



TOWN OF AVON

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ORIGINAL

June 3, 2010

RECEIVED
JUN - 8 2010

CONNECTICUT
SITING COUNCIL

Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Docket 373 - New Cingular Wireless (AT&T) at 224 Lovely Street, Avon

Dear Mr. Phelps:

The Town recently received a copy of a letter submitted by Attorney Christopher Fisher on behalf of AT&T relating to Docket 373 and the filing of a D & M Plan. This plan has been submitted in accordance with an earlier decision on October 9 by the Siting Council to approve this application with certain conditions. The Town of Avon has been an active participant as a result of concerns expressed by neighboring property owners to this site and, as such, sought and received status as an intervener. The plan proposes a change to the approved location. After reviewing the D & M Plan and the proposed location change, I would like to take this opportunity to note the Town's disappointment in AT&T's lack of communication with the Town; failure to comply with the Siting Council's decision; and discuss objections to several key aspects of the proposed site plan.

It is our opinion that AT&T has communicated very poorly with the Town of Avon since the decision in October. In fact, there has only been one instance where AT&T invited Town Staff to meet at the location on December 8, 2009. Since that time, AT&T has not communicated with the Town on any issues by way of a letter, email, phone call, or offers to again meet in the field. As a result, this is the first opportunity the Town has had to react to and comment on changes which now appear in this "final" D & M Plan. In particular, the Town of Avon objects to the following:

1. The proposed tower location is approximately 131 feet from the corner of the parsonage. Testimony presented during the public hearing phase of this application indicated that the approved Option #3 was 55 feet from the parsonage building. AT&T states that the new site is 50 feet north of

Location #3. In fact, the change is a move of 76 feet to the north of the approved location. The Town wrote to the Council and addressed this issue on January 13, 2010. This change results in impacts which are substantially different to property owners located to the east on Cold Spring Road. As a result, the Town asked the Siting Council to require that AT&T construct a tower utilizing a "flagpole" design. During the public hearing the Town made it clear that this design was preferred over the proposed monopole. In fact, the approved monopole was ranked lowest by the Avon Town Council.

The proposed monopole, as shown in the D & M Plan, is substantially wider at the base, as compared to drawings presented during the public hearing to the Siting Council leading up to the decision in October. Most importantly, the tower is now designed in a manner such that it can accommodate a 20-foot expansion in height over what was approved by the Siting Council to a height of 130 feet. Drawings proposed by AT&T show a total of 4 carriers whereas only 3 carriers were approved by the Siting Council. It was acknowledged by the Siting Council during the public hearing phase of this application that it was likely that one or more additional towers would need to be constructed to service the needs of all carriers in this area of Avon. The Town feels strongly that, at a minimum, AT&T should be required to construct the tower approved by the Siting Council in October. In addition, as expressed in our letter of January 13, as a result of the changed location and substantially different impacts to property owners on Cold Spring Road, the Town urges the Siting Council to require that AT&T construct a 110-foot-tall tower of a flagpole design with all antennas concealed within the tower.

2. The approval issued by the Siting Council in October required that AT&T install flush-mount antennas in an effort to improve the aesthetics of this tower. The Town does not have experts in the area of cell phone tower antenna design; as such, we would appreciate the Siting Council's review of these drawings to ensure that with respect to different flush-mount options that the one chosen by AT&T presents the least impact to adjoining properties. In addition, we would ask the Siting Council to ensure that with regard to the two future carriers that those carriers utilize the same type of installation, flush-mount installation.
3. The cover letter prepared by Cuddy & Feder makes reference to two landscaped drawings prepared by BL Companies. The Town has not received these drawings and, as such, we have no ability to comment on them.
4. The wood frame proposed equipment building is an improvement over the initial proposed concrete box. However, the October order made it clear that AT&T's D & M Plan was to also make provision for the other two future carriers. As stated earlier, we ask that AT&T construct a below-grade structure sufficient in size to accommodate their needs as well as two other carriers.

Siting Council/Phelps

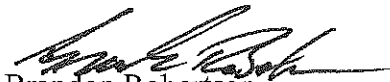
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In summary, the Town of Avon appreciates the need by AT&T and other cell phone carriers to enhance their network by placing additional antennas in weak spots, such as this area of Avon. We understand that these new installations have a benefit to customers and may also be of benefit in emergency situations. However, we believe that it is incumbent upon the CT Siting Council to balance these needs with the rights of other private property owners who may be adversely impacted from this installation. The proposed D & M Plan, in our opinion, does not achieve this balance equitably. The Town provided testimony during the public hearing concerning a ranked order of preferences concerning tower design; AT&T has opted for the least preferred. AT&T is now moving the tower location and, in the Town's opinion, this presents adverse impacts to adjoining property owners. In addition, AT&T is not in compliance with the approval granted by the Siting Council in that they are proposing a tower of 130 feet in height as opposed to the 110-foot limit set by the Siting Council.

Thank you for the opportunity to comment on this D & M Plan.

Sincerely,



Brandon Robertson

Town Manager

Cc: Avon Town Council
Steven Kushner, Director of Planning and Community Development
Avon Planning and Zoning Commission
Andrew Lord, Partner, Murtha Cullina LLP

