

RECEIVED  
MAR 24 2009

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

In Re: Application of New Cingular Wireless : Docket No. 373  
PCS, LLC (AT&T) for a Certificate of Environmental:  
Compatibility and Public Need for the Construction :  
Maintenance and Operation of a Telecommunications:  
Tower Facility at St. Matthew Lutheran Church at :  
224 Lovely Street in the Town of Avon : March 23, 2009

TOWN OF AVON RESPONSES TO PRE-HEARING INTERROGATORIES (SET ONE)  
DIRECTED TO TOWN OF AVON BY CONNECTICUT SITING COUNCIL

The Town of Avon ("Avon") hereby responds to the Connecticut Siting Council's Pre-Hearing Interrogatories to Town of Avon as follows:

Q1. Provide a map that depicts the town owned "Found Land" property, Huckleberry Hill open space, and the "Pond Ledge" area.

A1. A map depicting town owned property (shaded) in these areas is attached hereto as Attachment A.

Q2. Are there any town owned parcels in the "Pond Ledge" area? If not, does the town know of any landowner willing to lease space to AT&T?

A2. Town owned property in the Pond Ledge area is depicted (shaded) on Attachment A.

Additional research into town owned parcels in the Pond Ledge area, however, reveal deed

restrictions which would likely prohibit the placement of any telecommunications towers on these parcels. Avon Water Company owns a concrete water tank on a parcel of property in the Pond Ledge area known as 31 Brian Lane and has expressed an interest in leasing space on its water tank or in its easement area to AT&T if the site is feasible and subject to its easement rights and/or any required approval by the property owner. The approximately 4.07 acre parcel is located in the R-40 zone. Avon Water Company's tank is located to the rear of the parcel. The parcel is owned by Anita Nigam and is identified on Assessor's Map 6, Lot # 1440031.

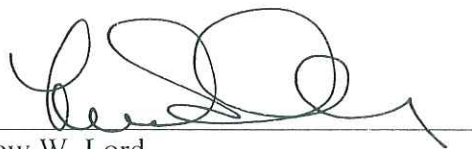
Q.3 Is the town willing to lease space to AT&T within the "Found Land" parcel, Huckleberry Hill open space or any town-owned "Pond Ledge" parcels? If yes, identify locations within such parcels.

A3. The town is unable to lease space on its parcels in the Pond Ledge area, due to the deed restrictions described in response to Interrogatory #2. Additional research into the "Found Land" property has also revealed deed restrictions that use of Found Land is limited to open space and possible school use. Additionally, this site is likely too narrow to reasonably camouflage a telecommunications tower such as the one proposed by AT&T. Therefore, Avon cannot consider leasing space to AT&T at this site. Subject to approval by Town Council, Avon is willing to consider leasing space on the Huckleberry Hill site. The Huckleberry Hill site has fewer restrictions and consists of 250 acres of heavily forested property on which it may be possible to find one or more on-site locations at which a telecommunications tower

could be well hidden from nearby homes. A visual analysis would be necessary to determine these on-site locations.

