

TOWN OF THORNTON

Zoning Board of Adjustment

Approved on: 11-23-2020
ZBA Initials: JMM
Rec'd by Town Clerk on: 11/24/2020
Town Clerk Initials: JPM

ZONING BOARD OF ADJUSTMENT MEETING MINUTES

October 22, 2020

WELCOME:

Chairman Joe Monti welcomed the members.

CALL TO ORDER BY CHAIR:

Mr. Monti called the meeting to order at 7:07 p.m. with the Pledge of Allegiance.

ROLL CALL BY CLERK/CHAIRMAN:

Mr. Monti completed the roll call.

The following members were present:

Chairman Joe Monti, Jerry Sobolewski, Alan Rawson

The following members were present via teleconference: Joan Marshall

Present via teleconference: Chris Boldt, Zoning Board Attorney; Linda Coleman, Thornton; Charles Hastings, Thornton; Tom Johnson, Structural Engineer with Vertex; Jose Hernandez, Radio Engineer for Vertex; Stephen Kelleher, Vertex; Deb and Bob Lievens, Thornton; Ivan Pagacik, IDK Communications; Chip Roper, Thornton; Mary Ellen Sakura, Thornton; James Sununu; Barbara Thornborough, Thornton

The following members were absent: Judy Gutry, Vice-Chairman Ken Miller

Also Present: Brian Regan, Thornton; Steve Babin, Thornton; David and Kathleen Kelley, Thornton; Francis Parisi, Attorney for Vertex; Kerrin Randall, Board Assistant

Mr. Monti stated the meeting tonight will be question and answer session for Vertex in regard to the cell tower, and that the board will vote on the variance and waiver requests at the next meeting.

REVIEW/APPROVAL OF MINUTES:

1. Upon distribution and review of the meeting minutes of August 24, 2020, the members took the following action:

Mr. Rawson proposed the following be added to Page 10 following the first paragraph:

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.

MOTION: "To accept and approve the Minutes of the Thursday, August 24, 2020 meeting with proposed changes."

Motion: A. Rawson

Second: J. Sobolewski

Discussion: None

Roll Call Vote: 4 - YES, 0- NO, 0- Abstained

Motion passes.

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2. Upon distribution and review of the meeting minutes of September 24, 2020, the members took the following action:

Mr. Monti proposed the following be added to the top of Page 5:

Mr. Parisi stated emergency services would not be charged a fee for their antennae on the tower.

MOTION: "To accept and approve the Minutes of the Thursday, September 24, 2020 meeting."

Motion: J. Sobolewski

Second: A. Rawson

Discussion: None

Roll Call Vote: 4 - YES, 0- NO, 0- Abstained

Motion passes.

UNFINISHED BUSINESS:

Mr. Monti stated Ms. Judy Gutry has resigned, as she will be moving. Mr. Monti and the Board thanked Ms. Gutry for her service to the Board.

Mr. Monti asked Ms. Randall to send a note to the Board of Selectmen informing them of Ms. Gutry's resignation and asking that the vacant position be posted.

PUBLIC HEARING:

1. 7:15p.m. CONTINUATION OF 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].

Mr. Monti stated the Board had asked several questions of the applicant, and thanked Mr. Parisi for his packet of responses. He asked that Mr. Parisi explain all the information submitted, step by step. Mr. Monti stated he will then ask for comment in favor of the project, and then for comment opposed to the project.

Mr. Brian Regan, Treeline Road, Thornton, asked for a point of order. Mr. Regan stated there can be no decision made this evening, as there is no full board present.

Mr. Monti stated the Board was not going to close public hearing because the full board is not present, as there will be more information given this evening regarding the proposed tower.

Mr. Regan thanked Mr. Monti for the clarification.

Mr. Parisi stated he submitted responses to the questions asked by both the Planning Board and the ZBA. He stated he wanted to address all questions that were asked from both Boards.

Mr. Monti stated he wanted to make it very clear that the ZBA is only interested at this time in the answers to their questions, as the Board wants to understand where the answers are and where coming from.

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Mr. Parisi stated he understood Mr. Monti's concern. He reviewed the packet of information for the Board.

