

Duval, Klasnick & Thompson LLC  
Counselors at Law

OUR EXPERTISE. YOUR FUTURE. SUCCEEDING TOGETHER.®

Earl W. Duval  
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Direct: 781-873-0023

April 9, 2019

Marcia Gasses, Planner and Land Use Administrator  
Karyn Forbes, Chair  
Zoning Board of Adjustment  
333 Calef Hwy  
PO Box 660  
Barrington, NH 03825

LAND USE OFFICE

APR 15 2019

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**RE: Extension Request – Case Number 254-64-GR-SDAO-17-ZBA**

Dear Chair Forbes, Ms. Gasses and Members of the Board:

On April 27, 2017, the Barrington Zoning Board of Adjustment granted a variance to Varsity Wireless Investors, LLC (“Varsity”) from section 10.4(3) of the Zoning Ordinance to allow the construction of a 150’ tall wireless communications facility on Bumford Road (Map 251, Lot 64) to project more than 20’ above the existing tree canopy.

Under the terms of the approval and under the requirements of RSA 674:33, the variance was set to expire on April 27, 2019.<sup>1</sup> New Hampshire law and the Barrington Zoning Ordinance provides that the zoning board of adjustment may extend the variance for good cause.

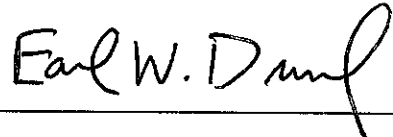
Due to unforeseen circumstances, Varsity has not commenced construction of the wireless communications facility on Bumford Road. Originally, Varsity Wireless had secured interest from a national wireless carrier, however, as a result of a pending merger between two of the nation’s top wireless service providers, the site was placed on hold. While Varsity fully expects to construct and commence operation of the approved wireless communication facility, as a result of these

<sup>1</sup> RSA 674:33(I-a) states that variance shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

merger negotiations we respectfully request an extension for an additional two (2) years until April 27, 2021.

We look forward to discussing the project with you and the Zoning Board of Adjustment. Please let me know if you need any additional information. Thank you.

Very truly yours,  
Duval, Klasnick & Thompson LLC

A handwritten signature in black ink that reads "Earl W. Duval". The signature is written in a cursive style and is positioned above a horizontal line.

