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Town of Strafford

Application for Telecommunications Antenna or Facility Special Use Permit*

Name of applicant: Navigator Properties, LLC (Mariner Tower)
Mailing address: P.O. Box 1160, Kennebunkport, ME 04046
Telephone: (207) 967-8094
Email address and contact name: Louis Vitali – louis@marinertower.com

Property Owner(s): Gail J. Barry and Michael A. Barry, Jr.
Mailing address: 15 Strafford Road, Strafford, NH 03884
Location/Street Address: Same
Strafford Tax Map 11 Lot 83

*Please attach a copy of the lease, option to purchase, or other agreement with the owner, if the owner is different from the applicant. See Application

Wireless Carrier that will use the proposed antenna:

Name of Carrier: Presently in negotiations with licensed carrier.
Name, Business Address, and Contact information for the Contact Person at Wireless Carrier _____

Briefly describe the proposed telecommunications equipment and where it will be located on the property
160' lattice tower with base equipment compound
See submitted site plans.

Indicate how this area is currently being used (i.e. agricultural land, undeveloped land, gravel pit, etc.)
Area of proposed tower is presently undeveloped.

FCC License:

License number(s) for license(s) allowing the proposed antenna(s) or other broadcast device to be deployed See Above
Please attach a document showing compliance with FCC rules on RF emissions.

Co-Location (Complete only if the application proposes to attach an antenna to an already existing structure, rather than constructing a new structure or expanding an existing structure):

Number of antennas proposed _____
Describe the existing structure and the manner in which the antenna(s) will be attached _____

Describe the purpose for which the antenna(s) will be used _____

Has the owner of the existing structure agreed to allow the antenna(s) to be located on the structure? _____
If so, please attach a copy of a signed agreement allowing the co-location.

Will the antenna(s) be placed on an historic structure or any structure that is over 100 years old? _____

***Please note that applicants must also apply for Non-Residential Site Plan Review for this project, under Strafford Zoning and Land Use Ordinances, Article 1.4.2 H (6); Fees will apply.**

Construction of a new structure (Complete only if the application is not proposing co-location):

Briefly describe the structure that is proposed _____

Self support lattice tower in accordance with ordinance 1.4.2 (H) 6.C.ii (l)

Please attach a visual representation of what the proposed structure will look like.

Height of the proposed structure:

160'

Materials from which the proposed structure will be constructed _____

Primarily steel

Describe the fencing that will be constructed around the proposed structure _____

Eight foot high fence topped with barbed wire strands

List all structures located within a distance of 1.5 times the height of the proposed structure:

Structure _____ Owner _____

Structure _____ Owner _____

Structure _____ Owner _____

Structure _____ Owner _____

Additional information None, see site plans.

Describe the camouflage that will be used to hide the appearance of the structure, if any: _____

Existing vegetation. See Application.

Describe why you have not proposed locating the proposed antenna(s) on an existing structure: _____

No such structures exist. Property is in WTCF Overlay District

Describe why you are not proposing a less obtrusive structure: _____

Tower is at permitted height and is in WTCF Overlay District

Describe lighting to be used on the proposed facility, including safety lighting, and whether or not the FAA will require striped painting of the facility: _____

Tower will not be lit or striped. See application.

Describe any and all noise that the proposed structure is expected to cause, measured in decibels: _____

Tower and compound do not create noise. See application.

Describe the environment in which the proposed structure will be placed, including flora, topography, presence of water, whether a wetland is nearby, whether the proposed structure is in a floodplain, and whether it provides habitat for any endangered or threatened species (NHB report):

See application. State SHPO found no adverse effect.

Regional Notification (including Fees due)

Attach a list all municipalities within 20 miles of the proposed structure from which the proposed structure may be visible.

Attach three mailing labels addressed to the governing body of each municipality, and a check or money order for \$15 times the number of municipalities listed above.

Attach a check or money for Regional Notification by newspaper; notice will be published in Foster's Daily Democrat (Seacoast) and the Concord Monitor. (\$175 per notice; total \$350)

Provide a map depicting all tower and monopole wireless facilities used by the proposed wireless carrier within a 20-mile radius of the proposed facility. Also provide a map showing wireless coverage by all carriers on all facilities in the surrounding communities. See application.

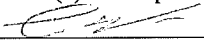
Decommissioning:

A Performance Security will be required in accordance with Strafford Zoning and Land Use Ordinances Article 1.4.2 H (7)(c).

Please initial here: 

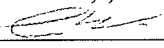
Access:

The applicant and its principal(s) agree to allow the municipality or its representatives to access the proposed structure and/or antenna(s) to inspect for compliance with local, state, and federal regulations.

Please initial here: 

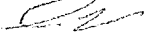
Radio Frequency Consultant/Engineering Consultant/Legal Counsel Fees:

Please be advised that you will be asked at the first meeting with the Planning Board to fund an escrow account to cover any initial consultant costs incurred when the application is reviewed for completeness. The funds will be held in a separate escrow account and the Planning Board will provide estimates for consultant costs. Additional reasonable expense charges may be incurred after the initial review phase. Thereafter, the applicant shall provide additional funds to cover the estimated costs to the Town. Any balance remaining will be returned to the applicant at the end of the application process. NH RSA 12-K, 676:4(I)9g, 676:5, 676:4-b, and 673:16,I; Strafford Zoning and Land Use Ordinances 1.4.2 H (8).

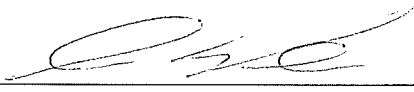
Please initial here: 

Application Deadlines:

This application is due by the regular Planning Board application deadline each month, please check the posted agenda for deadline dates. Should this application be received after the deadline, the Town of Strafford Planning Board reserves the right to ask the applicants for an extension of time in order to complete the 30-day completeness review.

Please initial here: 

I hereby certify that all the information provided above is true and accurate to the best of my knowledge and belief.


