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October 4, 2010

VIA COURIER

Board of Selectmen
Town of Jackson
c/o Mr. Andy Chalmers
3277 White Mountain Highway
P.O. Box 2480
North Conway, NH 03860

Re: AT&T Wireless Communication Facility at Black Mountain Road
Application for Wireless Communication Facility: Project Narrative

Dear Board Members:

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T”), appearing by and through Downs Rachlin Martin PLLC, its attorneys, and with the assistance of Site Acquisitions, Inc. (“SAI”), its consultants, seeks approval to site a wireless communication facility (as described further herein, the “Facility”) at one of the ski lift towers at Black Mountain Road, Map R-17, Lot 31 B (the “Property”). The location of the proposed Facility is the same area as a facility previously used by RCC Atlantic, Inc. d/b/a Unicel (“Unicel”) in 2005. A letter of authorization from the owner of the Property – Northern Mountain Realty Trust – is enclosed as Exhibit K.

In addition to the enclosed documentation, we have provided a Commercial Building Permit Application and a check for Three Hundred and Twenty Two Dollars and Fifty Cents (\$322.50), representing the permit application fees, abutter fees and a regional notification fee for the town of Bartlett to be notified. A list of abutters is enclosed as Exhibit C. In the event there are any additional application and recording fees, please let me know and I will forward a supplemental check.

I. OVERVIEW

AT&T is seeking approval to site a wireless communications facility at the same location as a prior facility used by Unicel. The AT&T “Facility” will consist principally of the following elements: (i) a 20’ extension to the existing 20’ lift tower(the “Extension”); (ii) six (6) panelized

antennas each measuring roughly 55" h x 11" w x 5" d to be mounted with three (3) of the antennas at the 27'6" centerline elevation and three (3) of the antennas mounted at the 37'6" centerline elevation on the Extension;¹ and (iii) reuse of the existing 10' x 12' equipment building to house antenna operating equipment (the "Shelter"). Each feature of the Facility is described and depicted in more detail on the Zoning Drawings prepared by Hudson Design Group and attached as Exhibit A to this application. Photographical Simulations depicting the Extension are enclosed as Exhibit B.

II. PROJECT OBJECTIVE

AT&T is undertaking to expand its network in the Town of Jackson and the New Hampshire Lakes Region of New Hampshire in order to improve its wireless service coverage for residents and visitors. The Service will include AT&T's Global System for Mobile Communications ("GSM") and High Speed Packet Access ("HSPA") / Universal Mobile Telecommunications Service ("UMTS") wireless coverage, more commonly referred to as 3G service. In addition to bringing reliable general use of wireless handheld devices to the area, the new coverage is needed to enable the use of Enhanced 911 ("E-911") service so that emergency responders can pinpoint the location within the Town from which a wireless call or message is placed.

GSM is a technology used to provide digital cellular telephone service and is the migration path used by AT&T to provide reliable wireless service to users who have purchased or will purchase GSM handsets. The benefits of GSM include providing the user with higher speeds in data services, better phone selection and greater mobility between networks in the United States (including enabling handset use by subscribers to other GSM subscribers) and around the world.

The HSPA / UMTS technology - better known as 3G service - is similar to GSM in function, but the distinct technology allows transmissions of data at much higher speeds, including for video transmissions. The combination of GSM and UMTS technologies is the most open and widely used network platform in the world and results in 3G service being available for optimal use of multiple handheld devices such as the iPhone® and Blackberry®. AT&T's 3G network is available in more than 350 major metropolitan areas. AT&T also offers 3G data roaming in more than 100 countries, as well as voice calling in more than 215 countries. In the future, AT&T plans to upgrade its equipment to enable 4G LTE service in addition to the GSM and 3G/UMTS service, further increasing the speed with which information can be shared from a wireless device.

¹ As shown on Page A-1 of the Zoning Drawings, Exhibit A, UniceL added a 10' extension (shown as "EXISTING 30' HIGH MAST") to the 20' ski lift in 2005. AT&T now proposes to install three (3) antennas at the same original height as UniceL (27' 6" antenna centerline), but also to add another 10' foot extension to mount a second array of three (3) antennas at a new antenna centerline of 37' 6".

