



See KF
12/15/22
PB+ZBA fee
\$380. - ✓ #1859
PB 250 -
ZBA 130. -

**APPLICATION FOR VARIANCE
(Zoning Board of Adjustment)
AND
APPLICATION SITE PLAN REVIEW
and CONDITIONAL USE PERMIT
(Planning Board)
FOR
TELECOMMUNICATIONS FACILITY**

Applicant: Vertex Towers LLC
Site Id: VT-NH-0298A
Property Address: 70 Moulton Ridge Road, Kensington, NH 03833
Tax Assessors: Map 10 Lot 1
Property Owner: Maribeth Dinicola
Date: December 15, 2022

1. Application for Variance (Zoning Board of Adjustment)
2. Application for Site Plan Review and Conditional Use Permit (Planning Board)
3. Filing Fees
4. Abutters List
5. Letter of Authorization
6. Project Narrative
7. TOWAIR (FAA Analysis re No Hazard to Air Navigation)
8. Report of Site Acquisition Specialist
9. Report of RF Engineer and RF Coverage Maps
10. MPE Report
11. Removal Cost Estimate and draft Removal Bond
12. Site Plans

Respectfully submitted,

Vertex Towers, LLC
c/o Francis D. Parisi
225 Dyer Street
Providence, RI 02903
(401) 447-8500 cell
fparisi@plapc.com

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State of New Hampshire
Town of Kensington

95 Amesbury Road
Kensington, NH 03833

ZONING BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

To: Board of Adjustment
Town of Kensington

Case No. _____
Map _____ Lot _____
Date filed _____
Fees paid _____

(town official signature)

Name of Applicant Vertex Towers, LLC Phone # () 401 447 8500
Address 66 Francis Parisi 225 Dyer St, Providence, RI 02905
Owner Margbeth Dinicola
Location of Property 70 Moulton Ridge Rd
MAP 10 LOT 1

(street, number, subdivision and lot number)

A variance for USE

is requested from article V, section 5.1.5.2, of the Land Use Ordinance to permit:

construction of a telecommunications facility
in the Residential / Agricultural zoning district.

Fact Sheet:

1. The variance will not be contrary to the public interest;

see attached Project Narrative

2. The spirit of the ordinance is observed;

see attached Project Narrative

3. Substantial justice is done;

see attached Project Narrative

4. The values of surrounding properties are not diminished;

see attached Project Narrative

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship; see attached Project Narrative

The undersigned alleges that the following circumstances exist which would prevent the proper enjoyment of the land under the strict terms of the Ordinance.

Vertex Towers, LLC
Signed By Francis Parisi
(Applicant) Authorized Agent

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

The Applicant is responsible for supplying the names and addresses of all *abutters to the property concerned including the names and addresses of any Engineer, Architect, Land Surveyor or Soil Scientist whose professional seal appears on the plat and holders of Conservation, Preservation or Agricultural Preservation Restrictions per RSA 477:45.

*For purposes of Notification: **Abutter:** For the Town of Kensington an abutter shall be any property owner whose property is located in New Hampshire and within two hundred (200) feet of any property line, including across a street or stream, of a land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

The Applicant is to include addressed envelopes with addressed postal certification slips and Return Receipt cards for each of the abutters to be notified or 3 sets of labels.

Please List Current Abutters For Legal Notification Purposes:

Owners of Record

Name	Address & Zip Code	Map# Lot#
<i>see attached list</i>		

Verley Towers, LLC
By Francis Parvi
Signature of Applicant *Authorized Agent*

12/15/22
Date

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Map ___ Lot ___
Date filed _____
Fees paid _____
Engineering fees _____
Escrowed funds _____

(signed)

PLANNING BOARD APPLICATION
Town of Kensington, NH

1. Applicants' Name(s): Vertex Towers, LLC
Address: 110 Francis Parisi, 225 Dyer St, Providence RI 02903
Signature(s) [Signature] Francis Parisi Authorized Agent Tel #: 4014478500
*(Letter of authorization to be provided if plan presented by other than applicant.)
2. Land Owner of Record's Name: Maribeth Dinicola
Address: 70 Moulton Ridge Rd, Kensington NH 03833
Signature(s) [Signature] Francis Parisi Authorized Agent Tel #: _____
*(Letter of authorization to be provided if plan presented by other than applicant.)
3. Applicants' Consultant (if Applicable):
Name: Francis Parisi
Address: 225 Dyer St Providence RI 02903
Signature(s) [Signature] Tel #: 4014478520
4. Location of Parcel (street, lane, route): 70 Moulton Ridge Rd
Size of Entire Parcel: 75 ac ± Tax Map & Lot #: 10 - 1
5. Proposal for Parcel:
 - ___ A. Minor Subdivision (3 Lots or Less) _____
 - ___ B. Major Subdivision (4 or More Lots) _____
 - C. Site Plan Review for:
 - ___ Minor Site Plan Review
 - ___ Multi-family Residential – Number of Units: _____
 - Commercial – Number of Square Feet: 2500 sqft
 - ___ Industrial – Number of Square Feet: _____
 - ___ Home Occupation for _____
 - ___ D. Lot Line Adjustment

E. Conditional Use Permit for Accessory Dwelling Unit

F. Other (explain): Conditional Use Permit

Please reference Planning Board Application Filing Procedures and Checklist for Facility necessary fees and application requirements.

6. Holders of Conservation, Preservation or Agricultural Preservation restrictions per RSA 477:45.

The Applicant is responsible for supplying the names and addresses of all abutters* to the property concerned including the names and addresses of any Engineer, Architect, Land Surveyor or Soil Scientist whose professional seal appears on the plat and holders of Conservation, Preservation or Agricultural Preservation Restrictions per RSA 477:45.

*For purposes of Notification: Abutter means any person whose property is located within 200 feet of the applicant's boundaries.

The Applicant is to include addressed envelopes with addressed postal certification slips for each of the parties to be notified.

Please List Current Abutters For Legal Notification Purposes:

Owners of Record

Name	Address	Zip Code	Map#	Lot#
<u>see attached list</u>				

Vertex Towers, LLC
By: [Signature] Francis D. Pauls
Signature of Applicant Authorized Agent

12/15/22
Date

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BROWN, MARY E. REZENDES
23 SOUTH MAIN STREET
ASSONET, MA 02702

JOSSICK, JAMES L
SIMMS, MARIA K
260 NO. HAVERHILL
KENSINGTON, NH 03833 5503

Vertex Towers, LLC
c/o Francis D. Parisi
225 Dyer Street
Providence, RI 02903

SMITH, ANN A., TRUSTEE
ANN A. SMITH REVOCABLE TRUST
63 MOULTON RIDGE
KENSINGTON, NH 03833 5508

BODWELL, DANIEL T., TRUSTEE
DANIEL T. BODWELL TRUST
79 NORTH ROAD
EAST KINGSTON, NH 03827 6617

Advanced Engineering Group, P.C.
500 North Broadway
East Providence, RI 02903

BODWELL, HAROLD W III, TR
BODWELL FAMILY FARMS TRUST
95 STUMPFIELD RD
KENSINGTON, NH 03833

DINICOLA, MARIBETH M
75 MOULTON RIDGE ROAD
KENSINGTON, NH 03833 5508

SAWYER, PETER J
PETER J SAWYER 2014 TRUST
50 MOULTON RIDGE RD
KENSINGTON, NH 03833 5509

BODWELL, DANIEL T., TRUSTEE
DANIEL T. BODWELL TRUST
79 NORTH ROAD
EAST KINGSTON, NH 03827 6617

BODWELL JR, HAROLD
78 STUMPFIELD ROAD
KENSINGTON, NH 03833 6812

SOUTHEAST LAND TRUST OF NH
PO BOX 675
EXETER, NH 03833

ROZE, BRIAN G
GREENBERG, IRENE
266 NO HAVERHILL RD
KENSINGTON, NH 03833 5503

HORN, MARIANNE I., TRUSTEE
THE MARIANNE I. HORN REV. TR.
268 NORTH HAVERHILL ROAD
KENSINGTON, NH 03833

MOHNS, THOMAS & MOHNS, TAMMI, TRS
MOHNS FAMILY 2021 REVOCABLE
270 NORTH HAVERHILL ROAD
KENSINGTON, NH 03833

Town of Durham
Town Council
8 Newmarket Road
Durham, NH 03824

Town of Newmarket
Town Council
186 Main Street
Newmarket, NH 03857

Town of Newfields
Town Council
65 Main Street
Newfields, NH 03856

Town of Rye
Board of Selectmen
10 Central Road
Rye, NH 03870

Town of Stratham
Board of Selectmen
10 Bunker Hill Ave
Stratham, NH 03885

Town of North Hampton
Select Board
233 Atlantic Avenue
North Hampton, NH 03862

Town of Hampton
Board of Selectmen
100 Winnacunnet Road
Hampton, NH 03842

Town of Hampton Falls
Board of Selectmen
1 Drinkwater Road
Hampton, NH 03884

Town of Seabrook
Board of Selectmen
99 Lafayette Road
Seabrook, NH 03874

Town of Fremont
Board of Selectmen
PO Box 120
Fremont, NH 03044

Town of South Hampton
Board of Selectmen
3 Hilldale Ave
South Hampton, NH 03287

Town of East Kingston
Board of Selectmen
24 Depot Road
East Kingston, NH 03827

Town of Newton
Board of Selectmen
2 Town Hall Road
Newton, NH 03858

Town of Kingston
Board of Selectmen
163 Main Street
Kingston, NH 03848

City of Portsmouth
City Council
1 Junkins Avenue
Portsmouth, NH 03801

Town of Greenland
Board of Selectman
10 Town Square
PO Box 100
Greenland, NH 03840

Town of Hampstead
Board of Selectmen
35 Summit Ave
Hampstead, NH 03841

Town of Epping
Board of Selectmen
157 Main Street
Epping, NH 03042

Town of Danville
Board of Selectmen
210 Main Street
Danville, NH 03818

Town of Sandown
Board of Selectmen
PO Box 1756
Sandown, NH 03873

Town of Auburn
Board of Selectmen
47 Chester Road
Auburn, NH 03032

Town of Chester
Board of Selectmen
84 Chester Street
Chester, NH 03036

Town of Raymond
Board of Selectmen
4 Epping Street
Raymond, NH 03077

Town of Brentwood
Board of Selectman
1 Dalton Road
Brentwood, NH 03833

Town of Nottingham
Board of Selectmen
139 Stage Road
Nottingham, NH 03290

Town of Lee
Select Board
7 Mast Road
Lee, NH 03861

Town of Salem
Board of Selectman
33 Geremonty Drive
Salem, NH 03079

Town of Candia
Board of Selectman
74 High Street
Candia, NH 03034

Town of Deerfield
Board of Selectman
8 Raymond Road PO Box 159,
Deerfield, NH 03037

Town of Plaistow
Board of Selectmen
145 Main Street
Plaistow, NH 0386

Town of Atkinson
Board of Selectmen
21 Academy Ave
Atkinson, NH 03811

Town of Barrington
Office of the Select Board
333 Calef Highway / PO Box 660
Barrington, NH 03825

Town of Londonderry
Town Council
268B Mammoth Rd
Londonderry, NH 03053

Town of Northwood
Board of Selectmen
818 First New Hampshire Turnpike
Northwood, NH 03261

Town of Windham
Board of Selectmen
4 N. Lowell Road
Windham NH 03807

Town of Pelham
Board of Selectmen
6 Village Green
Pelham, NH 03076

Town of Madbury
Board of Selectmen
13 Town Hall Road
Madbury NH 03823

City of Dover
City Council
288 Central Ave
Dover, NH 03820

Town of Derry
Town Council
14 Manning Street
Derry, NH 03038

Town of Exeter
Board of Selectmen
10 Front Street
Exeter, NH 03833

Town of Newington
Board of Selectmen
205 Nimble Hill Rd.
Newington, NH 03801

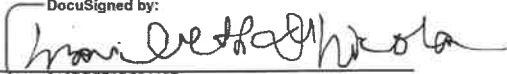
Town of New Castle
Select Board
49 Main Street
New Castle, NH 03854

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LETTER OF AUTHORIZATION

I, Maribeth M. DiNicola, am the owner of a certain parcel of land located at 70 Moulton Ridge Road in the Town of Kensington, Rockingham County, State of New Hampshire, which is depicted as Lot 01, on Assessor's Map 10, and being further described as the same real property conveyed by that certain deed recorded in Deed Book 5279 at Page 1179 of the Rockingham County Registry of Deeds (the "Property").

As owner of the above-referenced Property, I hereby authorize Vertex Towers, LLC and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on our Property.

DocuSigned by:

Sign: _____
Maribeth M. DiNicola
Date: 6/4/2022

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**APPLICATION FOR VARIANCE
(Zoning Board of Adjustment)
AND
SITE PLAN REVIEW AND CONDITIONAL USE PERMIT
(Planning Board)
FOR
TELECOMMUNICATIONS FACILITY**

Applicant: Vertex Towers LLC
Site Id: VT-NH-0298A
Property Address: 70 Moulton Ridge Road, Kensington, NH 03833
Tax Assessors: Map 10 Lot 1
Property Owner: Maribeth Dinicola
Date: December 15, 2022

PROJECT NARRATIVE

INTRODUCTION

The Applicant Vertex Towers, LLC, a Massachusetts limited liability company (“Vertex”) is a telecommunications infrastructure developer. Vertex develops, manages and owns telecommunications facilities in strategic locations across the country. The Vertex team has been working in the industry since the industry was founded and has the experience and expertise to navigate the challenges of the most complex markets.

Vertex is sometimes herein referred to as the “Applicant”.

The Applicant’s proposed Telecommunications Facility (the “Facility”) is shown on plans submitted with this Application (the “Plans”). The Applicant proposes to construct a 150’ tall monopole style tower at 70 Moulton Ridge Road, Kensington, NH 03833 Tax Assessors: Map 10 Lot 1 (the “Property”) that will structurally accommodate at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence in the base of the tower to accommodate ground based telecommunications equipment. As shown on the Plans that accompany this Application, and it is anticipated that various telecommunications companies, including Verizon Wireless, AT&T Wireless, T-Mobile, DISH Networks and / or USCellular, will place panel style antennas and required electronic equipment at heights of approximately 145’, 135’, 125’ and 115’(centerline, AGL) on the tower, and each will place telecommunications equipment and backup batteries inside equipment shelter(s) and/or weatherproof cabinets to be located immediately adjacent to the base of the tower. Power/telephone cabinets will be installed just outside the fenced in compound. Applicant’s Telecommunications Facility Tower is similar to the other telecommunication facilities already located the surrounding area and has been designed in accordance with the Town’s Zoning Ordinance as much as possible.

Project Narrative
December 15, 2022
Page 2

The Property is a large, approximately 75 acre parcel located in the Residential/Agricultural Zoning District. The Applicant has submitted the accompanying Site Plans and additional material to the Town of Kensington PLANNING BOARD for SITE PLAN APPROVAL and a CONDITIONAL USE PERMIT, and respectfully requests that the PLANNING BOARD APPROVE the SITE PLANS as proposed and GRANT a CONDITIONAL USE PERMIT. In addition, although the proposed Facility has been designed in accordance with the Town's Zoning Ordinance as much as possible, the Applicant respectfully requests that the PLANNING BOARD grant WAIVERS pursuant to Section 5.1.9 as appropriate to permit construction and operation of the Facility as proposed:

Section 5.1.8.C.2 requires that the applicant submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA). Upon approval of Site Plans and issuance of the Conditional Use Permit, the Applicant agrees to provide the Town with a copy of a final NEPA checklist concurrent with its application for a building permit. The Applicant does not anticipate that an environmental impact statement and FCC approval will be required. Although the Applicant agrees to provide the Town with its NEPA checklist prior to construction, because a NEPA review is very specific with respect to site, location, design, height and many other criteria, the Applicant believes that conducting a NEPA analysis prior on the proposed Facility prior to Planning Board approval is premature and constitutes a hardship, and respectfully requests that the Planning Board grant a WAIVER of this Application requirement pursuant to Section 5.1.9.

In addition, although the proposed Facility has been designed in accordance with the Town's Zoning Ordinance as much as possible, the proposed Facility will be in the Residential Agricultural Zoning District. Section 5.1.5.2 provides that in R/A Zoning District, new tower construction is not a permitted use. Given the terrain and topography of the Property, the lack of existing wireless telecommunications infrastructure as well as the technical requirements and limitations of wireless carriers and telecommunications tower construction, the location of the Facility represents the only viable alternative to achieve the coverage objectives and satisfy all of the other requirements of the Ordinance, including co-location. Because the Facility will be located in the R/A Zoning District, the Applicant respectfully requests a VARIANCE from the ZONING BOARD OF ADJUSTMENT.

THE PROJECT

Wireless telecommunications carriers are in the process of independently designing, constructing and upgrading wireless telecommunications networks to serve areas in and around the Town of Kensington. Such a network requires a grid of radio transmitting and receiving cell sites located at varying distances depending on the location of existing and proposed installations in relation to the surrounding topography. The radio transmitting and receiving facilities require a path from the facility to the user on the ground. This requires the antennas to be located in a location above the tree line where the signal is not obstructed or degraded by buildings or topographical features.

Once constructed, the Facility will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as telephone service which are currently available at the property. The traffic generated by the facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the access driveway and parking to be constructed at the Property. The proposed Facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The installation will not require the addition of any new parking or loading spaces.

The construction of the Applicant's Facility will enhance service coverage in the Town of Kensington and surrounding communities. The enhancement of service coverage in the Town of Kensington is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

Moreover and most importantly:

1. The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of Kensington by enhancing telecommunications services within the Town.
2. The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters.
3. The proposed Facility will preserve and increase the amenities of the Town by enhancing telecommunications services.