Signature of applicant

5/19/23
Date

Louis Vitali
Printed name of applicant

NON-RESIDENTIAL SITE PLAN REVIEW APPLICATION

Name of Applicant: Navigator Properties, LLC (Mariner Tower)
Name of Owner: Gail J. Barry and Michael A. Barry, Jr.
Proposed Use: Wireless Telecommunications Facility
Address of Property: 15 Stratford Road
Tax Map(s): Lot(s): Map 11 Lot 83
Land Surveyor: TEP Northeast

Note: All fees are due when application is filed. The following information must be filed with your application:

SUBMISSION ITEMS:

- ☒ 3 Full Size Plan Sets, 3 Reduced Size Plan Sets, and an electronic copy of the application package (PDF, etc.)
- ☒ State Approvals
- ☒ Copy of Deed
- ☒ Narrative Statement of Purpose/Projected Use of Property

Please include information on the following:

- Number of Employees
- Number of Customers/day
- Number of deliveries/material providers
- Projected heavy equipment traffic after completion of construction

- ☒ Completed Stormwater Management Plan (see Stormwater Management Regulations, Chapter 5, Zoning and Land Use Ordinances Book)
- ☒ Complete abutters' list with THREE sets of mailing labels for each required letter (owner, applicant, surveyor, wetlands scientist, engineers, holders of any easements, and abutters)

PLAN CHECKLIST (Accurate to-scale plan of property, including): *Site Plans Included*

- ☐ Owner's name and address
- ☐ Tax Map and Lot number
- ☐ Locus Map/Site Location
- ☐ Total Tract Acreage
- ☐ North arrow
- ☐ Bar Scale
- ☐ Plan Date
- ☐ Tract Boundaries (metes & bounds; corners)
- ☐ Easements and/or pedestrian ways
- ☐ All abutting owners
- ☐ Deed reference
- ☐ Current Use status
- ☐ Surveyor's and Wetland Scientist's seals if applicable
- ☐ Water courses
- ☐ Wetlands
- ☐ Ledge

- ___ Floodplains & Shoreland Protection Zones
- ___ Soils Classification
- ___ Percolation test data, soil and groundwater test pits, if required
- ___ Topographic Contours and ground elevations before and after construction (if site alterations are proposed)
- ___ Physical Features, including stone walls, cemeteries, etc.
- ___ All existing buildings on-site
- ___ All buildings within 100 feet
- ___ All roads and driveways within 200 feet
- ___ Existing and proposed driveways, entrances and exits, and parking areas
- ___ Drainage and landscaping, including site screening from abutters
- ___ Building and Floor Plans
- ___ Waste Disposal Plans, including hazardous waste disposal, if necessary
- ___ All utilities
- ___ Lighting
- ___ Fire Protection plans
- ___ Signs (types, sizes, and locations)
- ___ Fresh Water sources, if necessary
- ___ Food arrangements, if necessary
- ___ Local permits, if required (e.g. driveway, building, etc.)

Please note that this list identifies the information that should be included with an initial application. The Planning Board may ask for additional information in the course of review of the application.

ALL FEES DUE AT THE TIME THAT THE APPLICATION IS SUBMITTED. NO APPLICATION WILL BE PROCESSED UNLESS FEES HAVE BEEN PAID.

Application fee of \$250.00 for up to 2000 sq. ft. of development; additional \$175 per thousand additional square feet of impact, plus fee of \$15.00 per letter for notification by certified mail as required under NH RSA 676:7.

For office use only:

Application and Fee received by _____

Date received _____

Fees paid & check number _____

2. PROJECT OVERVIEW & APPLICANTS' INFORMATION

Introduction

Navigator Properties, LLC d/b/a Mariner Tower ("Mariner Tower" or "Applicant") and Gail J. Barry and Michael A. Barry, Jr. ("Landowner" or "Co-Applicant"), (collectively "Applicants"), propose the construction, operation and maintenance of a Personal Wireless Service Facility ("PWSF") also known as a Wireless Telecommunications Facility ("WTCF") on a tract of land totaling approximately one hundred and eleven (111) acres, (the "Subject Property" or "Premises"). The Subject Property is located on Map 11 Lot 83 which is off of Strafford Road in the Town of Strafford, County of Strafford, New Hampshire (See Exhibit A for Land Deed) and is within the East Preferred Coverage Location (as shown as Exhibit B, with reference added by the Applicants). Therefore, the WTCF is a permitted use subject to the Town of Strafford Ordinance ("the Ordinance"), Section 1.4.2 (H), entitled Wireless Telecommunications Facilities effective 3-11-2003, amended March 2022.

In accordance with the Ordinance, the Applicants have prepared this Application for a new WTCF to be located on a small portion of the Subject Property.

Purpose

The purpose of the WTCF is to make it possible for FCC licensed wireless service providers and wireless internet service providers to improve the wireless services and provide a safe level of both emergency and non-emergency communication services (in-building and mobile) in the Town of Strafford including areas along portions of State Highway 202A, Second Crown Point Road, New Bow Lake Road, State Highway 126, Johnsonboro Road and the surrounding roads, neighborhoods and businesses in the proximity of the proposed WTCF. The proposed WTCF will allow personal wireless service providers (carriers) to attach antennas to the tower structure at an acceptable height and place equipment within a fenced compound area for the provision of personal wireless services. Coverage from the proposed WTCF must also connect with coverage throughout the area. Signal propagation maps and other technical information, prepared by C Squared Systems, LLC, to demonstrate the purpose and need for the proposed Tower (as defined below) are attached as Exhibit C.

