

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

Wireless Telecommunications Ordinance
Meredith, New Hampshire
Adopted *date*

Section 1. Title

This ordinance shall be known and cited as the “Wireless Telecommunications Ordinance.”

Section 2. Authority

This Ordinance is adopted by the Town of Meredith on March 12, 2019 in accordance with the authority granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally pursuant to Revised Statutes Annotated 675:1, II.

Section 3. Purposes

This Ordinance is enacted in order to fulfill the following purposes:

- A. Provide local consistency with federal and state laws including but not necessarily limited to the Federal Telecommunications Act of 1996 and New Hampshire RSA 12-K; and
- B. To further the vision, goals, objectives and recommendations of the Master Plan; and
- C. To preserve the authority of the Town of Meredith to regulate personal wireless service facilities and towers in accordance with federal and state laws; and
- D. Reduce the adverse impacts such facilities may create, including but not limited to impacts on: community character and community aesthetics, environmentally sensitive areas, community gateways and village and rural settings.

Section 4. Applicability

- A. This ordinance applies to all construction, installation and expansion of personal wireless service facilities and towers, except as provided in Section 4.B.1-4
- B. Exemptions. The following are exempt from the provisions of this Ordinance:
 - 1. Temporary wireless telecommunication facilities used for emergency communications by public officials.
 - 2. Amateur (ham) radio services licensed by the Federal Communications Commission (see RSA 674:16).
 - 3. Parabolic antenna that is accessory to residential use of property.

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

4. Routine maintenance and repair of personal wireless service facilities and towers provided that there is no change in the height or any other dimension of the facility.

Section 5. Definitions

The following terms as used in this ordinance shall be defined as follows:

- A. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.
- B. "Building permit" means a permit issued pursuant to RSA 676 by an authority prior to the collocation or modification of PWSFs, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.
- C. "Collocation" means the placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable codes. "Collocation" does not include a "substantial modification."
- D. "Equipment compound" means an area surrounding or near the base of a tower or mount supporting a PWSF, and encompassing all equipment shelters, cabinets, generators, and appurtenances primarily associated with the PWSF.
- E. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.
- F. "Modification" means the replacement or alteration of an existing PWSF within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved PWSF shall not be considered a modification.
- G. "Mount" means the structure or surface upon which antennas are mounted and includes roof-mounted, side-mounted, ground-mounted, and structure-mounted antennas on an existing building, as well as an electrical transmission tower and water tower, and excluding utility poles.
- H. "Personal wireless service facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services. A PWSF includes the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services.

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

- I. "Tower" shall mean a freestanding or guyed structure, such as a monopole, monopine, or lattice tower, designed to support PWSFs.
- J. "Substantial modification" means the mounting of a proposed PWSF on a tower or mount which, as a result of single or successive modification applications:
 - (a) Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than 10 percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
 - (b) Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
 - (c) Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
 - (d) Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.

Section 6. District Regulations

- A. Classifications- To distinguish between different facilities and the associated level of regulatory review, the following classifications are established:
 1. Collocation & Modification
 2. Substantial Modification
 3. New Tower Construction up to 100' high.
 4. New Tower Construction between 100 and 180' in height.
- B. Overlay District/ Zones and Map- To identify locations within the community where personal wireless service facilities and towers may be sited, an overlay district is hereby established. The District is comprised of the following Sensitivity Zones as depicted on the Town of Meredith Wireless Telecommunications Overlay District Map dated December 31, 2018, which is incorporated herein and made part of this ordinance.
 1. Sensitivity Zone 1. Specific visual resource areas (including views, settings or land forms) having a moderate degree of visibility and visual sensitivity. These areas may be able to accommodate new tower construction with visual mitigation and/or careful placement. These areas are the only areas within the community where Class 4 tower facilities may potentially be sited.
 2. Sensitivity Zone 2. Specific visual resource areas (including views, settings or land forms) having a high degree of visibility and visual sensitivity. These areas may be able to accommodate new tower construction (Class 3, not exceeding 100 ft.) with visual mitigation and/or careful placement.