Mr. Parisi stated the first tab in the packet answered questions from Mr. Boldt. He stated he went through each question point by point and that his answers serve as roadmap to rest of package. Mr. Parisi stated his client is asking for one (1) waiver and (five) 5 variances, all of which are addressed individually with reasoning in the packet as requested by Mr. Boldt.

Mr. Parisi stated there was a question regarding abutters notices. He stated he did not think the access parcel was an issue for the ZBA. He stated all abutters on the access parcel (Treeline Line) were notified of the proposed tower. Mr. Parisi stated all abutters were sent a second notice from the ZBA, at Mr. Boldt's suggestion, that the access parcel was part of the project. He stated he does not think the access parcel requires variances from the ZBA, but if it is needed, they will apply for them.

Mr. Monti asked Ms. Randall if all abutters were notified of the use of the access parcel as part of the project. Ms. Randall stated yes.

Mr. Parisi stated more data was submitted to Mr. Pagacik at the Board's request. Mr. Parisi stated the Board asked for statistics regarding the number of households in the proposed coverage area and that was provided.

Mr. Monti stated one question the ZBA asked last time was where in Thornton the gap in coverage was, and what type of coverage would that gap receive if the tower was approved.

Mr. Parisi stated the Board cannot think of coverage for just Thornton; they cannot make a tower that stops coverage at the town line. He stated there are other towers in the area that support coverage in Thornton, and this proposed tower will benefit the whole area. Mr. Parisi stated the Planning Board asked for a propagation for the town, who had coverage and who did not. He stated a defined coverage gap was the Route 49 corridor near the Campton/Thornton line. Mr. Parisi stated there are underserved areas in town, but the tower will not be able to cover all of town.

Mr. Parisi stated alternative sites were explored; places closer to Campton and other sites further towards Waterville Valley. He stated they settled on the proposed site based on topography. Mr. Parisi stated Mr. Boldt asked for more data on the impediments of other locations, and the packet includes more data that shows this.

Mr. Parisi stated Mr. Boldt asked for evidence of permission for use of the access lot on Treeline Road. He stated Vertex has entered into a purchase and sales agreement with the lot on Treeline Road and provided it in the packet.

Mr. Parisi stated the Planning Board questioned why an existing logging road on Upper Mad River Road was not being utilized for access to the tower. He stated with the length and slope of the logging road, it would be technically impossible to use as a road, as it would require a grade that is too steep to drive on; a profile showing these facts has been provided.

Mr. Monti stated that on Tab 11 of the packet provided, there is an elevation map that shows if Vertex were to use an entrance to the tower on Mad River Road the driveway elevation appears to work for an access.

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Mr. Parisi stated he is not proposing a driveway on Mad River Road. He stated that currently there is a logging road on Mad River Road and the Planning Board wants to know why that is not being used for access to the tower parcel. Mr. Parisi stated it cannot be used as it goes up slopes that are not passable for vehicles.

Mr. Monti stated he wants to be clear that his question is that logging road is 4500 feet long, and the elevation difference from base to top is 400'. He stated that this distance does not seem excessive.

Mr. Parisi stated that looking at elevation profile, the slope does not get steep until it goes further north. He stated there are grades over 30%, with an average of over 18% grade. Mr. Parisi stated that an access on Mad River Road would require trees to be cut and cleared; it could be done, but it will not be good for the area. He stated there are several slopes that are impassible.

Mr. Monti stated when looking at the data and not the monetary costs, if switchbacks were added on Mad River Road to access the tower, they would alleviate the use of the parcel on Treeline Road.

Mr. Parisi stated immense civil work would need to be done to make an access road on Mad River Road; trees would be cut and cleared, and the visual buffer would be gone. He stated it could be done, but it would be detrimental to the land.

Tom Johnson, Civil Engineer for Vertex, stated that the existing logging road is relatively flat at the start, but from about a half mile up from that point, there is an increase in grade of 34% midway up that slope. He stated they would need concrete trucks, cranes, the tower, and other vehicles to be able to access the parcel on Mad River Road and 18% is the top grade needed to do that.