WTCF Description

The Applicants' proposed Telecommunications Facility will be located within an approximately 111-acre parcel of large fields at the top of a hill at 15 Strafford Road, with access from Strafford Road along the east side of the property. The proposed WTCF will be sited and constructed within a ten thousand square foot (100' x 100') leased area (the "Site") on the Subject Property (See Exhibit D for Memorandum of Lease). It will consist of a single freestanding, one hundred and sixty foot (160') tall, self-supporting style tower (the "Tower"), that will not require lights or guy wires. The Tower, wireless carriers' (tenants') equipment and the necessary utilities will be located within a fenced compound area measuring approximately seventy-five feet by seventy-five feet (75'x75'). To accommodate multiple FCC licensed carriers at the Site, and to reduce the number of towers in the Town, as required by the Ordinance, the compound area will be set up for an efficient utilization of space and has been designed for the carriers to place their radio transmitting equipment within small equipment shelters or weatherproof cabinets. (See

Exhibit E for Site Development Plans.) Specifically, the structural capacity of the proposed Tower and the size of the proposed compound area will allow for at least four (4) carriers (to be tenants of Mariner Tower) to collocate on the Tower. The Tower will be galvanized steel and weather to a dull gray finish. All antennas will be of a light-colored fiberglass or similar non-reflective material. No water or septic/sewer will be required at the Site, and there will be no wastewater discharge.

The entrance to the WTCF will be off of Strafford Road, a public way. The Applicants will develop a gravel driveway approximately twelve feet (12') wide and seven hundred fifty feet (750') long to the Site. Given the small footprint of the equipment compound, and through proper design, best management practices and minimal use, stormwater runoff and erosion will be virtually non-existent. (See Exhibit E – Site Development Plans). There will be no pedestrian traffic generated. After construction, the only vehicular traffic will be one or two trips per month per telecommunication carrier by a technician in a passenger car, pickup truck or sports utility vehicle.

Electric utilities currently exist on Strafford Road and serve the Subject Property. The existing electric lines will be extended to the Site via new utility lines adjacent to the new access drive. New fiber optic telephone lines will be brought in from Strafford Road to the Site. Once the electric and telephone services reach the Site, they will continue underground to a common meter center within the compound area. From the meter center, electric and telephone services will be distributed to each individual user within the compound via additional underground conduits.

Applicants' Information

Mariner Tower is a Maine based company that specializes in developing wireless telecommunications facilities for a wide range of customers throughout New England. Mariner Tower's customers include providers of Cellular Telephone service, Personal Communication Services (PCS), Radio Broadcast, and Wireless Internet. In order to facilitate its customers' needs, Mariner Tower secures the necessary real estate for a new tower, obtains all necessary federal, state and local permits and approvals, coordinates and supervises construction activities, and then maintains and operates the completed installation.

Overview

Mariner Tower has selected the Subject Property in the Town's permitted zone in order to meet a need for the services it provides to its customers and the community. The WTCF will be situated on a portion of an approximately 111-acre property. The Tower and related facilities will be set back about 604' from the "closest" front side, 415' from the closest sideline and 3780' from the closest rear property line, in full compliance with the setback requirements of the Ordinance (Section 1.4.2.H.5). Accessory structures and the access driveway will also comply with the minimum setback requirements.

All feasible steps have been taken to minimize negative environmental effects of the proposed Tower by keeping the tree clearing to a minimum, avoiding any impacts to any environmentally sensitive areas, designing the compound to work with the topography, while still providing improved service and coverage to the intended target areas in Town. Additionally, because this Site will be unmanned and require only periodic operational

visits once construction is complete and have no water or sanitary services, the long-term impact to the property and the environment around it will be extremely light.

3. SITE JUSTIFICATION & RADIO FREQUENCY DATA

Factors Involved in Searching for a New Site

The process of determining where the best location for a new WTCF was based on the Ordinance. The Site is within the Permitted zone, and is a Preferred Coverage Location, as that term is defined by the Ordinance. In such a process, there are numerous factors, both technical and non-technical, that must be weighed against one another and include the following:

Zoning and Permitting Requirements

As part of the development and siting process, Mariner Tower seeks a location which will comply with the local ordinances and be able to obtain all necessary permits and approvals. Mariner Tower is aware of the time and energy spent by the Town of Strafford's officials and private citizens recently to enact the Town's Wireless Telecommunications Facilities Ordinance. The Applicants have designed the proposed Tower to provide the intended target area within the Town of Strafford with improved coverage and comply with all requirements of the Town of Strafford Ordinance and Amendment for the siting of wireless telecommunications facilities effective 3-11-2003, amended March 2022.

Technical Requirements

The site for a new tower must be able to meet the identified service needs and work in conjunction with other existing facilities. If the proposed location does not meet strict technical requirements, the site will not be considered a viable location.

Wireless technology relies upon radio signals to transmit messages between mobile users and a fixed base station, usually referred to as a "cell site". At the frequencies on which PCS, cellular and wireless services operate, the signals travel along the "line of sight", which means that the signal from the tower will only reach the mobile user if there is a clear, unobstructed sight line between the two. If there is an obstruction due to a variation in topography, a reduction of the signal occurs. Foliage types and density (the amount and type of trees) introduce additional attenuation – further reducing the signal strength – in the wireless environment. For this reason, a tower must be sufficiently high enough above the tree cover to limit this type of interference with the signal pattern. Therefore, the line-of-sight requirement leads to a natural preference for cell sites at higher elevations. In cities and urban areas, antenna height may be accomplished by locating cell sites on tall buildings or other structures. In rural locations, water tanks and silos are often used to accomplish similar coverage objectives. Given the absence of suitable buildings or structures within the target area, the construction of a new WTCF, including a Tower, is necessary.

The height of the tower is a key factor that determines the overall viability of a site. A variety of factors, including physical antenna sizes, licensed frequencies and potential electronic interference, requires each tenant on the tower to offset their antennas from other tenants (vertical separation). In order for one tower to provide sufficient space for multiple FCC licensed carriers to mount their equipment and maintain vertical separation between users, a tower of sufficient height above the tree line must be built. Therefore, Mariner Tower is proposing a one hundred and sixty foot (160') tall Tower to allow for

other carriers to collocate in the future, thereby eliminating the need for multiple structures to the same target area.

Based on the applicable zoning laws and the ability to meet our customer's needs, Mariner Tower believes the proposed Site on the Subject Property is the best possible location for a new Tower to offer improved wireless services to the intended target areas of the East Preferred Coverage Location.

