

ZONING BOARD OF ADJUSTMENT  
Francestown, NH 03043

**NOTICE OF DECISION**

On Thursday July 8, 2010 the Francestown Zoning Board of Adjustment met at 7:30 p.m. to consider the rehearing requests by New Cingular Wireless PCS, LLC. By a vote of 5-0 the Board has voted on the rehearing request to amend its decision of April 18, 2010. Changes to that decision as a result of the rehearing are noted in **bold**.

On Sunday, April 18, 2010, the Francestown Zoning Board of Adjustment met at 2:00 p.m. in the Town Offices, lower level, to deliberate on and to decide the applications then pending before the Board by New Cingular Wireless PCS, LLC for relief under the Francestown Zoning Ordinance to permit location of a cell tower facility on property located on Dennison Pond Road, Tax Map 6, Lot 61-2. Specifically the applicant has requested a special exception for one of three proposed sites at the aforementioned location under Article VII, Sections 7.1, 7.1.2(a-f) 7.19 and 7.19.1.

Evidence presented to the Board determined that:

- A gap in coverage exists in Francestown along Route 136 (New Boston Road from the Francestown/New Boston Town line west towards the center of Francestown.
- A tower of 100' to 120' would provide coverage along targeted area.
- Alternate site exists at a proposed New Boston Road site.
- Dennison Pond is a rural road in a sparsely developed residential area.
- Balloon tests were conducted at the three proposed locations at various heights.
- Maintenance access road will be required from Dennison Pond Road to the tower site
- No slopes, wetlands or other issues are associated with the maintenance access road.
- Cell tower meets setback requirements of section 7.19.1(c) of the Zoning Ordinance.
- Applicant has indicated height of tower at 110' will be sufficient for at least one co-locator. Co-Location is encouraged under Sections 7.19 and 7.19.1(b) of the Zoning Ordinance.
- Use of ATC Tower does not cover "targeted area" at 165'. By adding an additional 30' for a height of 195' ATC Tower still does not cover "targeted area". Additional height is not a modification of the existing tower, but would be a major alteration.

By a vote of 5-0 the Board has voted to approve the request for a special exception of a cell tower facility. **Cell tower is a 110' monopine designated as "Monopine B" on site plans dated May 12, 2010 and shall be located either within the 50' fenced tower compound as shown on sheets C-2 and C-3 of plans dated May 12, 2010 or at a site to be approved by the Planning Board that shares 30% or more of its footprint the 50' compound as shown on the aforementioned plans.**

Approval is granted for the following reasons:

- Of all possible alternatives the site best preserves "the Town's natural beauty, rural characteristics, scenic vistas and architectural history" (section 7.19).
- Site will have the least "visual impact on the overall community" (section 7.19.1(a)).
- Maintenance access road will not have a negative "visual impact on the overall community" (section 7.19.1(a)).

- Proposed alternate sites have a greater visual impact on the overall community
- Applicant has indicated height of tower at 110' will be sufficient for at least one co-locator. Co-Location is encouraged under Section 7.19 and 7.19.1(b) of the Zoning Ordinance.
- Cell tower meets setback requirements of section 7.19.1(c) of the Zoning Ordinance
- Site is an appropriate location {section 7.1.2(a)} due to the location of the maintenance road access, topography and density of trees and foliage.

The Board further determined that the applicant has met the requirements of sections 7.1.2(b), (c), (d), (e), (f) and (g) of the Frankestown Zoning Ordinance

Approval of the special exception for a cell tower facility is subject to the following conditions:

- 1) Applicant will provide written confirmation of compliance with the life safety code and approval from the Fire Chief.
- 2) Site plan approval will be obtained from the Planning Board.
- 3) A high-density branch monopine shall be used to hide the proposed monopole; exact design to be determined by the Planning Board.
- 4) A sediment and erosion control plan shall be implemented subject to approval by the Planning Board.
- 5) Actual access point for maintenance access road is to be determined by the Planning Board and the Road Agent. Maintenance access road from Dennison Pond Road to cell tower facility will be the crook or gentle curve design, as opposed to a straight line, as **identified on Sheets C-2 and C-3 of the plans dated May 12, 2010** in order to make the maintenance access road less visible from Dennison Pond Road and abutting properties.
- 6) Applicant will preserve vegetation along the access road and around tower facilities, subject to Planning Board review and approval.
- 7) Applicant will place a screen of conifers around the fence of the cell tower facility to buffer any potential generator noise and to mitigate against any future loss of trees, subject to Planning Board review and approval.

Charles M. Pyle

Vice Chairman, Frankestown Zoning Board of Adjustment  
July 12, 2010 as amended

NOTICE: ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY REQUEST A REHEARING WITHIN THIRTY (30) DAYS UNDER THE PROVISIONS OF THE NEW HAMPSHIRE REVISED STATUTES ANNOTATED CHAPTER 677, SECTION 2, TO WHICH STATUTE ATTENTION IS DIRECTED FOR FURTHER REQUIREMENTS.