



Everest Infrastructure Partners
Two Allegheny Center
Nova Tower 2, Suite 703
Pittsburgh, PA 15212

October 18, 2022

Ms. Vanessa Price
Town Planner

Chair Andrew Knapp
Planning Board
Town of Barrington
333 Calef Highway
Barrington, New Hampshire 03825

**RE: Case Number 251-64-GR-SDAO-17-SR
Extension Request
Wireless Telecommunications Tower
Address: Bumford Road (Map 251, Lot 64)**

Dear Ms. Price and Chair Knapp:

EIP Communications I, LLC, a Delaware limited liability company (“EIP Communications”), as successor by merger to Varsity Wireless Investors, LLC (“Varsity” and original applicant), respectfully requests the Town of Barrington Planning Board (“Board”) to grant a one year extension to the period for EIP Communications to exercise its rights authorized under the Notice of Decision for the construction of a wireless communications tower on Bumford Road in connection with Case Number: 251-64-GR-SDAO-17-SR. The one year extension would expire on October 17, 2023.

SUMMARY OF PROPOSED INSTALLATION

Varsity, now EIP Communications, proposes to construct a 150’ monopole tower (“Tower”). The Tower will accommodate at least four (4) wireless service providers and associated antennas, with ground equipment placed adjacent to the Tower (collectively, the “Facility”), as shown on the plan prepared by Hudson Design Group, LLC, with a last revision date of September 19, 2017. The Facility will be installed inside an area of approximately 3,855 square feet that will be surrounded by a fence with a twelve (12) foot wide locked entrance gate. Access will be over the existing driveway from Bumford Road (Map 251, Lot 64).

PERMITTING BACKGROUND

The Board, via its Notice of Decision dated June 7, 2017 (“Decision”), voted to conditionally approve the application presented by Varsity, now EIP Communications, for site plan review (“Site Plan Review”) to construct the Facility. An extension was granted by a majority vote of the Board on October

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9, 2019. Following similar applications for an extension in connection with the Site Plan Review approval, a second extension was granted on September 1, 2020 and a third one year extension was granted on September 7, 2021 through October 17, 2022. Additionally, the Zoning Board of Adjustment granted separate relief to allow a variance from the Section 10.4(3) dimensional standards by Notice of Decision dated April 27, 2017. By Notice of Extension dated April 28, 2021, the Zoning Board of Adjustment granted a request for an extension of the dimensional variance with a new expiration date of April 27, 2023.

EIP COMMUNICATIONS' INTEREST IN THE PROPERTY

The Trustees of the Steven F. Lenzi Rev. Trust and Pamela M. Lenzi Rev. Trust ("Owner") are leasing a portion of their property being shown on the Tax Map of the Town of Barrington as 251, Lot 64 with an address of Bumford Road (the "Property") to EIP Communications for the location of the Facility, including a wireless telecommunications tower. Access and utility easements over the Property are also included. The Owner has given EIP Communications full authority to file for the necessary approvals for the installation of the Facility on the Property, as well as the extension requested herein.

REQUESTED EXTENSION

EIP Communications respectfully requests that the Board grant a further extension of time under the Decision to exercise all rights authorized thereunder and satisfy all conditions for the proposed Facility at Bumford Road, Barrington, New Hampshire. Specifically, EIP Communications requests that the Board vote to direct the following: The period under which EIP Communications has to exercise the rights authorized under the Notice of Decision dated June 7, 2017 shall be extended for an additional period of one (1) year ending on **October 17, 2023**.

BASIS FOR REQUESTING EXTENSION

Page three of the approval, General and Subsequent Conditions #1, states that "[w]here no active and substantial work has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board, and was granted on October 9, 2019. Following similar applications for extension in subsequent years, a second one year extension was granted on September 1, 2020 and a third one year extension was granted on September 7, 2021.

While the Decision provides that the Board may grant only one such extension for any proposed site plan, EIP Communications respectfully requests that the Board waive the limitation and grant a further one year extension. Pursuant to the Barrington Site Plan Review Regulations, the Board is empowered to waive any portion of its regulations. The Planning Board may grant a waiver if it finds, by majority vote, that: (1) strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or (2) specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board's granting an extension is not contrary to the spirit and intent of the regulations and not receiving a waiver of the limitation on granting a further extension would cause EIP Communications an unnecessary hardship. EIP Communications has not commenced construction of the Facility at Bumford Road, to avoid prematurely erecting a tower without the immediate use of an initial wireless communications provider.

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Originally, EIP Communications had secured interest from a national wireless carrier. However, as a result of the merger of that company with another national wireless operator, the project was put on hold to evaluate the appropriate time and budgeting for its eventual deployment. Although, the aforementioned carrier may locate at the Facility, the Facility has been identified as a potential candidate by a second carrier. However, the second carrier indicated that the proposed budget for deployment at the Facility is outside of the current extended approval date granted by the Board. Without the waiver of the limitation and grant of the requested one year extension, the ability of EIP Communications to deliver upon its commitment to have a permit ready Facility will be severely comprised at the very moment it is attempting to secure the installation of equipment by a wireless service provider.

The Facility is proposed to be located in an area of Barrington that was found suitable by both the Planning Board and Zoning Board of Adjustment. In fact, the Zoning Board of Adjustment granted an additional extension of the dimensional variances until April 27, 2023 to facilitate successful construction of the Facility. The location is uniquely situated to allow for the installation of a wireless facility to satisfy the network requirements of the nation's wireless service providers. There are no changes proposed to the approved Facility site plan. These specific circumstances relate to suitability and uniqueness to allow for a waiver and extension consistent with the spirit and intent of the regulations. The extension will afford EIP Communications the opportunity to overcome a number of hurdles prior to being able to satisfy the requirement to commence active and substantial work.

Although EIP Communications continues to diligently pursue completion of the project, such an effort requires additional time beyond the prior extension. Therefore, a one year extension is both necessary and appropriate.

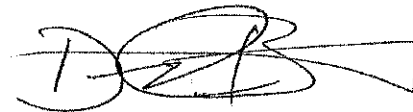
CONCLUSION

For the foregoing reasons, EIP Communications respectfully requests that the Board grant a one year extension for EIP Communications to exercise the rights granted under the Decision, with such extension concluding on **October 17, 2023**. EIP Communications looks forward to discussing the requested extension with the Planning Board. Please let me know if you need any additional information. Thank you for your consideration.

Sincerely,

EIP Communications I, LLC

By:



David C. Bruening
Vice President, Legal

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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: 10/19/22

PAMELA M. LENZI REVOCABLE TRUST

By: Pamela M. Lenzi
Name: Pamela M. Lenzi
Title: Trustee
Date: 10/19/22

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