

# TOWN OF THORNTON

## Zoning Board of Adjustment

Approved on: 22 Oct 2020  
ZBA Initials: JMM  
Rec'd by Town Clerk on: 10/26/2020  
Town Clerk Initials: dpm

### ZONING BOARD OF ADJUSTMENT MEETING MINUTES August 24, 2020

#### CALL TO ORDER:

Chairman Monti called the meeting to order at 7:08 p.m. with the Pledge of Allegiance.

#### ROLL CALL:

The following members were present:

Board Members: Chairman Monti, Ken Miller, Jerry Sobolewski, Joan Marshall

Alternates: Judy Gutry

Present via Zoom: Alan Rawson

#### WELCOME:

Chairman Monti welcomed the members.

#### REVIEW/APPROVAL OF MINUTES:

#### MOTION: "To approve Zoning Board of Adjustment meeting minutes of July 23, 2020."

Motion: J. Marshall

Seconded: K. Miller

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No, 1-Abstained**

Chairman Monti advised that there was no unfinished business at this time. Chairman Monti mentioned there were three public hearings scheduled for this evening.

7:15 pm Public Rehearing of the application for Floating Feathers, LLC.

7:45 pm Public Hearing on an application filed by property owner, Family Revocable Living Trust requesting a "variance".

8:15 pm Public hearing on an application filed by Vertex Tower Assets, LLC to put up a cell tower in Thornton.

#### PUBLIC HEARING:

**07:15 PM**

APPLICATION/PUBLIC REHEARING: Review and Public Hearing on an application filed by property owner Floating Feather, LLC by members Joe Frazer and Anna Gammal for "SPECIAL EXCEPTION" as provided under ARTICLE IV of the Thornton Zoning Ordinance. Their intent is to use the property for the operation of a "Meeting Room, Shop, Office with other approved bldgs." on Judges Road [Tax Map 13, Lot 6-7].

Chairman Monti explained that this was a rehearing that was requested by the abutters and he received an email from Mr. Joseph Frazer. Chairman Monti read the email aloud; "Due to the Covid Pandemic we would like to withdraw our hearing and application for a special exception for Floating Feathers."

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Chairman Monti explained that due to the withdrawal of the application by Joseph Frazer there is no need for a public hearing or rehearing of the Floating Feathers Special Exception.

Chairman Monti asked the board if they had any questions; all members stated "no".

Chairman Monti opened the meeting for public comments.

Murray Movitz, who was present at the meeting and one of the abutters, advised Chairman Monti that there was no reason to read his presentation due to Mr. Frazer withdrawing his application. M. Movitz asked Chairman Monti if this meant the issue was completely dead. Chairman Monti advised M. Movitz that the application was withdrawn "without prejudice" and that the Special Exception that was granted a couple of months ago with conditions "is no longer in force."

M. Movitz thanked the board and exited the room.

Chairman Monti explained that there would be a follow up letter to the Planning Board and the Board of Selectmen stating that there was no rehearing due to the applicants withdrawing their application.

Chairman Monti advised that the next hearing would start at 7:45 pm and asked the board to skip down to New Business. All board members agreed.

### **New Business:**

Chairman Monti stated that the two people that were supporting the zoning board and are no longer available to help in an administrative capacity. Chairman Monti described that Jessi Fleury's last day was last Friday. Chairman Monti praised J. Fleury for doing a "tremendous amount of work" in helping the Board prepare for tonight's meeting.

Chairman Monti said we no longer have an assistant for the Zoning Board and that an advertisement was placed in the paper for an assistant. Chairman Monti explained that we are still seeking applicants and opened it up for discussion.

K. Miller asked Chairman Monti if there were any applicants. Chairman Monti replied that we had "one" applicant. J. Sobolewski asked if the job could be posted at the college and that he could talk to his neighbor who is a professor at the college. Chairman Monti replied, "we could."

Discussion ensued regarding the tasks an assistant would take on, and what kind of qualifications the Board was looking for in a candidate.

Chairman Monti closed this discussion at 07:30 p.m. and advised that the next hearing would begin at 07:45 p.m.

