



LISA FEARON
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June 14, 2011

VIA FEDERAL EXPRESS

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

Re: AT&T Personal Wireless Communication Facility at Black Mountain Road
Application for Wireless Communications 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 to erect a personal wireless service facility (as described further herein, the “Facility”) to be located at Black Mountain Road, Map 17, Lot 31 B (the “Property”). A permit authorization from the owner of the Property—Northern Mountain Realty Trust—is enclosed as Exhibit A.

AT&T has requested and received a variance from the Jackson Zoning Board of Adjustment, allowing it to site the proposed facility outside of the designated Telecommunications Overlay Zone per Section 14.6.3.3 of the Jackson Zoning Ordinance. The Notice of Decision issued by the Zoning Board of Adjustment is attached as Exhibit B.

In addition to the enclosed documentation, we have provided a Commercial Building Permit Application; a check for Seventy-Five Dollars (\$75.00), representing the permit application processing fee; and a check for Two Hundred Fifty Dollars (\$250.00) representing the Permit Fee. 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 and History of AT&T's Proposals

AT&T is seeking to erect a wireless communications facility on Black Mountain to address a significant gap in coverage in Jackson. AT&T submitted its original proposal for a stand-alone, ground-mounted facility in October of 2009. This application was denied in part because it was incomplete, and in part because a variance was required from Section 14.6.3.3 of the Jackson Zoning Ordinance.

Subsequently, AT&T submitted a new proposal in October of 2010, seeking to extend an existing, previously-permitted communications facility located on top of Lift Tower 14 at the Black Mountain Ski Resort. While that application was pending, AT&T sought and obtained a permit to swap out the three antennas on the existing ski lift facility with new, smaller antennas. This temporary facility was intended to provide some coverage for the ski area during the 2010-2011 ski season, pending the town's approval of the ski lift extension project.

AT&T later determined that it could not complete the ski lift extension project as proposed because the ski area's engineers concluded that the added load would compromise the structural integrity of the ski lift tower. In other words, Lift Tower 14 can support three antennas for GSM-based phone service, but it cannot support the additional antennas and equipment needed to bring AT&T's 3G, and eventually 4G, service to Black Mountain and surrounding areas.

Accordingly, AT&T is withdrawing that application for the ski lift extension and is seeking approval to erect a stand-alone tower in the same general vicinity as Lift Tower 14. Specifically, the AT&T "Facility" will consist principally of the following elements: (i) a 45' tall monopole tower; (ii) nine (9) panelized antennas each measuring roughly 55" h x 11" w x 5" d; (iii) utility connections for power, telephone, and antenna connections (including a new ice bridge from the Shelter to the Tower for the antennas); and (iv) one pole mounted GPS antenna to be mounted on the ice bridge. AT&T proposes to locate its equipment within the existing 10' x 12' equipment shelter purchased from RCC Atlantic and Mr. Fichera.

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 D to this application. Photo Simulations depicting the views of the proposed tower from various vantage points are enclosed as Exhibit E.

II. Project Objective

The purpose of the Facility is to provide Global Systems for Mobile Communications ("GSM") and High Speed Packet Access ("HSPA") / Universal Mobile Telecommunications Service ("UMTS") wireless coverage in and around the Town of Jackson, including GSM-standard 3G wireless technologies for simultaneous circuit switched voice and packet switched data communications. Coverage is also 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 chosen by AT&T to provide reliable wireless service to users who have purchased or will purchase GSM handsets. The benefits of GSM include ability to provide 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), Europe and Asia. HSPA/UMTS technology 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 results in 3G service being available for optimal use of multiple handheld devices such as the iPhone® and Blackberry®, as well as for laptop computers through use of a USB-based modem. AT&T 4G LTE Service, which requires a combination of enhanced backhaul and modified 3G service, will become available over the next two to three years in the northeastern United States.