Mr. Johnson stated when faced with steep slopes, they will add switchbacks. However, in the middle of the property on Mad River Road, there is significant ledge that would need to be blasted to make switchbacks. He stated the approach taken with lot access on Treeline Road is that it is higher on the hill and will allow for access over and up to the parcel on Mad River Road, rather than going straight up a slope.

Mr. Parisi stated he does not know why the access road on Treeline Road is a ZBA issue.

Mr. Monti stated the access on Treeline is not an issue, but the placement of utilities is. He stated the hardship submitted for overhead utilities does not hold water. Mr. Monti stated he went up Treeline Road and there are underground utilities. He stated if Vertex is using Treeline Road to get to the tower, utilities will have to be buried.

Mr. Parisi stated he respectfully disagrees with Mr. Monti given the length of the access road. He stated the tower location was chosen in line with the ordinance regarding distance from other dwellings. He stated the hardship in question was in relation to the length of the road. He stated that an access road in any other location would not be economical.

Mr. Monti stated financial concerns do not qualify as a hardship. Mr. Monti asked Mr. Boldt for his thoughts on this.

Mr. Boldt cautioned that if he were to give his opinion for the Board at this public meeting, the segment of discussion is not protected by attorney client privilege. He stated he will answer questions if the Board wishes him to do so. Mr. Monti asked Mr. Boldt for his opinion.

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Mr. Boldt stated that the economic factor was an element of the hardship factor under the Boccia test for how unnecessary hardship was calculated. He stated the Boccia criteria was created by the US Supreme Court and was not popular with NH legislators.

Mr. Boldt stated there was an amendment made to RSA 674.33, variance criteria that specifically overruled Boccia. He stated that accordingly, economics are no longer part of the standard itself. Mr. Boldt stated when dealing with the issue of above versus underground utilities in this case, it is what is the special condition of property and does that create an unnecessary hardship for reasonable use; does the provision of the zoning ordinance create an unnecessary hardship for reasonable use.

Mr. Monti thanked Mr. Boldt.

Mr. Johnson stated that there is significant ledge present and to put in underground utilities they will need to blast to have the proper depth for the wires. He stated overhead utilities will require digging a hole, pouring concrete in the hole, and placing the pole.

Mr. Johnson stated the middle of property is a challenge with the ledge, but perhaps the first portion of the utilities could be underground until they reach the middle part.

Steve Kelleher, Vertex, stated the utilities could go partially underground and then above. He would prefer underground utilities, but in certain situations you cannot without blasting. Mr. Kelleher stated the economics do not work and that he understands the concerns.

Mr. Rawson asked what the depth of cover for the utilities would need to be. Mr. Kelleher stated he believed it was 40 inches.

Mr. Monti asked what the amount of voltage through the cables would be.

Mr. Johnson stated typically each carrier requests a 200-amp single phase service, 120-240 volts. He stated when there are multiple carriers, an 800-amp service is prepared for. He stated not all carriers require a full 200-amp service, so the final service will be between 600-800 amps.

Mr. Kelleher stated that there would be a single line coming down from the tower that would then go into a meter bank where it would be distributed between carriers.

Mr. Parisi stated in Tab 12 of the packet the lattice tower versus a monopole tower are addressed. He stated the pros and cons of each type of tower were submitted. He stated lattice towers are less intrusive and blend in, as opposed to a thick monopole that stands out.

Mr. Parisi stated lattice offers easier access for attachment of antennae by public safety or cellular carriers as opposed to additional brackets needed to attach to a monopole. He stated it is shortsighted that a lattice is not allowed in the telecommunications ordinance, which rises to a level of hardship.

Mr. Parisi stated a monopole tower will be difficult to deliver given the slope of the proposed access road as well as the size of the tower. He stated a monopole would be near impossible to deliver up Mad River Road, and a pros and cons analysis was submitted.

Mr. Parisi stated the Planning Board asked for alternative structures that could be used, i.e. attaching to telephone poles, buildings, etc. He stated in cities and other largely populated areas small cell

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technologies are used to help with signal congestion. He stated this will not work in a rural area where there is not enough congestion to warrant the use of small cells.

Mr. Rawson asked what options down the road a lattice tower would provide as opposed to a monopole.