### **07:45 p.m.**

APPLICATION/PUBLIC HEARING: Review and Public Hearing on an application filed by property owner, Family Revocable Living Trust, Mary R. Fraser, Trustee for "VARIANCE" as provided under ARTICLE VI SECTION A.1 of the Thornton Zoning Ordinance. Proposed subdivision Lot 1 to have 85 feet of frontage on Blake Mountain Road [Tax Map 15, Lot 4-13A], rather than the required 100 feet of frontage.

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Chairman Monti asked if there was somebody present to speak on behalf of this application.

Robert Fraser was at the meeting as the representative regarding the above referenced application. Robert Fraser, 54 Blake Mtn. Road, Thornton, New Hampshire.

R. Fraser advised the board the property belongs to his mother and that they need to sell her house to help pay for her nursing home care. R. Fraser stated that the remaining land has a section of approximately 3 acres, and they would like a building lot to go to his sister. R. Fraser stated that there is a tractor shed that he would like to keep on his sisters' lot, however, if they keep the tractor shed on his sister's lot then they would not have the hundred feet of frontage. R. Fraser explained that the total frontage of the two lots is over 300 feet, having "huge" frontage on one lot with the lesser frontage on the second lot. R. Fraser stated the lots could never be broken up and that he is asking for a variance to keep the tractor shed where it is on the land that they are going to keep and be able to sell the other property.

J. Marshall asked if she was looking at the map correctly, that on proposed lot 1, there is an already existing driveway. R. Fraser confirmed there was. J. Marshall asked if R. Fraser could picture any reason why that would need to expand and that it looks to her that it is a regular driveway. R. Fraser stated that it is an existing driveway that has been used for years and would not be expanded. R. Fraser said to keep the set back on the tractor shed shortened up the frontage and that by requesting the variance it seemed like the cleanest way to handle it.

The Board reviewed the application.

J. Sobolewski stated that when somebody applies for a hardship, I kind of wanted to know what the definition of that was? Established a necessary hardship, the applicant in every case will first have to demonstrate that there are special conditions of the property that distinguish it from other properties of the area. The property must be different from other properties in the area and must be burdened more severely by the zoning restriction. So that to me is what a hardship is, and I'm trying to figure out how a tractor or shed would play in to, another words usually the formation of the land, let's say he had a mountain getting straight up into his yard and now he's got to come closer to the road, he's got no other choice. Therefore, it is a hardship.

Chairman Monti asked R. Fraser to clarify why this is a hardship.

R. Fraser stated it goes back into old family property; he stated that if the Board said no, we'd like to keep the tractor shed on my sister's property next door, as there is some stuff in there. It's a very substantial building.

J. Sobolewski stated the spirit of the Ordinance is observed and R. Fraser agreed.

Discussion ensued regarding the frontage on the lots.

Chairman Monti clarified that proposed Lot 1 and proposed Lot 2, right now, is one piece of property in R. Fraser's mother's name?

R. Fraser replied yes, it's in a Trust.

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Chairman Monti inquired if proposed Lot 1 and proposed Lot 2, will still be in the Trust and R. Fraser stated yes.

Chairman Monti inquired if, on proposed Lot 1, there's already an existing house, deck, and barn and R. Fraser stated that that is correct.

Chairman Monti inquired if the only structure on proposed Lot 2 is the tractor shed and R. Fraser stated that that is correct.

J. Marshall clarified that the applicant is going to sell proposed Lot 1.

Chairman Monti clarified that proposed Lot 2 is going to remain in the family.

R. Fraser confirmed yes, that Lot 1 was going to be sold and Lot 2 was going to remain in his family.

Chairman Monti asked for questions from the board. No further questions were asked from the Board.

Chairman Monti asked if there was anybody present that would like to speak either for or against the application.

David Meehan, 76 Blake Mountain Road, stated that the application took him by surprise, and that he was hoping for clarification of exactly what was the intended plan. He stated that he was just informed that R. Fraser was going to sell the parcel.

R. Fraser reviewed the proposed Lot 1 and Lot 2 for D. Meehan and D. Meehan stated that he does not have a problem with the proposed lots after the review.