At present, AT&T's temporary facility at Black Mountain provides GSM 2G service only. The purpose of installing the proposed 45' tall monopole is to enable AT&T to install the additional equipment that will allow it to provide 3G service within the same coverage footprint that the temporary facility permits. If the proposed 45' tower is approved, the antennas on the temporary facility will be removed and reinstalled on the monopole.

III. Application Submittals and Criteria for the Permits

AT&T is seeking approval under the Town of Jackson Zoning Ordinance (the "Ordinance"), Section 14 ("Communications Tower and Antennas").

With respect to the Ordinance, below is an explanation of how each submittal requirement and criterion has been addressed in this Application. The enclosed binder contains tabs marking each submitted item. If additional items are requested, AT&T will supplement the binder accordingly.

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

14.4 Permit Required

All Communications Towers and Antennas shall require a building permit issued by the Board of Selectmen.

With this narrative, as well as the enclosed Building Permit Application Form and supporting materials, AT&T is hereby submitting its request for a Building Permit to the Board of Selectmen.



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.

The average treetop elevation near the proposed monopole is approximately 2264 feet. The top elevation of AT&T's proposed monopole is approximately 2275 feet. Thus, the tower will be in compliance with this requirement. See Sheet C-1 of the Zoning Drawings, attached as Exhibit D.

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 D.

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."

In accordance with this section and the definition of "Fall Zone" contained in the Ordinance at Section 14.2.4, the 45' tall monopole will be located at least 56.25 feet from any property line, road, habitable dwelling, business or institutional use, as shown on C-2 of the Zoning Drawings, attached as Exhibit D.

Nevertheless, because the underlying parcel is currently developed as a ski/ recreational area, compliance with this provision in its entirety is not possible. Thus, AT&T has requested a waiver from the requirements of this provision, as explained in more detail in the **Petition for Waiver** that has been submitted along with this Application.



14.5.4 Visual Impact and Lighti ng: 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.

The monopole will utilize materials that will blend in with the existing ski lift infrastructure located in the area. Moreover, the proposed location of the Facility toward the top of the mountain, along with the surrounding mature and dense trees limit the visibility of the Facility. See the attached Photographic Simulations attached as Exhibit E.

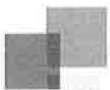
14.5.4.2 If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually 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 on a Tower; therefore, the first sentence of this Ordinance section is not applicable to the Facility. No lighting of the Tower is required by the FAA and, accordingly AT&T does not propose to install any lighting on the Tower. See the Towair Report, attached as Exhibit F. The only lighting at the Facility will be on the equipment shelter, shielded behind the fence. The light will be designed to activate only upon entry into the compound.

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 toward the top of the mountain, along with the surrounding mature and dense tree growth limit the visibility of the Facility. See the attached Photographic Simulations attached as Exhibit E.

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.



The Tower is presently surrounded by mature and dense tree growth that adequately screens the view of the Facility from adjacent properties and public roads. See the attached Photographic Simulations attached as Exhibit E.

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

No clearing is proposed in connection with this Project and thus the surrounding mature and dense tree growth will continue to limit visibility of the tower and related appurtenances. See the attached Photographic Simulations attached as Exhibit E.

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.

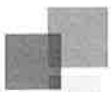
AT&T proposes to install only such signage as required pursuant to applicable FCC regulations and guidelines.

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.

No fencing is currently being proposed in connection with this project. However, as indicated on the Zoning Drawings, attached as Exhibit D, the Tower has been designed so that the climbing pegs, which typically are installed on a monopole such as this, have been removed from the bottom 15-foot portion of the monopole. Thus, a 15' ladder would be required to climb the tower.

Accordingly, AT&T respectfully requests that the Planning Board waive the requirement for fencing as set forth in this provision. To the extent the Planning Board declines to waive this requirement, AT&T is also seeking a waiver from the Zoning Board of Adjustment. See the **Petition for Waiver** submitted along with this Application.

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.

The Facility will be constructed and maintained in compliance with the applicable building codes and standards for Communications Towers, support structures and antennas that are published by the Electronic Industries Association. See Structural Letter attached as Exhibit G. AT&T will design and operate the Facility in a manner that minimizes all safety hazards.