III. APPLICATION SUBMITTALS AND CRITERIA FOR THE PERMITS

AT&T is seeking approval under the Town of Jackson Zoning Ordinance (the "Ordinance") to site the Facility at the same location as the prior Unicef wireless facility. With respect to the Ordinance, below is an explanation of how each submittal requirement and criterion has been addressed in this Application, as well as instances in which a waiver is requested. The enclosed binder contains tabs marking each submitted item. If additional items are requested, AT&T would be pleased to supplement the binder accordingly.

Town of Jackson Zoning Ordinance Section 14: Communications Tower and Antennas

14.5 Regulations

All Communications Towers and Antennas shall comply with the following requirements. These requirements shall supersede any and all other applicable standards found elsewhere in the Jackson Zoning Ordinances and Regulations that are less strict.

14.5.1. Height: New Communications Antennas, media Antennas, and Personal Wireless Service Facilities located on any existing structures shall not increase the Height of the existing structure more than 20 feet. No Communications Tower or Antenna shall project higher than 20 feet above the average surrounding tree canopy height.

AT&T is seeking to extend the existing 10' communications support structure by an additional 10' so that the Extension will total 20' above the existing ski lift. No trees are within close proximity to the ski lift; however, the dense tree coverage averaging 75' surrounding the ski area will limit the visibility of the Facility from many areas. Please see Photos 2 and 3 in the Photographic Simulations attached as Exhibit B.

14.5.2 Setbacks: All Communications Towers and Antennas and equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.

The proposed Facility complies with the building setbacks of the rural residential zoning district in which the Facility is to be located. For more information, see Sheet C-1 of the Zoning Drawings which are attached as Exhibit A.

14.5.3 Fall Zone: In order to ensure public safety, the minimum distance from the ground mount of a communications Tower or Support Structure to any property line, road, habitable dwelling, business or institutional use or public recreational area shall be 125% of the Height of the facility, including any Antennas or other appurtenances. This setback is considered the "Fall Zone"

The Jackson Mountain Ski Resort is a public recreation area; however, based on the Ordinance's clear objective for carriers to site communications facilities on existing structures wherever possible (see, e.g., Ordinance §§ 14.1.3, 14.6.3.1, and 14.6.3.3), AT&T is proposing to site its Facility at the location of the prior Unicel facility, while extending the support structure to provide both GSM and 3G coverage. Moreover, as validated by the Structural Report attached as Exhibit I, the Extension and antennas will not compromise the structural integrity of the ski lift tower.

14.5.4 Visual Impact and Lighting: In order to preserve the character of the existing developed and natural environments within the Town of Jackson, and to minimize any detrimental visual impact that Communications Towers and Antennas might have, all such facilities will adhere to the following requirements.

14.5.4.1 The design of the Towers, ground mounts, Antennas, buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the Tower facilities with the natural setting and built environment.

No change is proposed to the equipment shelter, which presently blends well with the other utility structure in the immediate vicinity (i.e., the offload platform and the Verizon communications compound). The antennas and Extension appear as part of the ski lift tower, as shown in Photo 1 of the Photographic Simulations attached as Exhibit B.

14.5.4.2 If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible. Facilities shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the Board of Selectmen may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

The antennas will be installed in the same location as the prior Unicel communications facility and will use similar materials and colors to the ski lift tower, as demonstrated by Photo 1 of the Photographic Simulations attached as Exhibit B. As confirmed by the Towair report included as Exhibit G, the Extension will not require registration or lighting under FAA regulations. The only lighting at the Facility will be on the existing equipment shelter.

14.5.4.3 Towers shall be located on sites where the grade/slope and tree cover of the site and surrounding land can be used to decrease any adverse visual impacts.

The proposed location of the Facility on the top of the ski lift, along with the surrounding mature and dense trees limit the visibility of the Facility from distant views. Please see Photos 2 and 3 of the Photographic Simulations attached as Exhibit B.

14.5.4.4 Towers or ground-mounted facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the facilities from adjacent properties and public roads. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the Tower compound. Natural vegetation is preferred.

No ground-mounted facility or tower is being proposed; consequently, no vegetative buffer is necessary.