By: Earl W. Duval  
Attorney at Law

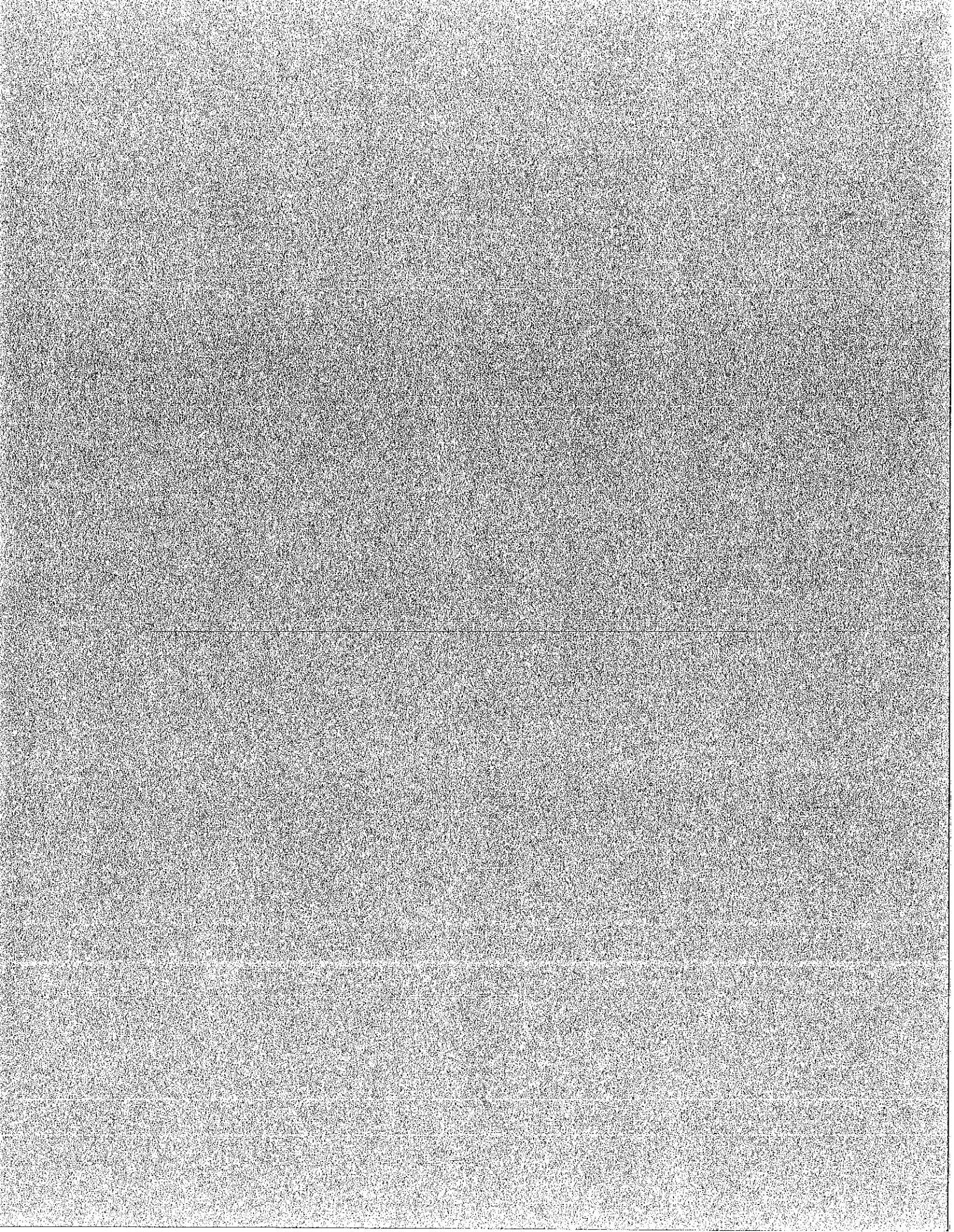
EWD/tbm

cc: Michael Culbert, Varsity Wireless Investors, LLC

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## Barrington Zoning Board of Adjustment Zoning Ordinance Variance and Special Exception Application Checklist

**Please schedule a meeting with staff before submitting your application.**

This checklist has been prepared to assist you in submitting a complete application to the Town of Barrington. At the Pre-Application meeting, staff will check off the items on this list that are required with your submission.

***This document constitutes a public disclosure under RSA Chapter 91 – A, Access to Governmental Records and Meetings.***

Date Steven F. Lenzi and Pamela M Lenzi Case No. 254-64-GR-SDAO-17-ZBA<sup>EXT</sup>  
 Owner Revocable Trust Mailing Address \_\_\_\_\_  
 Phone (781) 873-0023 Email eduval@dkt-legal.com  
 Attorney Earl W. Duval, on behalf of Applicant

### PART I – GENERAL REQUIREMENTS

***All Graphics shall be to Scale and Dimensioned***

Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.

Req'd	Rec'd
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- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Zoning Board of Adjustment Application Checklist ( <i>this form</i> )  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. ZBA General Information (Article(s) and Section(s) of Ordinance)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Appeal and Decision  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Fees - \$150.00 Application <input type="checkbox"/><br>\$ 75.00 Legal Notice <input type="checkbox"/><br>\$ 7.00 per US Post Office Certified Letter <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Completed Project Application Form<br><input type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal                             |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Notarized Letter of Authorization (from property owner(s) if property owner did not sign the application form)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Project Narrative  |

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- 8. HOA Approval *(if applicable)*
- 9. Context or Locus Map (Show Surrounding Zoning Districts)
- 10. Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).
- 11. Existing Conditions Photo Exhibit *(See instruction page for submitting photos)*  
Up to four photos may be shown per 8 ½" X 11" page size
  - a. Show all existing structures on site
- 12. List of Certified Abutters (Include Applicant and all licensed professionals, i.e., engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement)
- 13. Mailing Labels (4 sets)