4. SPECIAL USE PERMIT REQUIREMENTS

The Applicants have prepared this Application in accordance with the Town of Strafford Ordinance and Amendment for the siting of wireless telecommunications facilities effective 3-11-2003, amended March 2022.

All wireless telecommunications facilities require a special use permit from the Planning Board, subject to the criteria of section 1.4.2.H and all other relevant requirements of the Strafford Zoning Ordinance. All applications under this section are also subject to the Planning Board site plan review. In an effort to assist the Board in its review, the Applicants have restated sections of the Wireless Telecommunications Facilities Ordinance and responded to each section in *italicized* font.

Section 5. Requirements

a. Setbacks and separation

- i. Towers must be set back a distance equal to 120% of the height of the tower from the edge of the side and front property lines and 100% from the rear property line on which they are located.

For the proposed 160' Tower, the required minimum setbacks would be no less than 192' from the closest edge of the side and front property lines and no less than 160' from the closest rear property line. Here, the actual setbacks far exceed that minimum: 604' from the "closest" front side, 415' from the closest sideline and 3780' from the rear line. See Sheet C-1 on the Site Plans.

- ii. Towers, guys, anchor structures, base stations and accessory facilities must satisfy the minimum zoning district setback requirements.

There are no guy wires on the proposed Tower. The proposed Tower, anchor structures, base stations and accessory facilities all meet the minimum zoning district setback requirements.

- iii. Towers must be setback a minimum of the tower height from any structures (except structures that are part of the facility) and recreational fields. This shall be considered a "fall zone".

There are no structures or recreational fields within 160' of the proposed Tower. The proposed Tower meets this fall zone requirement.

b. Security fencing

- i. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing means in accordance with the current National Electric Code (NEC).

The proposed Tower, wireless carrier's equipment and the necessary utilities will be located within a fenced compound area measuring approximately seventy-five feet by seventy-five feet (75'x75'). The fence will be eight feet (8') high topped with three strands of barbed wire. See Exhibit E - Site Development Plans. The proposed Tower will be

equipped with the appropriate anti-climbing means in accordance with the current National Electric Code (NEC).

c. Noise

- i. Equipment noise must not be audible to residential neighbors, except emergency generators, which may be audible up to a maximum of 50 dBA at the property line. Generator exercising (testing) shall be conducted during normal weekday business hours.

The WTCF will be quiet and non-disruptive to the adjacent properties. After normal construction activities are completed, the only noise generated by the WTCF will be from 1) any wall mounted HVAC units within the equipment shelters or weatherproof cabinets of the carriers, and 2) when any of the carriers' emergency generators turn on due to power failure or testing. The Applicant cannot say at this time which carriers will actually install an HVAC or generator at the WTCF, and if so, of what type and sound output it will produce at the property line. If a carrier wishes to install an HVAC and/or generator at the Site, the Applicant will require that carrier comply with this noise provision. It is suggested that this information be required of each wireless service provider wishing to co-locate on the WTCF and submitted as part of its permitting application to the Town. The Applicant will require that the wireless service providers who install generators at the Site conduct their exercising (testing) during normal weekday business hours between 8AM and 6PM.

Section 6. SPECIAL USE PERMITS

a. General. All wireless telecommunications facilities shall require a special use permit from the Planning Board, subject to the criteria of this section (1.4.2H) and all other relevant requirements of the Strafford Zoning Ordinance. All applications under this section are also subject to the Planning Board site plan review.

b. Plan Requirements. Each Applicants requesting a special use permit under this section shall submit the following:

- i. Plans and elevations drawings employing the various scales and details necessary to show:
 - a) The general locus of the proposal, including abutting properties and structures.

See Sheet C-1 on the submitted site plans.

- b) The details of the proposed antenna mounting structure (e.g., tower, rooftop) and accompanying base station and transmission equipment, and utility interfaces.

See Sheet A-1 on the submitted site plans.

- c) The fencing, landscape buffering, screening, and/or concealment elements.

The Applicants are proposing to have a compound at the base of the proposed Tower which will be secured by a fence eight feet (8') high topped with three strands of barbed

wire. The proposed Telecommunications Facility will be located within an approximately 111-acre parcel of large fields on a hill. The Ordinance requires a "lattice self-support" tower (Section 1.4.2.H.6.d.iii), which is what the Applicants have proposed. To minimize the visual impact, the proposed Tower will be constructed to allow as much distance as possible from neighboring properties. The Applicants will work with the Board to provide additional landscaping or screening if it determines it is required.

The proposed Tower will be finished with a galvanizing gray process that will blend in with the changing sky conditions and adjacent trees and weather to a dull gray finish. Based on the Applicants' experience, a galvanized gray is the least obtrusive finish that blends well with the surrounding natural and built environment. All antennas will be of a light-colored fiberglass or similar non-reflective material.

See Sheet A-1 on the submitted site plans.

d) Accessway, utility lines and parking.

The entrance to the WTCF will be off of Strafford Road, a public way, and will provide access to the compound. This access drive will be improved to allow for construction, operational and emergency vehicles to and from the Site. (See Exhibit E - Site Development Plans for access drive details.)

Electric utilities currently exist on Strafford Road and serve the Subject Property. The existing electric lines will be extended to the WTCF on new utility lines adjacent to the new access drive. New fiber optic telephone lines will be brought in from Strafford Road to the Site. Once the electric and telephone services reach the Site, they will continue to a common meter center within the compound area. From the meter center, electric and telephone services will be distributed to each individual user within the compound via underground conduits. (See Exhibit E - Site Development Plans for utility details.)

The WTCF will be unmanned and will include a Turnaround/Parking Area which can easily accommodate at least two (2) utility vehicles adjacent to the fenced equipment compound. Once completed, trained personnel will visit the proposed Tower in passenger cars, pickup trucks or sports utility vehicles approximately twice a month to inspect it and perform routine maintenance. (See Exhibit E - Site Development Plans for parking area details.)

e) Tree and vegetation clearing, slopes, wetlands and other surface characteristics or changes thereto.