Mr. Parisi stated that a monopole is specifically engineered for technology available today. He stated telecommunications evolves quickly and some things made five (5) years ago are obsolete now. He stated a lattice tower can be more structurally enhanced as components can be swapped out easily; a monopole may need welding or additional work.

Mr. Parisi stated antennae are getting smarter and are heavier than before. He stated monopoles that were designed 10 years ago may be structurally unsound now.

Mr. Johnson stated in Tab 12 of the packet, the last two (2) pages show pictures of monopole and lattice towers. He stated for public safety to attach to a monopole, they would need their own steel frame and mountings. He stated lattice towers are more structurally sound with three (3) support legs and is easier to attach items to.

Mr. Monti asked if when emergency wants to add to the tower, do they contact Vertex with where they want it on the tower and then an analysis is done to see if the tower is going to be structurally sound.

Mr. Johnson stated when a tower is approved and information is sent, design parameters goes into formulas and there is a structural analysis done to see what the tower can hold. He stated if something is added to the tower after the initial design, a new structural analysis is done.

Mr. Monti stated he assumes that when looking at a lattice tower, all antennae on the top are for one (1) carrier. Mr. Johnson stated, yes.

Mr. Monti stated whether its lattice or monopole tower, his understanding is that the tower is built to accommodate four (4) different carriers. He asked if those carriers would be vertically placed on the tower.

Mr. Johnson stated, yes; each set of antennae is spaced 10 vertical feet apart on a tower.

Mr. Monti stated all the information received from the gap coverage study were done at 170 feet. He asked if there are four (4) carriers on a tower, and based upon the distance between carriers, is the bottom most carrier at 130 feet.

Mr. Johnson clarified that when he talked about antennae height, it is measured from the middle of the antennae; the first center would be at 165 feet, followed by 155 feet, 145 feet, and 135 feet.

Mr. Kelleher stated structurally speaking, the tower is built to accommodate five (5) carriers.

Mr. Monti stated one variance being asked for is the height of the tower. He stated the tower height requested is 176 feet. Mr. Monti stated based on the information just given, it appears that carriers can be at 135 feet. He stated when the time comes for Mr. Pagacik to do analysis, the question is what the minimum, maximum height is required for a carrier.

Mr. Johnson clarified that the centers for antennae on the 176-foot tower would be 171 feet, 161 feet, 151 feet, 141 feet, and feet 131 feet.

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Mr. Monti reiterate the spacing for antennae centers was 171 feet, 161 feet, 151 feet, 141 feet, and feet 131 feet. Mr. Johnson stated that was correct.

Mr. Rawson stated the current plans do not show a carrier at 131 feet. Mr. Johnson stated that the plans currently show four (4) carriers as that is the usual number of carriers per tower, but there is a potential in some markets for a fifth carrier, and that is accounted for.

Mr. Monti asked Mr. Pagacik if he is going to be able to complete his analysis to see what the minimum, maximum height required for a carrier is.

Mr. Pagacik stated, in regards to the concern of attaching public safety antennae to a monopole, he is working on one such project right now, and it is true that structurally it is easier to update on a lattice tower, but adding onto a monopole is achievable.

Mr. Pagacik thanked Mr. Parisi for the information submitted regarding the height analysis and asked if the numbers submitted were assumption based and not from a specific carrier. Mr. Parisi stated, yes.

Jose Hernandez, Radio Engineer for Vertex stated that he loaded data from his drive test around town to gage coverage and uploaded those numbers into propagation tools; these tools estimated the coverage that would be available with the tower.

Mr. Pagacik asked if the propagated numbers that were supplied yesterday were for a specific carrier. Mr. Hernandez stated, yes. He stated it was from Verizon.

Mr. Pagacik asked if the information that Mr. Hernandez obtained from the propagation tools has been verified by Verizon. Mr. Kelleher stated, no; they just received it the day before the meeting.

Mr. Pagacik requested the information obtained from the propagation tools be verified by Verizon. Mr. Kelleher stated it is unlikely that Verizon will provide this information quickly. Mr. Kelleher stated the information from the drive test should be sufficient.

Mr. Pagacik stated Verizon indicated a preferred azimuth (*the horizontal angle or direction*) for their antennae. He stated if they have identified a height, Verizon must have looked at the existing network available and discovered how theirs will fit in.