Chairman Monti asked if there anyone else had questions before the criteria was gone through.

R. Sabourn as Mr. Fraser if he could address a couple of questions regarding a hardship, per J. Sobolewski's questions. R. Fraser stated of course.

R. Sabourn stated that he is a surveyor. The hardship in our opinion was that the structure exists. If the tractor barn wasn't there, we wouldn't think about doing this. It wouldn't make sense. The fact that the barn is there, it's been there for a very long time, and it is a structure that they want to keep, I believe that is a hardship qualification that you're looking for. If it wasn't there, there would be no hardship. The other thing is, yes, we could have run the line straight down through to get the 100 feet, but as Mr. Fraser said, I believe that when we did that scale, we were 3 feet off the structure, corner of the structure. Then, of course, you have an eave overhang. That means if somebody decides to put up a fence, you can't even paint the place, roofing or anything else because you can't stand a ladder without being on the neighbor's property. So that to us didn't seem to be a good rationale to do it. Yes, we could and ask for a variance of 15 feet, but it's not user friendly. It makes for bad neighbors because then they have to go and ask for permission to put anything up to work on the structure. So we believed that because of the excess frontage on the other Lot, the fact that nothing could be re-subdivided because of the acreage, that this was a better solution to the variance as opposed to the too close to the structure. That was the thought behind it. We thought about it quite a bit and decided that if it were our property that was what we would do that would better everybody.

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Chairman Monti thanked R. Sabourn and asked if anybody else who would like to speak either for or against this variance

Chairman Monti stated the Board will go through the five criteria for approval of the application and vote individually for each criteria. For the Ordinance to pass, all five components need to pass with a majority vote.

**1. Granting the variance would not be contrary to the public interest.**

Yes: A. Rawson; J. Sobolewski; J. Marshall; K. Miller; Chairman Monti

No: 0

The first criteria passes: 5 to 0

**2. If the variance were granted, the spirit of the Zoning Ordinance would be observed.**

Yes: A. Rawson; J. Sobolewski; J. Marshall; K. Miller; Chairman Monti

No: 0

The second criteria passes: 5 to 0

**3. Granting the variance would do substantial justice.**

Yes: A. Rawson; J. Sobolewski; J. Marshall; K. Miller; Chairman Monti

No: 0

The third criteria passes: 5 to 0

**4. If the variance were granted, the values of the surrounding properties would not be diminished.**

Yes: A. Rawson; J. Sobolewski; J. Marshall; K. Miller; Chairman Monti

No: 0

The fourth criteria passes: 5 to 0

**5. Unnecessary hardship; owing to special conditions of the property that distinguish it from the other properties of the area, denial of the variance would result in unnecessary hardship.**

Yes: A. Rawson; J. Sobolewski; J. Marshall; K. Miller; Chairman Monti

No: 0

The fifth criteria passes: 5 to 0

Chairman Monti stated the Board has unanimously voted Yes on each of the five criteria.

**MOTION: "To approve the application received by Fraser's family Living Trust from Section 61A of the Zoning Ordinance to allow for a 85 foot frontage rather than a 100 feet frontage on proposed Lot 1, and that would be on Tax Map 15, Lot 4-13A."**

Motion: J. Marshall

Seconded: J. Sobolewski

Discussion: None

**Motion Passes: 5 – Yes, 0 – No**

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**08:15 p.m.**

APPLICATION/PUBLIC HEARING: Public Hearing on an application filed by property owner, SMA Realty Trust, Michael C. Sununu and James G. Sununu, Trustees [Applicant: Vertex Tower Assets, LLC], for "VARIANCE" as provided under ARTICLE VI SECTION 3, ARTICLE IV TABLE OF USES AND ARTICLE V.B of the Thornton Zoning Ordinance. Proposed construction of a wireless communication facility in the General Residential Zoning District, which will be 176' tall [182' to top of highest appurtenance].

Chairman Monti asked if there was anybody present to speak on behalf of the applicant.