14.5.4.5 Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

AT&T is not proposing to clear any trees or modify the landscape in any way. Please see the Zoning Drawings and Photographic Simulations attached as Exhibit A and Exhibit B.

14.5.4.6 Towers shall not contain any permanent or temporary signs, writing, symbols or other graphic representation of any kind, except as may be allowed or required by the Board of Selectmen in the interests of public safety.

No signage is proposed for the Extension. AT&T proposes to install only such signage at the equipment shelter as required pursuant to applicable FCC regulations and guidelines.

14.5.5 Fencing: Towers shall be enclosed by security fencing located inside the landscaped buffer. The fencing shall be at least 6 feet in height and equipped with appropriate anti-climbing devices. The Planning Board may waive the requirement for fencing if the Tower is designed in a way that makes climbing it impossible.

AT&T is not proposing any security fencing. Due to the location of the antennas on the top of a ski lift structure and the location of the equipment shelter in a difficult to reach location, fencing at this location is not warranted.

14.5.6 Building Codes: To ensure the safety and structural integrity of Communications Towers and Antennas, the owner of a facility shall certify that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for Communications Towers, support structures, and Antennas that are published by

the Electronic Industries Association, as amended from time to time. The owner of the facility shall initially provide proof of structural integrity by report of a structural engineer licensed in New Hampshire and thereafter shall provide certifying reports to the town every five years. All facilities shall be designed and operated in a manner that minimizes the risk of igniting a fire or intensifying one that otherwise occurs. If, upon inspection, the Town concludes that a facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the facility, the owner shall have 30 days to bring such facility into compliance with such standards. If the owner fails to bring such facility into compliance within 30 days such action shall constitute grounds for the removal of the facility in accordance with Section 14.9 at the owner's expense through execution of the posted security required by Section 14.8.

Unicel previously provided information to the Planning Board attesting to the structural integrity of the ski lift tower following installation of the original 10' extension. With the 20' Extension, Rob Adair (the same structural engineer who completed the original structural report) has reviewed and issued a supplemental structural report attached as Exhibit I. Further structural review will be conducted as part of the siting process by the New Hampshire Tramway Authority prior to construction.

14.5.7 Federal Requirements: All Communications Towers and Antennas must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate facilities and Antennas. If such standards and regulations are changed, then the owners of the facilities governed by this ordinance shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section 14.9 of the facilities, at the owner's expense through the execution of the posted security required by Section 14.8.

AT&T is an FCC-licensed wireless carrier, as evidenced by the regional license included as Exhibit F. As such, AT&T is required to ensure that the Facility will comply with FCC Guidelines on radiofrequency emissions. The Maximum Permissible Exposure Study attached as Exhibit H is an attestation that even under a "worst case scenario" (i.e., maximum power to all antennas on all channels), the Facility will be in compliance with Federal regulations governing radio frequency emissions.

Based on the height of the proposed structure, the site elevation, and the proximity of the proposed site to airports, AT&T is not required to register this site with the FAA. Please see Exhibit G. Towair Determination Results. Towair is a software program used

by carriers and tower developers to determine whether a particular structure at a given location is located in flight paths within the vicinity of municipal or regional airports, or requires lighting based on the above sea level height of a structure.

14.5.8 A full written disclosure of all materials in the sealed transmitter's shelter or vault located at the base of the Tower must be submitted. The applicant must pay for any training required in handling any potential problem created by any hazardous materials in the transmitter.

The Shelter will contain antenna operating equipment only: no hazardous materials are proposed, nor is AT&T seeking to build an emergency generator at this time.

14.5.9 Access for motorized vehicles to sites where communications facilities are located shall conform to the Town requirements relating to Driveways.

The proposed Facility will use the existing access road to gain access to the compound in non-winter months; Snow-Cat or the ski lift will be used for visits during winter. Accordingly, AT&T is not proposing a driveway at this location.

14.6 Application Procedure

14.6.1 Application to erect Communications Towers and Antennas in Jackson shall be made to the Board of Selectmen of the Town of Jackson. The application will be reviewed by the Planning Board, who will make recommendations to the Board of Selectmen. The Board of Selectmen will have the authority to approve or deny the application, and issue the building permit.