4. The proposed Facility will facilitate the adequate provision of transportation by improving mobile telecommunications for business, personal and emergency uses.

Wireless service is important to public safety and convenience. As of the end of 2016, there were an estimated 396 million mobile wireless subscribers in the United States. See FCC's *Twentieth Report to Congress on the State of Competition in the Commercial Mobile Radio Services Marketplace*, p. 5 (September 2017). There are now more wireless subscriptions than landline telephone subscriptions in the United States, and the number of landline telephone subscribers across the nation is declining each year while the number of wireless users increases. Moreover, it is forecasted that wireless connections will become more significant as network service providers facilitate increase connectivity directly between devices, sensors, monitors, etc., and their networks. *Id.*

For many Americans, wireless devices have become an indispensable replacement for traditional landline telephones. Even when Americans maintain both types of telephone service, Americans are opting increasingly to use wireless devices over their landline telephones. For Americans living in "wireless-only" homes and for those others while away from their homes, cell phones are often their only lifeline in emergencies. Over 95% of Americans now own a cellphone of some kind and more than 77% own smartphones; more importantly, more than 50 percent of American households are now "wireless only." <http://www.pewinternet.org/fact-sheet/mobile/> The FCC estimates that approximately 70% of the millions of 911 calls made daily are placed from cell phones, and that percentage is growing. See <http://www.fcc.gov/guides/wireless-911-services>

Article V: SPECIAL USE REGULATIONS

SECTION 5.1 TELECOMMUNICATIONS FACILITY (Adopted 03/13/2001)

5.1.2 AUTHORITY

This ordinance is adopted by the Town of Kensington on March 13, 2001, in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

No response required.

5.1.3 PURPOSE AND GOALS

This Ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and antennas and to enhance and fulfill the following goals:

- A. Preserve the authority of Kensington to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- B. Reduce adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property and prosperity through protection of property values.
- C. Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques and siting possibilities beyond the political jurisdiction of the Town.
- D. Permit the construction of new towers only where all other reasonable opportunities have been exhausted and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- E. Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon Kensington.
- F. Provide constant maintenance and safety inspections for any and all facilities.
- G. Provide for the removal of abandoned facilities that are no longer inspected for safety

concerns and Code compliance. Provide a mechanism for Kensington to remove these abandoned towers to protect the citizens from imminent harm and danger.

H. Provide for the removal or upgrade of facilities that are technologically outdated.

The proposed Facility has been designed to fulfill the purpose and intent of the Town's Zoning Ordinance as much as possible. The location of the proposed Facility is on a large commercially used lot, and the Facility will be amply set back from abutting properties and public right of ways. There are no other structures of sufficient height anywhere near the Property which would provide the requisite telecommunications coverage. As a wireless infrastructure developer, Vertex encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market and intends to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community.

Once constructed, the proposed Facility will have no adverse impact on the Town's scenic and historic assets, safety, health, environment, general welfare, values and quality of life, and will facilitate the provision of telecommunications services throughout the municipality and enhance the ability of wireless carriers to provide telecommunications services to the community quickly, effectively and efficiently.

Once constructed, the Facility will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as telephone service which are currently available at the property. The traffic generated by the facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the existing access driveway. The proposed Facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The installation will not require the addition of any new parking or loading spaces.

The construction of the Applicant's Facility will enhance service coverage in the Town of Kensington and surrounding communities. The enhancement of service coverage in the Town of Kensington is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or

groundwater. Once constructed, the Facility will comply with all applicable local, state and federal safety regulations.

5.1.4 DEFINITIONS

Intentionally omitted.

5.1.5 SITING STANDARDS

A. General

The uses listed in this section are deemed to be permitted uses that may require further review under this ordinance in accordance with Section 5.1.8- CONDITIONAL USE PERMITS. However, all such uses must comply with other applicable ordinances and regulations of Kensington (including Site Plan Review). The following tables represent the siting standards for the listed uses as delineated by the districts in which they are located in Kensington.

The proposed Facility has been designed in accordance with this Ordinance as much as possible.

1. Principal or Secondary Use.

Subject to this ordinance, an applicant who successfully obtains permission to site a tower under this ordinance as a secondary use to a permitted use may construct telecommunications facilities in addition to the existing permitted use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure. Nor shall such facilities be deemed to be an “accessory use”.

The proposed Facility will be located on a lot already used residentially and agriculturally, and has been designed to comply with all other applicable ordinances and regulations as much as possible.

2. Use District

VERTEX TOWERS, LLC

Project Narrative
 December 15, 2022
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	New Tower Construction ^[1]	Co-location on Pre-existing Tower ^[2]	Co-location on Existing Structure ^[3]
Commercial District	PCU	P	P
Wetland District	X	X	X
Residential/Agricultural District	X	P	PCU

P = Permitted Use without Conditional Use Permit
 PCU = Permitted Use with Conditional Use Permit
 X = Prohibited

The Property is a large, approximately 75 acre parcel y in the Residential/Agricultural Zoning District, on which there is an existing residential and agricultural use. The proposed Facility has been designed in accordance with the Town’s Zoning Ordinance as much as possible; however, new tower construction is not a permitted use in the R/A District. Given the terrain and topography of the Property, the location of existing wireless infrastructure as well as the technical requirements and limitations of wireless carriers and telecommunications tower construction, the location of the Facility represents the only viable alternative to achieve the coverage objectives and satisfy all of the other requirements of the Ordinance, including co-location. Because the Facility will be located in the R/A District, the Applicant respectfully requests a VARIANCE from this provision from the ZONING BOARD OF ADJUSTMENT.

B. Height Requirements

These requirements and limitations shall preempt all other height limitations as required by the Kensington Zoning Ordinance and shall apply only to telecommunications facilities. These height requirements may be waived through the Conditional Use Permit process only if the intent of the Ordinance is preserved (e.g. where a 200' tower wouldnot increase adverse impacts but provide a greater opportunity for co-location) in accordance with 5.1.9 Waivers.

	New Tower Construction ¹	Co-location on Pre-existing Tower ²	Co-location on Existing Structure ³
Commercial District	180'	Current Height +15%	Current Height +30'
Wetland District	N/A	N/A	N/A
Residential/Agricultural District	N/A	Current Height	Current Height +30'

¹ An Antenna may be located on a tower, newly constructed, under this Ordinance.

² An Antenna may be located on a pre-existing tower, constructed prior to the adoption of this Ordinance.

³ An antenna may be located on other existing structures with certain limitations (See § IV,B).

The proposed Facility will not be more than 180' in height.

5.1.6 APPLICABILITY

A. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from the requirements of this ordinance, except that uses are only permitted in the zones and areas as delineated in 5.1.5 A-2. This partial exemption shall be available if a license or lease authorizing such antenna or tower has been approved by the governing body and the governing body elects subject to state law and local ordinance, to seek the partial exemption from this Ordinance.

Not applicable.

B. Amateur Radio; Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by the federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

Not applicable.

C. Essential Services & Public Utilities

Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town’s ordinances and regulations. Siting for telecommunication facilities is a use of land, and is addressed by this Article.

No response required.

5.1.7 CONSTRUCTION PERFORMANCE REQUIREMENTS

A. Aesthetic and Lighting

The guidelines in this subsection (A), shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive these requirements, in accordance with 5.1.9 Waivers, only if it determines that the goals of this ordinance are served thereby.

1. Towers shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

The tower will have a galvanized steel finish.

2. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.

The base of the Facility will be surrounded by a 6' tall chain link fence with barbed wire, and has been situated to mitigate the visual impact of the compound from the public right of way. No additional landscaping or screening is proposed or required.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Not applicable.

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

Accompanying this Application are the results of an FCC TOWAIR database search, indicating that no FAA lighting or marking of the proposed Facility is required under current FAA regulations.

5. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

There will be no signage or advertising on the tower. Signage shall be limited to small signs at the base of the Facility to identify the property and owners and to comply with applicable safety standards, and which will comply with sign limitations of the Town's Zoning Ordinance.

B. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agenda. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with 5.1.11, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

Once constructed, the Facility will comply with all applicable local, state and federal safety regulations. The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally and uniformly and lawfully imposed and applied by the Town with respect to the Facility and similar facilities.

C. Building Codes-Safety Standards

To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with 5.1.11, of the tower or antenna, as abandoned, at the owners expense through execution of the posted security.

Once constructed, the Facility will comply with all applicable local, state and federal safety regulations. The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally and uniformly and lawfully imposed and applied by the Town with respect to the Facility and similar facilities.

D. Additional Requirements for Telecommunications Facilities

These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

1. **Setbacks and Separation**

- a. Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

The Facility as designed will meet all zoning district setback requirements.

- b. Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

As is shown in the Affidavit of Site Acquisition Specialist and accompanying maps, there are no towers over 90' in height within one-quarter mile of the proposed Facility.

2. **Security Fencing.** Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

The Facility will be secured by a 6' tall chain link fence with barbed wire to restrict unauthorized access and will be designed with anti-climbing systems to prevent unauthorized climbing

3. Landscaping

- a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
- c. Existing mature tree growth and natural land forms 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.

Given the size of the property, the location of the property and the surrounding topography and existing vegetative buffer, the base of the proposed Facility will have minimal visibility, and as such, no landscaping plan is required or proposed.

5.1.8 CONDITIONAL USE PERMITS

A. General

All applicants under this ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations. In addition, applicants under this ordinance shall also be required to submit the information provided for in this Section.

The Applicant has applied for, and respectfully requests that the Planning Board grant, Site Plan Approval of the Site Plans as proposed.

B. Issuance of Conditional Use Permits

In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

1. Procedure on application

The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations, RSA 676:4, and shall notify the local/regional office of the FAA, and owners of private

airstrips/helipads.

The Applicant respectfully requests that the Planning Board act as reasonably expeditiously as possible

2. Decisions

Possible decisions rendered by the Planning Board, include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing, and a Denial shall be in writing and based upon substantial evidence contained in the written record.

The Applicant respectfully requests that the Planning Board APPROVE the Application as proposed.

3. Factors Considered in Granting Decisions

a. Height of proposed tower or other structure.

The proposed Facility will not exceed 180' in height, and has been designed to be the minimum height necessary to achieve the coverage objective, facilitate co-location of multiple carriers and minimize the number of new towers in town.

b. Proximity of tower to residential development or zones.

Although the proposed Facility will be located in the R/A Zoning District, the proposed Facility will be setback substantially from all nearby residential uses.

c. Nature of uses on adjacent and nearby properties.

The abutting property closest to the proposed Facility is owned by the Town, the area surrounding the Property is sparsely developed, and substantially used for agricultural purposes, and the proposed Facility will be setback substantially from all nearby residential uses.

d. Surrounding topography.

Given the topography of area surrounding the subject Property, the Facility has been located on the Property in such a way as to reduce the amount of site disturbance on the Property as much as possible. Given the terrain and topography of the area as well as the technical

requirements and limitations of wireless carriers and telecommunications tower construction, the location and height of the Facility represents the only viable alternative to achieve the coverage objectives and satisfy all of the other requirements of the Ordinance, including promoting co-location.

- e. Surrounding tree coverage and foliage.

Given the surrounding tree coverage and foliage, the proposed Facility has been designed and located on the subject Property to mitigate the visibility of Facility as much as possible.

- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

The proposed Facility has been designed as a monopole style tower made of a non-reflective galvanized steel and with internal cabling, which will blend in with the surroundings as much as possible. Moreover, the proposed Facility has been designed and located on the subject Property to mitigate the visibility of Facility as much as possible.

- g. Proposed ingress and egress to the site.

The Applicant's maintenance personnel will make use of the existing access driveway.

- h. Availability of suitable existing towers and other structures as discussed in 5.1.8.C, 3.

As is shown in the Report of Site Acquisition Specialist and accompanying maps, there are no towers anywhere near the location of the of the proposed Facility that have the height or structural integrity to support the antennas and infrastructure required by multiple wireless carriers. .

- i. Visual impacts on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.

The property is a large, substantially undeveloped parcel, and the Facility will be amply set back from all abutting properties and public right of ways and surrounded by a substantial vegetative buffer on two sides. Given the size of the property, the location of the property and the surrounding topography, the location of the Facility on the Property

and the ample vegetative buffer, the base of the proposed Facility will have minimal visibility, and as such, will blend with the natural setting and built environment to the greatest extent possible.

- j. Availability of alternative tower structures and alternative siting locations.

Accompanying this Application are a Report of RF Engineer, a Report of Site Acquisition Specialist and maps and lists showing the existing wireless infrastructure and lack of viable alternatives in the area. Representatives of the Applicant and its agents will be available at the public hearing on this Application for further questions if necessary.

- k. Impact of tower on airstrip/helipad flight patterns.

Accompanying this Application are the results of an FCC TOWAIR database search, indicating that the proposed Facility will have no impact on air navigation.

- C. Each applicant requesting a Conditional Use Permit under this ordinance shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including; a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 200' away), and any other information deemed necessary by the Planning Board to assess compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board:

Accompanying this Application are detailed Site Plans with all the required information.

- 1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

Accompanying this Application is a MPE Report prepared by a Radio Frequency Engineer with the required information.

- 2. The applicant shall submit written proof that an evaluation has taken place, aswell as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

Upon approval of Site Plans and issuance of the Conditional Use Permit, the Applicant agrees to provide the Town with a copy of a final NEPA checklist concurrent with its application for a building permit. The Applicant does not anticipate that an environmental impact statement and FCC approval will be required. Although the Applicant agrees to provide the Town with its NEPA checklist prior to construction, because a NEPA review is very specific with respect to site, location, design, height and many other criteria, the Applicant believes that conducting a NEPA analysis prior on the proposed Facility prior to Planning Board approval is premature and constitutes a hardship, and respectfully requests that the Planning Board grant a WAIVER of this Application requirement.

3. Each applicant for an antenna and or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Accompanying this Application is a Report of RF Engineer, a Report of Site Acquisition Specialist and maps showing the existing wireless infrastructure in the area. Representatives of the Applicant and its agents will be available at the public hearing on this Application for further questions if necessary.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

- a. Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
- b. Substantial Evidence that existing towers are not sufficient height to meet the applicant's engineering requirements, and why.
- c. Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. Substantial Evidence that applicant's proposed antenna would cause

electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. Substantial Evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

Accompanying this Application is a Report of RF Engineer, a Report of Site Acquisition Specialist and maps and lists showing the existing (and lack of) wireless infrastructure in the area. Representatives of the Applicant and its agents will be available at the public hearing on this Application for further questions if necessary.

- 4. The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of Kensington, and grounds for a Denial.

As a wireless infrastructure developer, Vertex encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market, and intends and agrees to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community.

- 5. The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have any submitted information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations, or any other matter required by the application. Cost for this review shall be borne by the applicant in accordance with 676:4, I(g).

Accompanying this Application is a Report of RF Engineer with coverage plots as well as a Report of Site Acquisition Specialist and maps and lists showing the existing wireless infrastructure and lack of viable

alternatives in the area. Representatives of the Applicant and its agents will be available at the public hearing on this Application for further questions if necessary.

5.1.9 WAIVERS

A. General

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that *all* of the following apply: the granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

1. The waiver will not, in any manner, vary the provisions of the Kensington Zoning Ordinance, Kensington Master Plan, or Official Maps.
2. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
3. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:

Topography and other Site features;

- a. Availability of alternative site locations;
- b. Geographic location of property;
- c. Size/magnitude of project being evaluated and availability of co-location.

The Applicant has requested waivers from certain application requirements as set forth herein. The Applicant believes that strict adherence to the requirement of this chapter is not required to effectuate the purposes hereof; strict compliance would create practical difficulty and unnecessary inconvenience; and strict compliance could potentially cause a conflict with the Telecommunications Act. Accordingly, the Applicant respectfully requests that the Planning Board grant such waivers as have been requested and are deemed

necessary and/or appropriate to permit construction of the proposed Facility.

B. Conditions

In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

No response required.

C. Procedures

A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. Failure to submit petition in writing shall require an automatic denial.

The Applicant respectfully requests WAIVERS as set forth in this Project Narrative.

5.1.10 BONDING AND SECURITY AND INSURANCE

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with 5.1.11, all security shall be maintained for the life of the tower. Bonding and surety shall be consistent with the provision in the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally and uniformly and lawfully imposed and applied by the Town with respect to the Facility and similar facilities.

5.1.11 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna 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 owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment.

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 towers. If the abandoned tower is not removed within 90 days the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally and uniformly and lawfully imposed and applied by the Town with respect to the Facility and similar facilities.

5.1.12 ENFORCEMENT

Enforcement of this section shall be in accordance with Chapter 676 of the New Hampshire Revised States Annotated and Kensington Zoning Ordinance. Any person in violation of this section of the ordinance shall be subject to punishment in accordance with referenced provisions.

No response required.

5.1.13 SAVING CLAUSE

Where any provision of this ordinance is found to be unenforceable it shall be considered savable and shall not be construed to invalidate the remainder of the ordinance.

No response required.

COMPLAINCE WITH CRITERIA FOR SITE PLAN APPROVAL

Section 4.2 A

The purpose of the Site Review Procedure is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development.

