fixed on the ground” as stated in the staff report. (Please see discussion below regarding “Deed Restriction”). 2) The stated policy requires environmental, geologic, and engineering studies detailing site-specific information on the bluff face erosion. The erosion detail required for assessment of consistency with this policy has not been provided by the County or applicant, therefore any conclusions regarding policy compliance are unsupported by fact. 3) We do not believe that feasible less environmentally damaging alternatives have been adequately explored. 4) We believe new development, apart from the proposed wall, is occurring on the parcel and a deed restriction should be required prohibiting a shoreline protective device.

Alternatives

Section E (E)(2) of the staff report addresses alternatives to the construction of a retaining wall. The best alternative, removing the un-compacted fill, reducing the slope, and installing adequate drainage, is not being furthered because it does not meet the needs of the applicant and is therefore not considered a possible alternative.

If the needs of the applicant are to stop the erosion of the artificial fill on the site, the alternative fully meets those needs. If the applicant’s needs are development of the site, that development must be fully described for the County to independently evaluate if there are alternatives that meet those needs. The County cannot simply rely on some unspecified “future needs” of the applicant in rejecting alternatives.

It is improper to dismiss a viable alternative because it would not further the applicant’s needs that are not even under review at the current time. As detailed below, if the project’s purpose is to develop the site, then the County’s analyses need to evaluate the impacts of such development.

Additionally, less aesthetically impacting engineering alternatives have been proposed and subsequently rejected by the applicant's engineering firm as inadequate to secure the bluff face. The County cannot simply rely on the applicant's engineer's assertions; to do so would be a failure to conduct an independent review as required under CEQA. The County should retain independent geotechnical expert to evaluate the feasibility of alternatives designed to meet the project's stated purpose of stabilizing the bluff (no development proposed).

Environmental Commons does not advocate replacing an existing natural and stable structure when its results are not well understood and might cause unnecessary harm to the environment. (As discussed later in this letter, those impacts are inadequately described in the CEQA Initial Study.)

Deed Restriction

The staff report states that a deed restriction disallowing a shoreline protective device is not applicable, because the only new development is the retaining wall. The author of the staff report, Ms. Beddoe, states that to apply the "no retaining wall deed restriction to the proposed retaining wall, the only new development applicable, would not be appropriate." Julie Price, Environmental Planner for RAU and Associates, and agent for the project, states a deed restriction would not be required for the proposed relocation and upgrade of the septic equipment. [It] "Meets the definition of 'Repair and Maintenance of Public Utilities,' which is normally considered as exempt from the Coastal Permit process according to the Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements, adopted by the California Coastal Commission on September 5, 1978.'

However, CDP 55-2006 proposes installation of drainage infrastructure including 414 linear feet of drainpipe, a storm drain manhole, and a six-foot stormwater treatment structure, as well as upgraded septic systems. Drainage constitutes "new development" thus calling into question the requirement for a deed restriction to disallow shoreline protective devices.

Section 20.308 of the Coastal Zoning Code defines "development" as:

...on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Given that the applicant has requested and received permits for the demolition of the existing structures on the site, the only reason that a stormwater treatment system and relocated/upgraded

septic system would be required would be for a new parking lot and habitable structure, respectively. The stormwater treatment and relocated/improved septic systems have no independent utility and would not be required for a dirt parking lot or retaining wall. Thus, they are, by necessity, the infrastructure phase of development of the overall site.

Most of the proposed drainage improvements, all of the stormwater treatment, and the relocated/upgraded septic systems are not required for a dirt parking lot, and would only be needed to serve the future uses of the parcel, i.e. the proposed parking area and construction of offices. Again, the drainage improvements are not solely associated with the development of a retaining wall. Therefore, the drainage improvements, stormwater treatment structure, and relocated/improved septic system would constitute “new development” which could in itself trigger a deed restriction limiting the construction of a retaining wall.

Of note, an earlier CDP 23-2004 was not required to have a deed restriction in part because the trail easement was seen as “fixed.” The statement regarding the fixture of the trail is inaccurate. The trail easement traverses several parcels. The parcel where the current Ocean Song/Breakers development is located is the only “fixed” easement. The parcel where the Surf Supermarket is located is a moving 25’ easement to a point. As understood, this easement can move up to approximately 181’ from the northeast border of the parcel and 116’ from the southeast border of the parcel (see Offer to Dedicate Easements, Book 1300 page 579, April 14, 1981). CDP 55-2006 takes place on parcel 145-261-13. **The Offers to Dedicate for the easement on parcel 145-261-13 is a moving easement as recorded (see OTD, Book 1119 page 354, November 18, 1977).**

Sec. 20.500.020 is a very important policy ultimately intended to better serve the public. This policy models other similar LCP policies spanning the California coast, which are intended such that we do not buttress our coastline with simulated bluffs. CDP 55-2006 should contain a condition requiring a recordation of a deed restriction prohibiting shoreline protective devices.

