



# TOWN OF AVON

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August 12, 2010

Mr. Daniel Caruso  
Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

RE: Docket 373 - AT&T Tower at 228 Lovely Street, Avon

Dear Mr. Caruso:

As suggested by the Siting Council at the June 29 hearing, a meeting took place at the Avon Town Hall to discuss a possible settlement agreement relating to Docket 373. In attendance at the meeting held on July 27 were Attorney Christopher Fisher, representing AT&T; Michelle Briggs, of AT&T; and three of the parties in this matter including Mr. Peter Wiese (240 Lovely Street), Mr. Mark Toomey (9 Greenwood Drive), and myself, representing the Town of Avon.

I believe that substantial progress was made at this meeting and, as a result, revised plan sheets were prepared, dated August 5, 2010, addressing the points that were discussed. These changes include the following:

1. AT&T will construct a 36-inch diameter flagpole limited to a height of 110 feet. The pole is a uniform 36-inch diameter at both the base and the top. The amended site plan also includes Note #4 on Sheet T1 indicating that the tower height is limited to 110 feet unless the Town of Avon consents to a proposed expansion. AT&T also agrees to not submit any applications for future expansions unless approval is first obtained from the Town of Avon.
2. In an effort to increase the separating distance between the now proposed Location #4 and the closest adjoining residence to the east (Panetta located at 144 Cold Spring Road), AT&T has "flipped" the tower location with the proposed equipment building within the confines of the compound.
3. The equipment building will be constructed as shown utilizing a gable roof with "hardy panel" to mimic a more conventional residential style outbuilding. In addition, by way of notes on the revised plans, any other carriers will also house all equipment within a building and to construct buildings of similar architectural style using the same materials used by AT&T.

4. AT&T will redesign the cable tray, if necessary, such that the majority of the cabling between the equipment building and tower is at a height which is below the proposed 8-foot-high stockade fence to minimize its view from neighboring properties.
5. The revised plan proposes to construct the driveway closer to the location shown in the October 2009 approval, beginning at the church parking lot and traveling east and north to the new Location #4. This location will help minimize impacts to adjacent wetland areas associated with Roaring Brook.
6. AT&T has agreed not to install a backup generator at this site. Instead, a backup battery system will be utilized. AT&T will only bring a portable generator on the site in the event of an extended power outage. This same condition will apply to any other carriers who may utilize this facility. AT&T does reserve the right to utilize a hydrogen-powered fuel cell.
7. AT&T agrees to paint the tower a matte finish to mimic the color of deciduous trees in the immediate area of the tower. The final color is to be selected by the Town prior to the manufacturing of the tower.
8. AT&T has agreed to prepare a modified landscape plan reflecting the changes in tower location. The Town would like to have an opportunity to review this plan prior to the issuance of a building permit.
9. All routine maintenance to be performed by AT&T and all other carriers will be done between the hours of 9 to 5, Monday through Friday, excluding legal holidays.

The Town believes that this plan represents an equitable compromise, which will allow AT&T to achieve its goal of strengthening its signal in this area of Avon; provide a monetary benefit to the St. Matthews Lutheran Church; and minimize adverse impacts to neighboring properties. Should the Council approve Location #4, we request that the Council direct AT&T to develop this site incorporating these changes.

Thank you for your consideration.

Sincerely,



Steven Kushner, AICP

Director of Planning and Community Development

Copy: Brandon Robertson, Avon Town Manager  
Christopher Fisher, Cuddy & Feder LLP  
Wiese, 240 Lovely Street  
Toomey, 9 Greenwood Drive  
McMahon, 21 Greenwood Drive  
Fernandez, 246 Lovely Street  
Panetta, 144 Cold Spring Road  
Avon Planning and Zoning Commission  
Dwight Johnson, Murtha Cullina LLP  
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