THE TOWN OF AVON

By: \_\_\_\_\_

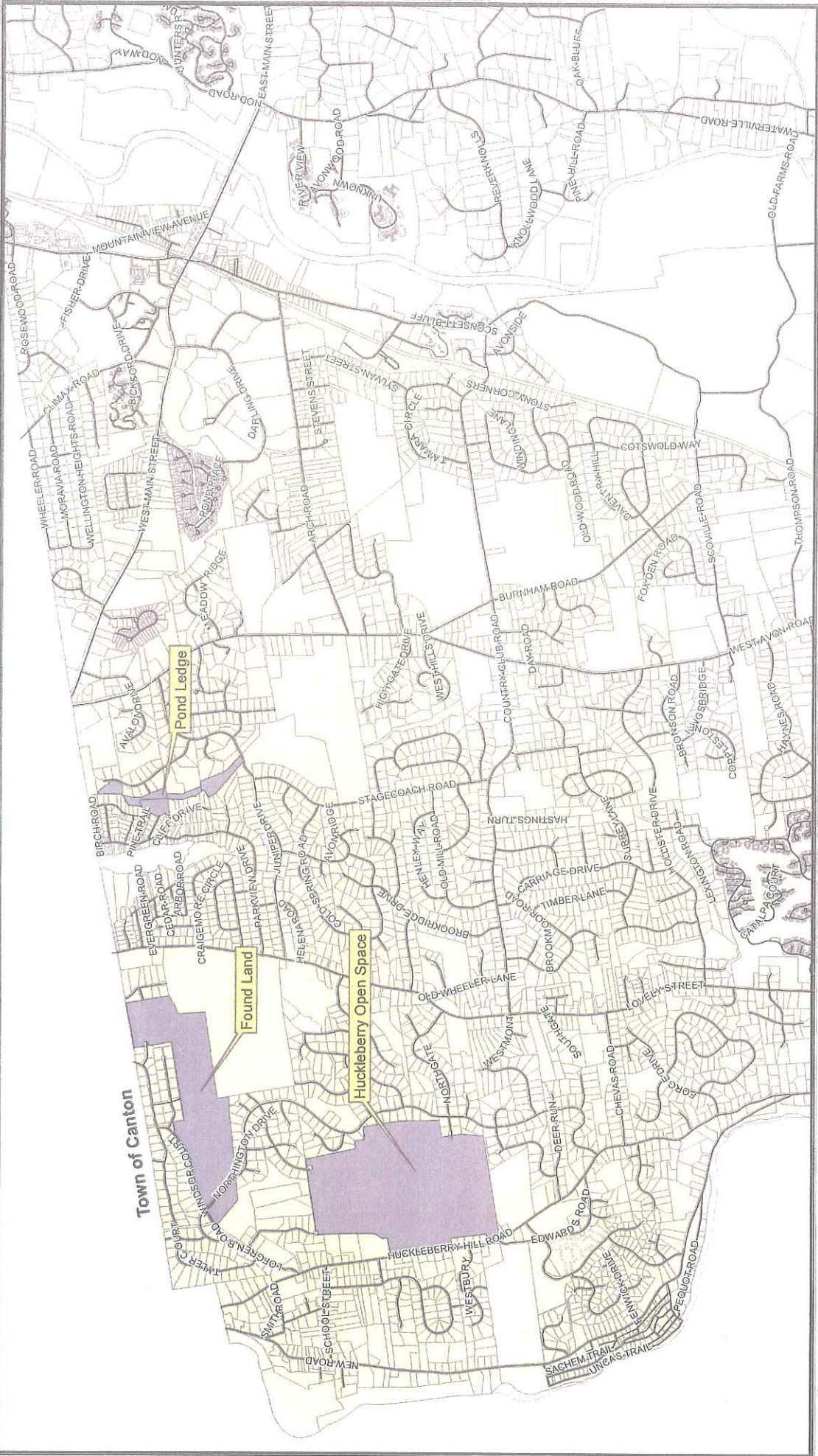


Andrew W. Lord

Loni S. Gardner

Murtha Cullina LLP  
CityPlace I, 29<sup>th</sup> Floor  
185 Asylum Street  
Hartford, Connecticut 06103-3469  
Telephone: (860) 240-6000  
Its Attorney

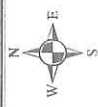
# ATTACHMENT A



**Map Showing  
Huckleberry Open Space  
Foundland  
Pond Ledge**

**Town Of Avon  
Planning Department**

March 13, 2009



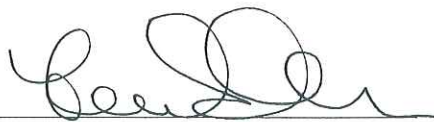
Map Not To Scale

n:\gis\mxd\planning\lat\_cell\_tower.mxd

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed, postage prepaid, on this  
23<sup>rd</sup> day of March, 2009 to:

Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, New York 10601	Patricia McMahon 21 Greenwood Drive Avon, Connecticut 06001
Sheridan Toomey 9 Greenwood Drive Avon, Connecticut 06001	Thomas McMahon 21 Greenwood Drive Avon, Connecticut 06001
Mark Toomey 9 Greenwood Drive Avon, Connecticut 06001	Jane Garrett 15 Greenwood Drive Avon, Connecticut 06001
Peter Emmett Wiese 240 Lovely Street Avon, Connecticut 06001	Juan Fernandez 246 Lovely Street Avon, Connecticut 06001



Loni S. Gardner