The Applicants will minimize the impact to the existing landscape by clearing only the trees and vegetation necessary to develop the WTCF, accessway and utility service.

A&D Klumb Environmental, LLC reviewed the area of the proposed Site and access easement and provided a Wetland Delineation Report that states there are no wetlands at the proposed Telecommunications Facility. (See Exhibit F for the Wetland Delineation Report.)

The WTCF does not generate any nuisance issues such as odors, dust, smoke, gas, fumes, vibration, or other objectionable features that would be a detriment or injury to the area.

- ii. Photo simulation of the installation from one or more publicly accessible views. Applicants are encouraged to discuss potential photographic locations with the Town Planner. The Town Planner, in consultation with the Planning Board Chair, may defer the photo simulation requirement if:
 - a) It may not be necessary considering the nature of the application, subject to a Planning Board decision during the hearing; or
 - b) It may be prudent to set a public announcement for a balloon/crane test of a proposed Tower during the hearing, from which the Applicants can prepare a photo simulation report in consultation with the Planning Board.

The Applicant will consult with the Town Planner and Planning Board Chair, who will determine whether a publicly noticed balloon/crane test is necessary. If required, Mariner Tower will work with the Town Planner to determine which locations and publicly accessed views should be photographed for the simulation report.

- iii. Such evidence of coverage as is necessary to demonstrate the need for the proposed Tower height, usually in the form of coverage maps of the participating wireless services.

The Applicants have submitted a radio frequency report as Exhibit C: "RF Report with Signal Coverage Maps". That report shows there is a significant gap in radio frequency coverage and the need for the location and height of the proposed Tower.

The WTCF complies with the not-to-exceed height requirements and limitations of the Ordinance. The proposed height of 160' meets the height limitation of the Ordinance, and allows for additional carriers to use the Tower in the future, thereby eliminating the need for additional towers in that area.

- iv. If the Applicant asserts any federal or state preemption is applicable, such as the non-prohibition of the provision of personal wireless services clause under the 1996 Telecommunications Act, or any other relevant federal or state rulings or laws, such evidence as is necessary to demonstrate how the preemption applies to the application.

The Town is subject to the Federal Telecommunications Act of 1996, the FCC regulations arising from that Act, and the First Circuit Court of Appeals and New Hampshire Federal District Court cases interpreting the same. Further the Town is subject to NH RSA 12-K and New Hampshire Supreme court cases dealing with the same. The Applicant feels it is unreasonable and premature to have to identify all federal and state "rulings or laws" that are "relevant" to the Act, or to this application.

- v. List of any applicable shot clock deadlines. (Refer to Section 12.a.)

The Applicants believe that the Federal Communication Commission has instituted a 150-day shot clock for this type of application, which shot clock extends to all local permits or approvals which are needed for any one particular site, and which starts running as of the date of the first required step in the approval process.

- vi. Analysis of the noise the facility will generate.

The WTCF will be quiet and non-disruptive to the adjacent properties. After normal construction activities are completed, the only noise generated by the Facility will be the sound of air conditioners within equipment shelters or weatherproof cabinets of the carriers and when there is a loss of commercial power, from each of the carrier's back-up generator. There will be sufficient vegetation and distance to provide adequate auditory barriers from other properties and public rights of way.

- vii. Analysis of the facility's radio frequency energy emissions demonstrating the design will be in compliance with applicable FCC regulations regarding human exposure to radio frequency energy.

It is the Applicant's experience that radio frequency exposure levels generated by a typical wireless communications facility are a fraction of the maximum allowable health and safety standards established by the Federal Communications Commission (FCC). Since the Tower itself does not generate any RF emissions, the actual RF emissions at the WTCF cannot be calculated until each carrier wishing to co-locate at the Site specifies the equipment it will be using to transmit. The Applicant will require that all wireless communications equipment to be installed and operated at the WTCF be in compliance with the radio frequency exposure guidelines as established by the FCC. It is suggested that this information be required of each wireless service provider wishing to co-locate at the WTCF and submitted as part of its permitting application to the Town.

- viii. Approvals from, or copies of submitted applications to, all necessary state and local boards and agencies regarding crossing of wetlands, or work in wetland buffers, if required.

A&D Klumb Environmental, LLC reviewed the area surrounding the proposed Site and access easement and provided a Wetland Delineation Report. (See Exhibit F for the Wetland Delineation Report.)

- ix. Documentation of the Applicants' environmental review, further referenced in applicable FCC rules, satisfying the requirements of the National Environmental Policy Act (NEPA), as well as its historic review and tribal notifications under the National Historic Preservation Act (NHPA) and other laws.

The Applicants have engaged the services of the environmental consulting firm A&D Klumb Environmental, LLC to perform a review of any applicable FCC rules, satisfying the requirements of the National Environmental Policy Act (NEPA). This includes historic review, tribal notifications and review of Indian religious sites under the National Historic Preservation Act (NHPA), reviewing significant wildlife and fisheries habitat, natural resources, flood zones and wetlands in accordance with the National Environmental Policy Act (NEPA). On January 31, 2023, the New Hampshire State Historic Preservation Office issued a finding that there are no adverse effects upon historical properties or archaeological items that would be affected by the project. A copy of the finding is attached as Exhibit I.

- x. An inventory of the Applicants' existing facilities within the jurisdiction of the Town and those outside the border and closest to it, including specific information about the location, height, design of each facility.

Mariner Tower does not own or operate any existing facilities within the jurisdiction of the Town. The closest Mariner Tower site to Strafford is located at 384 Hill Street in Biddeford, ME. The Biddeford site contains a WTCF, including a one hundred and forty foot (140') free standing, self-supporting style tower and a fenced equipment compound.

- xi. The Applicants for a new tower shall provide an assessment of existing towers and structures on which Applicants could collocate one or more facilities to materially reduce the coverage or capacity issues that the proposed facility is intended to address. The Planning Board may consider combinations of one or more collocations and/ or reduction or relocation of the proposed new facility to achieve the Applicants' stated objectives in a way that may be materially less objectionable to the community.