Mr. Kelleher agreed, and stated he will reach out to Verizon, but the information is not simple to get.

Mr. Hernandez stated the azimuth that Verizon will be using indicated, to him, that they are more concerned with tweaking the direction of the antennae at the site.

Mr. Pagacik challenged that Verizon chose the azimuth to look for potential interference with other sites; there is a reason they chose the coordinates they did.

Mr. Parisi stated the information Mr. Pagacik is asking for is good, but not necessarily relevant. He stated they just heard this week from Verizon and gave the Board data. Mr. Parisi stated Mr. Pagacik asked for more information, and an attempt to get said information from Verizon will be done, but he does not think it will be obtained anytime soon.

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Mr. Parisi stated after the initial application was submitted to the Board, a drive test was done to obtain coverage data. He stated Mr. Pagacik and Mr. Hernandez create models with software to measure existing coverage.

Mr. Parisi stated, with respect to a height analysis, this information was provided to the Board a month ago. He stated that the tower height is justified and gave a totem pole as an example; the 'low man' on the totem pole will get the same coverage as the 'high man' on the pole. Mr. Parisi stated the tower being designed is for 170 feet but will work at 130 feet.

Mr. Monti asked Mr. Pagacik to find the minimum, maximum height needed.

Mr. Pagacik clarified that it cannot be assumed that every carrier will operate and have everything the same.

Mr. Monti thanked Mr. Pagacik and Mr. Hernandez for their information.

Mr. Parisi stated the Planning Board wanted more information on drainage, and calculations have been provided in the packet. He stated there will not be any drainage issues on Treeline Road, and his client has been conscious of that from day one. Mr. Parisi stated engineers designed the access in such a way so no drainage will come down onto Treeline Road; this was indicated in the site plan application that was submitted.

Mr. Monti stated that drainage is a Planning Board concern. Mr. Monti suggested that the Planning Board consult with the Conservation Committee regarding drainage and environmental impact on Treeline Road. Ms. Randall stated she will send a note to the Planning Board.

Mr. Parisi stated access using Treeline Road was done to avoid wetlands and create buffers. He stated all this information was on the submitted site plan.

Mr. Monti thanked Mr. Parisi for going through all the Tabs in the submitted packet.

Mr. Parisi submitted the application for placement on the tower from Verizon. He stated that in addition, it was asked if the tower could be put down lower on Upper Mad River Road. Mr. Parisi stated new coverage maps are included with the Verizon information. He stated putting access to the tower off Treeline Road was not was not decided lightly. Mr. Parisi stated that the tower will be a benefit for the town.

Mr. Sobolewski asked if a taller tower could be placed lower down the mountain. He stated that he wants to get rid of the impact on the neighborhoods. Mr. Parisi stated that he understands that the access is a concern, but if the tower is placed lower on the mountain it will need to be significantly larger and therefor need to be lit; it will be highly visible.

Mr. Sobolewski stated his concern is not necessarily the tower. He stated that most people don't understand that a mountain road being made will be an issue, and that is why he is concerned. Mr. Sobolewski asked if there was a way to have the tower and get out of the neighborhood.

Mr. Parisi stated that because of the topography of the site, looking east, the ridgeline comes down the wrong way for the tower to achieve the coverage goals. He stated the height of the tower is based on the elevation.

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Mr. Kelleher stated he understands the concern with the access parcel. He stated he is going to purchase the access parcel on Treeline Road, and if he does not buy it, someone else will. Mr. Kelleher stated he has had similar properties to the access parcel and never had one complaint. He stated the access road will be private property and will be gated and posted.

Mr. Sobolewski stated that the applicant has not experienced an instance where people still use private access roads without permission; you must live here to see it happen.

Mr. Kelleher stated the potentials being brought up have not happened in other situations with similar properties.

Mr. Monti asked Mr. Kelleher if he could point to projects that Vertex has done in the National Forest. Mr. Kelleher stated this project does not abut the National Forest.

Mr. Monti asked for a list of completed projects so that the Board can find comparable projects to the one in question.

Mr. Parisi stated Vertex will own the access parcel on Treeline Road and will do whatever is necessary to keep trespassers off it. He stated if someone else was to buy the land they could put an access on it; Vertex will do what is needed to keep the access private.