As has discussed throughout this Project Narrative, the proposed Facility has been designed to comply with the purpose and specific requirements for Site Plan Approval. Once constructed, the Facility will be unmanned and will involve only periodic maintenance visits. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the existing access. The proposed Facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The use is passive in nature and will not generate any smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

The Facility has been designed to be the minimum height necessary to achieve the coverage objective, facilitate co-location of multiple carriers and minimize the number of new towers in town. Given the height and density of the area tree canopy and the area terrain and topography relative to the height and structural capacity of the existing utility infrastructure and as well at the technical requirements and limitations of wireless carriers, the Facility represents the only technically viable alternative to achieve the coverage objectives and satisfy all of the other requirements of the Bylaw, including co-location. All existing on-site vegetation shall be preserved, and the Facility will be amply set back from all abutting property lines. The proposed Facility will not be lit or illuminated, and under current FAA regulations the proposed Facility will not require FAA lighting or marking.

The construction of the Applicant's Facility will enhance service coverage in the Town of Kensington and surrounding communities. The enhancement of service coverage in the Town of Kensington is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses.

COMPLAINE WITH CRITERIA FOR A VARIANCE

674:33 Powers of Zoning Board of Adjustment. –

I. (a) The zoning board of adjustment shall have the power to:

(1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

(A) The variance will not be contrary to the public interest;

(B) The spirit of the ordinance is observed;

(C) Substantial justice is done;

(D) The values of surrounding properties are not diminished; and

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(b)(1) For purposes of subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

1. The variance will not be contrary to the public interest;

The construction of the Applicant's Facility will enhance service coverage in the Town of Kensington and surrounding communities. The enhancement of service coverage in the Town of Kensington is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

Moreover and most importantly, the proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town of Kensington by enhancing telecommunications services within the Town. The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters. The proposed Facility will preserve and increase the amenities of the Town by enhancing telecommunications services. The proposed Facility will facilitate the adequate provision of transportation by improving mobile telecommunications for business, personal and emergency uses.

2. The spirit of the ordinance is observed;

The proposed Facility has been designed to fulfill the stated goals of the Town of Kensington's Zoning Ordinance regulating Wireless Communications Facilities as much as possible. The location of the proposed Facility is a large substantially undeveloped parcel located in the Rural Agricultural Zone with an ample vegetative buffer. As a wireless infrastructure developer, Vertex encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market, and intends to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community. Once constructed, the proposed Facility will facilitate the provision of telecommunications services throughout the municipality and enhance the ability of wireless carriers to provide telecommunications services to the community quickly, effectively and efficiently.

3. Substantial justice is done;

There are already other similar towers located in the Town of Kensington and the surrounding area, all comparative in height to the proposed Facility. The proposed location meets all of the other requirements for a wireless communications facility. Moreover, the proposed Facility has been designed to mitigate the visual and other impact of the facility as much as possible. Given the great public benefit and the minimal if any impact on the surrounding area, it would be a substantial injustice if the requested variances are denied.

4. The values of surrounding properties are not diminished;

Numerous studies and market analysis have shown that an existing or proposed communications tower has no measurable impact on nearby property values. As noted earlier, there are already other towers located in the Town of Kensington. Although many of these towers have been in existence for several years, the Town of Kensington does not appear to have granted lower assessments or abatement requests due to the proximity to or visibility of a communications tower.

Many other facts support a finding that the grant of the requested variance will not diminish the value of surrounding properties:

- *The property is a large, 75 acre substantially undeveloped parcel, and the Facility will be amply set back from the public street and all abutting properties and surrounded by a substantial vegetative buffer;*
- *The property and abutting properties are also substantially undeveloped;*
- *The use of a monopole design with a non-reflective galvanized finish and internal cabling minimizes the visual impact of the facility;*
- *The proposed Facility will produce no objectionable noise, glare, dust, smoke, fumes, odors, or effluent, and will not have any impact of traffic or circulation; and*
- *The proposed Facility does not require FAA lighting or marking.*

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;*

Given technical limitations with respect to:

- (i) *the location of the tower relative to the surrounding neighborhoods and other existing telecommunication sites in and around the Town of Kensington;*
- (ii) *the topography of the surrounding area;*
- (iii) *the lack of viable alternatives in the area;*
- (iv) *the height and setback restrictions of the tower imposed by the Ordinance;*
- (v) *the Town's requirement to accommodate multiple wireless communications companies;*
- (vi) *the demand for robust and reliable telecommunications coverage; and*
- (vii) *the requirement to accommodate rapidly evolving technologies;*

literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to the Applicant.

As the Plans indicate, the proposed Facility has been designed to accommodate the antennas of at least 4 wireless broadband co-locators. There are no existing or previously approved telecommunications facilities in the area of the proposed Facility, nor are there existing structures of sufficient height in the area of the proposed Facility that will achieve the coverage objective of the proposed Facility. The Facility has been situated on the Property in such a way to achieve the objectives of the Ordinance by minimizing the visibility from abutting landowners as much as possible.

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the "TCA" or the "Telecommunications Act". The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under their respective licenses from the FCC, wireless telecommunications providers are obligated to provide a reliable "product" [i.e. wireless communications service] to the population in the Seacoast region, which includes the Town of Kensington. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier's failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. The proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the various wireless carriers' existing network infrastructure.

The Applicant has investigated alternative sites in and around the defined geographic area within which engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the network of existing and planned facilities. No existing structure or property in or near the vicinity of the proposed Facility is feasible to accommodate the coverage network requirements.

Accordingly, a literal enforcement of the provisions of the Ordinance would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Ordinance and the U.S. Congress in enacting the TCA.

Moreover, this hardship is owing to the circumstances relating to topography of the surrounding area. The surrounding area provides no other feasible location in which to install and operate a wireless telecommunications facility. Existing structures and buildings in the area are insufficient in height to allow wireless carriers to operate thereon and provide adequate coverage to this significant gap in its network. The property provides a unique opportunity, given the location and area topography surrounding the Facility, to satisfy the coverage objective and minimize any adverse visual impacts to the surrounding area. The proposed design conforms to the existing characteristics of the Property, and utilizes the existing structures and vegetation on the property to screen the proposed Facility, thereby minimizing potential impacts.

The wireless communications systems being developed by the various telecommunications carriers operating in the Kensington area have been designed employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-of-presence using computer engineering models that simultaneously evaluate topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in the network. As a result of this modeling, combined with actual coverage data provided by existing "on air" facilities, AT&T's radio frequency engineers have identified a limited geographic area as a necessary location for a communications facility to remedy an existing gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial "gap" in reliable service coverage in the AT&T network. Radio frequency coverage maps confirm that a telecommunications facility located at the Property is required to remedy the existing gap in the wireless network coverage in the area. The requested height has been determined by engineers to be the minimum height necessary to connect coverage from the proposed Facility with coverage from adjacent cell sites in the carriers' respective networks (i.e. to remedy the existing "gap" in service and to effect reliable handoffs between adjacent cell sites as a subscriber travels through the area).

Additionally, the location and requested height will allow future carriers to co-locate on the Facility hereby minimizing the number of new facilities needed to provide coverage to the Town.

In the context of a telecommunications service where the critical criteria in the development of each facility is its ability to integrate with a network of surrounding sites and subsequently, for each cluster of sites to function within a regional/national network, there is an underlying premise that each site chosen by the Applicant for a facility possesses a unique location and topographical characteristics.

Finally, as noted in Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland, 231 F.Supp. 2d 396, 406-407 [D. Mass. 2002], the "need for closing a significant gap in coverage, in order to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required." No existing structure or property in an allowed zoning district is technically suitable to resolve the existing gap in the wireless service coverage in the area. In addition, the existing structures located near the Property are not at a height sufficient to provide adequate coverage to this significant gap in its network. Consequently, the proposal to install the Facility is required. Given the non-residential nature and the size of the Property, as well as the proposed design of the Facility, the proposed installation will have a minimal visual impact to the surrounding neighborhood while achieving the carriers' requisite coverage.

- *The proposed Facility will reduce the number of new structures ultimately needed to provide wireless communication services in the surrounding area by providing co-location potential;*

- *The proposed location is reasonably adaptable to the proposed Facility;*
- *The proposed Facility is designed to be at the minimum height necessary to provide adequate coverage to the area and keep potential visual impacts to a minimum;*
- *The proposed Facility will comply in all respects with radio frequency emission standards established by the FCC;*
- *The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof. The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning. Specifically, it will generate only about two vehicle trips per month by a service technician for routine maintenance, will be served by standard electrical and telephone service, and requires no water, septic or other town services;*
- *The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town by enhancing telecommunications services within the town;*
- *The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters;*
- *The proposed Facility will involve no overcrowding of land or undue concentration of population because it is an unmanned Facility;*
- *The proposed Facility will preserve and increase the amenities of the Town by enhancing the telecommunications services;*
- *The proposed Facility will involve no adverse effects on public and private water supplies and indeed will utilize no water at all;*
- *The proposed Facility will facilitate the adequate provisions of transportation by improving mobile telecommunications for business, personal and emergency uses;*
- *The proposed Facility will involve no adverse effects on drainage, schools, parks, open space, or other public requirements;*

- *The proposed Facility will involve no excessive noise or pollution to the environment;*
- *The proposed Facility will have no adverse effect on historic sites; and*
- *The proposed Facility will be an appropriate use of land within the Town.*

Due to the unique size, shape, location and elevation of the subject Property and the topography of the surrounding area as well as the existing zoning of the property, unique circumstances exist to justify the granting of the requested Variances. Moreover, Applicant's proposed Facility will have no impact on adjoining properties and the surrounding neighborhood in that the proposed Facility will produce no objectionable noise, glare, dust, smoke, fumes, odors, or effluent, and will not have any impact of traffic or circulation.

Accordingly, a hardship exists which is inherent in the land in question; no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision of the property, and the proposed use is a reasonable one.

5.3.15 VARIANCES AND APPEALS

B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:

1. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
2. If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
3. The variance is the minimum necessary, considering the flood hazard, to afford relief.

The Property is no where near a designated regulatory floodway and will not create a flood hazard.

THE TELECOMMUNICATIONS ACT OF 1996

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the “TCA” or the “Telecommunications Act”). The intent of the TCA as enacted by Congress was to institute a framework to promote competition and innovation within the telecommunications industry. Although this law specifically preserves local zoning authority with respect to the siting of wireless service facilities, it clarifies when the exercise of local zoning authority may be preempted by federal law. Section 704 of the TCA provides, in pertinent part, that

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS-

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under its respective licenses from the FCC, wireless telecommunications carriers are obligated to provide a reliable “product” [i.e. telecommunications service] to the population in northern New Hampshire, which includes the Town of Kensington. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier’s failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. As demonstrated in the Application and supplemental materials provided by the Applicant, the proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the existing network infrastructure. In *Daniels v. Town of Londonderry*, 157 N.H. 519 (2008), the New Hampshire Supreme Court upheld the grant of use and area variances for the construction of a cell tower in an agricultural-residential zone, noting that the Londonderry ZBA correctly treated the TCA as an “umbrella” that preempted local law under certain circumstances.

In a growing number of cases, the federal courts have found that permit denials violate the TCA, even if such denials would be valid under state law. For example, in *Omnipoint v. Town of Lincoln*, 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town’s wireless overlay district violated the TCA and ordered the variance to issue despite an Ordinance provision prohibiting use variances. The court in *Nextel v. Town of Wayland*, 231 F. Supp. 2d 396 (D. Mass 2002) reached the same result. In that case, the court stated: “Although the Board’s statement [regarding its lack of authority to issue a use variance] may be correct statement in Massachusetts regarding variances, it is not controlling in the special case of Telecommunications facilities...Under the Telecommunications Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services.” *Wayland* at 406-407. Most notably, in *Omnipoint Holdings, Inc. v. Town of Cranston*, No. 08-2491 (1st Cir. Nov. 3, 2009), the United States Court of Appeals for the First Circuit affirmed a judgment of the United States District Court for the District of Rhode Island, which found that the Cranston Zoning Board of Review violated the TCA by effectively prohibiting the provision of wireless services in Cranston when it denied an application for a special use permit and variance to construct a wireless facility in a residential area. The Court noted that “[t]he effective prohibition clause does not stand alone; it is also part of the TCA’s larger goal of encouraging competition to provide consumers with cheaper, higher-quality wireless technology.... As cell phone use increases, carriers need to build more facilities, especially in populated areas, to continue providing reliable coverage, and local regulations can present serious obstacles.” *Cranston*, p. 25. More recently, in *New Cingular Wireless, LLC v. City of Manchester*, Case No. 11-cv-334-SM (USDC D. NH Feb. 28, 2014), the United States District Court for the District of New Hampshire indicated that the City of Manchester impermissibly denied a variance to construct a telecommunications tower in a (non-permitted) residential zone, in that the tower addressed significant coverage gaps and provided competitive and reliable wireless services and there was no feasible alternative. The Court noted that the City must consider the public benefits of wireless services in determining whether to grant a zoning variance for a tower. *Id.*

The Applicant has investigated alternative sites in and around the defined geographic area within which its engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the wireless network of existing and planned facilities. No existing structure or property in or near the vicinity of the proposed Facility is feasible to accommodate the wireless network requirements. The proposed Facility is on large undeveloped parcel and provides a substantial vegetative buffer. The wireless communications systems being developed by the various telecommunications carriers operating in the Kensington area have been designed employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-of-presence using computer engineering models that simultaneously evaluate are topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in the network. As a result of this modeling, combined with actual coverage data provided by existing “on air” facilities, radio frequency engineers have identified a limited geographic area as a necessary location for a communications facility to remedy an existing gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial “gap” in reliable service coverage in the carriers’ respective networks. Radio frequency coverage maps

Project Narrative
December 15, 2022
Page 33

confirm that a wireless tower located at the Property is required to remedy the existing gap in the wireless network coverage in the area. The requested height has been determined by engineers to be the minimum height necessary to connect coverage from the proposed Facility with coverage from adjacent cell sites in the carriers' respective networks (i.e. to remedy the existing "gap" in service and to effect reliable handoffs between adjacent cell sites as a subscriber travels through the area).

Accordingly, denial of a permit to construct the Facility would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Ordinance and the U.S. Congress in enacting the TCA.

SUMMARY

Because (i) the proposed Facility meets all of the siting criteria for a Telecommunications Facility under the Kensington Zoning Ordinance except for those provisions for which Variances and Waivers have been requested, (ii) the proposed Facility meets all of the requirements for Variance under the Kensington Zoning Ordinance (iii) the proposed Facility meets all of the requirements for Waivers under the Kensington Zoning Ordinance; (iv) the proposed Facility meets all of the requirements for a Conditional Use Permit under the Kensington Zoning Ordinance; (v) the proposed Facility meets all of the requirements for Site Plan Approval under the Kensington Site Plan Review Regulations and (ii) pursuant to §704(a) of the Federal Telecommunications Act of 1996 which provides, among other things, that wireless facilities may not be prohibited in any particular area and that any denial of zoning relief must be based upon substantial evidence, the Applicant respectfully requests that the ZONING BOARD OF ADJUSTMENT GRANT THE VARIANCE as requested, the PLANNING BOARD APPROVE THE SITE PLANS as proposed and issue a CONDITIONAL USE PERMIT with WAIVERS, and the Town grant such other permits, relief or waivers deemed necessary by the Town of Kensington under the current Ordinance and pending Ordinance amendments, if any, so that the Applicant may construct and operate the Facility as proposed.

Respectfully submitted,

Vertex Towers, LLC
c/o Francis D. Parisi
225 Dyer Street
Providence, RI 02903
(401) 447-8500 cell
fparisi@plapc.com

7

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	42-56-20.5 north
Longitude	070-58-32.0 west

Measurements (Meters)

Overall Structure Height (AGL)	47.5
Support Structure Height (AGL)	45.7
Site Elevation (AMSL)	72.5

Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW

8

STATEMENT OF BRENDAN M. GILL
Vertex Towers, LLC

I, Brendan M. Gill, hereby state the following in support of the application submitted by Vertex Towers, LLC for a multi-user Personal Wireless Service Facility ("PWSF") to be located at 70 Moulton Ridge Road (Map 10, Lot 01), Kensington, NH (the "Property"), consisting of a 150' Monopole Tower and related ground equipment contained within a fenced compound (the "Site")

1. My name is Brendan M. Gill and I am the Director of Site Acquisition and Leasing for Vertex Towers, LLC.
2. I have worked in the telecommunications industry for over 10 years overseeing and assisting in the leasing, zoning, permitting and construction of wireless communications facilities and specifically in the investigation of all feasible alternatives and options locating a wireless communications facility within a search ring which would fill a significant gap in wireless coverage.
3. I have participated directly through my present and past employment in the development and analysis of hundreds of such facilities, including wireless communication facilities similar to the proposed Site.
4. I have personally visited the Property, and the areas surrounding the Property, on numerous occasions. I submit this affidavit based on my personal knowledge of the Property and the surrounding areas, while also working together with the experience and documentation provided by civil and radio frequency engineers, environmental consultants and based on my professional experience in the development of wireless communication facilities.
5. Part of my site acquisition and development duties include identifying potential candidates within an area identified as having a significant gap in coverage. The candidate identification process includes reviewing the applicable zoning ordinance with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed Site is allowed and feasible. First, I explore the area to determine whether there are any existing structures of sufficient height and structural capacity from which an antenna installation on such a structure would provide sufficient coverage. If there are no such existing structures, I identify properties, located within the narrowly defined search area, that appear to be suitable for the installation of a communications facility, while also eliminating certain properties that would not be suitable due various limitations or concerns related but not limited to, parcel size, access issues, landlocked parcels, conservation restrictions, wetlands, visibility, elevation, terrain and constructability. In order to be viable, a candidate must (i) provide adequate coverage to the identified significant gap in coverage and (ii) have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, I attempt to identify other potentially suitable properties, with preference always given to existing structures.