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.

The proposed Facility will meet or exceed all the applicable standards and regulations of all government agencies including the FAA and the FCC.

AT&T is an FCC-licensed wireless carrier, as evidenced by the regional license included as Exhibit H. As such, AT&T is required to ensure that the Facility will comply with FCC Guidelines on radiofrequency emissions. For further information, see the Maximum Permissible Exposure Study, attached as Exhibit I, that finds that the Facility will be in compliance with all appropriate Federal regulations in regards to radio frequency ("RF") standards.

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. See Towair



Determination Results, attached as Exhibit F. 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 install 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.

AT&T is submitting the within application and supporting materials to the Board of Selectmen in compliance with this provision. Since the present application involves locating a tower at the same general location as AT&T's prior proposals, AT&T respectfully submits that a further hearing is not necessary and requests that the Board of Selectmen approve AT&T's proposal and issue a building permit without a hearing.

To the extent, however, the Board of Selectmen believes a hearing is necessary, AT&T respectfully requests that a joint hearing be held involving all other Town Boards that must be consulted in accordance with Section 14 of the



Zoning Ordinance (including the Planning Board and
Zoning Board of Adjustment).

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 D. Also, see the Propagation Map attached as Exhibit J showing the existing and proposed radio frequency coverage. Due to the topography and the existing dense tree buffer surrounding the facility, AT&T is not proposing any landscaping. If the Board finds additional landscaping is appropriate in this location, AT&T will add landscaping as required by the Board.

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.

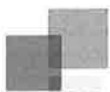
AT&T is an FCC-licensed wireless carrier, as evidenced by the regional license included as Exhibit H. As such, AT&T is required to ensure that the Facility will comply with FCC Guidelines on radiofrequency emissions. For further information, please see the Maximum Permissible Exposure Study, attached as Exhibit I, that finds that the Facility will be in compliance with all appropriate Federal regulations in regards to radio frequency (“RF”) standards.

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

Please see the Letter of Authorization dated March 31, 2011, attached as Exhibit A.

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 has been prepared and submitted to multiple state, federal and tribal agencies in accordance with the National Programmatic Agreement for tower construction. AT&T’s



understanding is that the Planning Board was contacted and asked to review the application for historical impact. This report concludes the tower project will not have an undue adverse effects on the environment or on any historic resources. See Exhibit P.

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 currently operates a smaller, temporary facility, consisting of three antennas located on Lift Tower 14. This equipment was installed in the fall of last year as a temporary solution to remedy AT&T's coverage gap pending approval of the ski lift extension project. While the current facility provides some GSM 2G coverage to the ski area, it does not completely remedy the existing gap in 3G coverage.

After installing the temporary facility, AT&T determined that the proposal to extend the lift tower and install additional antennas would not be feasible. In particular, the ski area engineers determinate that such an installation would compromise the structural integrity of the ski lift tower. See Email Correspondence from Black Mountain's Engineer, attached as Exhibit K.

Accordingly, AT&T has withdrawn the application for the ski lift extension project and submits the instant application as an alternative solution. Once this proposed Facility is approved, AT&T will deactivate and remove the antennas recently installed on the lift tower and AT&T will rely solely on the antennas on the new Facility.

AT&T also leases space on the 75' monopine facility, referred to as the Lynderhof (NH1661) facility. The Lynderhof is located at 71 Lynderhof Road, Intervale, NH. The economic or technological feasibility for co-location on the Lynderhof facility is beyond the scope of AT&T's knowledge as Lessors.



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 not planned for any additional Towers in Jackson. As noted above, the temporary facility that currently exists on the lift tower will be removed once the Facility proposed in this application is approved and constructed.

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 proposed extending the existing facility located on top of the ski lift tower, Black Mountain's Engineer subsequently determined that the weight of the antennas would overload the ski tower and thus would not be feasible. The temporary facility located on the lift tower does not sufficiently accommodate AT&T's coverage needs.