**PART II – REQUIRED PLANS AND RELATED DATA**  
***All Graphics and Plans Shall be to Scale and Dimensioned***

- 1. Site Plan - ***Drawn and Stamped by Registered Land Surveyor***
  - a. 24" X 36" – 2 Copies
  - b. 11' X 17" – 6 Copy
  - c. 8 1/2 " X 11" – 1 Copy
- 2. Elevations: Show all sides of building and indicate building heights
  - a. 24" X 36" – 2 Copies
  - b. 11' X 17" – 6 Copy
  - c. 8 1/2 " X 11" – 1 Copy
- 3. Floor Plans
  - a. 24" X 36" – 2 Copies
  - b. 11' X 17" – 6 Copy
  - c. 8 1/2 " X 11" – 1 Copy
- 4. All drawings and any revised drawings must be submitted in PDF format
- 5. OTHER: \_\_\_\_\_
- 6. Your Appointment Date and Time for Submitting the Complete Application is: \_\_\_\_\_

Barbara Arvine  
Staff Signature

4/15/2019  
Date

**Land Use Department**  
**Town of Barrington; 137 Ramsdell Lane; Barrington, NH 03825**  
**barrplan@metrocast.net Phone: 603.664.5798**

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**PART III – PROJECT DESCRIPTION/VARIANCE DETAILS**

**Case No.** 254-64-GR-SDAO-17-ZBA<sup>EXT</sup>

**Project Name** VW2-NH-0032A

**Location Address** Bumford Road

**Map and Lot** Map 251, Lot 64

**Zoning District (Include Overlay District if Applicable)** General Residential and Stratified Drift Aquifer Overlay

**Property Details:**

- Single Family Residential    Multifamily Residential    Manufactured Housing  
 Commercial    Mixed Use    Agricultural    Other

**Use:** \_\_\_\_\_

**Number of Buildings:** \_\_\_\_\_   **Height:** \_\_\_\_\_

**Setbacks:** Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

**Description of Request**

Cite the Section of the Zoning Ordinance you are requesting a Variance or Special Exception for. If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:

The Applicant requests an extension of the variance decision granted on April 27, 2017 pursuant to RSA 674:33.

**Project Narrative:** *(Please type and attach a separate sheet of paper)*

Please see attached letter.

**Barrington Zoning Ordinance Requirements:**

**Request:** *(You may type and attach a separate sheet of paper)*

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**PART IV – If this is a JUSTIFICATION FOR VARIANCE**

**The Zoning Board of Adjustment may not authorize a zoning ordinance variation unless ALL of the following criteria are met. Please provide evidence that the requested Variance complies by addressing the issues below.**

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

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2. Granting the variance would be consistent with the spirit of the Ordinance.

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3. Granting the variance will not result in diminution of surrounding property values.

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4. Granting of the variance would do substantial justice.

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5. Granting of the variance would not be contrary to the public interest.

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**PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION**

**Please provide evidence that the requested Special Exception complies by addressing the issues below.**

1. No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

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2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

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3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

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4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

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5. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

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In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following and should be addressed in the Narrative:

- 1. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
- 2. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- 3. Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this Ordinance.
- 4. Limitations on the number of occupants and methods and times of operation.
- 5. Regulation of the design and location of access drives, sidewalks, and other traffic features.
- 6. Location and amount of parking and loading spaces in excess of existing standards.
- 7. Regulation of the number, size, and lighting of signs in excess of existing standards.

Earl W. Duml, Counsel for Applicant      4/15/19  
Signature of Applicant      Date

