

Town of Haverhill
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
Monday, January 10, 2022, at 6:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785
And on Zoom

1. CALL TO ORDER: Mike Bonanno, Chair, called the meeting to order at 6:00 PM.

Roll Call Attendance: Rick Henson (Here); Esther Hodges-LeClaire (Here); Sandi Pierce, Vice Chair (Here); Matt Bjelobrk, ex officio (Here); Mike Bonanno, Chair (Here). A quorum was met.

Housekeeping Items:

Chair Bonanno stated that this meeting is being audio and video recorded and that anyone from the public who wishes to speak to state their name before speaking.

Town Employees Present:

- Jennifer Boucher, Assistant Town Manager (ATM)
- Joanna Bligh, Zoning Board of Adjustment Clerk

Members of the Public Present In Person: Susie Tann, Mary Patridge, Joe Longacre, Margo Longacre, Francis Parisi (Vertex Towers), Marilyn Blaisdell.

Members of the Public Present Online: Polly Bonanno, Alex Nuti-de Biasi (*Journal Opinion*), Paul Hayes (*Caledonian Record*).

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

MOTION #1: Pierce made a motion and Bjelobrk seconded the motion to approve the Agenda as written.

- Bjelobrk suggested adding others to the Public Appearances section, such as Susie Tann and others in the audience.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The Agenda was approved as amended.

4. APPROVAL OF MINUTES FROM THE PREVIOUS MEETINGS:

MOTION #2: Bjelobrk made a motion and Pierce seconded the motion to approve the Minutes from January 4, 2022, as written.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The Minutes were approved as written.

Comments from the Chair:

Chair Bonanno offered his public apology to Joe Longacre and Ron Willoughby in preventing their speaking at the January 4 Public Hearing. Longacre spoke up and stated the apology was accepted.

5. PUBLIC APPEARANCES (previously scheduled):

Joe Longacre (Clark Pond Rd.): Longacre stated that he is a member of the Planning Board and that this is the fourth meeting about Vertex Towers he has attended. Longacre stated that he viewed the second Balloon Test and was able to see it. Longacre discussed the Haverhill Master Plan and the numerous surveys taken in Town, which all expressed the need for better cell service and broadband, and we need to honor the public wishes. Longacre summarized the Balloon Test processes and how the first test was not distributed to the Planning Board. Longacre discussed the Town Ordinance under 10.3 Personal Wireless Service Facility Site Requirements, noting that the Board did not get alternate sites to review. Longacre cited 10.3.1 (f) in which a written agreement about the shared used of the facilities.

Ron Willoughby (No. Haverhill): Chair Bonanno read a statement from Willoughby:

“ZBA,
I attended the meeting last night (1-4-22) with the intention of speaking. I signed up to do just that. Two hours later, I never got a chance because the Chair neglected to call on me or Joe Longacre and possibly others. This was aggravating to say the least. The Town wants citizens’ input but conducting a meeting in this fashion certainly discourages it. The Town Manager reached out to me and apologized, even though it was not her fault at all.

My feelings on the tower are this: Unless we want to remain in the Dark Ages we have to keep up with modern life. That means, among other things, embracing good cell and internet service. The tower is a small step in that direction. Improvements in these fields were widely supported by citizens and the business community in recent surveys. If the tower can be camouflaged without compromising the service it will provide, then do it. If it can’t, then do it anyway. We can’t have it both ways. It has to be in somebody’s backyard or affecting somebody’s view. I have a national grid line over my property. I would prefer it

not be there, but I have learned to live with it. It is not about the individual. It is about what will be good for the future of the Town and the businesses therein.

ATM Boucher noted to Chair Bonanno that it is not prudent to have other members of the public speak.

6. PUBLIC HEARING

MOTION #3: Pierce made a motion and Henson seconded the motion to open a **PUBLIC HEARING** at 6:19 PM.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The Public Hearing was open at 6:19 PM.

Susie Tann (No. Haverhill): Tann provided materials for the Board's review related to monotree camouflage of the tower.