There are currently no existing towers in Strafford and no buildings that are tall enough to be considered usable as rooftop sites.

Mariner Tower researched other properties for a viable site to build a wireless telecommunications facility before signing a land lease with the Subject Property. The following parcels were also considered as they are within the Town's permitted zone in the East district:

*Map 11 Lots: 33, 33-3, 37-1, 37-2, 42, 43, 44-1, 73, 75, 77, 78, 79, 80 and 81:
Did not pursue because the lots do not meet the fall zone/setbacks:*

*Map 11 Lot 39:
Did not pursue it because access would be difficult.*

*Map 11 Lot 44:
Signed land lease on the Subject Property before ever successfully making contact with this landowner.*

*Map 11 Lot 76:
Did not pursue it because access would be difficult.*

- xii. The Applicants for a new tower shall submit an alternatives analysis containing written evidence demonstrating that no existing structure(s), or no existing structures in combination with less impactful new facility site(s), and no alternative new site(s) can be combined to address the Applicants' network objectives in a manner more consistent with this section.

There are currently no existing towers in Strafford.

c. Issuance of Special Use Permits

- ii. Factors to be considered in reviewing applications:

- a) Height of the proposed WTCF does not exceed that which is essential for its intended use and public safety within the limits of Section 1.4.2 H 5 a.

As shown by the RF Report, Exhibit C, and as stated previously, the Tower height is within the limits of the Ordinance and the height is necessary and reasonable.

b) Impact of WTCF (including tower, when applicable) on the community, including such factors as:

1. Noise.
2. Vehicular traffic.
3. Visual impacts to neighbors.
4. Visual impacts on the community.
5. Proximity of WTCF to residential development or zones.
6. Compatibility with uses on adjacent and nearby properties.
7. Surrounding topography.
8. Surrounding tree coverage and foliage.
9. Design characteristics of the WTCF (and tower, when applicable) that reduce or eliminate visual obtrusiveness.

The Applicant is seeking approval for the Site which is within the WTCF Overlay District, and exactly where the Ordinance directs an applicant to build such a tower. The Applicant assumes that all of the subsection (b) factors (including visual impact, proximity to residential areas, and compatibility of uses) were considered prior to adoption of the Overlay District. As stated previously, there will be virtually no noise from the WTCF. There will be extremely limited vehicular traffic. The visual impacts will be minimized. The WTCF is located on the Subject Property to maximize the distance from adjacent and nearby properties while still taking advantage of the surrounding topography and tree cover. The WTCF, including the Tower, will have the "galvanized steel" finish, which will reduce visual impact.

c) Availability of less objectionable alternatives more consistent with the purpose and intent of this section.

The Applicant does not believe that there is any "less objectionable alternative" because the Site is in the Overlay District.

d) Consistency of proposed WTCF with this and other sections of the Strafford Zoning Ordinance.

By selecting a property within the WTCF Overlay District, this Application is consistent with the Ordinance.

e) Adequacy of proposed WTCF with this and other sections of the Strafford Zoning Ordinance.

There is sufficient and adequate ingress/egress to the Site for the very limited vehicular traffic, as shown by the site plans. (See Exhibit E – Site Development Plans.)

f) Availability of suitable existing towers and other structures as discussed in 1.4.2 H 7 (b) x-xii

There are no "suitable existing towers and other structures".

g) Visual, traffic, noise and other impacts to neighboring residential uses and overall compatibility with surrounding land uses.

This subsection is covered by subsection (b) above.

h) Visual impacts on viewsheds, ridgelines, and other impacts caused by tower location, tree and foliage clearing and placement of incidental structures.

The Applicant believes there will be limited visual impacts, and any such visual impacts are not unreasonable.

i) Impact on view from any public park, public beach, natural scenic vista, historic building or site or major view corridor

The Applicant believes there will be limited visual impacts, and any such visual impacts are not unreasonable.

j) That the proposed facility is not constructed in such a manner as to result in needless height, mass, visual clutter and bulk.

The WTCF will not be constructed in a manner as to result in needless height, mass or visual clutter and bulk. It is the type of tower (lattice self-support) directed by the Ordinance, within the permitted height.

k) That if exposed (unconcealed) antennas and related apparatus are proposed, the visual impact of such a design would not be materially improved by concealment or that such concealment is impracticable.

The Applicants propose an WTCF which meets all of the requirements of the Ordinance. It is not possible to "conceal" a 160' tower.

l) That if a proposed tower is not a self-support lattice, the reasoning for not using a self-support lattice is consistent with the intent of this section in the context of the proposed site and visibility.

The proposed Tower is a self-support lattice tower.

m) Consistency with the goals and objectives of the Strafford Master Plan.

By seeking approval for a WTCF within the Overlay District, the Application is consistent with the Strafford Master Plan.

n) The proposed WTCF is in harmony with the various requirements of this section, NEPA, NHPA and other applicable regulations.

The WTCF meets the requirements of this section and all other applicable regulations.

d. Design and Performance Requirements

- i. Tower shall be designed and built to accommodate site sharing as a condition of the special use permit. The minimum number of additional Wireless

Telecommunications Facilities (WTCF) that a tower can accommodate will be determined by the Planning Board in consideration of the height, visual impact and other characteristics of the proposed location. It is anticipated that the North, South, and East Preferred Coverage Locations (PCLs) will support four WTCFs and the West PCL will support two WTCFs.

In an effort to maximize the usefulness of the proposed WTCF, The Applicants' proposed Tower shall be designed and constructed to accommodate the collocation of additional antennas, equipment and facilities on the Tower and at the Site. The structural capacity of the proposed Tower and the size of the proposed compound area that the Applicants propose in the East PCL will support the opportunity for at least four personal wireless service providers (carriers).

- ii. Applicants for special use permits to construct, modify or site share on a tower shall show designs that are of the realistic dimensions required to satisfy structural codes for such construction. Full structural code compliance analysis must be provided with an application.