Francis Parisi stated he represents the applicant Vertex Tower Assets. We are here seeking relief, and there's some questions as what we need which we'll talk about tonight to build a telecommunications facility on Upper Mad River Road. It's kind of, because it's undeveloped, it doesn't have a street address but we've been advertising it as Tax Assessors Lot 17-5-21. Land owned by the SMA Realty Trust. We understand we also need to go to the Planning Board for Site Plan review and I just got a copy of an Ordinance that the Town adopted that wasn't integrated into your Zoning By-Law and we intend to comply with that but we just got that on Friday. I've been speaking to Attorney Boldt about that and we understand that that's, we have some questions and issues to resolve with respect to the relief that we need.

By way of introduction, Vertex Tower Assets is what we call wireless infrastructure developer. We build wireless infrastructure. We're not a carrier like Verizon or AT & T. We work with cities and towns and carriers to bring the infrastructure to the areas where quite frankly the economics don't necessarily make sense for a single carrier to come where the population doesn't warrant development for just a single carrier tower. I submitted a very extensive application package, and we'll go through it kind of at a high level tonight.

One of the things that a lot of towns require us to do, was to put a balloon up in the air and to advertise the balloon, notify all the abutters in advance of the public hearing so they can, so we can decide where it's going to be visible and more importantly where it's not going to be visible from because I think people hear 175 feet tall and you're going to see this from all over Thornton. And the reality of this, you're not going to see it from very many places at all, and the balloon helps us do that. That's a number one question that abutters ask, so I took it upon myself, I notified all the abutters. The abutters list about 30 people. This parcel is hundreds of acres so it says it has a large number of abutters. We put an ad in the paper that said we were putting the balloon up, and now what we can do is take pictures of the balloon, and quite frankly we didn't have that many of them because it really wasn't that visible and show what it's going to look like from various vantage points. So I have that tonight on the screen and we can scroll through that as well.

There's a cell tower at Exit 28 on Rt. 93 behind the Dunkin Donuts in Campton that provides some coverage at the beginning of what I would call Rt. 49. And there is a cell tower at the top of Waterville Valley, but that distance between the Highway-93 and Waterville Valley is about 10 miles, and the telecommunications signal doesn't travel that far, nor does it get over the mountains and the topography that we have along Rt. 49. This is not designed to cover all of Thornton. It's really just to cover that gap in the 49 quarter in-between Campton, through Thornton, into Waterville Valley.

The towers at Waterville Valley barely get into the river valley down along Rt. 49 so it's both the topography and the lack of infrastructure that's creating the need for this facility. And we submitted a

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very extensive plots and radio frequency engineer analysis showing where the gap is. There's actually pretty good coverage in Thornton along the Rt. 3-corridor, certainly along the 93-corridor and also coming from 49 through Waterville Valley and through the National Forest, but again this gap here is really what we're trying to cover. Past the reservoir, into the Waterville Valley border and then through the National Forest.

The facility itself is a pretty standard cell tower. The base of the facility is really just a very small, I think it's 47 x 60 fenced in compound. There'll be a telecommunication tower and some equipment inside a fence. The one thing I forgot to do is put up a graphic of the lot. The lot is actually 288 acres. It's very long and narrow. We're about 4,000 feet off of Upper Mad River Road, and it's a very long rectangular lot. We're about 1,000-1,500 feet from the western edge, which is really where all the residential abutters are to the property. And we're 250 feet approximately from the eastern edge, which abuts the National Forest. So all of the people who got abutter notices are really, at a minimum, 1,500 feet from this tower and some of them are tens of thousands of feet because of the size of the lot, but the facility itself is set way back on the lot. It's really just a small fenced in compound. Given the slope, we're going to have to do some work along the perimeter of the fence to make sure the drainage is contained within the site.

There's a very small access road, driveway that comes in, it's about 12 feet wide. It's just a driveway that comes off. The access to this site is actually not off of Upper Mad River Road. Because of the slope that it goes up from Upper Mad River Road, we've secured the right to cross over an undeveloped lot on Tree Line Road, which is one of the roads off of the Sugar Run subdivision. So there is an undeveloped lot there.

The landowner had no intention of building on it. So he's given us the right to simply put a driveway across the lot to access the lot that abuts Upper Mad River Road. The facility itself will be what we call a lattice style tower.

