

ANDERSON & KREIGER LLP

BRIAN S. GROSSMAN
bgrossman@andersonkreiger.com
T: 617-621-6582
F: 617-621-6682

July 23, 2014

By Electronic Mail and
First Class Mail

Zoning Board of Adjustment
City of Rochester
31 Wakefield Street
Rochester, NH 03867

MOTION FOR REHEARING – RSA 677:2

RE: Applicant: New Cingular Wireless PCS, LLC (“AT&T”)
 Property Owner: Matthew G. Scruton
 Property: 144 Meaderboro Road, Rochester, New Hampshire
 Parcel ID 232-16-3 (the “Property”)
 Petition: (1) Special Exception for a Wireless Communications Facility
 pursuant to Section 42.14(D)(4), Section 42.23(a)(1), and Section
 42.23(c)(27), of the Ordinance; and
 (2) Any other relief required within the jurisdiction of the Zoning
 Board of Adjustment (All relief is requested if and to the extent
 necessary, all rights reserved under the Federal
 Telecommunications Act of 1996 (“TCA”) and otherwise).

Dear Board Members:

By its Motion for Rehearing dated July 11, 2014, AT&T moved for a rehearing by the Zoning Board of Adjustment (the “Board”) of the Board’s Vote on June 11, 2014 and Notice of Decision dated June 13, 2014 (collectively the “Decision”), denying AT&T’s application for the above-captioned zoning relief to construct and operate a wireless communication tower and facility to be located at the above Property (the “Motion”).

Pursuant to RSA 677:3, the Board must “within 30 days either grant or deny the application, or suspend the order or decision complained of pending further consideration.” However, if an extension is mutually agreed to by the Board and the party requesting the rehearing, the deadline for action can be extended (otherwise, the request is deemed denied after the 30 day period runs).

AT&T respectfully requests that the Board schedule any discussion concerning the Motion for this matter for its regularly scheduled meeting on September 10, 2014. Therefore, an extension must be agreed to by AT&T and the Board.¹

As the Board may be aware, the Federal Communication Commission ("FCC") has established a "Shot Clock" deadline for municipalities to issue permits or otherwise act on applications for siting, construction or modification of wireless communication facilities. In the absence of a mutually agreed extension, the 150-day Shot Clock deadline will expire on September 4, 2014.

In order to permit the Board to accommodate AT&T's request, by this letter, AT&T confirms that it and the Board mutually agree to extend both the (i) deadline for the Board to act on its Motion for Rehearing pursuant to RSA 677:2 and (ii) deadline under the FCC Shot Clock to take final action on AT&T's application (including a decision on the Motion) to and including September 15, 2014.²

Please sign where indicated below to confirm the Board's acceptance of this agreement to extend the above-referenced deadlines and return a date-stamped copy to me.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



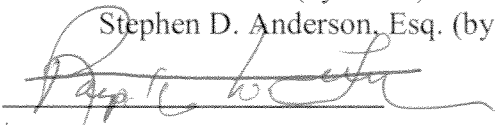
Brian S. Grossman

SO AGREED AND ACCEPTED,



Duly Authorized
Zoning Board of Adjustment

cc: James Smalanskas (by email)
Kevin Mason (by email)
Kristen LeDuc (by email)
Stephen D. Anderson, Esq. (by email)



¹ An extension for the Board to act would also be necessary even if the Board intended to consider the Motion at its next regularly scheduled meeting on August 13, 2014, because it is more than 30 days from the date the Motion was filed.

² If the Board grants AT&T's Motion, AT&T will work with the Board to set a new mutually-agreeable Shot Clock deadline to allow the Board to conduct the rehearing.

ANDERSON & KREIGER LLP

BRIAN S. GROSSMAN
bgrossman@andersonkreiger.com
T: 617-621-6582
F: 617-621-6682

August 14, 2014

By Electronic Mail and
First Class Mail

Zoning Board of Adjustment
City of Rochester
31 Wakefield Street
Rochester, NH 03867

MOTION FOR REHEARING – RSA 677:2

RE: Applicant: New Cingular Wireless PCS, LLC (“AT&T”)
 Property Owner: Matthew G. Scruton
 Property: 144 Meaderboro Road, Rochester, New Hampshire
 Parcel ID 232-16-3 (the “Property”)
 Petition: (1) Special Exception for a Wireless Communications Facility
 pursuant to Section 42.14(D)(4), Section 42.23(a)(1), and Section
 42.23(c)(27), of the Ordinance; and
 (2) Any other relief required within the jurisdiction of the Zoning
 Board of Adjustment (All relief is requested if and to the extent
 necessary, all rights reserved under the Federal
 Telecommunications Act of 1996 (“TCA”) and otherwise).

Dear Board Members:

By its Motion for Rehearing dated July 11, 2014, AT&T moved for a rehearing by the Zoning Board of Adjustment (the “Board”) of the Board’s Vote on June 11, 2014 and Notice of Decision dated June 13, 2014 (collectively the “Decision”), denying AT&T’s application for the above-captioned zoning relief to construct and operate a wireless communication tower and facility to be located at the above Property (the “Motion”). By its vote at the public meeting held yesterday, August 13, 2014, the Board granted AT&T’s request for rehearing and scheduled the public hearing for the Board’s October 8, 2014 meeting.

As previously discussed with the Board, the Federal Communication Commission (“FCC”) has established a “Shot Clock” deadline for municipalities to issue permits or otherwise act on applications for siting, construction or modification of wireless communication facilities. By its previous letter dated, July 23, 2014, AT&T agreed with the Board to extend the 150-day Shot Clock deadline from September 4, 2014 to September 15, 2014.

As discussed with the Board, in order to permit the Board to hold a rehearing as a result of its grant of AT&T's request, by this letter, AT&T confirms that it and the Board mutually agree to further extend the deadline under the FCC Shot Clock to take final action on AT&T's application (including a decision on the Motion) from the previously extended date of September 15, 2014 to and including October 13, 2014.

Please sign where indicated below to confirm the Board's acceptance of this agreement to extend the above-referenced deadlines and return a date-stamped copy to me.

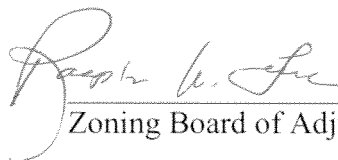
Thank you for your consideration in this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Brian S. Grossman

SO AGREED AND ACCEPTED,



Duly Authorized
Zoning Board of Adjustment

cc: James Smalanskas (by email)
Kevin Mason (by email)
Kristen LeDuc (by email)
Stephen D. Anderson, Esq. (by email)