



**Meeting Minutes**  
**Town of North Hampton**  
**Zoning Board of Adjustment**  
**Tuesday, September 26, 2023 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**  
**North Hampton, NH 03862**

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

**In attendance:** Robin Reid, Chair; Member Larry Miller; Alternate Members Deborah Sillay and Jonathan Howe; and Recording Secretary Rick Milner.

**I. Preliminary Matters.**

Chair Reid called the meeting to order at 6:35pm.

Ms. Sillay seated for Mr. Fullerton. Mr. Howe seated for Mr. Janos.

Ms. Reid presented the minutes of the July 25, 2023 meeting.

**Mr. Miller moved that the ZBA accept the minutes of the July 25, 2023 meeting as written. Second by Mr. Howe. The vote was unanimous in favor of the motion (4-0).**

**II. New Business.**

**1. Case #23:07 – Applicant: Vertex Towers, LLC c/o Francis Parisi, 225 Dyer Street, Providence, RI 02903.** The Applicant requests a variance from Section 203.9 of the Town of North Hampton Zoning Ordinance to allow construction of a wireless telecommunications facility/cell tower with associated driveway and utility improvements on a lot that does not have the required minimum frontage on a street that has been accepted by the Town of North Hampton. Property Owners: Richard E. Skowronski and Leila A. Hanna, 142 Mill Road, North Hampton, NH 03862. Property Locations: Back lots off Mill Road in the vicinity of 142 Mill Road and accessed from driveway between 140 and 144 Mill Road; M/L: 012-065-000, 012-067-000, and 012-072-000; Zoning Districts: R-1 High Density District and R-2 Medium Density District.

**In attendance for this application:**

Francis Parisi, representative for the applicant.

Ms. Reid announced that only four Board members were present at the meeting. An affirmative vote of three members was necessary for a variance to be granted. Ms. Reid offered the applicant the option of postponing the case until a later date when a full five member Board was in attendance or proceeding with the case at the present time.

Mr. Parisi stated that he wished to proceed with the case at the present time. Mr. Parisi sworn in.

Mr. Parisi addressed the Board. Mr. Parisi presented the following information to the Board:

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

- 47 a. a site plan proposing construction of a 150 foot monopole cell tower, associated utility structures, and  
48 fencing on Map/Lot 012-072-000 (a back lot off Mill Road in the vicinity of 142 Mill Road), an access  
49 drive from Mill Road through Map/Lots 012-065-000 and 012-067-000 to the proposed cell tower  
50 location, utility improvements from Mill Road to the cell tower location, and wetlands culvert crossings  
51 along the access drive.
- 52 b. an existing conditions plan showing topography, location of wetlands, and location of existing gravel  
53 drive,
- 54 c. a project narrative letter explaining the types of antenna equipment and telecommunications service  
55 provided by the proposed facility and how the proposal elevates the general welfare of North Hampton's  
56 residents,
- 57 d. a narrative letter explaining how the proposal complies with the NH RSA five criteria for granting a  
58 variance,
- 59 d. a summary of the federal telecommunications act,
- 60 e. alternative cell tower site placement analysis,
- 61 f. Radio Frequency Engineer opinion report regarding improvements to wireless telecommunications  
62 coverage within the proposed cell tower area of influence, and
- 63 g. satellite image maps indicating current wireless telecommunications coverage, gaps in coverage area,  
64 and proposed improvement to wireless telecommunications coverage in the eastern section of North  
65 Hampton.

66

67 Mr. Parisi explained that the applicant is seeking a variance to allow construction of the facility and utility  
68 infrastructure on lots that do not have the required minimum frontage on a street that has been  
69 accepted by the Town of North Hampton. The proposal also requires site plan review and wetlands  
70 impact conditional use permit approvals from the Planning Board.

71

72 Mr. Parisi explained that the proposed wireless telecommunications facility area (cell tower and  
73 associated utility cabinets within a 75 foot by 75 foot impact area) on Lot 12-72 (2 acre parcel) will be  
74 accessed via an existing gravel drive from Mill Road on Lot 12-65 (5 acre parcel) currently used to access  
75 142 Mill Road residence. A new access way would be built off the existing gravel drive on Lot 12-67 (20  
76 acre parcel) and veer off toward the wireless facility site. Utility structures would be installed along the  
77 entire length of the access way. There is less than the required amount of frontage at the Mill Road  
78 entrance and no frontage on Lots 12-67 and Lots 12-72.

79

80 Mr. Miller noted that the variance would need to be applied to all three lots associated with the  
81 application.

82

83 Mr. Parisi stated that his company has spent several years researching various locations throughout  
84 North Hampton for the placement of a cell tower to eliminate the coverage gap in the portion of town  
85 east of Route 1. The property indicated in the application is the most suitable for this type of wireless  
86 telecommunications facility. Mr. Parisi showed a satellite photo of the properties and indicated how the  
87 project would create a minimal impact on the surrounding wooded environment. Mr. Parisi further  
88 stated that the size of the existing driveway is adequate for the facility use. There will be no significant  
89 changes to the driveway at the Mill Road entrance. The facility will be unmanned. There will be no  
90 significant traffic to the site except during construction activities.