See LOA  
Signature of Owner      Date

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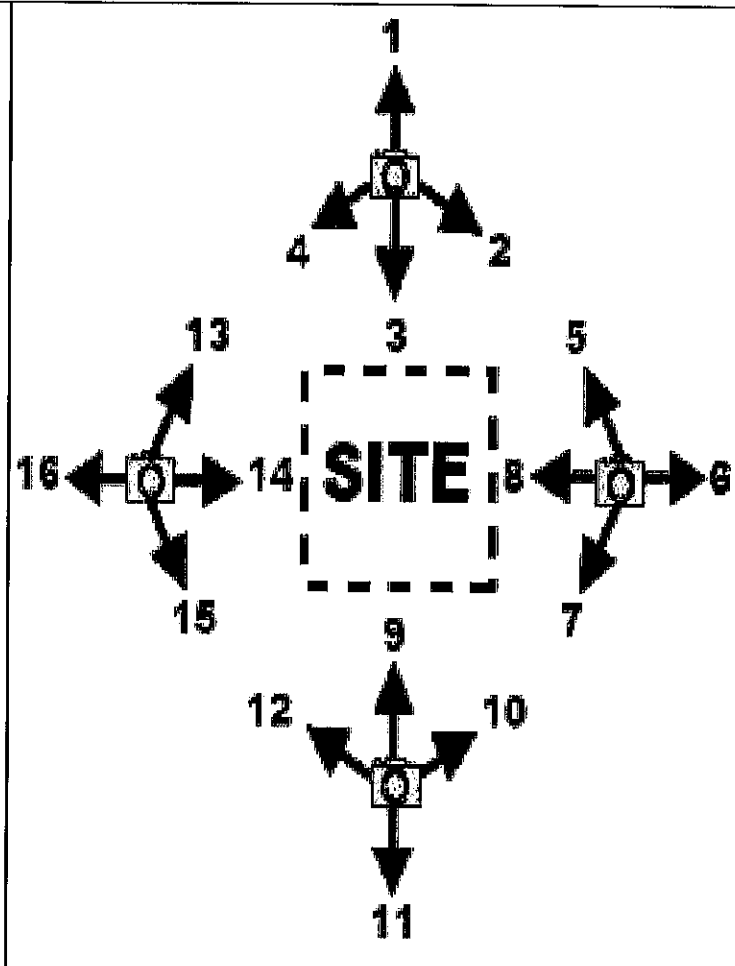


## SITE / CONTEXT PHOTOS

Using Guidelines Below

Provide color photographs showing the site and surrounding buildings/properties in order to provide staff, boards and