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

3. Sensitivity Zone 3. Specific visual resource areas (including views, settings or land forms) having the highest degree of visibility and visual sensitivity, including areas having features which contribute significant visual quality to community and neighborhood character. New tower construction is not permitted in these areas.

C. Requirements by Classification and Sensitivity Zone

Sensitivity Zone	Class 1- Collocation or Modification	Class 2- Substantial Modification	Class 3- New Tower (100' Max)	Class 4- New Tower (180' max)
1	BP	SP, SE, BP	SP, SE, BP	SP, SE, BP
2	BP	SP, SE, BP	SP, SE, BP	NP
3	BP	SP, SE, BP	NP	NP

BP = Building Permit only

SE = Special Exception from the Zoning Board of Adjustment is required

SP = Site Plan approval from the Planning Board is required

NP – Not Permitted

D. Tower Height - Phased Vertical Expansion. An applicant may request and/or the Zoning Board of Adjustment may require, that towers be engineered so as to be capable of vertical expansion in phases. The general purpose of such a request or requirement shall be to provide a tower/antenna height that is initially proportionate to the tree line at the time of construction, while providing an option for future vertical expansion in a manner that is incrementally consistent with the vertical growth of the surrounding vegetation. All subsequent phases of vertical tower expansion shall be subject to the Special Exception application review process. The review of such a subsequent application shall be limited in scope to the proposed vertical expansion as it relates to the terms and provisions of this Ordinance.

E. Setbacks Generally. Equipment compounds and towers are subject to setback provisions of the underlying zoning district and wetland setbacks as provided for in Article V, Section D-9 (Water Resources Conservation Overlay District).

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

- F. Fall Zone Setback. Fall Zone Setback is required to ensure public safety. Fall Zone Setback is the minimum distance from the base of any tower to any property line, road, dwelling, business, institution or public recreational area. A Fall Zone Setback shall be equal to the height of the tower. In reviewing an application for Special Exception, the Zoning Board may reduce the required Fall Zone Setback and/or setback distance of the zoning district up to 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Adjustment shall consider both the visual and safety aspects of the proposed use.

- G. Tower Separation. No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4). Distance separating two facilities shall be measured as a straight, horizontal line between two points.

- H. Camouflage by vegetation. Class 3 and Class 4 towers shall be surrounded by buffers of tree growth and under story vegetation. The buffer shall be of sufficient height and depth to effectively screen the equipment compound and all or a portion of any tower structure. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, natural growth around the property may be deemed a sufficient buffer. The Zoning Board of Adjustment shall determine the type of plant materials and the depth of the needed buffer based on site conditions. The Zoning Board of Adjustment may require certain restrictions, prohibitions or limitations regarding tree removal or tree clearing in order to ensure the vegetative buffer is maintained.

- I. Camouflage by man-made treatment. In instances where vegetative treatments may not be sufficient to adequately buffer the visual effect of Class 3 and 4 towers, the Zoning Board of Adjustment may require innovative treatments or design, including but not limited to imitation of native vegetation. Innovative alternative tower structures or a combination of treatments may be required in order to meet the requirements for a Special Exception.

Section 7. Planning Board Review.

- A. Site Plan Review. Site Plan Review by the Meredith Planning Board is required for any proposal which includes the construction of a new tower, new equipment compound or any substantial modification. Applications requesting Site Plan Review shall be submitted in accordance with the Site Plan Review Regulations. Site Plan approval from the Planning Board (either final approval or conditional

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

approval) is required prior to making an application to the Zoning Board of Adjustment for a Special Exception.

- B. Timeframe for Review. The timeframe for Site Plan Review by the Planning Board shall be as specified in its Site Plan Review Regulations and by the federal Telecommunications Act's deadline of 150 days from the date of submission.