91

92 Mr. Parisi addressed the five criteria identified in the State of NH RSA's for granting a variance.

93 a. The variance will not be contrary to the public interest in that the proposed facility will enhance  
94 wireless telecommunications service coverage in the town of North Hampton. This will aid the public's

95 personal use of wireless services and enhance public safety communications in times of crisis or natural  
96 disaster. In addition, there will be no large amounts of traffic or visitors that would adversely affect the  
97 surrounding neighborhood.

98 b. The spirit of the ordinance is observed in that the facility has been designed to fulfill the stated goals  
99 of the wireless facility section of the Town zoning ordinance. The proposed location for the facility is in a  
100 large, substantially undeveloped, wooded area with ample vegetative buffer. The cell tower operator will  
101 encourage co-location by different carriers on its tower in order to minimize the total number of cell  
102 towers needed in the community. The proposal will not result in the creation of a subdivision or new  
103 lots.

104 c. Substantial justice will be done in that there are already other similar towers in the community  
105 comparative in height to the proposed cell tower. The monopole, non-reflective finish design of the  
106 proposed tower with internal cabling features and the tower's proposed location will mitigate visual  
107 impacts as much as possible. There will be no changes to the existing driveway that will impact existing  
108 vehicular traffic patterns.

109 d. The values of surrounding properties will not be diminished in that numerous studies and market  
110 analysis (such as those detailed in reports associated with 2008 New Hampshire Supreme Court case  
111 Daniels v. Londonderry) indicate that a wireless communications tower has no measurable impact on  
112 nearby property values. The proposed tower location is over 750 feet from the nearest home and  
113 surrounded by wooded, vacant land on the immediate abutting properties. The existing gravel drive  
114 access off Mill Road will not be changed in any way that will impact the surrounding properties.

115 e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that  
116 there is no other feasible alternative location to place the proposed cell tower based on the limitations  
117 created by existing land conditions and uses, significant wetlands areas throughout the Town of North  
118 Hampton, and existing regulations. The unique size, shape, location, and elevation of the subject  
119 property creates circumstances which justify the granting of a variance. The proposed use is reasonable  
120 based on the current technology environment. No fair and substantial relationship exists between the  
121 general public purposes of the ordinance provision and the application of the provision to the subject  
122 property. The public will benefit from enhanced wireless communications service while experiencing no  
123 adverse effects.

124  
125 Ms. Reid noted for the record that the applicant submitted a six page dissertation in the application  
126 materials regarding how the application satisfied the five criteria identified in the State of NH RSA's for  
127 granting a variance. Mr. Parisi's comments before the Board were a summary of the application  
128 document.

129  
130 Mr. Howe asked for clarification regarding the use of the proposed propane tank on the site.

131  
132 Mr. Parisi stated that the propane would be used to fuel a back-up emergency electric generator in case  
133 of a power failure.

134  
135 Ms. Reid asked for clarification regarding the applicant's consideration of other properties for locating  
136 the proposed cell tower.

137  
138 Mr. Parisi explained the applicant's efforts to examine several areas for placement of the proposed cell  
139 tower. There were many limitations such as land value, environmental restrictions, optimal service  
140 coverage, and unique issues on individual properties which necessitated locating the cell tower as  
141 proposed in the application.

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## ZBA Meeting Minutes

Mr. Milner read a letter from Fire Chief Jason Lajoie which indicated that he had reviewed the proposed wireless telecommunications facility plan and had no concerns with emergency access to the site.

Ms. Reid opened the public comment session at 7:20pm. No comments were made. Ms. Reid closed the public hearing at 7:21pm.

Mr. Miller stated that the application satisfied the five criteria identified in the State of NH RSA's for granting a variance.

Ms. Sillay stated that she had no concerns with granting the variance request as presented due to the limited scope of the request.

Ms. Reid stated the following reasons as to why the application satisfied the five criteria identified in the State of NH RSA's for granting a variance in her opinion:

- a. Public safety is enhanced.
- b. Numerous other locations have been explored in the past without a successful resolution. The proposed location appears to be the most feasible location for placement of the cell tower.
- c. There are two other existing cell towers located in a residential district.
- d. State of New Hampshire case law indicates that a cell tower has no measurable adverse effect on property values.
- e. The proposed location has unique characteristics which support the granting of a variance.

**Mr. Miller moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.9 to allow erection of structures on lots that do not have the minimum required frontage on a street that has been accepted by the Town of North Hampton only for the uses and improvements as represented in the application presented to the Board subject to the following condition:**

**1. The applicant receives all required federal, state, and local permits and approvals including, but not limited to, Planning Board, Building Department, and Fire Department permits and approvals.**

**Second by Ms. Sillay. The vote was unanimous in favor of the motion (4-0).**

**Mr. Howe moved to adjourn the meeting at 7:26pm. Second by Ms. Sillay. The vote was unanimous in favor of the motion (4-0).**

Respectfully submitted,

Rick Milner,  
Recording Secretary