The lattice type tower is built in small segments and is more constructed on site, so it's more labor intensive but easier to build, more structurally accommodating. It's also more structurally able, it's also easier to structurally enhance it in the future if we ever had to for any particular reason if the tower got to the point where it was over-stressed we can actually much easier modify the lattice tower because you're just swapping the individual components as to oppose to maybe in some cases completely rebuilding a mono tower.

We had submitted a report, given the tremendous setbacks from all the abutting properties, given the height of the tower, given the fact that these are very low powered facilities, the transmissions that come up are well below any FCC limits. This is not to broadcast all over Thornton or all over Norther New Hampshire.

It's really designed to broadcast a mile or two on Rt. 49 to the west, a mile or two on Rt. 49 to the east kind of in the river valley along Rt. 49. So it's a very low powered facility. The emissions that come off it is very low powered. All the carriers that broadcast off it, are very heavily regulated by the power output and the reason for that is, it's a two-way communication. Your cell phone communicates to the tower and the tower communicates to the cell phone. And you have your cell phone up here. This is a very low powered device, so the corresponding device has to be low powered.

There's a little bit of overlap coming to the east, but you can see really it provides really good coverage around that 49-corridor starting where the reservoir is and then along 49 to the Thornton border and then into Waterville Valley to duck-tail with the coverage that we get with the Waterville Valley and the

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Campton towers. We've already gotten commitments and feedback from Verizon but it certainly satisfies their need.

F. Parisi presented the findings of the 'Balloon Test' by showing pictures taken at various locations where the proposed tower may be visible.

J. Marshall stated that she went out when the balloon was up and stated that it was very hard to really evaluate the visibility of it because there is foliage on the trees. So, for six months out of the year, right, you're not going to see it, but I have no way of knowing. You did mention some evergreens, but a lot of those are not. A lot of those are going to lose their leaves. So, I just found it really hard to really picture.

F. Parisi stated that he thinks one of the things is that a lot of the visibility is being blocked by the topography as well so you're never going to see through that even during the winter months. All along Sugar Run and Tamarack, those are all evergreens. I think as you get closest to the site, you really, and even if the leaves come off you still have thousands of feet of vegetation so there's still branches and trees that are blocking.

A lengthy discussion ensued regarding where the balloon was visible while looking at the photos presented.

Chairman Monti stated that the application says that a flashing light on the tower is not required for the FAA. He asked that F. Parisi re-look at that because this is a military operations area, and he believes that anything above 140 feet may require a flashing red light. That was one of the issues with the tower that's up in Woodstock with the height of that tower. If there is a flashing red light now on top of the 106 foot tower, not only is the tower visible, you're going to see the flashing red light.

F. Parisi stated that as part of the original application package submitted, we went on the FAA Data Base and determined that at this exact location and exact height, it doesn't require lighting. In general, under 200 feet doesn't require lighting which is why we stay under that threshold. Also, there really aren't any airports nearby. I don't know of any military operations, but I would think that the FAA would and so we would agree to a condition that it not be lit. We don't want it to be lit because quite frankly changing the lightbulb is a real problem and once it's lit, it needs to stay lit. To be fair to you, a lot of people have objections to the lighting. We don't intend to light it.

Chairman Monti stated that he thinks you may be required to light it because this is a military operations area; that's the key.

J. Parisi stated he would be surprised and the reason why I'd be surprised is because we're, as we saw in the picture from Waterville Estates, we're significantly below the peak and so, you know, they even if a plane was flying 150 feet above us, they'd be flying into the peak. I don't think they're flying up the hill at 150 feet. They might be 150 feet above the peak, which I agree with you if it was at the peak and they require lighting, I'm not aware that the one in Woodstock is lit, but it might be. I agree with you, we don't intend to light it. We don't believe it requires lighting and we can confirm with the FAA prior to this process being completed, but we're quite sure.