Section 8. Zoning Board of Adjustment Review

- A. Application for Special Exception. Applications for Special Exception shall be submitted as provided for in the Zoning Board of Adjustment By-laws. The following additional shall be submitted with the application:
1. Written evidence that the proposed use/facility will comply with applicable FCC regulations.
 2. Written evidence that the proposed use/facility will meet the requirements of the National Environmental Policy Act.
 3. A description of the tree cover on the subject property and adjacent properties by dominant species and average height, as measured by or available from a verifiable source.
 4. Representations, dimensioned to scale, of the proposed tower, antennas, equipment shelters including elevation drawings of all structures and the vegetative buffer.
 5. A visual impact assessment including before-condition photographs and after-condition photographic simulations of the proposed facility showing what can be seen from any public viewpoint as inventoried and assessed in the report entitled: Town of Meredith Visual Resource Inventory and Assessment prepared by Thomas Kokx Associates dated March 8, 1999, amended December 18, 2000 on file at the Meredith Planning Office.
- B. Criteria for Special Exception. In order for the Zoning Board of Adjustment to grant a Special Exception, it shall find that:
1. The proposal is consistent with Section 3 – Purposes of the Ordinance.
 2. The proposal is in accordance with the general and specific provisions of this Ordinance, particularly Section 5 - District Regulations.
 3. This criterion for approval shall be in addition to the Special Exception criteria under Article VII of the Zoning Ordinance.
 4. It shall be the burden of the applicant to provide sufficient evidence to persuade the Zoning Board of Adjustment that all applicable criteria have been met and that proposal does not represent unreasonable adverse impacts.
 5. An applicant's failure to satisfy the burden of proof may result in the denial of an application.
- C. Conditions of Approval. In approving an application for Special Exception, the Zoning Board of Adjustment may impose reasonable conditions as it deems

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

appropriate to substantially secure the objectives, standards or requirements of the applicable local land use regulations.

- D. Timeframe for Review. The timeframe for the review of an application for Special Exception by the Zoning Board of Adjustment shall be as specified in its By-Laws and by the federal Telecommunications Act's deadline of 150 days from the date of submission.

Section 9. Building Permit Application Review

- A. Installation and/or construction of personal wireless service facilities (PWSF's) and towers shall require a Building Permit and a Certificate of Use and Occupancy. No PWSF or tower shall operate prior to the issuance of a Certificate of Use and Occupancy.
- B. Building Permit Application Requirements for PWSF's and towers shall be as established by the Building Official.
- C. Timeframes- Collocation and Modification Applications.

Applications for collocation or modification shall be reviewed within 45 calendar days by the Building Official for conformity with applicable building permit requirements. Collocation applications and modification applications shall be reviewed for conformance with applicable building permit requirements but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review. The Building Official, within 45 calendar days of receiving a collocation application or modification application, shall:

- (1) Review the collocation application or modification application in light of its conformity with applicable building permit requirements and consistency with this chapter. A collocation application or modification application is deemed to be complete unless the Building Official notifies the applicant in writing, within 15 calendar days of submission of the specific deficiencies in the collocation application or modification application which, if cured, would make the collocation application or modification application complete. Upon receipt of a timely written notice that a collocation application or modification application is deficient, an applicant shall have 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application or modification application shall be reviewed and processed within 45 calendar days from the initial date received by the authority. If the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar day deadline for review shall be extended by the same period of time;
- (2) Make its final decision to approve or disapprove the collocation application or modification application; and
- (3) Advise the applicant in writing of its final decision.

The Wireless Telecommunications Facilities Ordinance adopted by the Town of Meredith on March 9, 1999 is hereby REPEALED AND REPLACED with the following:

Section 10. Administration and Enforcement

Enforcement of this Ordinance shall be in accordance with the New Hampshire Revised Statutes Annotated (RSA) 676 and the Town of Meredith Zoning Ordinance. Any person who violates any section of this Wireless Telecommunication Facilities Ordinance shall be subject to the penalties and remedies provided under the relevant provisions of State and local law.

Section 11. Appeals

Any person aggrieved by a decision of the Administrative Officer regarding the construction, interpretation or application of the terms of this Ordinance may appeal the decision to the Zoning Board of Adjustment as provided for in RSA 676:5. Any person aggrieved by a decision of either the Planning Board or Zoning Board of Adjustment may appeal the decision as provided by applicable State and Federal laws.

Section 13. Saving Clause

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.