Moreover, the radio station tower is not sufficiently high to meet AT&T's coverage needs and lacks the structural integrity necessary to support AT&T's equipment. Similarly, the only available space on the Verizon tower is not sufficiently high to meet AT&T's coverage needs.

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.

No existing structures of any kind are available at a height and in a location that meets AT&T's coverage needs.

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.

AT&T has sought and obtained a variance from Section 14.6.3.3 of the Jackson Zoning Ordinance. See Zoning Board of Adjustment's Notice of Decision, attached as Exhibit B.



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:

14.6.4.1 The applicant shall submit a list of all owner contacts made with regard to the availability of co-location for the Antenna. If the Board of Selectmen or Town staff finds additional existing buildings and structures that may be satisfactory, the applicant shall contact the property owners.

This provision is not applicable since no existing structures are at the appropriate height and in the location necessary to meet AT&T's coverage requirements. Therefore, there were no owner contacts to be made.

14.6.4.2 The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "return receipt requested" forms from the US Post Office shall be provided for each owner of existing structure that was contacted.

This provision is not applicable since no existing structures are at the appropriate height and in the location necessary to meet AT&T's coverage requirements. Therefore, there were no owner contacts to be made.

14.6.4.3 If the applicant claims that a structure is not structurally capable of supporting a Communications Antenna or facility, this claim must be certified by a registered, professional engineer licensed in the State of New Hampshire. This certification shall at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the facility.

This provision is not applicable since no structure is at the appropriate height and in the location necessary to meet AT&T's coverage needs. Moreover, as noted in the correspondence of Black Mountain's structural engineer, the ski lift tower would not be able to support the six antennas AT&T proposed to install as part of its application for the ski lift extension project. See Email Correspondence from Black Mountain's Engineer, attached as Exhibit K.

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.



As noted above, there are no structures at the appropriate height and in the location necessary to meet AT&T's coverage needs.

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.

Please see Co-location Agreement attached as Exhibit L. AT&T will allow co-location provided that the co-locator meets the terms and conditions associated with absence of interference, structural integrity and general management of the premises.

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 that are attached as Exhibit J, showing the existing coverage without the proposed facility and the expected coverage with the facility installed.

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 Maximum Permissible Exposure Study submitted as Exhibit I demonstrates that the Facility will be well within the acceptable parameters under the FCC guidelines for radio frequency emissions.

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

Chuck Regulbuto
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.

Please see the Letter of Intent, attached as Exhibit M.

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:

14.7.1.1 The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

14.7.1.2 The waiver will not, in any manner, be inconsistent with the provisions of the Jackson Zoning Ordinance or the Jackson Master Plan.

14.7.1.3 Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations.

14.7.1.4 A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver.

AT&T has submitted a **Petition for Waiver** along with this Application, seeking waivers from the requirements of Sections 14.5.3 (“Fall Zone”) and 14.5.5 (“Fencing”).

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 N 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 \$13,000.00. Please see Exhibit O for proof of insurance.

14.9 Removal of Abandoned Antennas and Facilities

Any Antenna or facility that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the facility. If the abandoned facility is not removed within 90 days the Town may execute the security and have the facility removed. If there are two or more users of a single facility, this provision shall not become effective until all users cease using the facility.

AT&T is willing to comply with all abandonment or discontinuation of use provisions.

CONCLUSION

AT&T requests, based on the foregoing, that the Board of Selectmen accept this Building Permit Application as complete and issue approval of the Project without a hearing. If, however, the Board of Selectmen determines that a hearing is necessary, AT&T respectfully reiterates its request that the Board convene a joint hearing with all other necessary Town Boards, including, if necessary, the Planning Board and Zoning Board of Adjustment.

If the Board would like further information or would like to schedule a public meeting concerning this proposal, please let me know. Thank you for your attention to this important project.

Sincerely,



Lisa A. Fearon

Enclosures

cc: Jonathan McNeal, SAI Communications (electronic)
Chuck Regulbuto, SAI Communications (electronic)

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