6. In connection with this site, I have provided site acquisition services, including researching the area, and identifying potential alternative candidates to the leased ground space on the Property.

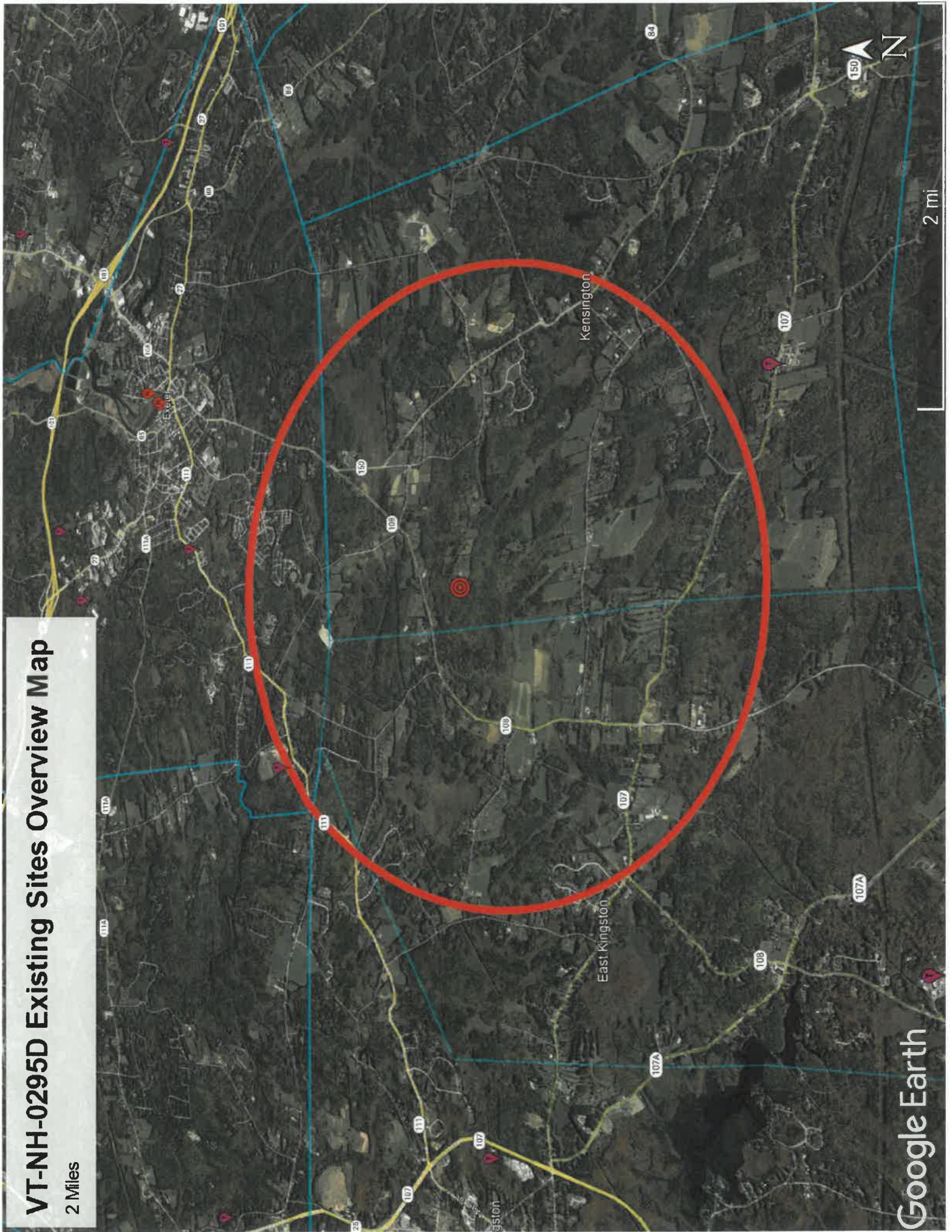
7. Based on my personal knowledge of the proposed Site and the and the surrounding area, there are no potential alternative candidates located within this geographically driven search ring that would be considered superior to the proposed Site. All possible locations in the Commercial District fail to provide the coverage needed, due to lower elevation. In addition, based on my experience, in my professional opinion, the proposed PWSF to be located at 70 Moulton Ridge Road is the least intrusive and only available and viable alternative to adequate meet the coverage objective to fill this significant gap in coverage.

Executed this 7th of December 2022.


Brendan M. Gill
Vertex Towers, LLC

VT-NH-0295D Existing Sites Overview Map

2 Miles

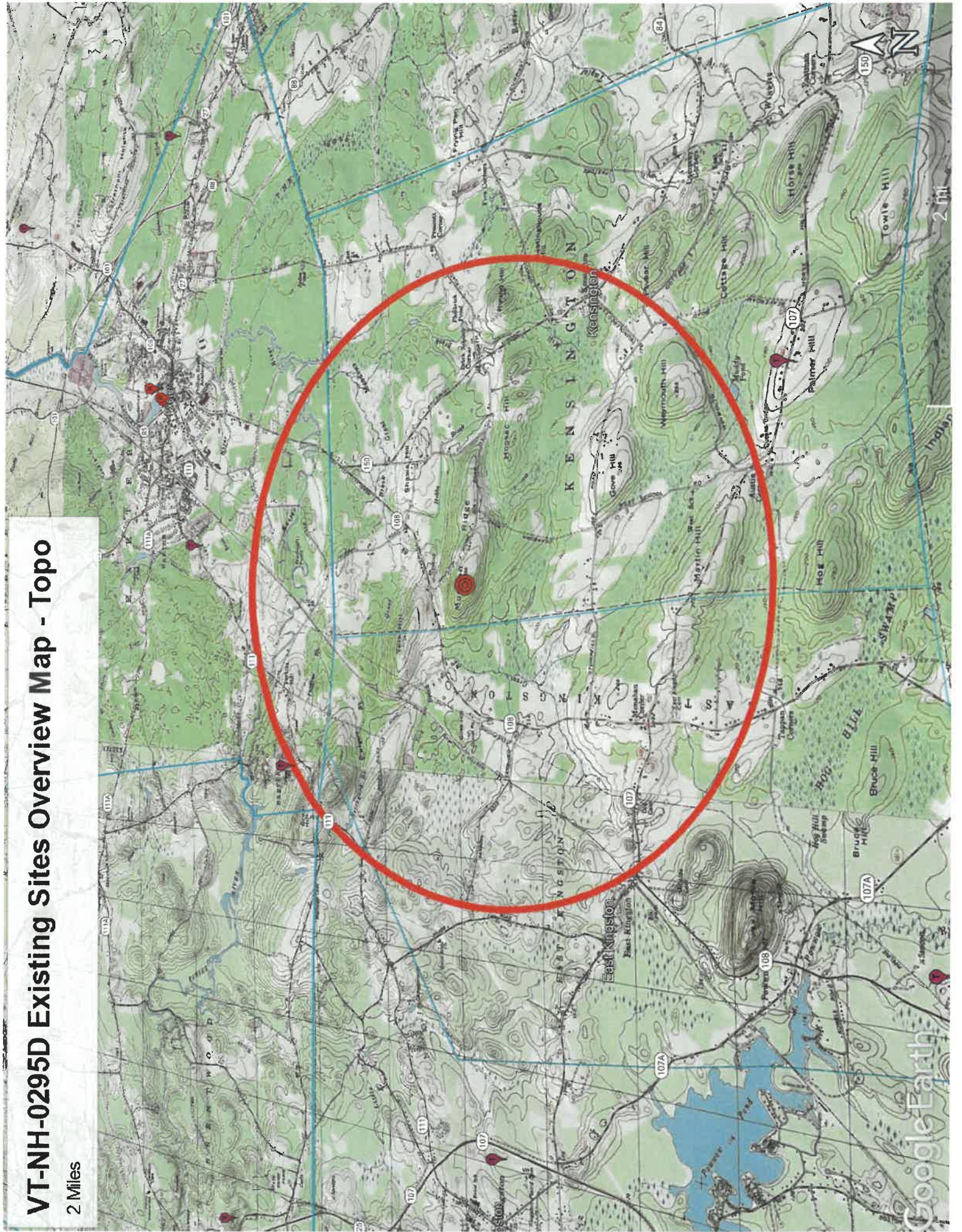


**Alternative Site Analysis
for Proposed Tower at 70 Moulton Ridge Road**

Address	Map	Lot	Block	ACRES	Latitude	Longitude	Distance from Proposed Location	Comments
191 North Road, East Kingston	16	4	8	16	42.9472943	-70.98282849	0.68	Land Owners were not interested in leasing space.
217 North Haverhill Road	17	1		19	42.9559353	-70.9627816	1.4	Land Owner was not interested in leasing space. Parcel is 200' lower in elevation. Coverage lost to the South.
19 North Road	11	7		28	42.9364964	-70.9414629	1.77	Parcel is 50' lower in elevation. Coverage lost to the West.
8 Amesbury Road	17	24		14.5	42.954965	-70.958049	1.42	Parcel is 200' lower in elevation. Coverage lost to the South.
Off Great Meadows Road	14	21		34	42.9491453	-70.955899	1.25	Parcel is 200' lower in elevation. Coverage lost to the South.

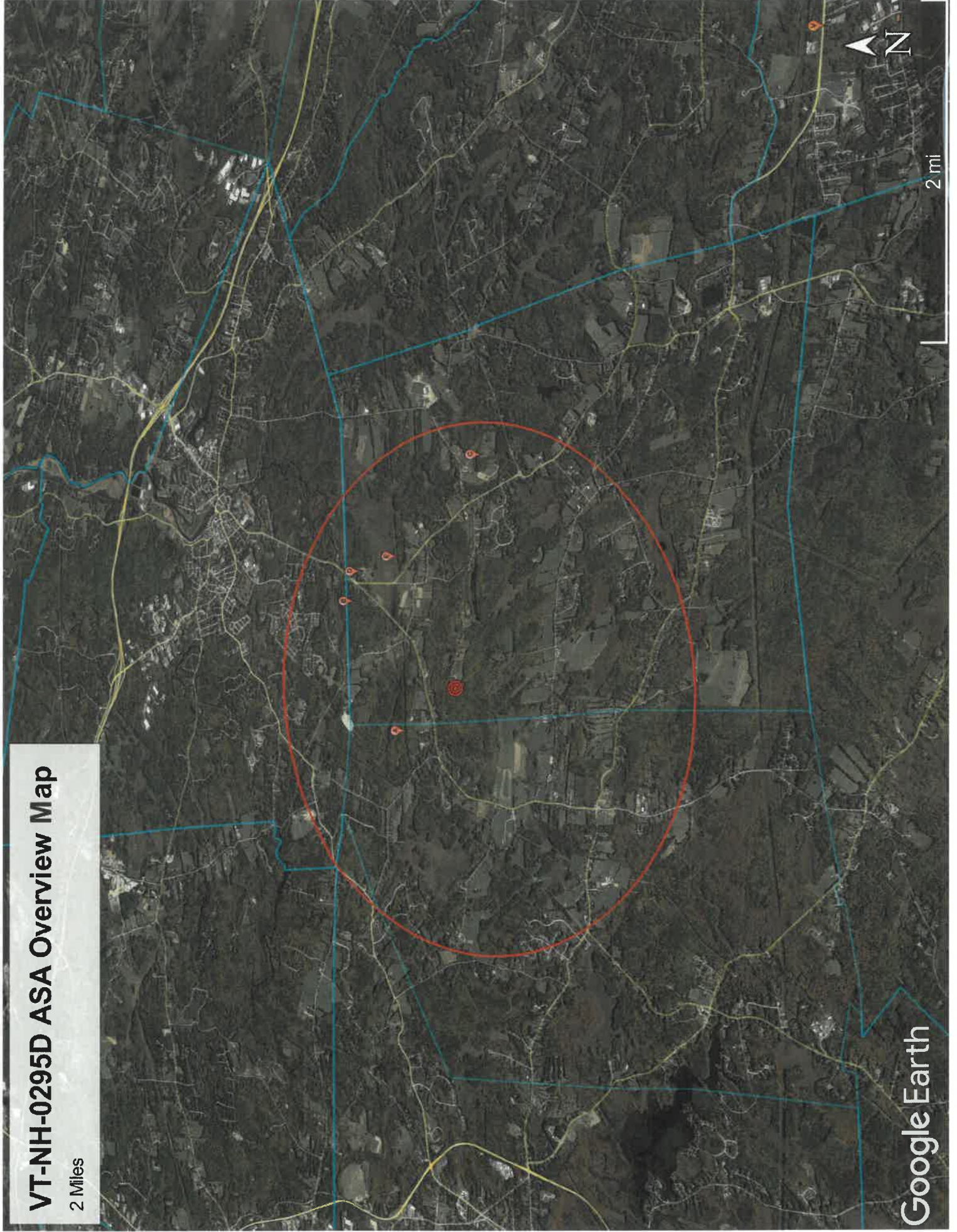
VT-NH-0295D Existing Sites Overview Map - Topo

2 Miles



VT-NH-0295D ASA Overview Map

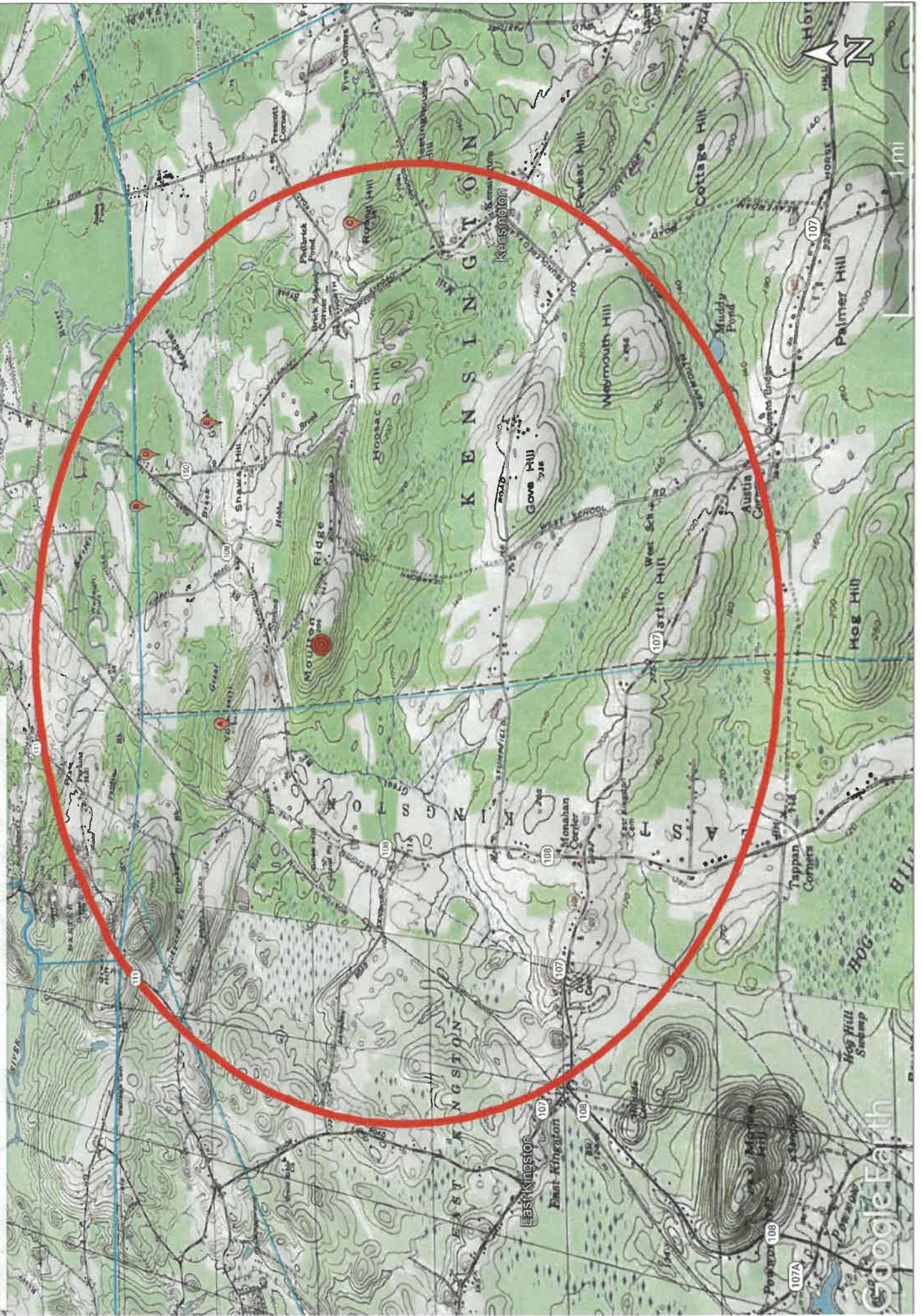
2 Miles



Google Earth

VT-NH-0295D ASA Overview Map - Topo

2 Miles



9

AFFIDAVIT OF RF ENGINEER

I, Jose Hernandez hereby state the following in support of the application for Vertex Tower, LLC (“Vertex”) of proposed Monopole located at 70 Moulton Ridge Road, Kensington, NH 03833 (42.939028, -70.975547).

(the “Site”) and the attachment of antennas, cabling and other telecommunications equipment on and at the base of the Monopole by various wireless broadband telecommunications carriers as proposed in the attached application (the “Facility”).

1. I am a currently an independent consultant Principal/Manager Radio Frequency Engineer. I have been involved with the wireless telecommunications industry for 20 years, and have held various technical, operational and supervisory positions with Nextel Communications, T-Mobile, AT&T Mobility and Sprint PCS.