Mary Patridge (No. Haverhill): Patridge expressed concern that the photos from the October 26 Balloon Test were not available to the public. Patridge stated that during the second Balloon Test, photos were not taken from her property. Patridge discussed the devaluation of her property with the proposed tower in place as noted by a well-known realtor who said the impact would be estimated at \$100,000 reduction in value.

Fran Parisi: Parisi noted that the Balloon Test in October required advance notice, and that the Planning Board approved the site plan with conditions. Parisi noted that another Balloon Test was scheduled for the Zoning Board of Adjustment and all residents. Parisi addressed the tower camouflage, which the company can do, but he noted that it is not the best location to look like a tree.

MOTION #4: Bjelobrk made a motion and Pierce seconded the motion to close the **PUBLIC HEARING** at 6:38 PM.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The Public Hearing was closed at 6:38 PM.

7. NEW BUSINESS: None.

8. PENDING BUSINESS:

Vertex Tower Variance Discussion and Vote

MOTION #5: The motion to accept Variance #1 for Ground-Mounted Facilities was made by Pierce and seconded by Hodges-LeClaire, as follows:

Variance #1. Ground-Mounted Facilities. If the applicant demonstrates that the location on an existing structure is not feasible, PWSFs [Personal Wireless Service Facilities] may be ground mounted provided they are camouflaged, hidden, or disguised including but not limited to, use of compatible building materials and colors, screening, landscaping, and placement in the midst of trees. Ground mounted facilities are not permitted in any historic district. New ground mounted facilities must be located at least two miles from existing and other proposed facilities. *Personal Wireless Service Facilities Ordinance*, p. 4, #4.3.

- Chair Bonanno read from the *Zoning Board of Adjustment in New Hampshire: Handbook for Local Officials (2020)*, p. II-11–II-14:
 - The variance will not be contrary to the public interest.
 - The spirit of the ordinance is observed.
 - Substantial justice is done.
 - The values of the surrounding properties are not diminished.
 - Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.
- Bjelobrck stated that Variances 1 and 4 both address camouflage, and he stated he does not know which one would be appropriate.
- Hodges-LeClaire stated that Variance #1 addresses that there is a structure on the site already and this proposed facility is not located 2 miles from the existing tower. Hodges-LeClaire noted that Variance #4 deals with the camouflage. Hodges-LeClaire noted that the Grafton County public safety tower was not structurally sound for the proposed use and Grafton County “refused” to go with Vertex. Hodges-LeClaire commented why this location should be selected when there is already on tower on the site.
- Bjelobrck noted that the site plan was approved by the Planning Board, so locating at a site – we have passed that.
- Hodges-LeClaire asked if the Board approves this variance, then the site plan will be approved.
- Bjelobrck noted there was nothing discussed about conditional approval.
- Chair Bonanno stated that he did not see anything about a conditional approval.
- ATM Boucher stated that the Planning Board did approve the site plan with conditions.
- Henson stated that if the site plan was approved, that negates the 2-mile requirement and that can happen all over Town with this ruling.
- Hodges-LeClaire stated that they are not negating everything. Vertex is coming to us to determine whether the literal enforcement of 2 miles is going to result in unnecessary hardship.
- Pierce noted that it is not going to negate every structure that goes before the Planning Board.
- Henson stated that he has issues with the value of the surrounding properties.

- Hodges-LeClaire stated that there was a lack of any other proposed site and Longacre brought up that there was another proposed site, and we did not hear about that, and because of that Hodges-LeClaire voted Nay.

Roll Call Vote: Henson (Nay), Hodges-LeClaire (Nay), Pierce (Nay), Bjelobrk (Aye), Bonanno (Aye). The vote was three Nays and two Ayes. The Motion was turned down.

The Zoning Board of Adjustment did not approve Vertex Tower’s Variance #1.

MOTION #6: The motion to approve a height variance for Ground-Mounted Facilities was made by Bonanno and seconded by Pierce, as follows:

Variance #2. Height When Using Ground-Mounted Facilities. Ground-mounted PWSFs in open areas shall not exceed eighty (80) feet above the natural grade of the site.