commissions with a visual impression of the current site conditions.

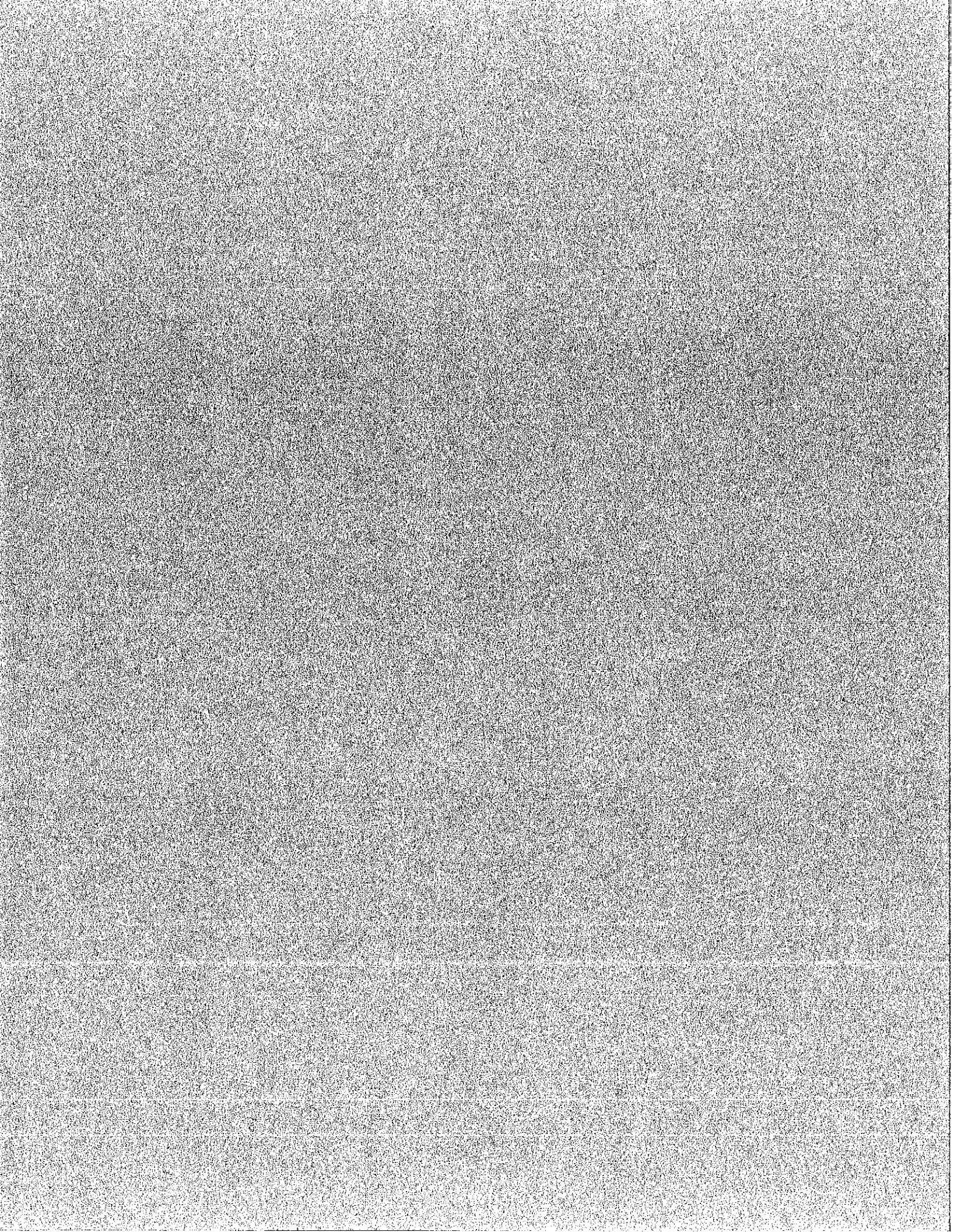
1. Photos are to be taken looking toward the site and adjacent to the site.
2. Photos should show adjacent improvements and existing on-site conditions.
3. Number the photographs according to view.