I looked at the Zoning By-Law, and I think you know some of the history here, I spoke to the Town Planner a couple months ago, told him we were coming to town. We went through the Zoning Ordinance. He said there was no Zoning Ordinance regulating cell towers. He said I had to come to the Zoning Board for a Use Variance because it's not in a permitted zone because they had no regulations concerning



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telecommunication towers, therefore, all telecommunication towers require use variance and in addition there were no regulations regarding height, therefore, by exceeding the normal 35 foot height restriction for all structures in the town of Thornton, we needed a height variance.

I went through the Zoning By-law and it says you cannot build towers in a residential zone, so I would need relief on that requirement. There's a limitation in the Zoning By-Law that they can only be a hundred feet in height, and we can provide data to show and I'm sure you would agree, given the size of the trees there, given the distance that we're trying to cover, 100 feet is just not adequate. It will not provide the requisite telecommunication signal. But we can provide more data from that. There's a provision that says that it has to be more than 125 feet from the property line, but it was very vague as to how you measure it and if you measure it one way we exceed that and if we measure it a different way we are just under that, 125% so to be safe we would need some relief from that. There's a provision in the Zoning By-Law that says that there needs to be sufficient vegetation maintained around the perimeter around the fence which we have ample vegetation.

We're hundreds of feet from all the abutting property lines. Thousands of feet from the residential property lines. Hundreds of feet from the National Forest. However, the Zoning By-Law said you have to have vegetation starting at the fence, which is both a practical and technical impossibility because of, we have to do some construction in order to build the tower and then fence it in and then (2) given the drainage requirements to prevent drainage and runoff, there's some drainage elements that we have to maintain and some ground stabilization so I believe we need some relief from this requirement that the vegetation start at the fence. There's a requirement that there be underground utilities, but given the length of the access road, slope and everything, it's going to be impossible for us to build underground utilities so we would need relief from that.

We're proposing a lattice style tower. When I looked at the Zoning Ordinance, it actually says that the Town Zoning Board has the ability to waive certain things. There's also a provision that says any variances you need to go to the Zoning Board. So, it was kind of confusing. The way I interpreted it was the Zoning Board has the ability to waive any issues with the terms of Section 4. So I looked at Section 4 and the only relief that we need from Section 4 is the fact that it's in a residential zone. So I believe that the Zoning Board has the authority to waive the limitation that it be in a residential zone. Because of all the other relief that I need, the height, and the setback and the style are not in Section 4, I believe we need variances from that.

I defer to you if you believe otherwise. It really doesn't matter to me because I need the relief whether it's a variance or Zoning waiver, I think we can show, and we have shown based on what we know so far that there's certainly no detriment to the public, substantial justice is done and there's an extreme hardship based on the need for telecommunications, there's the topography, the lack of alternatives, the lack of existing infrastructure, the lack of other places we can go, the need to be here as opposed to a mile or three miles away, and I think there are clear hardships. Whether you call it a variance or a waiver, I think we can justify the relief needed.

Chairman Monti thanked F. Parisi for the presentation. He stated the Telecommunication Ordinance that we have was passed in March of 2001. We spent a better part of today going all the way back to that date to see if there were any uses of that Ordinance prior to this, and we found one. There was an application that was in the middle of 2001, and after going halfway through the process the applicant withdrew their application. Since then, there has not been any other applicants since 2001 Ordinance.

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Mr. Boldt and I labored as soon as we found the 2001 Ordinance, the beginning part of last week, to see if it was enforced. This was the reason why C. Boldt reached out to you and said that the Town has an Ordinance that is applicable. At a minimum, we would need you to update your application with your view as it is today, as to what you think the waivers and variance are needed. We would need that so we can move forward.

Chairman Monti stated that a special hearing on this topic will be held prior to the next scheduled Zoning Board meeting which wouldn't be until the last week of September. We want to be sensitive to the 150-day spirit of the requirement, so we are tentatively planning to have a special hearing on this on the 10<sup>th</sup> of September. One of the things that we want to be able to do at that meeting is, per the 2001 Ordinance, at your expense, we're going to hire a separate radio frequency engineer to do an analysis and give us their feedback as to the height and coverage and so forth. And, I believe, and Mr. Boldt will correct me, I believe we are on a trajectory to get as much information as we can to that independent engineer by the 3<sup>rd</sup> of September so they can do their analysis and have it ready for the 10<sup>th</sup> of September. Is that correct Mr. Boldt?