Ground-mounted PWSFs amid tree growth shall not project higher than twenty (20) feet above the average tree canopy height. The Planning board shall determine which standard applies to a proposed PWSF. *Personal Wireless Service Facilities Ordinance*, p. 5, 6, #6.1.

- Henson commented that the tower will be much higher than 80 feet and noted that another site other than Mitchell Hill could be suitable for an 80-foot tower and accommodate all the new antennas. Henson commented that there was another site picked out on County Road, which was higher than Mitchell Hill and would provide the same coverage. Henson stated that he still has an issue that the town was not provided alternative sites. Henson commented that Mitchell Hill had the road and power in place.

Roll Call Vote: Henson (Nay), Hodges-LeClaire (Aye), Pierce (Nay), Bjelobrk (Aye), Bonanno (Aye). The vote was three Ayes and two Nays. The Motion passed.

The Zoning Board of Adjustment granted Vertex Tower’s Height Variance #2.

MOTION #7: The motion to grant Vertex Towers a height variance in excess of 100 feet for Ground-Mounted Facilities was made by Hodges-LeClaire and seconded by Bjelobrk, as follows:

Variance #3. Maximum Height. In no case shall a PWSF facility exceed one hundred (100) feet in height. *Personal Wireless Service Facilities Ordinance*, p. 6, #6.3.

- Hodges-LeClaire stated that she understood the need for a tower as high as proposed and how it would be beneficial to the public interest.

Roll Call Vote: Henson (Abstain), Hodges-LeClaire (Aye), Pierce (Nay), Bjelobrk (Aye), Bonanno (Aye). The vote was three Ayes, one Nay, and one Abstention. The Motion passed.

The Zoning Board of Adjustment granted Vertex Tower’s Height Variance #3.

MOTION #8: The motion to approve Variance #4 for camouflaging the Ground-Mounted Facilities was made by Bjelobrk and seconded by Pierce, as follows:

Variance #4. Camouflage for Ground-Mounted Facilities. All ground-mounted PWSFs shall be camouflaged using such methods as compatible building materials and colors, screening, landscaping, placement in the midst of trees and the use of camouflage and stealth technology. The PWSF and supporting equipment shall be visually unobtrusive and shall blend with the natural setting. *Personal Wireless Service Facilities Ordinance*, p. 6, #7.1.3.

- Bjelobrk stated that everyone he spoke to stated there is the need for a tower, but they objected strenuously to the galvanized tower being seen in the scenic vista, but we will realize that this is a “necessary evil.” Bjelobrk stated that this is the one requirement that we should impose, and our Ordinance addresses it.
- Henson stated he misunderstood the vote.
- Hodges-LeClaire stated voting Aye means that we approve the variance, and the tower does not have to be camouflaged, and by voting Nay means you do not want to approve this variance.

Roll Call Vote: Henson (Nay), Hodges-LeClaire (Nay), Pierce (Nay), Bjelobrk (Nay), Bonanno (Nay). The vote was unanimous. The motion was declined.

The Zoning Board of Adjustment voted down the approval of Variance #4.

MOTION #9: The motion to accept Variance #5 was made by Bjelobrk and seconded by Pierce, as follows:

Variance #5. Scenic Landscapes and Vistas. Ground-mounted facilities shall not be located within pre-existing open areas such as open fields, parking areas, or hilltops that are clearly visible from public roads, recreational areas, nearby or abutting properties. *Personal Wireless Service Facilities Ordinance*, p. 7, #7.6.

- Hodges-LeClaire stated that the concern is with the public interest versus compromising scenic vistas, and this is what people have spoken up about. Pierce agreed. Bjelobrk had no comments.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Nay), Bjelobrk (Aye), Bonanno (Aye). The vote was four Ayes and one Nay. The motion was approved.

The Zoning Board of Adjustment approved Variance #5.