The Applicants' proposed Tower shall meet all applicable requirements of federal and state regulations and shall be designed and installed in accordance with the most recent EIA/TIA standards that govern tower design, currently revision H.

- iii. Towers shall be lattice self-support construction.

The Applicants' proposed Tower shall be a single, free standing lattice self-support style tower.

- iv. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

Due to the Applicants' proposed Tower height of one hundred sixty feet (160'), which is below the FAA requirement of two hundred feet (200') for lighting, the Tower need not and will not be lit.

The Applicants are not proposing any lights. If future tenants install a light on their equipment shelters or weatherproof cabinets, it will be switch operated and used by technicians visiting the Site after daylight hours.

- v. Towers shall be a color to reduce visual obtrusiveness or otherwise appear harmonious with the context of its location. At all WTCF sites, the design of the equipment shelters, compounds and related structures shall, to the extent possible, use architecture, materials, colors, textures, screening, and landscaping that will blend with or be architecturally compatible with the natural setting and/or built environment around the site.

The proposed Tower will be finished with a hot dipped galvanizing process that will weather to a dull gray finish and provide years of maintenance free life. It's the Applicants' experience that galvanized is the least obtrusive finish that blends in well with the surrounding natural and built environment. All antennas will be of a light-colored

fiberglass or similar non-reflective material that will blend in with the changing sky conditions and adjacent trees and weather to a dull gray finish.

- vi. Towers, exposed antennas and related apparatus and antenna concealments shall be finished with durable materials that will not deteriorate and cause visual or safety impacts over time. Elements of towers, antennas, base stations and transmission equipment visible to the public shall be maintained in a neat and workmanlike condition and appearance, subject to terms of the special use permit and enforcement by the Building Inspector.

The Applicants will use industry standard materials and the Tower, antennas, base stations and transmission equipment visible to the public shall be maintained in a neat and workmanlike condition and appearance.

- vii. WTCFs shall not display any signs, advertising, writing, symbols, or any graphic representation of any kind visible to the public, other than reasonable notification and safety signage.

The Applicants do not propose the installation of any signs on the WTCF for advertising purposes. The Applicants and/or all telecommunication carriers will install a small sign on the compound fence for identification purposes. Additionally, the Applicants are required by FCC and OSHA regulations to place small warning signs on the compound fence and on the Tower structure.

- viii. Base stations and the lower portion of towers (first 20 feet) shall be landscaped with a buffer of plant materials that effectively screens its view from adjacent residential property year-round. In locations where the visual impact of the tower and base station would be limited, the landscaping requirement may be reduced or waived entirely. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property may be deemed a sufficient buffer.

The Applicants' proposed WTCF will be located within an approximately 111-acre parcel of large fields on a hill. To minimize the visual impact, the proposed Tower will be constructed in a location to allow as much distance as possible from neighboring properties. The Applicants will work with the Board to provide additional landscaping or screening if it determines it is required.

- ix. To the extent practicable, towers, mounts and equipment shall be placed on the property in such a way as to minimize the visual impact on neighbors and viewsheds. The Planning Board may consider a setback waiver if it enables the proposed installation to be more harmonious with its surroundings.

As stated previously, the proposed 160' Tower easily meets the setback requirements of the Ordinance: 604' from the "closest" front side, 415' from the closest sideline and 3780' from the rear line. See Sheet C-1 on the Site Plans.

Section 7. REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

- a. Owners of property on which one or more WTCFs are being deactivated or abandoned shall promptly notify the Strafford Building Inspector and the Planning Board in writing, within 60 days of becoming aware of such plan to deactivate or abandon. Any WTCF or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the lessee or owner of said tower provides proof of quarterly inspections. The property owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the lessee or owner of such abandonment.
- b. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned WTCF or tower is not removed within 90 days, the Town of Strafford may have the WTCF or tower removed and may call on the performance security to pay for the costs of such removal. This provision may apply to individual WTCFs provided it shall not apply to a tower until all WTCRs cease using the tower.
- c. As a condition of approval of a Special Use Permit, the Applicants shall submit a **performance security** sufficient to cover the cost of removal of the WTCF as determined by the Planning Board; said security shall be in the form of cash or a letter of credit from a New Hampshire incorporated bank with offices in New Hampshire.

The Applicants agree to remove the WTCF from the property in a timely manner at the Applicants' expense, if and when it is no longer in use or abandoned. Upon receipt of all permits and approvals and prior to the start of construction, Mariner Tower will secure a surety bond from an insurance company for an amount sufficient to act as security to remove the Tower and which names the Town of Strafford as Obligee. See Exhibit G for an example of a typical removal bond.

Section 8. CONSULTANT AND LEGAL FEES.

The Strafford Planning Board may retain the services of legal counsel, or a consultant or consultants qualified in WTCF siting and design review to review the application and all associated information. The Board may further require pursuant to RSA 676:4, I(g), that the Applicants reimburse the Town for reasonable costs of these reviews. No application shall be approved until such fees, if applicable, are paid in full. This provision shall not limit or restrict in any way the Board's ability to require other investigative studies under its permitting and site plan review authority.

If the Strafford Planning Board decides to retain the services of legal counsel or a consultant to review the application, the Applicants agree to reimburse the Town for reasonable costs of the review.

Additional Ordinance Requirements, Non-Residential Site Plan Regulations and Building Regulations

The Ordinance contains a number of requirements in Chapter 1 ("the Zoning and Land Use Ordinance"), Chapter 3 ("Non-Residential Site Plan Regulations"), Chapter 4

("Building Regulations") and Chapter 5 (Storm Water Management Regulations.) Many sections of these additional requirements do not apply to this type of facility and/or are superseded by the Wireless Telecommunications Facility Section of the Ordinance. The specific wireless telecommunication requirements are addressed above in detail. The following sections will address the additional requirements which apply to the Applicant's project.