2. In order to satisfy its obligations under its radio licenses acquired from the FCC and under the Code of Federal Regulations 47 C.F.R. § 27.14(a), wireless broadband telecommunications carriers must have in place a system of strategically deployed “cell sites” to provide wireless communications services to their subscribers’ throughout their licensed area. These cell sites generally consist of an antenna support structure such as a telecommunications tower, building, water tank, or other structures used to elevate the antennas to the height necessary for providing adequate service to the targeted area. The antennas are connected via cabling to radio equipment located near the antennas and/or at the base of the support structure. The cell sites operate by transmitting and receiving low power radio frequency signals to and from their subscribers’ portable wireless communication devices such as basic handheld phones, smartphones, PDA’s, tablets, and laptop aircards. These wireless voice and data signals are then transferred through ground telephone lines, fiber, microwave or other means of backhaul transport, and routed to their destinations by sophisticated electronic equipment.

3. Cell sites are a vital and necessary part of carriers’ network infrastructure. In order to maintain effective, uninterrupted service throughout a given area, there must be a series of cell sites, interconnected to each other with slightly overlapping coverage areas. This allows for the subscribers to move freely about a geographic area while maintaining a consistent and reliable wireless connection to the network.

4. A proposed cell site must consider the locations and coverage provided by the surrounding cell sites in the network, and must be located within a limited geographical area, which is defined by factors such as terrain, land use characteristics, and population density. By locating within this limited area and at a sufficient height, the cell site would have a high probability of meeting the targeted objectives, thereby providing reliable coverage and capacity throughout the cell.

5. In compliance with the requirements of its FCC licenses, carriers are actively building their respective networks to provide coverage throughout its licensed area. In order to meet the responsibility of providing seamless, uninterrupted service, carriers must continue to acquire

interest in sites for additional facilities, and is applying for and obtaining local governmental zoning approvals to construct its sites in order to eliminate deficient service areas due to gaps in coverage or insufficient capacity. Any delays severely curtail carriers' ability to satisfy both mandated time requirements, and to achieve a market position that will allow it to compete for customers with other similar companies also issued licenses to operate in this area.

6. Using computer simulations to model radio frequency propagation, Vertex has determined that a wireless transmission facility located at or near to the proposed Facility would facilitate wireless communications within the local area along Rt.108, Rt.107, Rt.150, and surrounding areas of Kensington, NH. These simulations model characteristics such as antenna types, antenna height, output power, terrain, ground elevations and RF propagation effects of the frequency utilized.

7. In my opinion based upon substantial research and analysis, without a cell site located at or very near the proposed site, this area of Kensington, NH would not meet the typical coverage requirements for multiple wireless carriers, resulting in a substantial gap in wireless coverage.

8. Based upon the technologies currently being deployed by wireless carriers, it is my opinion that the proposed Facility is at the minimum height necessary to satisfy the coverage objectives of multiple wireless carriers providing in the area.

9. All of the transmitter facilities to be located at the proposed location are required to comply, and when constructed and operational will comply with, all applicable regulations of the FCC regarding radio frequency (RF) exposure as detailed in FCC OET Bulletin 65, Edition 97-1.

Signed and sworn under the pains and penalties of perjury, December 13, 2022.

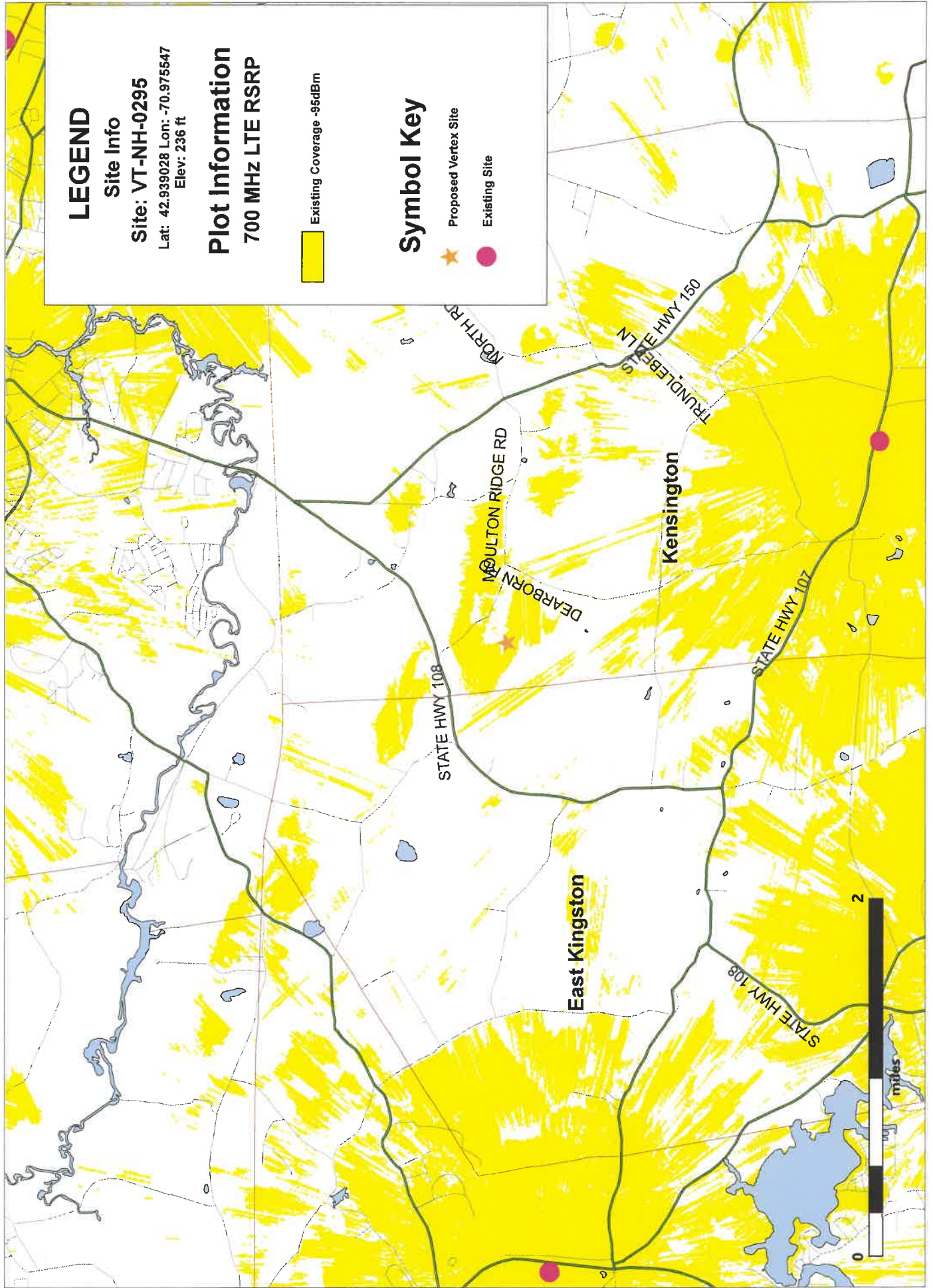


Jose Hernandez

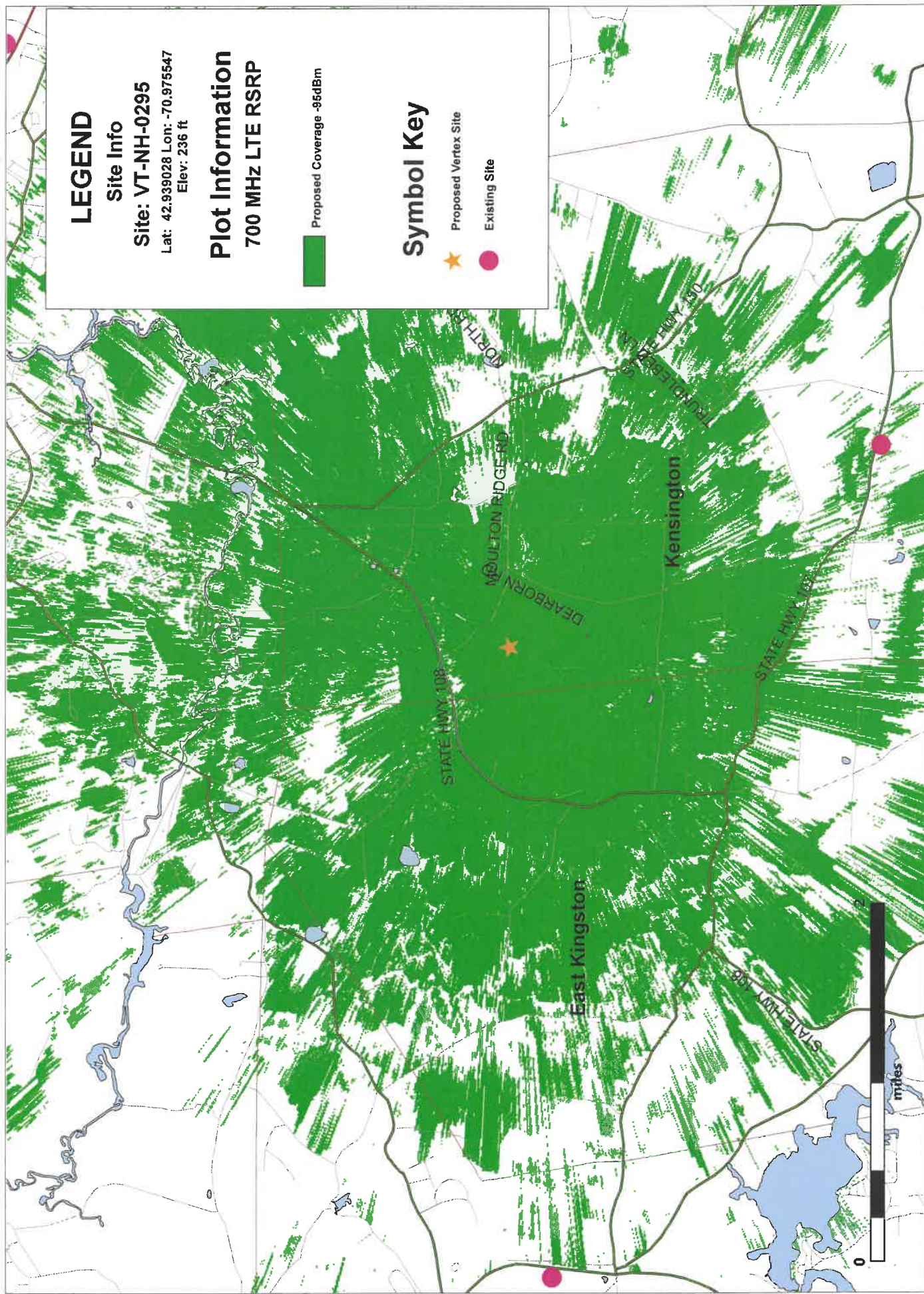
JNaerowaves.Corp

President / Principal Radio Frequency Engineer

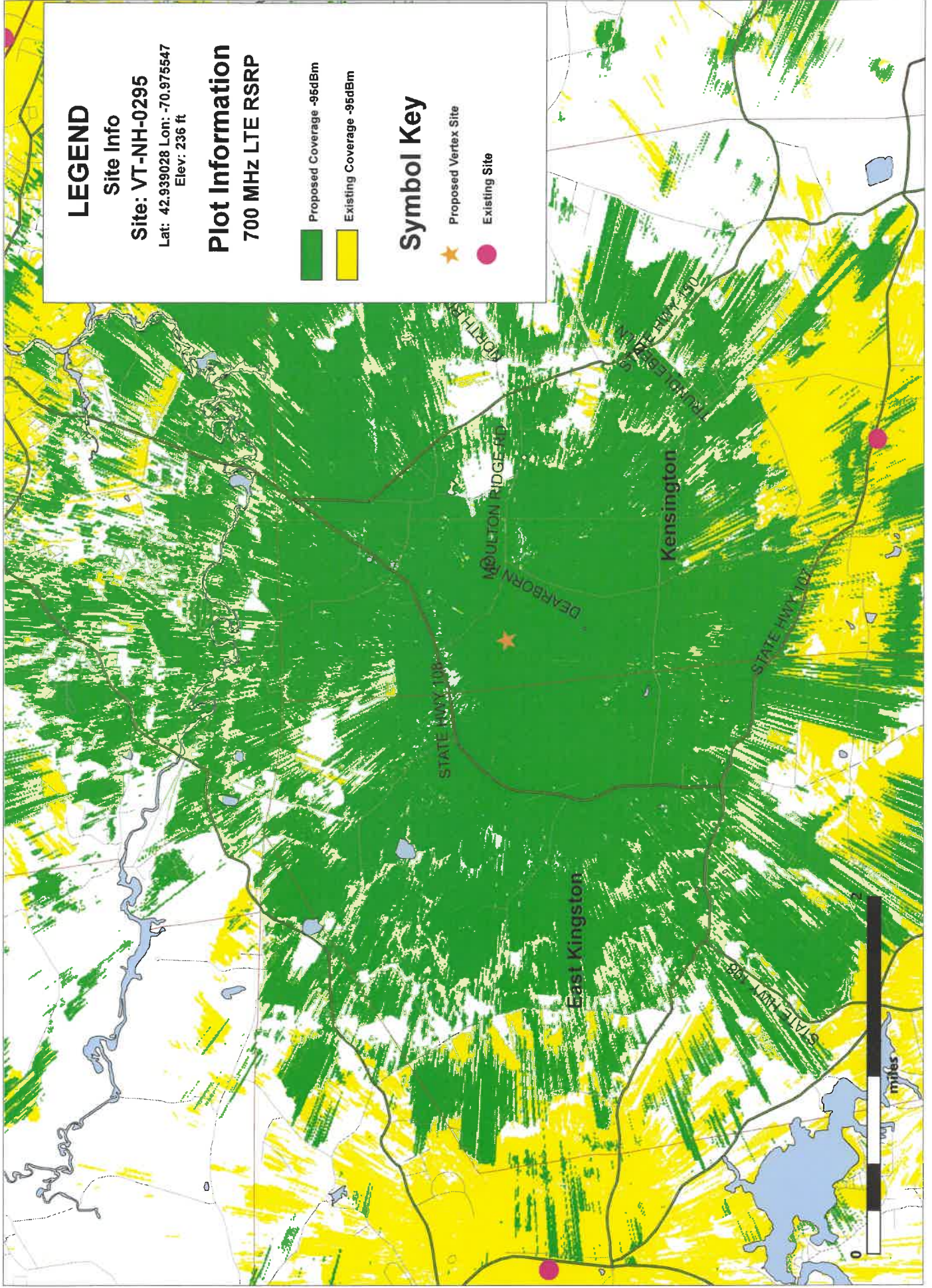
RF Existing Coverage Without VT-NH-0295@145'



RF Proposed Coverage For VT-NH-0295@145'



RF Existing Coverage With VT-NH-0295@145'



10

Site Emissions Report For Kensington, NH
Date Performed: 12/13/2022

This site emissions analysis was created for Vertex Towers, LLC. The Monopole analysis was performed to include all 4 major carriers. According to the analysis, this Monopole located at 70 Moulton Ridge Road, Kensington, NH 03833. (42.939028, -70.975547) does pass the FCC requirements for Radio Frequency emissions. The FCC requirements used in this report were determined from the FCC OET65 documentation and calculations.

The Monopole assumes the worst case scenario which would not occur in the real world. It assumes that all 4 carriers are using all frequency bands and are all on the lowest height of the tower.

The approach taken for calculations takes into account the typical antenna used, since a Cell Site antenna is directional and has different gains at different angles.

At the lowest height of 115ft, the highest emissions does not go above 2.11 $\mu\text{W}/\text{cm}^2$ which is **0.211%** of the Maximum Permissible Emissions requirements, which is less than 1% of the MPE requirements.

Site Name: VT-NH-0295

Coordinates: (42.939028, -70.975547)

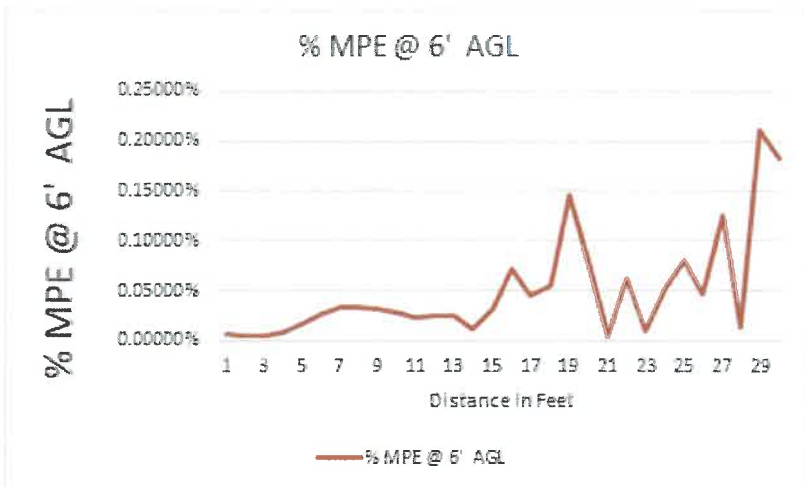
Location: Kensington, NH 03833. Carrier Available Heights (ft): 145,135,125,115

Equation for Predicting RF Fields:

$$S = \frac{EIRP}{4\pi R^2} \quad (4)$$

where: EIRP = equivalent (or effective) isotropically radiated power
 S = power density (in appropriate units, e.g. mW/cm^2)

Reference: OET Bulletin 65



Wireless Service Provider	Frequency Band	ERP (Watts)
Carrier 1	1900MHz	1250
Carrier 1	700MHz	1000
Carrier 1	850MHz	1000
Carrier 1	2100MHz	2500
Carrier 2	1900MHz	2000
Carrier 2	700MHz	1000
Carrier 2	850MHz	1000
Carrier 2	2100MHz	1000
Carrier 3	1900MHz	1360
Carrier 3	2100MHz	1360
Carrier 3	700MHz	1000
Carrier 4	850MHz	400
Carrier 4	1900MHz	1360

Analysis Performed by: Jose Hernandez
 Jose Hernandez – President / Principal, RF Engineer - JNaerowaves.Corp

Jose Hernandez is an independent Radio Frequency Engineer with 20 years of experience as an engineer in the Wireless Telecommunications field. Jose has performed numerous emissions reports for the Wireless Telecommunications Industry.