Mr. Sobolewski stated his concerns come from experience as he has seen private accesses turn into an unofficial trail for hikers, snowmobiles, hunters, etc.

Mr. Parisi stated there is an existing logging road on Mad River Road that can be used for access to the site. Mr. Sobolewski stated that Mr. Parisi is correct, but nobody lives next to that access; nobody is parking on the street. Mr. Parisi stated that he understands the concern.

Ms. Marshall stated residents on Sugar Run have had people accessing Cole Mountain Pond through their neighborhood, parking on the road. She believes people will still access a road around a fence. Mr. Kelleher stated he is trying to understand the concerns of people trespassing on private property.

Mr. Monti stopped the conversation and stated he will ask for more questions from the Board regarding the packet of information submitted.

Ms. Marshall asked if Mr. Johnson could walk through what the process for the access road and talk about what it will look like.

Mr. Johnson stated there is a 12-foot gravel driveway that goes back with a swale to catch stormwater and keep water from running across the driveway. He stated before water gets to the existing ditch, a catch basin will be put in to collect water down the hill. Mr. Johnson stated a commercial size swale was put in as well as other techniques that will protect driveway.

Ms. Marshall stated there will need to be excavation and trees cut. Mr. Johnson stated, yes and the plans are to use the existing contours to minimize moving earth.

Mr. Monti asked for other questions from the Board and Mr. Pagacik.

Mr. Pagacik asked that the applicant submit additional data using the information from Verizon. Mr. Parisi stated the height analysis will be redone to include the Verizon data.

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Mr. Boldt clarified that he had all information submitted by Mr. Parisi. Mr. Parisi and Mr. Boldt confirmed that all information had been submitted.

Mr. Monti stated he had several questions regarding the applications. Mr. Monti stated one of the Variances addresses that property values will not be diminished. He stated the application submitted does not address the property values of the abutters on Treeline Road, only the abutters to the site parcel on Upper Mad River Road are addressed.

Mr. Monti addressed the Variance for the vegetation buffer; he asked how much space will be between the fence and the vegetation line. He stated he understands the footprint of the tower base is 75 feet by 75 feet. Mr. Monti asked what the scar footprint will be.

Mr. Johnson stated it will be approximately 50 feet. He stated the tower will be on the downhill side, and the height of the trees will provide significant cover.

Mr. Monti thanked Mr. Johnson and stated that his general statement does not hold water. Mr. Parisi stated the tower is in the public's interest. He stated the hardship is that his client cannot build something in the middle of the woods while limiting clearance to it. Mr. Parisi stated the drainage and slope control are greater than the fence line. He stated, in this case, they are clearing 30-50 feet from a fence; they are already 3200 feet from the nearest abutter so what difference is 3200 feet to 3250 feet.

Mr. Monti asked if Mr. Parisi was aware that if any one (1) of the five (5) criteria of a variance is not met, the variance is not granted. Mr. Parisi stated he understood.

Mr. Parisi asked where the data comes from that says that a project will not have a negative effect on property values. Mr. Monti stated there have been marketing surveys that have come in, along with realtors that have affidavits that state there will not be an impact. He stated it is Mr. Parisi's responsibility to demonstrate that there will be no impact on the abutter's property values. Mr. Monti stated that because Treeline Road is part of the project, their information needs to be brought in as well.

Mr. Sobolewski asked if the utilities were 600 volts, as it appears that the electricity going out to the tower is high, but then significantly drops. Mr. Johnson stated each carrier will need a service of 122.40-amp, but they will be provided with a 200-amp service. He stated a transformer will be needed, and the voltage of the line to the street depends on the power company. Mr. Johnson stated the services will be consistent with what is on the street.

Mr. Sobolewski stated the applicant does not know what the voltage on the street is, and they do not know the size of the wire needed, and therefore cannot know the depth of coverage known for underground utilities. Mr. Johnson stated there is an electric code that will need to be met, and that it will be similar to a private residence service. He stated he can provide the information requested.

Mr. Monti stated the Board needs more facts regarding power potentially being underground; town and state electric codes and depth needed to bury the lines. Discussion ensued regarding different wires and conduit.