Additional Ordinance Requirements

1. Section 1.2.2. Districts.

Off-road parking is provided immediately adjacent to the compound area.

2. Section 1.3.8. Signs.

The only signs to be installed at the WTCF will be small signs, one for the Applicant Mariner Tower, and one for each future carrier; the signs will be placed on the compound fence for identification purposes, as well as small warning signs on the compound fence and Tower as required by the FCC and OSHA. These signs are generally less than four square feet in size. They will not have any flashing lights, or illumination and will otherwise be in accordance with the Regulations regarding signs.

3. Section 1.3.12. Outdoor Lighting.

The Tower itself will not be lit. The equipment shelters or equipment cabinets may have a small light, generally a standard 100-watt (or less) bulb which will be shielded downwards, and will be similar to the "non-directional residential lighting such as porch, driveway and walkway lights" which are permitted under the Regulations. The lighting will not interfere with adjacent properties or create strong/dazzling light, glare, or reflection which will interfere with adjacent properties or motor vehicles.

4. Section 1.4.1. Land Requirements

The proposed lot meets all of the requirements for frontage, front, side and back yards, and minimum area.

5. Section 1.4.4. Wetland Conservation Overlay District

A&D Klumb Environmental, LLC reviewed the area for wetlands at the proposed Telecommunications Facility and provided a wetland delineation report which shows there are no wetlands at the Site and along the access driveway. (See Exhibit F for the Wetland Delineation Report.)

6. Section 1.4.5 – Viewshed Protection Overlay District.

The proposed Tower is not within the Viewshed Protection Overlay District, and in fact, it is located within the Wireless Telecommunications Overlay District, and is within the permitted heights of the Telecommunications Overlay District.

Chapter 3.0 Non-Residential Site Plan Regulations

1. Section 3.2.2. Requirements

In order to properly evaluate the potential impact on the quality of the rural/agricultural environment of Strafford, all non-residential and multifamily developments, except those so exempted, shall provide the Planning Board with complete data on the following:

- A. Topography and ground elevations before and after construction.

The Applicant has provided the Planning Board with sufficient data regarding topography and ground elevation. See Exhibit E – Site Development Plans.

- B. Drainage, ground elevation and landscaping.

The Applicant has provided the Planning Board with sufficient data regarding drainage, ground elevation and landscaping. See Exhibit E – Site Development Plans and Exhibit H – Stormwater Management Report.

- C. All buildings and floor plans with elevations.

To the extent applicable, see Exhibit E – Site Development Plans

- D. Parking areas.

See Exhibit E – Site Development Plans.

- E. Signs: types, height and location.

See information provided above, regarding Section 1.3.8. Signs

- F. All utilities.

See Exhibit E – Site Development Plans.

- G. Stormwater Management Regulations.

See Exhibit H – Stormwater Management Report

- H. Additional data regarding personnel, shipments, food arrangements, waste disposal and noise.

Not applicable: personnel, shipments, food arrangements and waste disposal. Regarding noise, see narrative above.

- I. Telecommunications facilities.

The applicant believes the application has provided all of the requested information, apart from the Performance Agreement which the applicant understands would be after approval.

- J. Wetland impact.

No wetlands are impacted. See Exhibit F – Wetland Delineation Report

K. Steep Slopes

The driveway slope does not exceed 8%. See Exhibit E – Site Development Plans

Building Regulations

1. Section 4.1.10 Driveway.

The access to the WTCF will be a new 12' x 750' gravel driveway which will provide a 16' x 25' turnout approximately halfway to the compound. The angle of approach and departure of the first 30 feet of the driveway entrance does not exceed a 5% slope and the grade slope of the entire driveway averages 8%, therefore, it will not trigger the steep slope requirements. (See Exhibit E for Site Development Plans, Sheets A-3 and A-4) The width of the gravel access easement is 15 feet. The actual travel portion is 12 feet wide. There is a drainage berm with erosion controls and check dams the entire length of the driveway. See sheet A-3 and A-4. At the end of the drainage berm there is a collection berm. See sheet A-3.

2. Section 4.1.12. Fences

The proposed fence meets with these requirements, except that Section 4.1.12 provides that no fence shall exceed six feet in height. Section 1.4.2.H.5.b.i. (dealing with wireless facilities) states that the towers shall be enclosed by fencing "not less than six feet in height." For this reason, and for additional safety, the Applicant proposes an 8' high fence. Such a higher fence is allowed under Section 4.1.12.2 with Planning Board approval.

Chapter 5.0 Stormwater Management Regulations

Regarding the Stormwater Management Regulations, the Applicant has submitted, as Exhibit H, the Stormwater Management Report. The Report meets the requirements of Chapter 5. See also Exhibit E - Site Plans Sheets C-5 and A-3 through A-6.

The Stormwater Management Report provides as follows:

1 The project will add approximately .32 acres of impervious surface cover, and stormwater controls have been designed to address all of the Town's stormwater management requirements. (Page 6 of Report)

2 All impervious areas and ground disturbance are located outside jurisdictional and environmental resources and buffer areas. Runoff from impervious surfaces is disconnected and directed to pervious surfaces. (Page 7)

3 A best management practice (sand filter) was implemented to address antidegradation. (Page 7)

4 There is no negative impact to water quality post-development from pre-development; the stormwater Best Management Practices (BMPs) and controls have been devised to treat run off and prevent erosion. (Page 7)

5 *Pre-treatment is provided and structural stormwater BMPs are sized in accordance with the New Hampshire Stormwater design manual. Source control and pollution prevention practices are identified and implemented. (Page 7-8)*

6 *Flow attenuation has been provided such that peak discharge rates are no higher after the development than the existing conditions for the 2-, 10- and 50- year storm events. (Page 8)*

7 *Groundwater recharge volume has been determined in accordance with New Hampshire stormwater design and the recharge is maintained post-development, when compared to pre-development conditions and will be infiltrated into the ground. (Page 8)*

8 *A long term operation and maintenance plan has been provided which includes general controls for not only construction, but also long-term maintenance of the system. (Page 8)*