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**LETTER OF AUTHORIZATION**

We, **Steven F. Lenzi** as Trustee of the Steven F. Lenzi Revocable Trust u/d/t September 25, 2008 and **Pamela M. Lenzi** as Trustee of the Pamela M. Lenzi Revocable Trust u/d/t September 25, 2008, are owners of a certain parcel of land located at Bumford Road (Map 251, Lots 64, 65 and 66), Barrington, Strafford County, New Hampshire, recorded at the Strafford County Registry of Deeds in Book 3707, Page 826.

As owners of the above-referenced property, we hereby authorize Varsity Wireless, LLC and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on our property.

**STEVEN F. LENZI REVOCABLE TRUST**

By: *Steven F. Lenzi*  
Name: Steven F. Lenzi  
Title: Trustee  
Date: 3/30/16

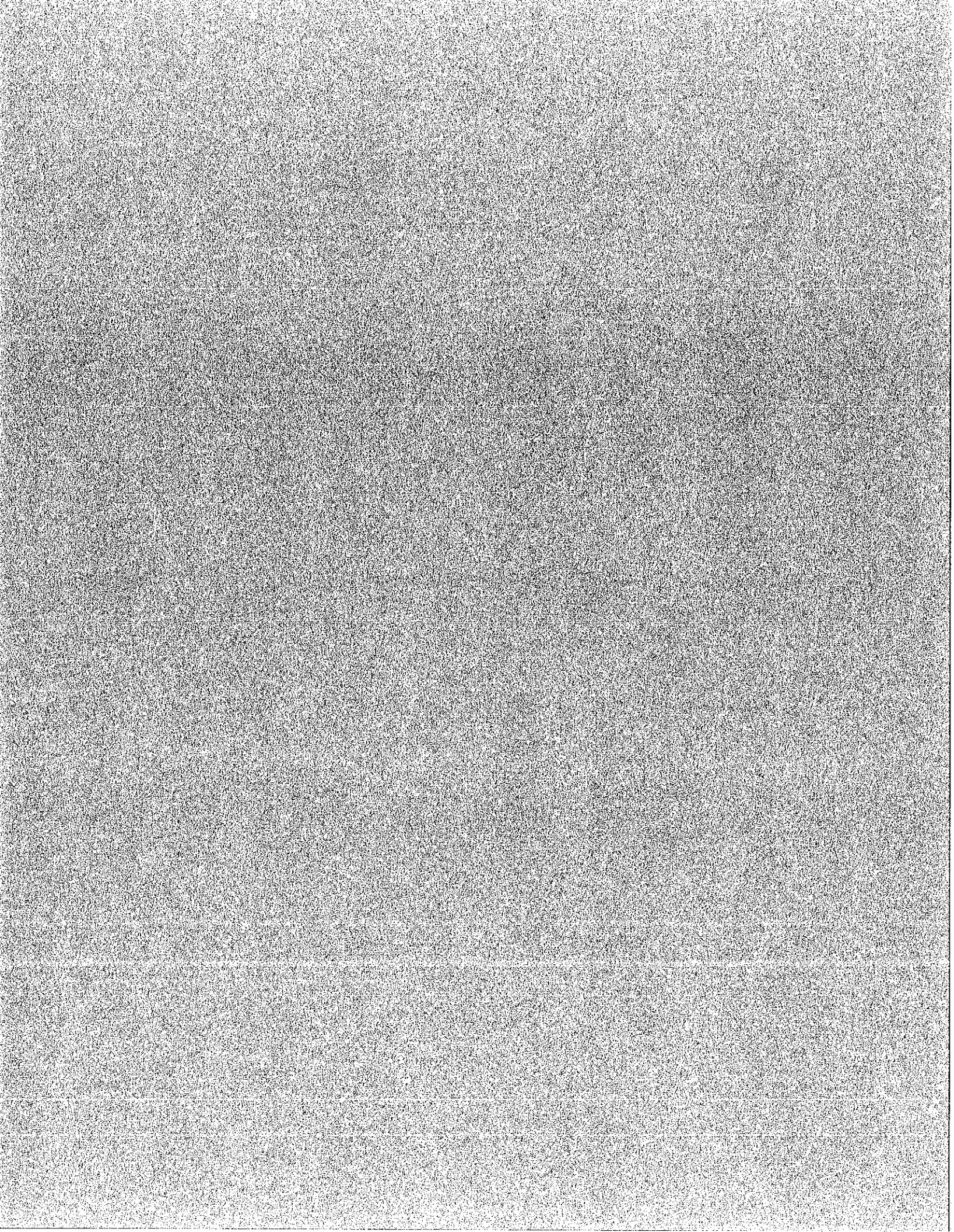
**PAMELA M. LENZI REVOCABLE TRUST**

By: *Pamela M. Lenzi*  
Name: Pamela M. Lenzi  
Title: Trustee  
Date: 3-30-16

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# 300 foot Abutters List Report

Barrington, NH

April 09, 2019

## Subject Property:

Parcel Number: 251-0064  
CAMA Number: 251-0064  
Property Address: BUMFORD RD

Mailing Address: LENZI STEVEN & PAMELA TRS REV TR  
304 YOUNG RD  
BARRINGTON, NH 03825

## Abutters:

Parcel Number: 251-0038  
CAMA Number: 251-0038  
Property Address: 143 PROVINCE RD

Mailing Address: NEUBAUER NANCY A COLE NEUBAUER  
ANDREW  
143 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0039  
CAMA Number: 251-0039  
Property Address: 161 PROVINCE RD

Mailing Address: RAU DAVID B & APRIL D TRS FAM REV  
TR  
161 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0040  
CAMA Number: 251-0040  
Property Address: 191 PROVINCE RD

Mailing Address: DESHAIS JOSEPH  
191 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0041  
CAMA Number: 251-0041  
Property Address: 195 PROVINCE RD

Mailing Address: O'CONNELL EDWARD E & CRISTINE  
195 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0042  
CAMA Number: 251-0042  
Property Address: 197 PROVINCE RD

Mailing Address: TRAILL SCOTT & HELENE  
197 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0044  
CAMA Number: 251-0044  
Property Address: PROVINCE RD

Mailing Address: RAMSBOTHAM THOMAS & CAROLYN  
54 NUTE RD  
MADBURY, NH 03823

Parcel Number: 251-0045  
CAMA Number: 251-0045  
Property Address: 202 PROVINCE RD