C. Boldt stated we're actually trying to do it beforehand. F. Parisi said if there's a known gap of information we can make that request to you before the September 3<sup>rd</sup> date.

Chairman Monti stated that as a Board, we want to be supportive, want to help you get this through the process. I think there's going to be some bumps along the way just because you've got to go to the Board. You've got to go to the Planning Board and then ultimately you'll go to the Board of Selectmen for their final Certificate for you to build.

Chairman Monti inquired if there will there be space on the tower and at the facility put aside for public safety equipment. F. Parisi stated yes.

F. Parisi stated that we can design facilities that are more thoughtful. That's another reason to prefer the lattice style over the mono pole style is that it allows us to accommodate for public safety. We also build it with the height and structure integrity. We can also design the compound so there's space for equipment at the bottom for public safety at any time. We are very thoughtful about that and we can certainly accommodate that.

Chairman Monti thanked F. Parisi for the information.

F. Parisi stated he asked the Town Planner if it was theoretically possible to have a joint meeting with the Zoning Board and Planning Board as they both may have similar concerns, and the Planner said that it was not possible.

Chairman Monti inquired of C. Boldt if the RSA supported joint meetings and if our rules of procedure for the Zoning Board also supported joint meetings. One of the ideas that we had kicked around and we've only just kicked around was to see if, here again, we're censored to the 150 day limit, was to have a joint meeting between the Planning Board, Zoning Board and the Board of Selectmen. So that way, all the questions got asked once, everything gets answered and then we can go off and do our individual pieces.

C. Boldt stated that Chairman Monti is accurate. The intention is to have one expert, so that he is looking at the same information two companion statutes, 676-5 and 676-4B; 676-5 deals with the ZBA, 676-4B deals with the Planning Board. It's clear that you're not supposed to get one and then get a second one.

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So our intention is to have one available technically for all three boards so that there is a unity of review as efficiently as possible and ability to answer the questions that may be in various camps so that, I'm not sure that it's the Zoning Board that will hire or the Town who will hire the expert, but it's intended to comply with the Statute, have everybody have the same information and get this process as efficiently done as possible.

Chairman Monti stated the interest of the question was looking at the 150 day limit, and figuring out what can we get done sooner rather than later because once we get into the October, November, December timeline, the Board of Selectmen schedule is pretty filled up because it is budget season. What we're trying to do between the Zoning Board and the Planning Board, we'll take that action on to figure out what the Planning Board how to do it. We put out the date the 10<sup>th</sup> of September only as kind of stop gap so we could keep the process moving along so we could get more information sooner rather than later. There's nothing cast in concrete about September 10<sup>th</sup>.

F. Parisi stated that in his experience, what happens is Vertex goes through the Zoning and the Planning Boards and then once they approve everything and they approve the site plan, we actually go back and do more engineering.

Chairman Monti clarified the issuing of the permit to build the tower by the Board of Selectmen is not within the 150 day window. F. Parisi stated that was correct.

Chairman Monti asked for questions from the Board.

J. Marshall stated that the understanding of the information submitted is that a small portion of Thornton will get additional coverage.

F. Parisi stated yes; it's really the 49-corridor from the reservoir, past the Dam to the Waterville Valley line and going a little bit further into the National Forest. It's really, on both sides of that hill.

J. Marshall asked if it's just basically people driving to and from Waterville Valley and F. Parisi replied yes, and in the Town of Thornton.

A lengthy discussion ensued regarding where coverage would be. F. Parisi stated that more than one tower would be required to cover all areas of Thornton.

F. Parisi stated that a more detailed map of the proposed coverage area could be provided.

J. Marshall stated that she would like to see a more detailed map that included individual roads to see where in Thornton the coverage is. F. Parisi stated that he could obtain a more detailed map.

J. Sobolewski inquired if a more camouflaged tower was possible; a fake tree or something similar. F. Parisi stated that beauty is in the eye of the beholder; they have built fake pine trees, and they look like fake pine trees.