Mr. Parisi stated overhead utilities were being asked for due to these reasons. He stated potential blasting will need to be done to bury utilities; he can answer questions, but he is not going to propose underground utilities. Mr. Parisi stated they may be able to mitigate the concerns with the overhead utilities by partially burying lines then transitioning to above utilities.

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Ms. Marshall asked if the electric company for Treeline Road has enough service to provide for the tower, or are they going to need additional lines brought in.

Mr. Johnson stated typically the electric company wants to know that town approval has been given prior to a design meeting. He stated Vertex is not asking for too much more than what would equate to three (3) single family houses. Mr. Johnson stated there are currently house lots on Treeline Road with no houses and it may be a good assumption that there is enough power.

Mr. Monti requested more detail on what the power on Treeline Road is; from there, they can determine if the hardship is valid or not.

Mr. Monti reviewed Tab 6 in the packet, which addressed Thornton residents that do not currently have coverage who will have coverage if the tower is built. Mr. Monti asked Mr. Parisi to review the maps for the Board with his findings.

Mr. Parisi stated a list of addresses of who will get coverage was included with a map to correlate the coverage with. He stated the 2013 census was used to determine the number of households and the distance from the house to the tower site was also included.

Mr. Monti chose a house that appears to have no coverage based on the map submitted, and asked Mr. Parisi if they will have coverage if the tower is built. Mr. Parisi stated the map shown has some duplication with sites closer to the Campton tower. He stated he can get a fine-tuned map that shows where there is no coverage at all.

Mr. Monti asked that the map showing the current coverage in Thornton be done to the same scale as the map that shows the projected coverage with the tower so that they can be overlayed to see differences; the current maps are not printed to the same scale. Mr. Monti stated he wanted to see where the current gaps would be filled with the tower.

Mr. Monti clarified that the tower would be a macro site. Mr. Parisi stated, yes.

Mr. Monti asked if the Board had any additional questions; there were none.

Mr. Monti asked if any member of the public wished to speak in favor of the tower; there were none.

Mr. Monti asked if any member of the public wished to speak in opposition to the tower.

Brian Regan, Treeline Road, Thornton stated he has been at every meeting regarding the tower, and he will be at all future meetings regarding it. He stated he is vehemently opposed, and the more he hears from Vertex, the more convinced he is that the tower does not belong in Thornton. He stated he will speak again on this matter when the Board votes on the variances and waivers. Mr. Regan stated the drainage addressed on Treeline Road goes right under his house, but all the maps do not show this; they cut off at the corner of his property, so it is not shown. He thanked the Board for their time.

Mr. Monti asked for other public opposition to the tower.

David Kelley, Treeline Road, Thornton, stated he owns two (2) abutting lots to the access lot. He stated the people on Treeline Road have been there since the road was made. He stated there was an assumption that it was cul-de-sac, and he was hoping to be able to build a house on it.

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Mr. Kelley stated he was notified about the project on Upper Mad River Road in May but found out recently that an access on Treeline Road was part of the project. He stated he just had his land surveyed and thought the neighborhood was zoned residential. He stated that Vertex is saying they just need to build a road; it will be much more involved with the need to put in utilities and drainage.

Mr. Kelley stated there are more lots with acreage in the area of Treeline Road, and if an access road is allowed to go through a cul-de-sac with utilities across it, they are going to have to worry about other residents lower down on the hill having this done to them as well. He stated is the access road is put in there, it will 100% to turn into an access for atvs, snowmobiles, hikers, and hunters.

Mr. Monti read two (2) letters received from residents in opposition to the tower: The Scholtz Family, Sugar Run and Jennifer Lucas, Waterville Valley.

Paul Moffett, Bear Ridge Road, Thornton, asked what the base elevation of tower would be, and asked if the proposed height of the tower would obstruct his view to Sandwich Mountain. He stated his elevation is approximately 1000 feet.

Mr. Monti asked for other questions from the public.

Kathleen Kelley, Treeline Road, Thornton, stated she has listened to well prepared, professional people, and looked at huge packets trying to figure all this out. She stated her concern is personal for her neighbors and neighborhood. Ms. Kelley stated Mr. Parisi claims there are only a couple of houses on Treeline Road; there will be more. She stated she cannot believe that there are no other opportunities in the whole area to put this tower.