Mailing Address: BAXTER JOHN % THOMASINA  
RICHARDSON  
43 HANSONVILLE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0046  
CAMA Number: 251-0046  
Property Address: 156 PROVINCE RD

Mailing Address: WEIKER JARED & TATYANA  
156 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0050  
CAMA Number: 251-0050  
Property Address: PROVINCE RD

Mailing Address: WILDE MARCIA & PHILIP  
116 PROVINCE RD  
BARRINGTON, NH 03825

Parcel Number: 251-0051  
CAMA Number: 251-0051  
Property Address: 66 PROVINCE RD

Mailing Address: LEAK SHIRLEY TRS SHIRLEY LEAK REV  
TR  
66 PROVINCE RD  
BARRINGTON, NH 03825



www.cai-tech.com

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# 300 foot Abutters List Report

Barrington, NH

April 09, 2019

Parcel Number: 251-0065 CAMA Number: 251-0065 Property Address: 47 BUMFORD RD	Mailing Address: LENZI STEVEN & PAMELA TRS REV TR 304 YOUNG RD BARRINGTON, NH 03825
Parcel Number: 251-0068 CAMA Number: 251-0068 Property Address: HAYES RD	Mailing Address: HAYES BARBARA R TRS REV TR 63 HAYES RD BARRINGTON, NH 03825
Parcel Number: 251-0069 CAMA Number: 251-0069 Property Address: 83 HAYES RD	Mailing Address: FORTIER LISA A 83 HAYES DR BARRINGTON, NH 03825
Parcel Number: 251-0070 CAMA Number: 251-0070 Property Address: 82 HAYES RD	Mailing Address: ROBBINS TAMMY L 10 FALKLAND LANE ROCHESTER, NH 03867
Parcel Number: 251-0071 CAMA Number: 251-0071 Property Address: 78 HAYES RD	Mailing Address: FORTIER LISA A TRS REV TR 83 HAYES RD BARRINGTON, NH 03825
Parcel Number: 253-0005 CAMA Number: 253-0005 Property Address: HAYES RD	Mailing Address: HAYES BARBARA R TRS REV TR 63 HAYES RD BARRINGTON, NH 03825
Parcel Number: 253-0006 CAMA Number: 253-0006 Property Address: 63 HAYES RD	Mailing Address: HAYES BARBARA R TRS REV TR 63 HAYES RD BARRINGTON, NH 03825
Parcel Number: 253-0007 CAMA Number: 253-0007 Property Address: HAYES RD	Mailing Address: HAYES BARBARA R TRS REV TR 63 HAYES RD BARRINGTON, NH 03825
Parcel Number: 253-0008 CAMA Number: 253-0008 Property Address: PROVINCE RD	Mailing Address: RAMSBOTHAM THOMAS & CAROLYN 54 NUTE RD MADBURY, NH 03823
Parcel Number: 253-0009 CAMA Number: 253-0009 Property Address: WINKLEY POND RD	Mailing Address: CARLSEN WILLIAM S & LAURA E 16 SHEPERDS LN EPPING, NH 03042
Parcel Number: 253-0010 CAMA Number: 253-0010 Property Address: WINKLEY POND RD	Mailing Address: CARLSEN WILLIAM S & LAURA E 16 SHEPHERDS LN EPPING, NH 03042
Parcel Number: 253-0016 CAMA Number: 253-0016 Property Address: 73 WINKLEY POND RD	Mailing Address: SOULIERE DONALD & DAVID 73 WINKLEY POND RD BARRINGTON, NH 03825



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Abutters List Report - Barrington, NH

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Additional Abutters - Bumford Road (Map 251, Lot 64)

**Varsity Wireless Investors, LLC**  
**290 Congress Street, 7<sup>th</sup> Floor**  
**Boston, MA 02210**

**Derek J. Creaser, Professional Engineer**  
**Hudson Design Group LLC**  
**1600 Osgood Street**  
**Building 20 North, Suite 3090**  
**N. Andover, MA 01845**

**Timothy J. Winings, Licensed Land Surveyor**  
**Northeast Survey Consultants**  
**116 Pleasant Street, Suite 302**  
**PO Box 109, Easthampton, MA 01027**

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