MOTION #10: The motion to grant Variance #6 was made by Bjelobrk and seconded by Hodges-LeClaire, as follows:

Variance #6. Antenna Types. Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall fit within a circle having a diameter of no more than four (4) feet. *Personal Wireless Service Facilities Ordinance*, p. 7, #7.8.

- Henson asked if antennas are greater than 4 feet on this proposed tower.
- Hodges-LeClaire stated that the Ordinance is 20 years old, and the standard diameters may have increased.
- Bjelobrk noted that arrays will be stepped in totem-pole fashion.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The motion passed.

The Zoning Board of Adjustment approved Variance #6.

Comments

Parisi asked the Board for clarification of section 4.3 of the Haverhill Ordinance, which had multiple sentences that need to be broken down to understand what the Board is denying, as follows:

- Applicant demonstrates that it is not feasible, and the ground-mount has to be camouflaged.
- The new tower has to be located at least 2 miles from an existing facility.

Parisi asked if the Board could vote to clarify what was being denied because he understood that it was for the request not to camouflage. Parisi also needed clarification on the 2-mile requirement noting that another variance may be needed.

ATM Boucher addressed Variance #1/Ordinance 4.3 stating that as a quasi-judicial Board, it is important to be very specific about why you are denying it because during an appeal, the applicant has to state the grounds.

Bjelobrk addressed Parisi with approval from the Chair whether he was asking for the reasoning behind the denials. Bjelobrk noted that the camouflage was addressed in Variance #4. Parisi noted that in Variance #4, the Board denied the request that the tower not be camouflaged. Parisi then asked if the Board was denying or accepting the location of the proposed tower being near the public safety tower. Hodges-LeClaire noted that Variance #5 deals with scenic vistas and has nothing to do with the existing tower. Hodges-LeClaire read Variance #5. Parisi stated that the Board is not granting a variance to put the tower in a scenic location, the Board is granting the variance for this location, which happens to be a scenic vista. Hodges-LeClaire noted that the Board voted on three separate sentences – the Board felt that you demonstrated that using the existing structure was not feasible, but we took issue with the camouflage, which was consistent with Variance#4.

Bjelobrk suggested that there be an open discussion on each point and go through the rationale for each decision. Hodges-LeClaire asked if the Motion can then be reopened, which Bjelobrk noted that it has already been voted down. Hodges-LeClaire stated that she voted down Variance #1 because of the 2-mile requirement, that an alternative site was not sufficiently demonstrated, and that the vote meets the spirit of the Ordinance.

Pierce stated that she agreed it was the 2-mile requirement. Henson had no comment, and Bjelobrk noted that he voted Aye.

Next Steps

ATM Boucher stated that a written summary is required to be submitted in 5 business days. Chair Bonanno clarified that the Board needs to write an explanation why the members voted the way they did, which is to be completed by January 18.

Chair Bonanno asked who on the Board would be able to develop the written summary as required. Hodges-LeClaire volunteered to prepare the summary.

9. CORRESPONDENCE / COMMUNICATION: None.

10. COMMENTS OF TOWN STAFF:

- Boucher noted that the meeting documents will be available for public access in the Town Administration office.

11. COMMENTS of the PLANNING BOARD MEMBERS:

Henson: None.

Hodges-LeClaire: Hodges-LeClaire stated that our Town needs more wireless facilities, but in this case because we were not shown additional sites was the rationale for denial. Hodges-LeClaire stated that as a millennial who works from home, she understands the need for telecommunication. Hodges-LeClaire also noted that the ordinance needs to be rewritten.

Pierce: None.

Bjelobrk: Bjelobrk noted that one thing to require is at least two or multiple carriers per tower.

Bonanno: None.

NEXT MEETING: TBD

12. ADJOURNMENT

MOTION #11: Pierce made a motion and Bjelobrk seconded the motion to Adjourn the meeting at 7:15 PM.

Roll Call Vote: Henson (Aye), Hodges-LeClaire (Aye), Pierce (Aye), Bjelobrk (Aye), Bonanno (Aye). The vote was unanimous. The meeting was adjourned at 7:15 PM.