Environmental Assessment under CEQA

Project Segmentation/Cumulative Impacts:

Given the integral nature of at least four permit requests for the parcel in question, we question the CEQA compliance of the Lead Agency’s review and adoption of a mitigated negative declaration for CDP 55-2006. As stated throughout, this permit request involves construction of a retaining wall that is not in and of itself a stand-alone project. First, the wall in question is an extension of a retaining wall currently under California Coastal Commission permit review. And, while staff states that the retaining wall is “an accessory to existing parcel structures (the trail and dirt parking area),” it also aptly states the retaining wall as being associated with a future development.

The applicant has indicated a desire to create a paved parking area in the general area at a future time, in association with a future redevelopment plan (see PAC 1-2007). The proposed drainage improvements and retaining wall would facilitate such future parking improvements by reducing potential erosion and drainage impacts resulting from the creation of impervious surfaces in this area. (CPA-13)

All aspects of a project are required by CEQA Statutes and Guidelines to be included in an environmental review so agencies can consider the overall environmental impacts of a project as a whole. Segmenting larger projects into smaller pieces to reduce the appearance of impacts reported is prohibited by CEQA because it fails to meet CEQA's core purposes of impact evaluation and mitigation, and full disclosure to foster informed public decision-making. In fact, courts have repeatedly rejected the approach of separating project activities for independent CEQA review and required them to be reviewed together where, for example, the second activity is a reasonably foreseeable consequence of the first activity (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263 [118 Cal. Rptr. 249, 529 P.2d 1017]); or both activities are integral parts of the same project (*No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal. App. 3d 223 [242 Cal. Rptr. 37]). In the case of the wall evaluated in this Initial Study, not only are the two components of the wall separated, but the intended end use of the wall also is not evaluated. Further, the infrastructure components (stormwater treatment and septic system relocation/upgrade) are included in this project, but the development projects that they are intended to serve have been omitted.

It has been argued that if a project component has independent utility, it may be segmented for CEQA review. It is clear that the relocation/upgrading of the septic systems has no utility at all absent a future user. Similarly, there would be no need for post-construction stormwater treatment (including grease traps) if no paved parking lot were to be constructed.

County staff attempts to address the multi-phase aspects of the parcel development in question by stating, "the initial study was also completed with a possible 'Phase II' in mind," and goes on to state, "piecemealing" is only relevant in association with an EIR or potential EIR." It is unclear what is meant by "keeping in mind" the Phase II project; a CEQA analysis needs to assess, disclose, and mitigate these impacts, not just keep them in mind. This statement also is incorrect with respect to applicability only to EIRs. While the initial study may have had Phase II in mind, it fails to adequately address any of the potential environmental impacts of the project as a whole. Section 15378 of the CEQA Guidelines defines a "Project" as the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Environmental review for the project in question was conducted for the retaining wall, drainage, and septic removal only. At no point does it assess or disclose possible environmental impacts from the associated and integrated activities discussed.

Even if it were accepted that the project was not being piecemealed, the County would still be required to analyze future phases of the project as likely future cumulative development. According to the CEQA Guidelines, all environmental "effects of probable future projects" are relevant when determining whether an impact is "cumulatively considerable." (Cal.Admin. Code, tit. 14, § 15065, subd. (c); see Cal. Admin. Code, tit. 14, § 15355, subd. (b).) In formulating its list of probable future projects for review as to cumulative effects, the lead agency should reasonably interpret CEQA to afford the fullest possible protection of the environment. (See *Friends of Mammoth v. Board of Supervisors*, supra, 8 Cal.3d at p. 259, 104 Cal.Rptr. 761, 502 P.2d 1049; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74, 198 Cal.Rptr. 634.) Where an agency fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate. (*Redlands*, supra, 96 Cal.App.4th at pp. 406, 408.)

The Environmental Determination's conclusion that "The subject project appears to be the only aspect of the project with potential environmental impacts..." is entirely unsupported in the document. Potential impacts of subsequent development on; visual quality in Gualala, traffic generation; runoff and water quality; and other resources could be significant but have not been evaluated.

Finally, the Phase I of the project will constitute growth inducement in that it would remove obstacles to development of the site (erosion and inadequate sewer systems). CEQA Guidelines section 15126.2(d) states that projects that remove obstacles to growth are considered growth inducing, and that the secondary effects of that induced growth must be considered in the CEQA analyses.

Substantial Evidence for Significant Environmental Impact- Aesthetics

Upon review of CDP 55-2006, it is apparent fair argument is raised on the basis of "substantial evidence" that the project may have a significant environmental impact thus an EIR should be required.

