



**Zoning Board of Adjustment
Town of Eaton
Evans Memorial Building
Eaton, NH 03832**

March 17, 2025

The Zoning Board of Adjustment met on Monday, March 17, 2025, at the Town Hall. Present were Chairman Steve Larson, Vice Chair Carol Mayhofer, John Border, Pam Burns and Mark Griffin. The meeting was called to order at 6:02 pm.

Zoning Board Election

Carol Mayhofer nominated Steve Larson for Chairman of the Zoning Board. ***John Border made a motion to appoint Steve Larson as Chairman of the Zoning Board, seconded by Pam Burns. The motion passed by unanimous roll call vote.***

Steve Larson nominated Carol Mayhofer for Vice Chair of the Zoning Board. ***Mark Griffin made a motion to appoint Carol Mayhofer as Vice Chair of the Zoning Board, seconded by Pam Burns. The motion passed by unanimous roll call vote.***

Minutes

The Board reviewed the Minutes of November 18 and 20, 2024. ***Chairman Steve Larson made a motion to waive a reading of the Minutes, seconded by John Border. The motion passed by unanimous roll call vote. Chairman Steve Larson made a motion to adopt the Minutes as written, seconded by Pam Burns. The motion passed by unanimous roll call vote.***

Chairman Steve Larson read the Public Notice and gave an overview of the procedure for Public Hearings.

Case #202501 Vertex Cell Tower Proposal

At 6:07 pm Chairman Larson opened the Public Hearing on an application from Vertex. Vertex is proposing a cell phone tower installation on land owned by John Edge Jr. (R03-009) on Ridge Road. Vertex is seeking relief from the following Variances:

- Article VIII, Section E.A. of the Town of Eaton Zoning Ordinances, which limits the height of a cell phone tower.
- Article VIII, Section F.M.2 of the Town of Eaton Zoning Ordinances, which specifies the type of mount for a cell phone tower installation.
- Article VIII, Section F.H.5, of the Town of Eaton Zoning Ordinance, which requires all utilities running to and from a cell phone tower to be buried underground.

All notices required by statute have been posted, abutters notified, and all fees paid. There were no conflicts of interest. Five letters have been received regarding this application and were given to the Board for review and read into the record by Chairman Larson.

Francis Parisi, representing Vertex Towers LLC, was present at the Public Hearing. Chairman Larson asked the applicant to give a statement of reasons they should be granted the variance. Mr. Parisi stated that the company he represents, Vertex Towers LLC, is basically a real estate company for telecom companies. The company has built several towers in and around the Valley, including towers in North Conway. Mr. Parisi stated that Vertex Towers has been focused on providing cell phone service to the Route 153 corridor for about five years now. Mr. Parisi emphasized the need for wireless telecommunications in the area and stated that approximately 50% of New Hampshire has gone wireless, and that approximately 80% of all 911 calls are made on cell phones. Mr. Parisi stated that because there is no cell phone signal available in Eaton, there is an issue of Public Safety. Mr. Parisi explained that a Variance for height is requested, because the topography of Eaton makes building a shorter tower impossible, as the signal will not be able to be broadcast far enough. Vertex Towers LLC is seeking to build a 180-foot tower, and the Zoning Ordinances limit tower height to a maximum of 25-feet above the surrounding tree canopy. Chairman Larson asked the height of the surrounding tree canopy of the proposed tower location. Mr. Parisi replied that it was approximately 60 feet but that he did not have an exact number with him.

Mr. Parisi stated that his company was aware of the Town's Zoning Ordinances that require them to mitigate the visual impact of a tower as much as possible. Mr. Parisi stated that the company performed a balloon test on March 10, 2025, and made the townspeople aware by publishing a notice in the Conway Daily Sun. Photographs of the balloon test were taken from many different spots in Eaton to show the visual impact of the tower. Mr. Parisi stated that the tower will be tall enough to hold four different antenna arrays, which are approximately 4 feet tall and will be separated from each other by 10 feet vertically on the tower. Mr. Parisi stated that to accommodate the antenna's ability to properly broadcast signals, the minimum height of the tower needs to be 180 feet.