Because AT&T is essentially re-using and upgrading a previously-approved communications facility, AT&T respectfully requests a hearing before the Board of Selectmen on October 7, 2010 in order to obtain approval for the project.

14.6.2 The application shall contain a scaled plan including a scaled elevation view, surrounding topography, surrounding tree cover and natural vegetation, radio frequency coverage, setbacks, Fall Zone, design of the facility and construction materials, design characteristics that will avoid visual obtrusiveness, landscaping, fencing, parking, access roads, adjacent uses, and any other information deemed necessary by the Board of Selectmen to assess compliance with this ordinance. In addition, the applicant shall provide the following information.

Please see the Zoning Drawings that are attached as Exhibit A, and the Propagation Maps attached as Exhibit D depicting coverage

before and after installation of the Facility. Due to the topography and the existing dense tree buffer, as well as the fact that no new tower is being proposed, AT&T is not required to provide landscaping.

14.6.2.1 The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

AT&T is an FCC-licensed wireless carrier, as evidenced by the regional license included as Exhibit F. As such, AT&T is required to ensure that the Facility will comply with FCC Guidelines on radiofrequency emissions. For further information, please see the Maximum Permissible Exposure Study, attached as Exhibit H, that finds that the Facility will be in compliance with standards for radiofrequency emissions.

14.6.2.2 The applicant shall submit written proof of legal authority to use the proposed site.

Please see the Letter of Authorization from Northern Mountain Realty Trust, attached as Exhibit K.

14.6.2.3 The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirement of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board of Selectmen prior to the beginning of the federal 30-day comment period and the Town process, shall become part of the application requirements.

A NEPA report was prepared and submitted to multiple state, federal and tribal agencies in accordance with the National Programmatic Agreement for tower construction originally for the existing Unicel site. A copy is attached. AT&T is in the process of updating the original NEPA report but anticipates no change to the original given the absence of any major change proposed to the facility other than the 10' height extension.

14.6.2.4 Each applicant for a facility shall provide to the Board of Selectmen an inventory of its existing facilities that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, Height, design of each facility, as well as economic and technological feasibility for co-location on the inventoried facilities. The Board of Selectmen may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate Antennas within the

jurisdiction of the governing authority, provided however that the Board of Selectmen is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

AT&T presently has no sites located within the Town of Jackson, nor has it constructed any of its own stand-alone ground mounted facilities in any surrounding municipality.

AT&T leases space on the 75' monopine facility in Bartlett, referred to as Summit Linderhoff (NH1661), as shown on the Propagation Maps included as Exhibit D. AT&T's facility in Bartlett cannot obviate the need for the Facility in Jackson, as demonstrated by the Propagation Maps.

14.6.2.5 Each applicant for a facility shall provide a list of any additional Towers which may be required in Jackson for completion of their planned wireless coverage.

AT&T has no planned additional facilities in Jackson at the present time.

14.6.3 In its consideration of an application to erect Communications Towers and Antennas, the Board of Selectmen shall adhere to the following prioritization.

14.6.3.1 Preference will be given to the siting of Communications Towers and Antennas on existing facilities including preexisting Towers and Antennas, where such co-location can exist while preserving the character and integrity of the existing structure and without other adverse impacts.

Although AT&T had originally contemplated constructing a new communications tower, it subsequently determined that reuse of the ski lift tower with the Extension would allow it to provide excellent coverage in the Town of Jackson with relatively less environmental and aesthetic impacts.

14.6.3.2 To the extent that there are no existing facilities which meet the requirements of the applicant, preference will be given to locating facilities on existing structures of other kinds, such as a water tower or utility poles where such co-location preserves the character and integrity of the existing structure, and does not create other adverse impacts.

AT&T proposes only to extend the existing 10' extension by an extra 10' in order to allow for both GSM and 3G coverage from the ski lift tower.

14.6.3.3 To the extent that facilities under Paragraphs 14.6.3.1 and 14.6.3.2 are not available, preference will be given to siting a facility within the designated Telecommunications Overlay Zone, which shall consist of an area within 200 feet on either side of the traveled center line of NH Route 16 within the Jackson town limits.

This section is inapplicable since the proposal is to co-locate on the Extension, attached to an existing structure.

