

**TOWN OF WARNER, NEW HAMPSHIRE**

**WIRELESS TELECOMMUNICATION FACILITIES  
ORDINANCE**

**SITE PLAN REVIEW REGULATIONS**



**Adopted: March 10, 1998**

**TOWN OF WARNER, NEW HAMPSHIRE**  
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**ORDINANCE**

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**1.00.00 TELECOMMUNICATION FACILITY SITE REQUIREMENTS**

In reviewing and approving the site plan, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse impact of the proposed tower or antenna on adjoining properties and preserve the intent of the ordinance. The following factors are to be considered when reviewing the application:

- a. Height of proposed tower or other structure
- b. Proximity of tower to residential development or zones and schools
- c. Nature of use on adjacent and nearby properties
- d. Impact on identified historic resources
- e. Surrounding tree cover and foliage
- f. Identification of flight corridors; public and private
- g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
- h. Proposed ingress and egress to the site
- i. Availability of suitable existing towers and other structures as discussed in Section 1003.02 of the Zoning Ordinance
- j. Visual impacts on view shed, ridge lines, open fields and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- k. Feasibility of alternative tower structures and alternative siting locations

**1.1.00 SUBMISSION REQUIREMENTS FOR TELECOMMUNICATION FACILITIES**

Each applicant requesting Site Plan review and approval for telecommunication facility shall submit an application and site plan in accordance with the requirements of the Zoning Ordinance and site plan regulations. In addition, the applicant shall submit the following prior to any approval by the Board:

- a. Additional site plan information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, access drives, parking, fencing, landscaping and adjacent uses (up to 200 feet away).
- b. Written proof that the proposed use/facility complies with Federal Communications Commission regulation on radio frequency (RF) exposure guidelines.
- c. 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) further referenced in applicable Federal Communications Commission (FCC) rules.

- d. An inventory of existing towers that are within the jurisdiction of the Town and those within seven (7) miles of the border of the Town 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.
- e. Written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna if the applicant is proposing to build a new tower. This evidence shall consist of an analysis of the location, height, strength, potential interference, signal coverage and co-location costs which would make co-location impractical.
- f. A written agreement with the Town specifying that the applicant agrees to provide for maximum shared use of the facility with other telecommunication providers and with governmental agencies at industry standard lease rates. The applicant shall also provide notice to all commercial carriers in the region that a new facility is to be erected and that an opportunity for co-location exists.
- g. A view shed analysis to include at minimum a test balloon moored at the site for the purpose of indicating the visibility of the proposed structure from all abutting streets and other key locations within Town boundaries.
- h. Engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4(g).

## **1.2.00 CONSTRUCTION PERFORMANCE REQUIREMENTS**

The guidelines in this section shall govern the location of all towers and the installation of all antennas. The Planning Board may waive these requirements in accordance with Section 1.3.00 of the Site Plan Regulations, only if it determines that the goals of this ordinance are served. These requirements shall supersede any and all other applicable standards found elsewhere in Town ordinances or regulations that are less strict.

### **1.2.01 AESTHETICS AND LIGHTING**

- a. Towers and dish antennas shall maintain a neutral non-reflective color so as to reduce visual obtrusiveness, such as medium or shadow gray.
- b. The design of the buildings and related structures at a tower site and antennas and supporting equipment on structures other than a tower shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and build environment.
- c. Towers shall not be artificially lighted, a navigational beacon may be required by the Town or other applicable authority.
- d. Towers shall not contain permanent or temporary signs, writing, symbols or any graphic representation of any kind other than safely related signs.

### **1.2.02 SECURITY FENCING**

Towers shall be enclosed by decay-resistant security fencing not less than eight (8) feet in height and where appropriate also be equipped with an appropriate anti-climbing device or other similar device to prevent tower access.

### **1.2.03 LANDSCAPING**

- a. Towers may be required to 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 of at least ten (10) feet wide outside the perimeter of the compound
- b. Natural vegetation is preferred, and existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- c. In locations where visual impact of the tower would be minimal or where natural growth provides a sufficient buffer the landscaping requirement may be reduced or waived entirely.

### **1.3.00 WAIVERS**

The Planning Board may waive any of the requirements of this regulation where it finds that extraordinary hardships practical difficulties or unnecessary and unreasonable expense would result from strict compliance with the foregoing terms, or the purpose of these regulations may be served to a greater extent by an alternative proposal. The purpose of granting waivers under the provisions of this regulation shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by the terms of the ordinance. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to other property and will promote the public interest.
- b. The waiver will not in any manner conflict with the provisions of the Town's Zoning Ordinance
- c. The waiver will substantially secure the objectives, standards, and requirements of this ordinance
- d. 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:
  1. Topography and other site features
  2. Availability of alternative site locations
  3. Geographic location of the property

#### **1.3.01 CONDITIONS FOR GRANTING OF WAIVERS**

In granting waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of this ordinance.

#### **1.3.02 PROCEDURES**

A request for a waiver shall be submitted in writing by the applicant with the application for Planning Board Review. The request shall state fully the grounds for waiver and all of the facts relied on by the applicant. Failure to submit the request in writing shall require an automatic denial of the waiver.