12/13/2022

11



500 North Broadway
 East Providence, RI 02914
 Phone: (401) 354-2403

December 13, 2022

Glenn Greenwood
 Town Planner
 Town of Kensington
 95 Amesbury Road
 Kensington, NH

Site ID: Removal Bond Estimate (RBE)
 Proposed antenna installation
 70 Moulton Ridge Road
 Vertex Towers Reference: VT-NH-0295D

To Whom It May Concern:

The following estimate has been prepared to summarize the take down and removal costs that would be associated with the proposed installation at the above-referenced location and shown on plans by this office dated 12/07/22. These costs are based on data compiled in the Heavy Construction Cost Data, published by RS Means and from industry-specific data.

RS Means Ref.	Description	Unit	Quantity	Unit Cost	Total Cost
n/a	Mobilization and demobilization of crews and equipment	EA	1	\$5,000.00	\$5,000.00
24119190840	Dumpster Rental	WK	1	\$850.00	\$850.00
24113601700	Fencing demolition, remove chain link posts & fabric, 8' to 10' high	LF	200	\$4.35	\$870.00
24113620200	Remove Fence Gate	EA	1	\$122.19	\$122.19
15433602760	Crane Rental (150 ton)	Day	1	\$3,210.49	\$3,210.49
24113780900	Tower Removal	EA	1	\$5,901.83	\$5,901.83
Labor Crew K-2	Remove general site equip.	LH	72	\$91.69	\$6,601.68
26-05-05.10-0120	Remove power & telco conduit from cabinet to backboard	LF	50	\$4.35	\$217.50
03-05-05.10-0060	Concrete Pad Removal	CY	10	\$132.00	\$1,320.00
02-41-16.17-4250	Concrete Disposal	CY	10	\$14.85	\$148.50
260505101570	Remove Transformer	EA	1	\$1,485.61	\$1,485.61
24119193040	Haul and Dump Demo Material	CY	20	\$56.23	\$1,124.60
G1030-110-1000	Excavate Stone in Compound	CY	33.33	\$12.15	\$404.96
G1030-110-1200	Haul and Dump Stone	CY	33.33	\$16.15	\$538.28
329119130800	Loam for Restoration	SY	500	\$6.08	\$3,040.00
329219144900	Grass Seed	MSF	5	\$29.56	\$147.80
n/a	Final cleanup	EA	1	\$1,000.00	\$1,000.00
	Subtotal				\$31,983.44
	Contingencies	EA	1	10.00%	\$3,198.34
	TOTAL COST				\$35,181.78



500 North Broadway
East Providence, RI 02914
Phone: (401) 354-2403

Based on the cost estimate provided in this report, it is my professional opinion that an appropriate surety amount to secure the removal of the facility would not exceed \$35,200.

Should you have any questions please contact me at 401-354-2403.

Very truly yours,



Scott N., P.E.
Advanced Engineering Group, P.C.

DRAFT

ISSUED THROUGH

A.A. DORITY COMPANY

BOSTON

TOWER / STRUCTURE / EQUIPMENT REMOVAL BOND

Location tower/structure/equipment:

Site ID:
Bond No.

KNOW ALL MEN BY THESE PRESENTS:

That Vertex Tower Assets, LLC, 155 South Street, Suite 205, Wrentham, MA 02093 as Principal and, NGM Insurance Company, a corporation duly organized under the laws of the State of Florida as Surety, are held and firmly bound unto the Town of _____ as Obligee, the penal sum of _____ for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

WHEREAS, the Principal has entered into a written agreement with the property owner for the placement of a tower, structure or equipment furnishing telephone, television or other electronic media service, which agreement sets forth the terms and conditions which govern the use of such towers, structures or equipment and which agreement is hereby specifically referred to and made part hereof, and

WHEREAS, the Town of _____ and/or the property owner, requires the submission of a bond guaranteeing the maintenance, replacement, removal or relocation of said tower,

NOW THEREFORE, the condition of this obligation is such, that if the above bounded Principal shall perform in accordance with the aforesaid ordinance and/or agreement, and Indemnify the Obligee against all loss caused by the Principal's breach of any ordinance or agreement relating to the maintenance, replacement, removal or relocation of a tower, structure or equipment, then this obligation shall be void; otherwise to remain in full force and effect unless cancelled as set forth below.

THIS BOND may be cancelled by Surety by giving thirty (30) days written notice to the Obligee by certified mail. Such cancellation shall not affect any liability the surety has incurred under this bond prior to the effective date of the termination.

PROVIDED that no action, suit or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.

SIGNED this _____ day of _____

Principal: Vertex Tower Assets, LLC

Surety: NGM Insurance Company





KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and :

does hereby make, constitute and appoint



its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

I. No one bond to exceed



and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this day of

NGM INSURANCE COMPANY By:



State of Florida,
County of Duval.

On this before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this day of

I, of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this day of

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.
TO CONFIRM VALIDITY of the attached bond please call 1-800-225-5646.

TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claims.



12

VT-NH-0295D

KENSINGTON RT108

70 MOULTON RIDGE ROAD
KENSINGTON, NH 03833
ROCKINGHAM COUNTY

SITE NO: VT-NH-0295D



AEG PROJECT #: 2022-0239

DRAWN BY: CJG

CHECKED BY: SNA

SUBMITTALS

REV#	DATE	DESCRIPTION
0	10/31/22	ISSUED FOR REVIEW
1	11/02/22	REVISED
2	11/14/22	REVISED
3	12/07/22	REVISED

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KENSINGTON RT108

70 MOULTON RIDGE ROAD
KENSINGTON, NH 03833
ROCKINGHAM COUNTY

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T-1

GENERAL NOTES

- THE CONTRACTOR SHALL OBEY ALL ORDINANCES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, FEDERAL AND STATE, COUNTY, SPECIFICATIONS, AND LOCAL AND STATE ADMINISTRATIVE CODES RELATING TO THE PERFORMANCE OF THE WORK. THE WORK PERFORMED BY THE CONTRACTOR SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES.
- THE ARCHITECT/ENGINEER HAS MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. THE CONTRACTOR BEING THE JOB IS RESPONSIBLE FOR VERIFYING THAT ALL INFORMATION ON WHICH THE CONTRACTOR IS RELYING IS CORRECT AND COMPLETE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, PROFILES, LINES, ETC. ON THE JOB.
- ALL UNDERGROUND UTILITY INFORMATION HAS BEEN OBTAINED FROM SURFACE INVESTIGATIONS AND EXISTING PLANS OF RECORD. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO ANY SITE WORK. CALL THE FOLLOWING FOR ALL INFORMATION: CONSTRUCTION INFORMATION 78-HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY: THE STATE SYSTEM (NH, ME, NH, RI, VT): 1-888-344-7333 CALL BEFORE YOU DIG (CT): 1-800-822-4465
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CONTROL, SIGNAGE AND MARKINGS ALL LINES AND SPACES REQUIRED TO CONSTRUCT ALL IMPROVEMENTS SHOWN HEREIN.
- ALL DIMENSIONS SHOWN THIS 2 ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ALIGNMENTS WHICH EFFECT THE CONTRACTOR'S WORK. CONTRACTOR TO VERIFY ALL DIMENSIONS WITH PROJECT OWNER PRIOR TO CONSTRUCTION.
- NORTH ARROW SHOWN ON PLANS REFERS TO APPROXIMATE TRUE NORTH. PRIOR TO THE START OF CONSTRUCTION, OBTAIN OR OBTAINERS OF NEUTRON MAGNETS. CONTRACTOR SHALL CORRECT WITH PROJECT OWNER'S BY ENGINEER AND FIELD VERIFY ALL ANTENNA SECTOR LOCATIONS AND ANTENNA ADJUSTMENTS.
- THE CONTRACTOR AND OR HIS SUBS CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS WHICH MAY BE REQUIRED FOR THE WORK BY THE ARCHITECT/ENGINEER, THE STATE, COUNTY OR LOCAL GOVERNMENT AGENCY.
- ANTENNA INSTALLATION SHALL BE CONDUCTED BY FIELD CHIEFS EXPERIENCED IN THE ASSEMBLY AND ERECTION OF RADIO ANTENNAS, TRANSMISSION LINES AND SUPPORT STRUCTURES.
- COAXIAL CABLE CONNECTIONS AND TRANSMITTER EQUIPMENT SHALL BE PROVIDED BY THE PROJECT OWNER AND IS NOT INCLUDED IN THESE CONSTRUCTION DOCUMENTS. A SCHEDULE OF PROJECT OWNER SUPPLIED MATERIALS IS ATTACHED TO THE BID DOCUMENTS DATE 08/15/22. ALL OTHER MATERIALS TO BE PROVIDED BY THE CONTRACTOR. CONNECTION HARDWARE SHALL BE STAINLESS STEEL.
- WHEN "PAINT TO MATCH" IS SPECIFIED FOR ANTENNA CONSTRUCTION, PAINT PRODUCT FOR ANTENNA INCOME SHALL BE BROWN RELIANCE COATING 1. SURFACE PREPARATION AND APPLICATION SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL OTHER MATERIALS TO BE PROVIDED BY THE CONTRACTOR. CONNECTION HARDWARE SHALL BE STAINLESS STEEL.
- COORDINATION, LAYOUT AND FURNISHING OF CONCRETE, CHOLE AND ALL APPURTENANCES REQUIRED FOR PROPER INSTALLATION OF ELECTRIC AND TELECOMMUNICATIONS SERVICE SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- ALL UTILITY WORK SHALL BE IN ACCORDANCE WITH LOCAL UTILITY COMPANY REQUIREMENTS AND SPECIFICATIONS.
- ALL EXISTING ACTIVE SERVICE, WATER, GAS, ELECTRIC AND OTHER UTILITIES SHOWN OR INDICATED IN THE WORK SHALL BE PROTECTED AT ALL TIMES AND WHERE NECESSARY FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEER. EXTREME CARE SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING NEARBY OR NEAR UTILITIES. CONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW.

VICINITY MAP



VICINITY MAP
SCALE: NTS
NORTH

SHEET INDEX

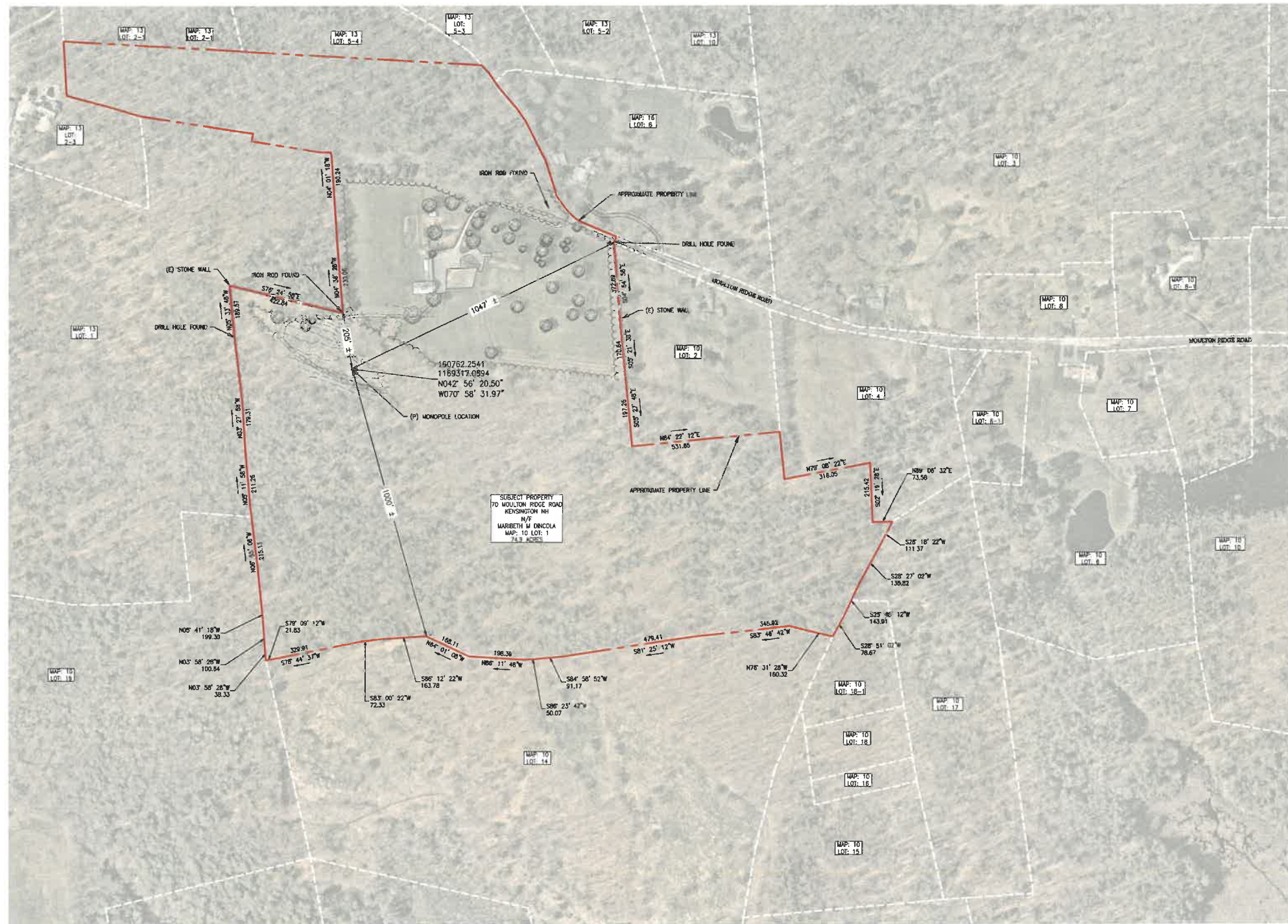
SHT. NO.	DESCRIPTION	REV. NO.
T-1	TITLE SHEET	3
C-1	ORTHO PLOT PLAN	3
C-2	EXISTING CONDITION PLAN	3
Z-1	PROPOSED SITE PLAN	3
Z-2	PROPOSED COMPOUND AND ELEVATION PLAN	3
Z-3	DETAILS	3

PROJECT SUMMARY

SITE NUMBER: VT-NH-0295D
SITE NAME: KENSINGTON RT108
SITE ADDRESS: 70 MOULTON RIDGE ROAD, KENSINGTON, NH 03833
ASSESSOR'S PARCEL NO.: MAP: 10 LOT: 1
CONSTRUCTION TYPE: NEW SITE BUILD
PROPERTY OWNER: MARIBETH DINICOLA, 70 MOULTON RIDGE RD, KENSINGTON, NH 03833
APPLICANT, LESSEE/LICENSEE, PROJECT OWNER: VERTEX TOWER LLC, 2 COMMERCIAL STREET, SHARON, MA 02067
TOWER TYPE: MONOPOLE
TOWER HEIGHT: 150' ±

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE PROJECT OWNER'S REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



1 ORTHO PLOT PLAN
 C-1 SCALE: 1"=30'

LEGEND

- PROPERTY LINE
- - - ABUTTING PROPERTY LINE
- - - EXIST. R.O.W. LAYOUT
- - - PROP. EASEMENT/LEASE AREA
- WETLAND SETBACK LINE
- x - x - EXIST. FENCE
- x - x - PROP. FENCE
- x - x - EXIST. CHAIN LINK FENCE
- x - x - PROP. CHAIN LINK FENCE
- - - LIMITS OF WORK
- EROSION CONTROL
- EXIST. EDGE OF TREE CANOPY
- PROP. EDGE OF TREE CANOPY
- - - 5' MAJOR CONTOURS
- - - 1' MINOR CONTOURS
- - - WETLAND LINE
- - - ZONING LINE

GENERAL NOTES:

1. FIELD SURVEY DATE: SEPTEMBER 29, 2022
2. VERTICAL DATUM: NATIONAL AMERICAN VERTICAL DATUM OF 1988 (NAV88)
3. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)
4. CENTER OF PROPOSED TOWER:
 - LATITUDE: 42° 56' 20.50" N
 - LONGITUDE: 70° 58' 31.97" W
 - ELEVATION: 238' ± AMSL
5. PROPERTY OWNER: MARIBETH M BINCOLA, 70 MOULTON RIDGE ROAD, KENSINGTON, NH 03833
6. SITE NUMBER: VT-NH-02950
7. SITE ADDRESS: 70 MOULTON RIDGE ROAD, KENSINGTON, NH 03833
8. APPLICANT, LESSEE/LICENSEE & PROJECT OWNER: VERTEX TOWERS, LLC, 2 COMMERCIAL STREET, SHARON, MA 02087
9. JURISDICTION: TOWN OF KENSINGTON
10. TAX ID: MAP: 10 LOT: 1
11. DEED REFERENCE: BOOK: 5279 PAGE: 1173
12. ZONING JURISDICTION: RESIDENTIAL & AGRICULTURAL
13. ALL UNDERGROUND UTILITY INFORMATION WAS DETERMINED FROM SURFACE INVESTIGATIONS AND EXISTING PLANS OF RECORD. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO ANY SITE WORK. CALL THE FOLLOWING FOR ALL PRE-CONSTRUCTION NOTIFICATION 72-HOURS PRIOR TO ANY EXCAVATION ACTIVITY: DIG SAFE SYSTEM (MA, ME, NH, RI, VT): 1-888-344-7233 CALL BEFORE YOU DIG (CBT): 1-800-922-4455
14. PROPERTY LINE INFORMATION IS COMPILED FROM ASSESSORS PLANS, DEEDS, AND PLANS OF RECORD AND IS NOT TO BE CONSIDERED AS HAVING BEEN OBTAINED AS THE RESULT OF A FIELD BOUNDARY SURVEY, AND IS SUBJECT TO CHANGE AS AN ACCURATE FIELD SURVEY MAY DISCLOSE. A FULL BOUNDARY SURVEY WAS NOT PERFORMED.
15. WETLANDS WERE NOT OBSERVED WITHIN 100' OF THE LIMIT OF WORK.
16. THE PURPOSE OF THIS SURVEY IS TO SUPPORT THE DESIGN AND CONSTRUCTION OF A TELECOMMUNICATION FACILITY. USE OF THIS SURVEY BY ANYONE OTHER THAN VERTEX TOWERS, LLC AND USE OF THIS SURVEY FOR ANY PURPOSE NOT RELATED TO THE DESIGN OF THE INTENDED FACILITY IS STRICTLY PROHIBITED.
17. BEARING SYSTEM OF THIS PLAN IS BASED ON TRUE NORTH. TRUE NORTH WAS ESTABLISHED FROM GPS READINGS ON DECEMBER 03, 2020.
18. LIMIT OF WORK IS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP YORK COUNTY, TOWN OF KENSINGTON COMMUNITY PANEL NUMBER 3301500403E, EFFECTIVE DATE MAY 17, 2005
19. IN THE EVENT THAT BENCHMARKS (TBM'S), ESTABLISHED FOR THIS PROJECT AND PUBLISHED ON THIS SURVEY, ARE DESTROYED, NOT RECOVERABLE OR A DISCREPANCY IS FOUND, THE USER SHOULD NOTIFY THIS FIRM IN WRITING PRIOR TO COMMENCING OR CONTINUING ANY WORK.
20. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

ZONING SUMMARY TABLE

ZONING DISTRICT: RESIDENTIAL AND AGRICULTURAL ZONE		
ASSESSORS ID: MAP: 10 LOT: 1		
PROPOSED USE: WIRELESS COMMUNICATION FACILITY		
DIMENSION:	REQUIRED MINIMUM	PROVIDED
FRONT YARD SETBACK*	25 FT	1,047± FT
SIDE YARD SETBACK*	50 FT	205± FT
REAR YARD SETBACK*	50 FT	1000± FT
WIRELESS TELECOMMUNICATIONS FACILITIES		
MAXIMUM HEIGHT	180 FT MAX.	150± FT
* DIMENSIONS MEASURED FROM PROPOSED TOWER TO THE NEAREST PROPERTY LINE.		



AEG PROJECT #: 2022-0239

DRAWN BY: CJG

CHECKED BY: SNA

SUBMITTALS

REV#	DATE	DESCRIPTION
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KENSINGTON RT108

70 MOULTON RIDGE ROAD
 KENSINGTON, NH 03833
 ROCKINGHAM COUNTY

SHEET TITLE

ORTHO PLOT PLAN

SHEET NUMBER

C-1

ZONING SUMMARY TABLE

ZONING DISTRICT: RESIDENTIAL AND AGRICULTURAL ZONE
 ASSESSORS ID: MAP: 10 LOT: 1
 PROPOSED USE: WIRELESS COMMUNICATION FACILITY

DIMENSION:	REQUIRED MINIMUM	PROVIDED
FRONT YARD SETBACK*	25 FT	1,047± FT
SIDE YARD SETBACK*	50 FT	205± FT
REAR YARD SETBACK*	50 FT	1000± FT

WIRELESS TELECOMMUNICATIONS FACILITIES

DIMENSION:	REQUIRED MINIMUM	PROVIDED
MAXIMUM HEIGHT	180 FT MAX.	150± FT

* DIMENSIONS MEASURED FROM PROPOSED TOWER TO THE NEAREST PROPERTY LINE

LEGEND

	PROPERTY LINE
	ABUTTING PROPERTY LINE
	EXIST. R.O.W. LAYOUT
	PROP. EASEMENT/LEASE AREA
	WETLAND SETBACK LINE
	EXIST. FENCE
	PROP. FENCE
	EXIST. CHAIN LINK FENCE
	PROP. CHAIN LINK FENCE
	LIMITS OF WORK
	EROSION CONTROL
	EXIST. EDGE OF TREE CANOPY
	PROP. EDGE OF TREE CANOPY
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	WETLAND LINE
	ZONING LINE



AEG PROJECT #: 2022-0239

DRAWN BY: CJG

CHECKED BY: SNA

SUBMITTALS

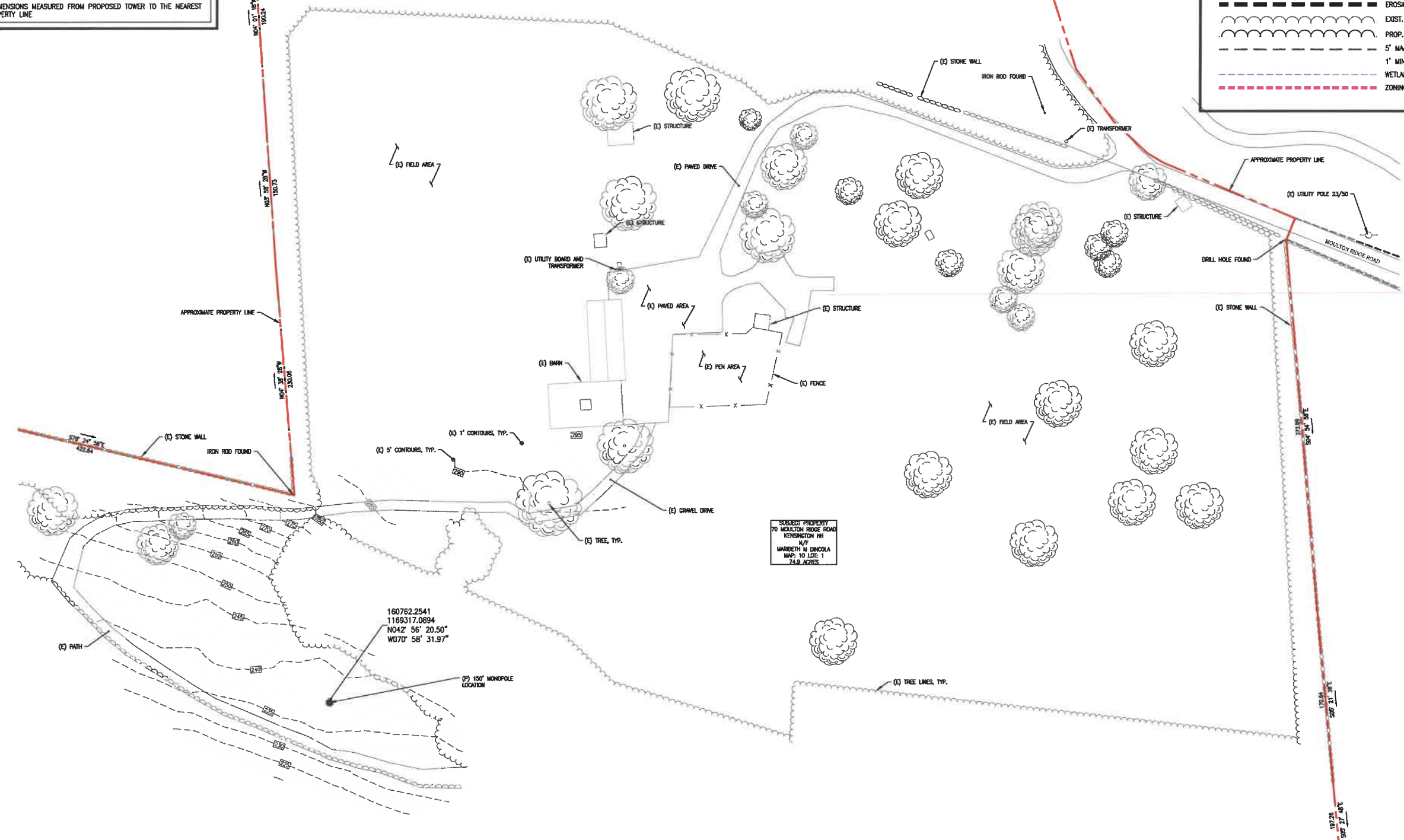
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KENSINGTON RT108
 70 MOULTON RIDGE ROAD
 KENSINGTON, NH 03833
 ROCKINGHAM COUNTY

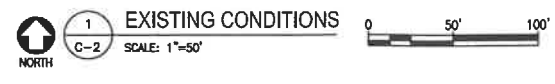
SHEET TITLE
 EXISTING CONDITIONS PLAN

SHEET NUMBER
C-2



SUBJECT PROPERTY
 70 MOULTON RIDGE ROAD
 KENSINGTON NH
 N/F
 WAREHSE IN DIMCOILA
 MAP: 10 LOT: 1
 74.9 ACRES

160762.2541
 1169317.0694
 N042° 56' 20.50"
 W070° 58' 31.97"



SUBMITTALS

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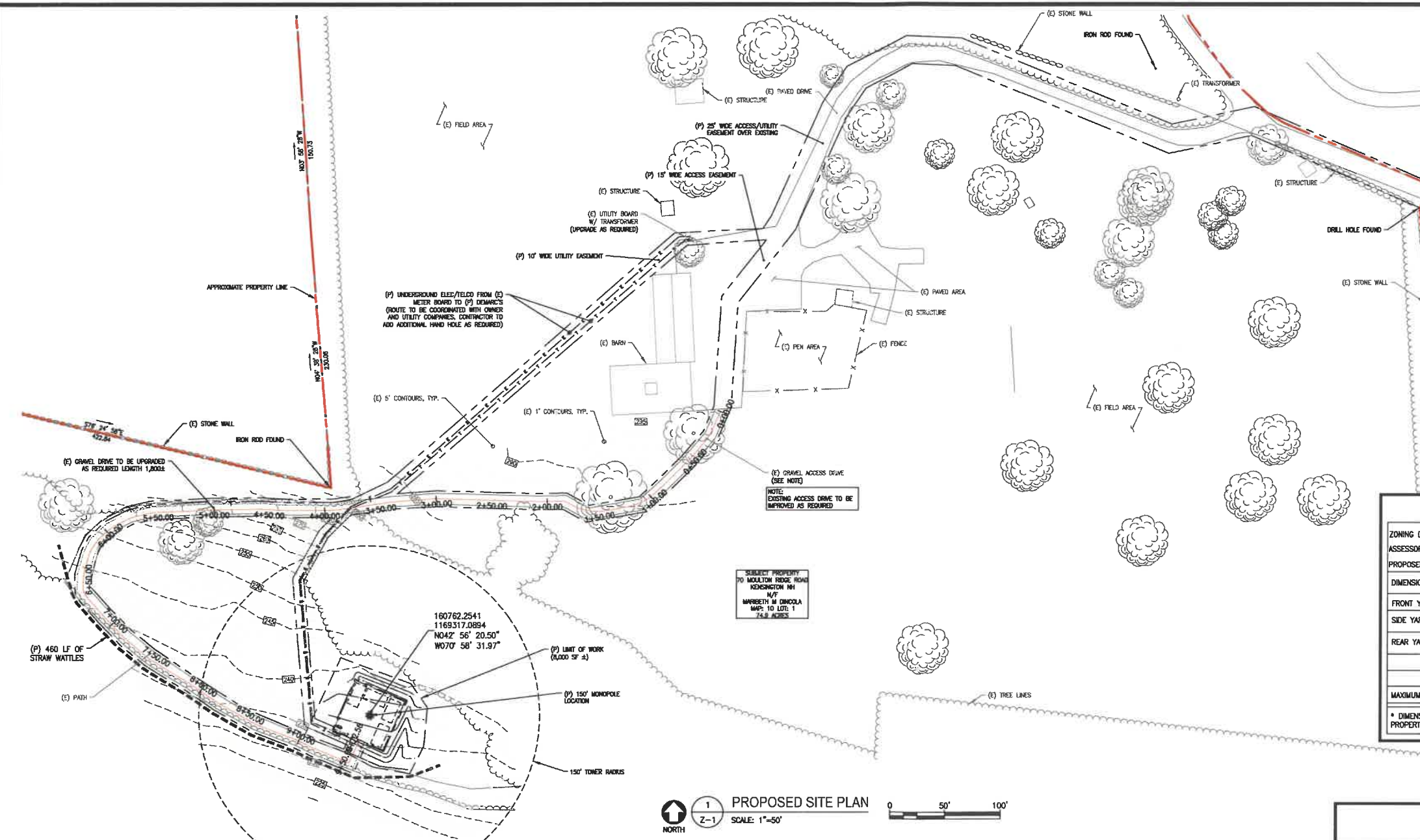
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KENSINGTON RT108

70 MOULTON RIDGE ROAD
KENSINGTON, NH 03833
ROCKINGHAM COUNTY

SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
Z-1



ZONING SUMMARY TABLE

ZONING DISTRICT: RESIDENTIAL AND AGRICULTURAL ZONE
ASSESSORS ID: MAP: 10 LOT: 1
PROPOSED USE: WIRELESS COMMUNICATION FACILITY

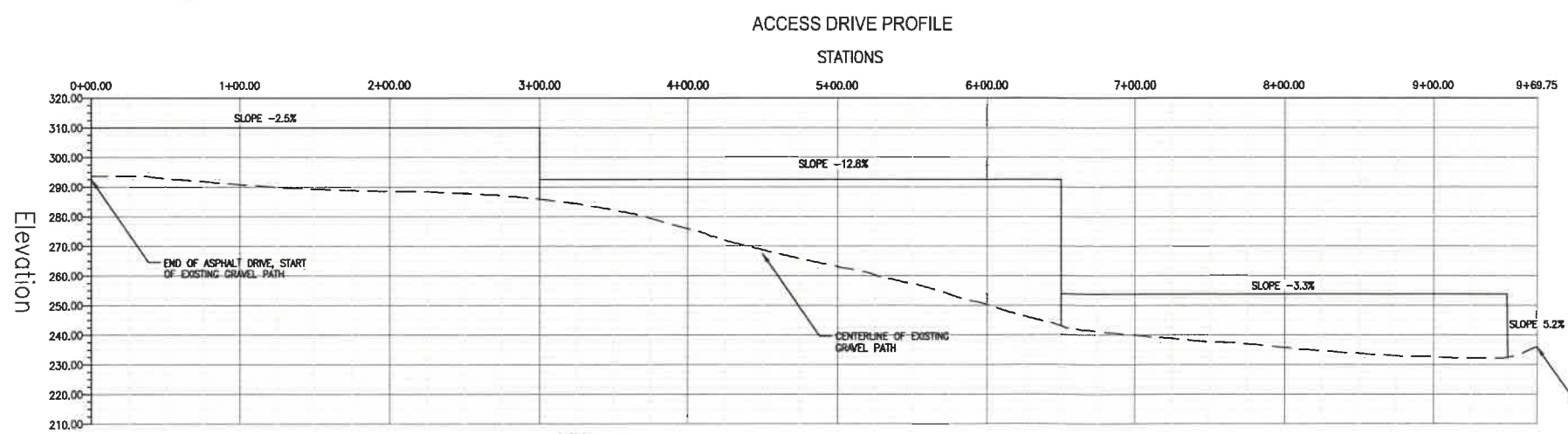
DIMENSION:	REQUIRED MINIMUM	PROVIDED
FRONT YARD SETBACK*	25 FT	1,047± FT
SIDE YARD SETBACK*	50 FT	205± FT
REAR YARD SETBACK*	50 FT	1000± FT

WIRELESS TELECOMMUNICATIONS FACILITIES

DIMENSION:	REQUIRED MINIMUM	PROVIDED
MAXIMUM HEIGHT	180 FT MAX.	150± FT

* DIMENSIONS MEASURED FROM PROPOSED TOWER TO THE NEAREST PROPERTY LINE

1 PROPOSED SITE PLAN
SCALE: 1"=50'
NORTH



2 PATH PROFILE
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=25'
NORTH

LEGEND

- PROPERTY LINE
- ABUTTING PROPERTY LINE
- EXIST. R.O.W. LAYOUT
- PROP. EASEMENT/LEASE AREA
- WETLAND SETBACK LINE
- EXIST. FENCE
- PROP. FENCE
- EXIST. CHAIN LINK FENCE
- PROP. CHAIN LINK FENCE
- LIMITS OF WORK
- EROSION CONTROL
- EXIST. EDGE OF TREE CANOPY
- PROP. EDGE OF TREE CANOPY
- 5' MAJOR CONTOURS
- 1' MINOR CONTOURS
- WETLAND LINE
- ZONING LINE