Because a negative declaration ends environmental review of the proposed project, the "fair argument test" provides a low threshold for requiring an EIR (*Laurel Heights Improvement Assoc. v. U.C. Regents* (1993) 47 Cal.4th 376, *Citizen Action To Serve All Students v. Thornley* (1990) 222 Cal. App. 3d 748, 754 [272 Cal. Rptr. 83]). A public agency should not file a negative declaration for a project if it can be fairly argued that the project might have a significant environmental impact. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001-1003, 165 Cal.Rptr. 514; *Chamberlin v. City of Palo Alto* (1986) 186 Cal.App.3d 181, 189, 230 Cal.Rptr. 454; § 15064, subd. (g)(1).) If such evidence is found, it cannot be overcome by substantial evidence to the contrary. (*Leonoff v. Monterey County Bd. of Supervisors*, supra, 222 Cal.App.3d at p. 1348, 272 Cal.Rptr. 372; accord *Citizen Action to Serve All Students v. Thornley*, supra, 222 Cal.App.3d at p. 754, 272 Cal.Rptr. 83; *Friends of "B" Street v. City of Hayward*, supra, 106 Cal.App.3d at p. 1002, 165 Cal.Rptr. 514; see generally 1 *Kostka & Zischke*, s 6.29, at p. 273; *Remy*, p. 100.)

Aesthetic Impacts

Appendix G to the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) recommends that the lead agency consider the following questions: Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?" (*Id.* at § 15387.)

The proposed retaining wall is 285' in length with a height varying from approximately three to twelve feet above finished grade, and an average height of approximately six feet above finished grade on the subject parcel. County staff notes that the retaining wall related to CDP 55-2006 "would... be visible in and of itself."

The proposed retaining wall would radically alter the vista and other features of beauty causing substantial degradation of the site's existing visual character thus constituting a significant environmental impact project under CEQA (Quail Botanical Gardens Foundation, Inc. v. City of Encinitas, supra, 29 Cal.App.4th at p. 1604). In cases where an entire community would be affected by a large project, the threshold of significance and fair argument may be easily reached and an EIR required (Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 928 [21 Cal. Rptr. 3d 791]). The Initial Study quotes the County Regional Parks park planner, an expert in the park's visual amenities, as stating that "the project poses a significant impact to visual aesthetics and should be mitigated."

The County Regional Parks planner suggested an open crib wall design be substituted for the proposed masonry wall. The Initial Study ruled out the use of a crib wall based entirely on the applicant's consultant's input and without any peer review of the validity of that input. Minor mitigations to reduce visual impacts are then identified. The initial Study's primary suggestions include:

1. A quarry rock finish, to be stained off-site with Sherman Williams "Foothills" stain (SW 7514)... applied in a manner that allows for some natural contrast between the faux quarry rock facing and the contoured faux grout areas.
2. The planting of native plants to be planted on the finished grade downslope of the wall, including community appropriate native vines that will climb the wall and provide for a softening effect.

While staff offers potential remedies to address the visual and aesthetic impacts of the retaining wall, its mitigations are inadequate to negate the adverse impact the retaining wall would have on Gualala's visual character and scenic vistas from such locations as the Gualala Point beach, Gualala Point Park, and while recreating in the recognized Wild & Scenic portion of the Gualala River. Staining the masonry wall does not negate the enormous impact the retaining wall would have on the visual character of the town of Gualala. Plantings of native plants only at the base of the wall would be ineffective because those plantings would require years to grow large enough to provide a visual buffer, would require maintenance and irrigation (at least as the plants get started), and are unlikely to become established on this disturbed site.

Other Initial Study Deficiencies

The Initial Study has a number of other deficiencies that should be remedied prior to project consideration:

- Many of the items in the assessment are unsupported by any discussion or evidence, contrary to CEQA's requirements. For example, all items under "Item 2", A, D, F,G,and H under "Item 3", B under "Item 6", A under "Item 9", A under "Item 10", A under "Item 11", A, B, C. E. and F under "Item 12", and all items under "Item 14"
- There appears to have been a lack of peer review of important technical reports submitted by the applicant, including the geotechnical reports, reports on the feasibility of alternatives, and biological resources evaluations.
- Impacts of the wall on groundwater seeps and possible resultant degradation of the integrity of the bluff
- The Visual quality assessment should be supported by visual simulations

Conclusions

As proposed, CDP 55-2006 does little to conserve our town's vital environmental centerpiece and the services it shares. Instead, the proposed concrete retaining wall would create an unnecessary simulated proscenium to our town when more minimal, less damaging, and efficacious alternatives are available.

Technically speaking, CDP 55-2006 is inconsistent with the policies of the Local Coastal Program. It lacks needed environmental geologic and engineering erosion data, fails to address drainage as new development (per Sec. 20.500.020 MCCZC), and fails to explore feasible less environmentally damaging alternatives. The CEQA analysis is deficient providing substantial evidence that mitigating measures are inadequate to reduce significant environmental aesthetic impacts, and potentially constitutes a project segmentation/cumulative impacts violation.

A main function of government is to protect and preserve our commons for future generations. You have a wonderful role serving as the public trustee of our town's commons and fulfilling our responsibility to pass them on to future generations. **Therefore, we respectfully request CDP 55-2006 be denied and accompanying mitigated negative declaration withdrawn.**

Sincerely Yours,

A handwritten signature in dark ink, appearing to read "Britt Bailey", with a stylized flourish at the end.

Britt Bailey, MA
Executive Director