Ms. Kelley stated people very upset about having the National Forest and the Welsh-Dickey loop disrupted with the construction of this tower. She stated that they have a stewardship, as people in the White Mountains, to have beautiful places. Ms. Kelley stated she knows people want cell coverage, but how many people come to Thornton with a concern for lack of cell coverage.

Ms. Kelley stated she has heard Mr. Parisi say there is a need in Thornton for coverage; the needs of the townspeople must come from the townspeople. She stated she has researched that there is a 22-45-mile radius that towers can cover. Ms. Kelley asked why a tower was being proposed so close to other ones. She stated the tower needs to go away from the neighborhood. She stated that once trees are taken down for the access, the land is altered; they already have issues with drainage on Treeline Road.

Ms. Kelley stated Treeline Road is a small little street that will have heavy equipment on it; whether they are there for six (6) weeks or six (6) months. She stated every time another carrier is added they are going to have vehicles in the neighborhood. Ms. Kelley stated there will be storms people going up there, regardless of what they are being told; she knows from experience that people will be going up it.

Ms. Kelley stated there are small kids in the neighborhood, and people move to small neighborhoods like Treeline Road for families to live. She stated people will see a trail and roadway and want to discover up there. She stated the current logging road is not well travelled because its overgrown and she knows people trespass to hike on Mad River Road. Ms. Kelley stated the access is not being built on Mad River Road due to expense, not a hardship.

TOWN OF THORNTON

Zoning Board of Adjustment

Approved on: _____
ZBA Initials: _____
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Mr. Parisi responded to Mr. Moffett's questions. He stated the base elevation is about 1220 feet and will go up 170 feet from that. Mr. Parisi stated the top will be at 1390 feet. He stated that he believes from Bear Ridge Road, it will not be visible as there is a ridge.

Mr. Moffett stated he can easily see over the ridge. Mr. Monti asked that Mr. Parisi provide an answer Mr. Moffett's question of visibility on Bear Ridge Road.

Mr. Parisi stated people are concerned that the proposed site is in a residential area. He stated all of Thornton's commercially zone area is next to Route 93; there are no lots within three (3) miles that would be residentially zoned resulting in his clients having to go there. He stated there are already towers in residential zones in Campton and Woodstock. Mr. Parisi stated the way the zoning by-law was drafted was not with telecommunications in mind.

Mr. Parisi stated whether the tower is on the proposed site or somewhere else in Thornton, it will be in a residential zone. He stated he understands the impact on neighborhoods, but the tower is a passive facility, more passive than a house. Mr. Parisi stated that even though it is a driveway, it will be passive; only for accessing the tower occasionally. He stated the tower is positioned in such a way to mitigate obstruction of the view as much as possible and is far away from residents. Mr. Parisi stated the tower is less impactful from anywhere else in town. He stated he will obtain more data to satisfy the Board to try to get through together.

Mr. Monti asked for any more public comment.

Mr. Regan responded to Mr. Parisi's claim that the zoning ordinance was not designed for telecommunications. Mr. Regan stated the Thornton zoning ordinance was written awhile ago and has been amended since its creation. He stated it never included telecommunications, meaning it is not allowed in the Town of Thornton. He stated in 2001 there was a telecommunications ordinance drafted specifically addressing telecommunications, which states specifically that facilities are not allowed in a residential zone.

Mr. Monti thanked Mr. Regan.

MOTION: "To continue the 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] at the Monday, November 23 at 7:15 p.m."

Motion: A. Rawson

Second: J. Sobolewski

Discussion: None

Roll Call Vote: 4 - YES, 0- NO, 0- Abstained

Motion passes.

New Business

None

ADJOURNMENT:

9:50 p.m. MOTION: "To adjourn."

TOWN OF THORNTON

Zoning Board of Adjustment

Approved on: _____
ZBA Initials: _____
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Town Clerk Initials: _____

Motion: J. Sobolewski Jerry
Second: A. Rawson
Discussion: None
Motion Passes.

Respectfully submitted,

Kerrin Randall
Zoning Board Assistant