Discussion ensued regarding esthetically pleasing towers.

A. Rawson stated he would like more clarification of the possible or minimal health effects.

# TOWN OF THORNTON

## Zoning Board of Adjustment

Approved on: \_\_\_\_\_  
ZBA Initials: \_\_\_\_\_  
Rec'd by Town Clerk on: \_\_\_\_\_  
Town Clerk Initials: \_\_\_\_\_

F. Parisi stated that the facility proposed is very low powered. They are not designed to broadcast over a huge area, as it is two-way communication. Your phone is communicating with the tower and the tower is communicating with the phone. Because your phone is up against your head, that's obviously a very low powered transmission as well. It's really the same technology as the wi-fi system. It's a very low powered, very safe transmission, and it's technology that we've been working with for a very, very long time.

F. Parisi stated the engineer estimated that at full build with four (4) carriers on it with different sets of antennas, the emissions would be one tenth (1/10) of a percent of the maximum emissions standards set by the FCC.

J. Marshall stated that she is concerned that the Board cannot do their due diligence without more information from the applicant in regard to the 2001 Telecommunications Ordinance.

Chairman Monti stated that F. Parisi is going to have to update his application to include all of the waivers and variances that he's going to need for the regular Zoning Ordinances and the Telecommunications Ordinance.

F. Parisi stated he didn't have the opportunity to address the Telecommunication Ordinance, as he only received it on Friday prior to this meeting. He stated he will review the Telecommunications Ordinance and provide the information requested to the Board.

Chairman Monti asked for additional questions from the public.

Brian Regan, 41 Tree Line Road, stated that he is here in opposition, and that he is confused as to where the Board stands procedurally where they're going. He asked if the Board was having a hearing tonight to vote on this application or is it an incomplete application.

Chairman Monti stated that as of right now, the application is incomplete. B. Regan stated that he will reserve his comments and opposition until the next meeting.

J. Marshall inquired if it is possible at this point to schedule the next meeting jointly with the Planning Board.

Chairman Monti stated no, as they would have to reach out to the Planning Board, and the precedent for us to have a joint meeting with the Planning Board is actually the Planning Board would take the lead, not the Zoning Board. Chairman Monti stated he would have to reach out to the Planning Board to see if a joint meeting was possible.

**MOTION: "To continue the public hearing regarding an application filed by property owner, SMA Realty Trust, Michael C. Sununu and James G. Sununu, Trustees [Applicant: Vertex Tower Assets, LLC], for "VARIANCE" as provided under ARTICLE VI SECTION 3, ARTICLE IV TABLE OF USES AND ARTICLE V.B of the Thornton Zoning Ordinance. Proposed construction of a wireless communication facility in the General Residential Zoning District, which will be 176' tall [182' to top of highest appurtenance] at the September 24, 2020 meeting at 7:00 p.m."**

Motion: J. Marshall

Seconded: K. Miller

Discussion: None

**Motion Passes: 5 – Yes, 0 – No**

# TOWN OF THORNTON

## Zoning Board of Adjustment

Approved on: \_\_\_\_\_  
ZBA Initials: \_\_\_\_\_  
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C. Boldt asked if Chairman Monti would have the Board authorize hm to communicate any of the requests or information from the engineer to F. Parisi so you just have a delegation of authority along those lines.

**MOTION: "To delegate authority to Att. C. Boldt to communicate the engineers requests, if any, for additional information to Atty. F. Parisi."**

Motion: K. Miller  
Seconded: J. Marshall  
Discussion: None  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To enter into a non-meeting with legal counsel at 09:45 p.m."**

Motion: K. Miller  
Seconded: J. Marshall  
Discussion: None  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To end the non-meeting with legal counsel at 10:15 p.m."**

Motion: K. Miller  
Seconded: J. Marshall  
Discussion: None  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To adjourn the meeting at 10:16 p.m."**

Motioned: J. Marshall  
Seconded: A. Rawson  
Discussion: None  
**Motion Passes: 5 – Yes, 0 – No**

Respectfully submitted,

Sandy Moulton and Kerrin Randall