

# ANDERSON & KREIGER LLP

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February 25, 2014

**By Email (slombardi@townofpaxton.net),**  
**Facsimile (508-797-0966) and**  
**Overnight Mail**

Roberta Brien, Chair  
Zoning Board of Appeals  
Town of Paxton  
697 Pleasant Street  
Paxton, MA 01612

Applicant: New Cingular Wireless PCS, LLC (AT&T")  
Property Owner: William R. and Phyllis A. O'Hearn  
Property: 196 West Street, Paxton, MA (Assessors' Map 12, Lot 54)  
Proposed Use: Personal Wireless Service Facility

Dear Chair Brien and Board Members:

On October 17, 2013, AT&T filed its application for a Special Permit and Variances to construct, operate and maintain a Personal Wireless Service Facility at the above-referenced property. In the absence of a mutually agreed extension between AT&T and the Board, the Federal Communications Commission's 150-day Shot Clock deadline for the Board to issue its decision in this case will expire on Monday, March 17, 2014. If the Board is agreeable, AT&T is willing to extend the FCC Shot Clock deadline to and including April 17, 2014. This one-month extension will enable the following activities to take place:

DATE	ACTION
3/7/14 (7:00 am)	7 Day Crane Test Begins
3/14/14 (6:00 pm)	7 Day Crane Test Ends
3/27/14	Submission of AT&T's: <ul style="list-style-type: none"><li>• Response to Mr. Graiff's Report</li><li>• Visibility Study (Crane Test Photographs and Photo-renderings)</li></ul>
4/3/14 (7:00 pm)	Continued Public Hearing
On or before 4/17/14	Board issues its written decision on AT&T's Application

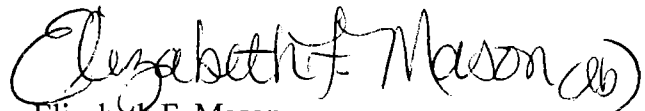
Please confirm that the Board agrees to this extension of the FCC Shot Clock deadline.  
Thank you.

At this point, AT&T is unable to agree to a further extension of the Shot Clock beyond April 17, 2014. If the Board considers it necessary to hold an additional public hearing session after April 3, 2014, AT&T will make its team available on April 10, April 17, and/or any other mutually convenient date between April 3 and April 17 for another session of the public hearing. AT&T believes that the six month period between October 17, 2013 and April 17, 2014, is more than sufficient for the Board to rule on AT&T's application, particularly since by April 3 the Board will have had the benefit of (a) AT&T's presentations, (b) the Board's peer review consultant's advice and report, (c) the response of AT&T's RF engineering consultant to that report, (d) a 7-day crane test, (e) a visibility study, and (f) public input at multiple public hearing sessions. AT&T reminds the Board that the Board refused to continue the public hearing to a date certain at the conclusion of the first public hearing on November 21, 2013, and that the Board consumed two months of the five month Shot Clock schedule in retaining its consultant and obtaining his report. AT&T did not receive the Board's consultant's report until January 17, 2014, less than a week before the January 23 public hearing.

Based on the foregoing, I have attached a completed and signed copy of the Board's standard extension form. This letter and the attached form together comprise AT&T's written agreement to continue the public hearing to April 3, 2014 and to extend the "shot clock" deadline from March 17, 2014 to today's date to and including April 17, 2014, subject to the conditions stated above.

Thank you for your consideration.

Sincerely,

  
Elizabeth F. Mason

Attachment

cc: Susan Stone, Town Clerk (by email w/attachment)  
Brian Allen (by email w/attachment)  
Kenneth Kozyra (by email w/attachment)  
Stephen D. Anderson (by email w/attachment)



2/25/2014

Paxton Board of Appeals

(date)

I/we request a continuance to the Thursday, April 3, 2014  
(day of week) (month, date, year)

Paxton Board of Appeals meeting for the New Cingular Wireless PCS, LLC

Special Permit / Variance application for a Personal Wireless Service Facility  
(name of filing: Special Permit, Variance, Site Plan, etc.)

relative to 196 West Street, Paxton, MA (Assessors' Map 12, Lot 54)  
(street address of parcel: Map and lot number if known)

Signed by:

If applicable: on behalf of

Anderson & Kreiger LLP on behalf of New Cingular Wireless PCS, LLC

(person, company or title of the filing).