

**APPLICATION FOR A VARIANCE**

**BOARD OF ADJUSTMENT  
PO Box 268, Jackson, N.H. 03846**

01/2010

**Do not write in space below:**

**Case No.** \_\_\_\_\_ **Date Filed** \_\_\_\_\_

**ZBA Signature** \_\_\_\_\_ **Public Hearing** \_\_\_\_\_

**Decision** \_\_\_\_\_

**Applicant Signature:** See Letter of Authorization    **Date:** April 13, 2011

**TAX LOT NUMBER:** Map: R-17, Lot: 31-B

Name of applicant: New Cingular Wireless PCS, d/b/a AT&T Mobility (“AT&T”) (Applicant’s Agents:  
Downs Rachlin Martin PLLC and Site Acquisitions, Inc.)

Address: Downs Rachlin Martin PLLC, 199 Main St., P.O. Box 190, Burlington, VT 05402-190  
Site Acquisitions, Inc., 22 Keewaydin Drive, Salem, NH 03079  
AT&T, 550 Cochituate Road, Suites 13 & 14, Framingham, MA 01701

Owner: Northern Mountain Realty Trust  
(if same as applicant write, same)

Location of property: Black Mountain Road  
(street, number, sub-division)

Acres \_\_\_\_\_ N/A \_\_\_\_\_ or Sq. Ft. \_\_\_\_\_ N/A \_\_\_\_\_

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate pages if the space provided is inadequate.

A **variance** is requested from section 14.6.3.3 of the zoning ordinance to permit:  
The construction of a 45’ monopole communications facility, antennas and related equipment outside of the Telecommunications Overlay Zone.

**Facts supporting this request:**

- I. Granting the variance would not be contrary to the **public interest:** See attached narrative.
2. The **spirit of the ordinance** is observed because: See attached narrative.

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3. Granting the variance would do **substantial justice** because: See attached narrative.

4. For the following reasons, the **values of the surrounding properties** will not be diminished: See attached narrative.

5. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in **unnecessary hardship** because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:  
See attached narrative.

b. The proposed use is a reasonable one because:  
See attached narrative.

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**The following additional information must be completed regarding the property in question:**

Is any Use or Structure currently Non-Conforming? YES  NO

If yes, explain in detail:

The property in question is used as a recreational ski area and for hiking / biking purposes, and is an intended area of wireless coverage for AT&T. There are other existing telecommunications facilities on the property including a temporary facility operated by AT&T on Lift Tower 14, but which cannot be modified to accommodate additional antennas needed for 3G service.

Does the property in question including all existing or proposed building, signs, driveways, and septic systems meet Jackson Zoning Ordinance requirements and applicable state regulations? YES  NO

If no, explain in detail:

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**ADDITIONAL INFORMATION:** Summarize below any information from preliminary discussions with any state agency personnel in regard to the case. In addition, attach copies of any correspondence from state agencies, or Jackson officials and boards pertaining to the property.

See attached narrative.

**Attach all pertinent document and correspondence.**

**IMPORTANT NOTICE :** Board of Adjustment By-Laws state that information from the applicant and/or his representatives must be provided to the Board no less than 7 calendar days prior to the date of the public hearing.