14.6.4 Burden of Proof on Applicant Regarding Siting Priority. The burden of proof that there are no existing structures upon which the applicant may locate its Antennas and facilities and transmit or receive radio signals shall include, at a minimum:

This section is inapplicable since the proposal involves a co-location.

14.6.5 If the applicant is proposing to build a new Tower or other ground-mounted support structure, the applicant shall submit written evidence demonstrating why no existing structure can accommodate the applicant's proposed facility. This evidence must be substantial and can address such issues as location within required geographic area, required Height, electromagnetic interference, unreasonable financial requirements, etc.

AT&T is not proposing any new Tower or other ground-mounted support structure. The Extension is attached to an existing ski lift tower. The 10' of additional height is needed to accommodate antennas designed to provide two types of technology: GSM and 3G service.

14.6.6 The applicant proposing to build a Tower or ground mounted structure shall submit an agreement with the Town that allows for the co-location of additional facilities upon the new structure by a future applicant to the extent such co-location can exist while minimizing adverse impacts noted in Section 14.1.1. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of Jackson, and is grounds for a denial.

AT&T is not proposing a new tower or ground-mounted structure at the present time.

14.6.7 The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Board of Selectmen may have any submitted information reviewed by a consultant for verification of any Claims made by the applicant regarding technological limitations and feasibility for alternative locations, or any other matter required by the application. Cost for this review shall be borne by the applicant.

Please see the Propagation Maps attached as Exhibit D.

14.6.8 Prior to construction, the applicant shall submit the following:

i) A radio frequency (RF) background survey (wide spectrum-1f-3xf) to establish a zero point for future evaluation. Cost for this survey shall be borne by the applicant.

AT&T respectfully submits that no survey is required for the application, since the MPE submitted as Exhibit H demonstrates that the Facility will be well within the acceptable parameters under the FCC guidelines for radio frequency emissions (less than 2.8% of the maximum permissible exposure limits).

ii) A clear method of communication for concerns or complaints: contact name and address, telephone number.

Peter Demarco
Site Acquisitions, Inc.
22 Keewaydin Drive
Salem, NH 03079
(603) 254-8801

14.6.9 At any time before, during, or after the construction of a communications facility, the applicant shall provide to the Board of Selectmen information about intentions to sell, assign, lease or sub-lease any part of the facility. Such notice shall be given in writing prior to execution of any sale, assignment, or lease agreement. Any owner, assignee, lessee or sub-lessee shall be bound by all of the regulations of this Ordinance.

AT&T is not authorized to sublease any portion of the Facility pursuant to its lease agreement with Northern Mountain Realty Trust.

14.7 Waivers

14.7.1 Where the Zoning Board of Adjustment finds that extraordinary hardships, or practical difficulties would result from strict compliance with the terms of Section 14.5, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The Zoning Board of Adjustment shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply: (3/13/2001)

AT&T is not requesting any waivers from Section 14.5 of the Ordinance.

14.8 Bonding, Security and Insurance

Recognizing the extremely hazardous situation presented by inadequately maintained or abandoned and unmonitored facilities, the Board of Selectmen shall set the form and amount of

security that represents the cost for removal and disposal of abandoned facilities in the event that the facility is abandoned or inadequately maintained and the facility owner is incapable and unwilling to remove or maintain it.

The applicant shall bear the cost of the demolition. Furthermore, the Board of Selectmen shall require annual submission of proof of adequate liability insurance covering accident or damage.

AT&T is willing to comply with this provision. Please see the Removal Cost Estimate included as Exhibit E for a summary of the take down and removal costs associated with the Facility, concluding that an appropriate surety amount to secure the removal of the Facility would not exceed \$9,590.54.

Thank you for your assistance and we look forward to making a presentation at the October 7, 2010 meeting.

Sincerely,

Sheila R. Grace

Enclosures

cc: Peter Demarco, Site Acquisitions, Inc. (via mail and email)
Jonathan McNeil, Site Acquisitions, Inc. (via mail and email)
Kevin Breuer, AT&T Mobility (via mail and email)
Andrey Tsikanovsky, Hudson Design Group LLC (via mail and email)
John Fichera, Esq., Northern Mountain Realty Trust