AEG PROJECT #: 2022-0239

DRAWN BY: C/JG

CHECKED BY: SNA

SUBMITTALS

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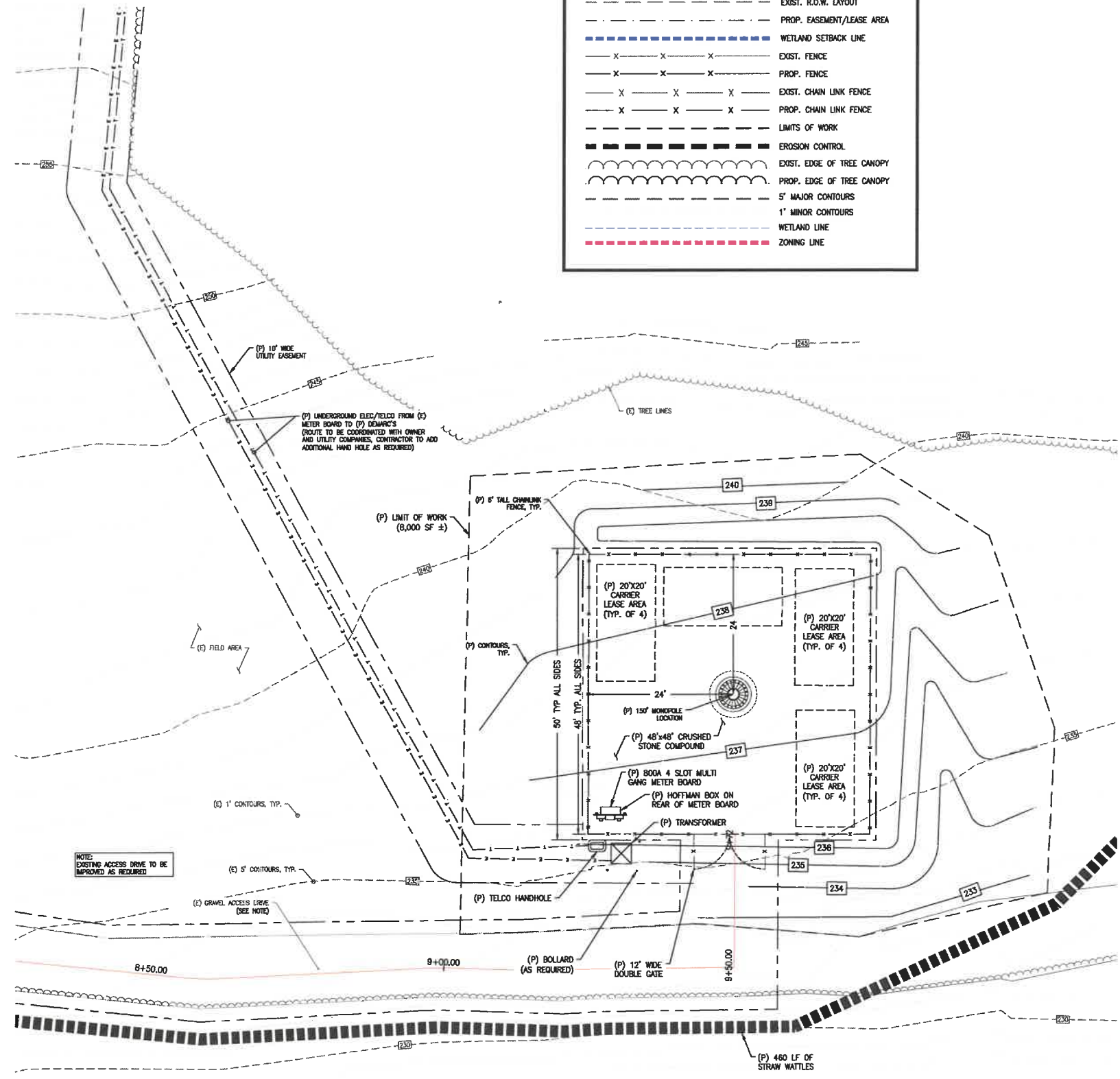
KENSINGTON RT108
70 MOULTON RIDGE ROAD
KENSINGTON, NH 03833
ROCKINGHAM COUNTY

SHEET TITLE
COMPOUND AND ELEVATION PLAN

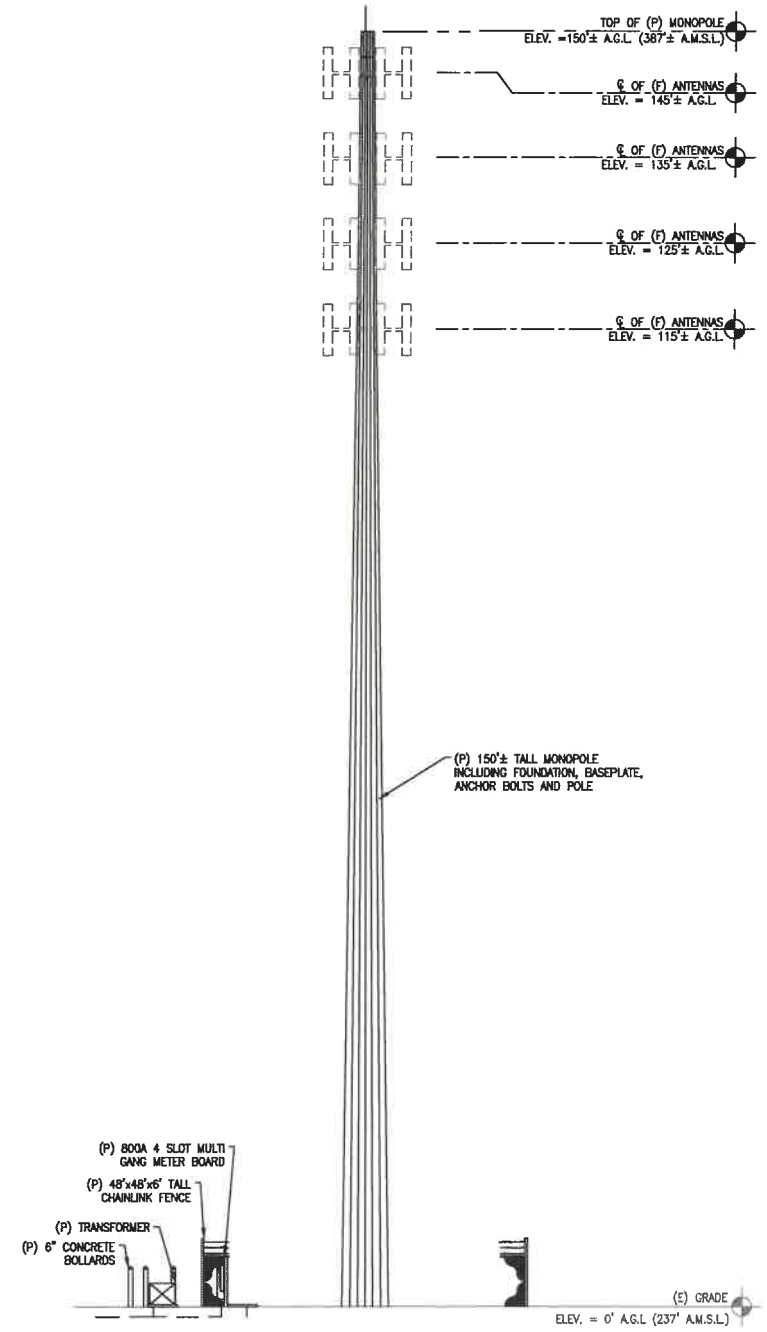
SHEET NUMBER
Z-2

LEGEND

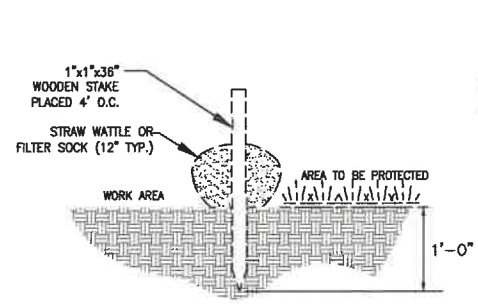
- PROPERTY LINE
- ABUTTING PROPERTY LINE
- EXIST. R.O.W. LAYOUT
- PROP. EASEMENT/LEASE AREA
- WETLAND SETBACK LINE
- EXIST. FENCE
- PROP. FENCE
- EXIST. CHAIN LINK FENCE
- PROP. CHAIN LINK FENCE
- LIMITS OF WORK
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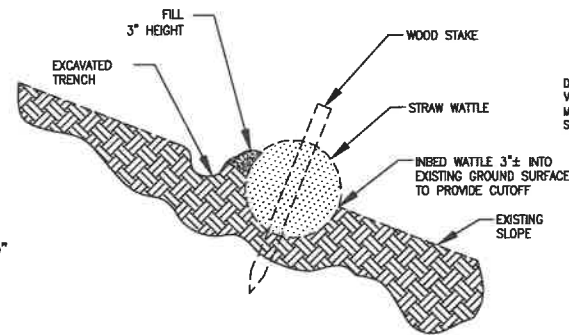
1 PROPOSED COMPOUND PLAN
Z-2 SCALE: 1"=10'



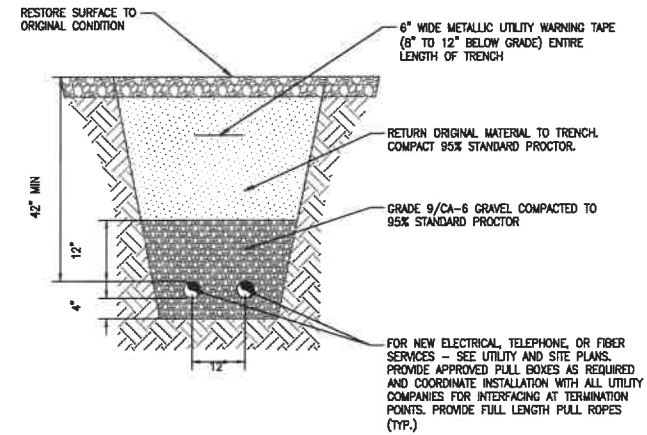
2 ELEVATION
Z-2 SCALE: 1"=10'



1 EROSION CONTROL BARRIER DETAIL
SCALE: N.T.S.



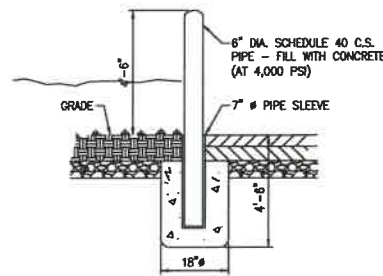
2 METER BOARD DETAIL
SCALE: N.T.S.



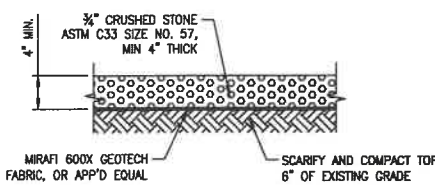
3 TRENCH DETAIL AT ACCESS CROSSING
SCALE: N.T.S.

EROSION AND SEDIMENT CONTROL NOTES:

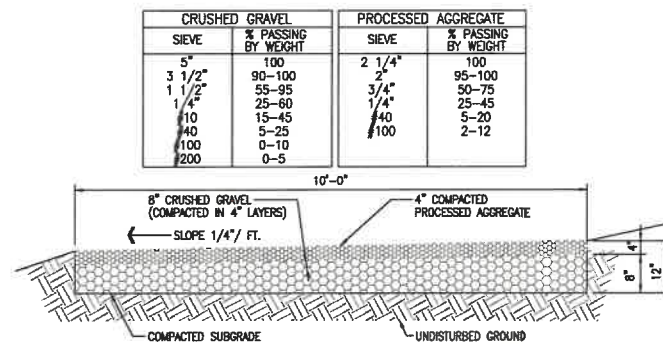
- PRIOR TO STARTING ANY WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
- CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
- CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
- CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
- UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE SYSTEM.



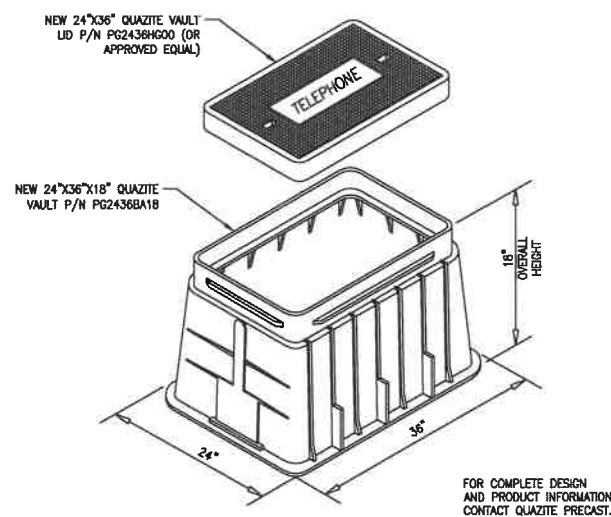
4 BOLLARD DETAIL
SCALE: N.T.S.



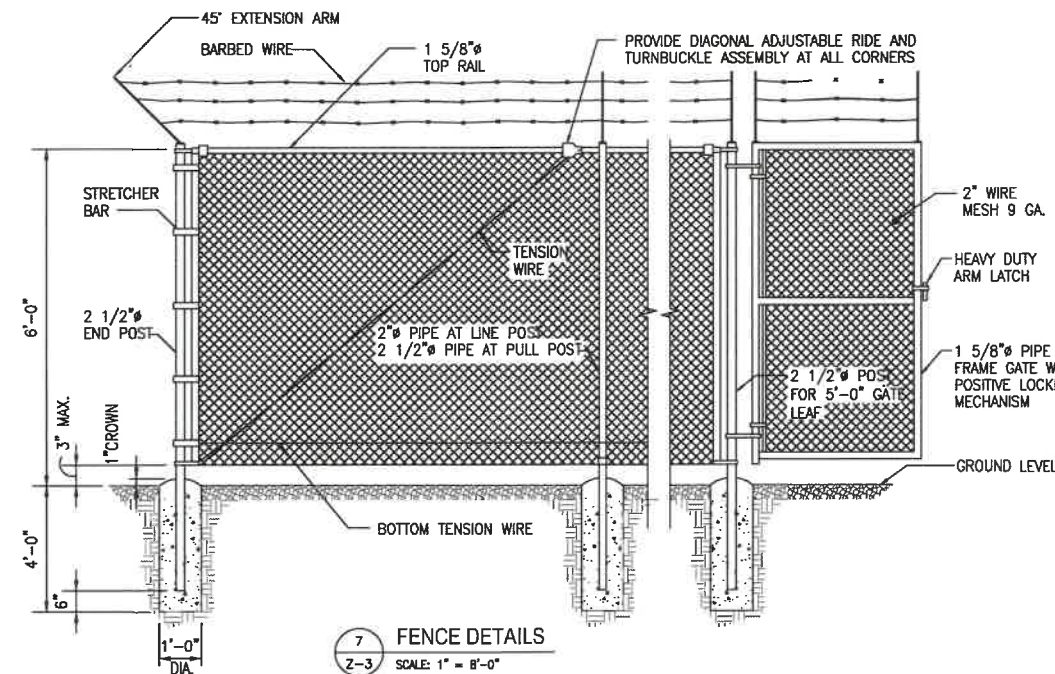
5 GRAVEL COMPOUND DETAIL
SCALE: N.T.S.



6 GRAVEL ACCESS CROSS SECTION
SCALE: N.T.S.



4 TELCO HANDHOLE ISOMETRIC
SCALE: N.T.S.



7 FENCE DETAILS
SCALE: 1" = 8'-0"

- FENCE NOTES:**
- INSTALL FENCING PER ASTM F-567, SWING GATE PER ASTM F-900.
 - ALL END POSTS, LINE POSTS, PULL POSTS, POSTS FOR GATE LEAF, PIPES FOR GATE FRAME AND TOP RAILS SHALL BE SCHEDULE 40 PIPE PER ASTM F-1083.
 - FABRIC SHALL BE 12 GA. CORE WIRE SIZE 2" MESH CONFORMING TO ASTM A-392.
 - TENSION WIRE SHALL BE 7 GA. GALV. STEEL.
 - TIE WIRE SHALL BE 11 GA. GALV. STEEL (MIN.) AT POSTS AND RAILS. A SINGLE WRAP FABRIC TIE AT TENSION WIRE BY HOG RINGS SPACED MAX. OF 24" INTERVALS.
 - BARBED WIRE SHALL BE DOUBLE STRAND 12 1/2" O.D. TWISTED WIRE TO MATCH W/FABRIC 14 GA., 4 PT. BARBS SPACES AT APPROXIMATELY 5" O.C.
 - STEEL FENCE SYSTEM SHALL INCLUDE THE FENCE POSTS, FABRIC, GATE SYSTEM AND ALL NECESSARY ERECTION ACCESSORIES, FITTINGS AND FASTENINGS. ALL FENCE SYSTEM COMPONENTS SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153. GATES SHALL BE SWING GATES WITH 5'-0" LEAF. REFER TO TYPICAL FENCE DETAIL FOR ADDITIONAL INFORMATION. INSTALL FENCE AFTER CONCRETE HAS ATTAINED 75% OF 28 DAY DESIGN STRENGTH.
 - SCREENING SLATS SHALL BE INSTALLED ON PROPOSED FENCING (COLOR: GREEN OR AS DET'S BY PROJECT OWNER).
 - COMPLY WITH LOCAL ORDINANCES OF BARBED WIRE PERMIT REQUIREMENTS, IF REQUIRED.



AEG PROJECT #: 2022-0239

DRAWN BY: CJG

CHECKED BY: SNA

SUBMITTALS

REV#	DATE	DESCRIPTION
0	10/31/22	ISSUED FOR REVIEW
1	11/02/22	REVISED
2	11/14/22	REVISED
3	12/07/22	REVISED

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SHEET TITLE
DETAILS

SHEET NUMBER
Z-3