

## Minutes

### Board of Adjustment Meeting

April 21, 2020

As Chair of the Board of Adjustment of the Town of Strafford, Rick Ferreira opened by stating that he finds that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

The Chair then made the following announcements: Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I (the Chair) am confirming that we (the Planning Board) are:

- a) providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means. We are using the Zoom platform for this public meeting. All members of the Planning Board are able to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing and using the assigned meeting code or by clicking on the website address:  
<https://us04web.zoom.us/j/71568763154?pwd=eUVndlJpMEZRNEkyVW1BNXhJRzJNUT09>.
- b) providing public notice of the necessary information for accessing this meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting via Zoom or telephonically. Instructions have also been posted on the website of the Town of Strafford at [www.trafford.nh.gov](http://www.trafford.nh.gov).
- c) providing a mechanism for the public to alert the public body during the meeting if there are problems with public access: If anybody has a problem please call or email [eevans.trafford.nh@gmail.com](mailto:eevans.trafford.nh@gmail.com).
- d) adjourning the meeting if the public is unable to access the meeting: In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

The Chairman then began the meeting by taking roll call attendance and having Board members introduce themselves. Members of the Board of Adjustment in attendance were Rick Ferreira, Chairman, Jean Ewen, Herman Groth, Ashley Rowe, and Scott Hodgdon and Lynn Sweet, Alternate members. The Chairman then called the meeting to order at 7:06 PM. Charles Burnham experienced difficulties with the platform and joined the meeting at 7:14 PM. Alternate member Lynn Sweet recused herself, noting a business connection with the Huckins family. Also in attendance were Francis Parisi and T. Johnson representing Vertex Tower Assets, and Joe and Cindy Cushing representing the Huckins family. Eric Rowe was also in attendance. Steven Kelleher of Vertex joined the meeting after 7:15. Scott Whitehouse, Fire Chief, was recognized and finally joined the meeting at 7:28 after the motion to adjourn.

The only item of business before the Board was a Request for Rehearing regarding Case Number #418, submitted on behalf of VERTEX TOWER ASSETS LLC by Francis Parisi, Esq. regarding one of the Decisions of the Board at the March 6, 2020 meeting. At that meeting, the Board voted to deny the Request for Variance to allow a proposed telecommunications tower to exceed the maximum height allowed under the ordinances. Vertex Tower Assets LLC is proposing to construct a telecommunications tower on the property of the Bertha Huckins Revocable Trust, 22 Hillside Drive, off Huckins Road (Tax Map 11, Lot 4).

The Chairman requested that Board members make comments one at a time. He also noted that the Board had reached out to Atty. Roman for her thoughts. Mr. Ferreira noted that he had had to miss the March 6, 2020 meeting but that he has been brought up to speed and had attended the earlier meetings on the project. Jean Ewen began by stating that after reviewing Atty. Roman's response, that she does believe that under the TCA, Vertex has presented new information. Mr. Ferreira said that he agreed. Charles Burnham agreed and said that he believes that the Board should move forward to grant the rehearing. Scott Hodgdon agreed. Rick Ferreira noted that some of the information brought out in the Motion for Rehearing was mentioned in the course of the original discussions, but it was not brought out as clearly, noting the information on viability from Steven Kelleher if the tower were only 100

feet in height, and the landowner's concerns that continuing agricultural use of the property would be unlikely without this project.

There was no further discussion. The Chairman asked if there was a motion. Charles Burnham then made the following motion:

“I move that there is good cause and that we grant the Motion for Rehearing on the height variance because the applicant, Vertex Tower Assets, has presented new information regarding the viability and feasibility of a 100 foot tower.”

Jean Ewen and Rick Ferreira both seconded the motion. The Chairman then asked for a roll call vote.

Rick Ferreira—aye      Ashley Rowe—aye      Jean Ewen—aye      Charles Burnham—aye  
Scott Hodgdon—aye

Herman Groth when called stated that he would abstain due the fact that he was not present at previous meetings on the application. Lynn Sweet asked the Chairman to clarify which members were considered voting members this evening. Mr. Ferreira clarified that Scott Hodgdon's vote would count as the fifth member for a full 5-member Board because Mr. Groth had abstained and Mr. Hodgdon was present for previous meetings on this application. The Chairman advised that the petition for a Rehearing passed by unanimous vote of the members voting with no nay votes.

There being no further business before the Board, Charles Burnham then moved to adjourn the meeting. Scott Hodgdon seconded the motion, there was no further discussion. The Chairman called the vote. Jean Ewen—aye, Charles Burnham—aye, Ashley Rowe—aye, Herman Groth—aye, Rick Ferreira—aye. The motion passed by unanimous vote with no nay votes. The meeting adjourned at 7:28 PM.