Mr. Parisi stated that the area of land the tower will use is actually very small. The lease will be for a 50'x50' to 75'x75' square piece of land. The land in question abuts other land parcels, but many of those are owned by the same person. There is already an existing access road to the proposed tower location. The area around the base of the tower will be fenced for security and it will be an unmanned facility. All electronics are monitored remotely. Mr. Parisi stated that after the tower is constructed, which will take approximately six weeks, there will be no noise, odors, or people present at the location. Mr. Parisi also emphasized that the radio frequency associated with the tower will be extremely low, at 100 watts if broadcasting at full capacity. Mr. Parisi stated that in comparison, an AM radio tower broadcasts at approximately 50,000 watts. Mr. Parisi stated that no loss of property value is to be expected with the proposed tower location.

John Border asked for clarification on the type of tower being requested: monopole vs. mast-style. Mr. Parisi stated that previously antennas were mounted on the interior of towers, but with current technology they are now mounted on the exterior. Mr. Parisi stated that the monopole style can accommodate multiple technologies and telecommunication companies.

Public Comment

George Diller stated that he is in favor of the proposed tower, but that the Town should also consider possible future technologies, such as satellites, providing cell phone signals. Mr. Diller stated that technology may drastically change in the future and the Zoning Board should consider what will happen if the cell tower becomes obsolete. Mr. Diller suggested a condition in the contract that states the tower will be removed if no longer needed.

Greg Grinnell stated that in the recent Master Plan Questionnaire sent to residents, approximately 77 people mentioned being in favor of cell phone service in Eaton, while only 7 residents responded negatively to the idea. Greg Grinnell stated that having cell phone service is a life safety issue.

Cindy Hall asked if the industry standard was to use the monopole style tower. Mr. Parisi stated that the monopole style tower is a compromise between functionality and aesthetics, and that most Towns require the monopole style. Cindy Hall referenced the map of cell signal coverage that was provided by Mr. Parisi and asked if it accurately showed coverage with our elevation. Mr. Parisi stated that the map shows a radio frequency analysis and that they are trying to focus on the 153 corridor and more populated areas of Town, and that the coverage will not be perfect due to the topography of the area.

Don Gemmecke asked what material the tower will be made of and what color it will be. Mr. Parisi stated that the tower will be constructed of galvanized steel and will have the same look as a guard rail you would see on the side of a road. Mr. Parisi stated that the metal is non-reflective and will continue to fade over time.

Ken Cargill informed the Board of a similar situation in the Town of Lincoln, where the Town denied the variances and the decision was appealed. In this case, the Court ruled that if there was no cell phone service in a Town, the Town must find a way to provide service. Mr. Cargill submitted the article to the Board for review.

Cindy Hall asked how long Vertex Towers has been in business. Mr. Parisi stated that the company has been in business for 10 years, but that most of the employees have been in the industry for over 25 years. Mr. Parisi stated that Vertex Towers has built 20 towers in New Hampshire. Mr. Parisi stated that Vertex Towers builds the towers and leases them to telecommunications companies and eventually will sell them. Cindy Hall asked if the tower in Eaton would be acquired by a new company. Mr. Parisi stated that it was possible, but that the restrictions and conditions placed on the tower will follow the tower no matter who owns it.

Dana Cunningham expressed concern about the narrow winding roads in Town and people possibly using their phones while driving if cell phone service was available.

Patricia Mattox-Larson agreed with Dana Cunningham and stated that she is glad when people are not able to use their phones while driving.

Greg Grinnell asked if Vertex Towers was applying for four antennas. Mr. Parisi stated that they are applying for a structure that can accommodate four antennas, and that once the tower is constructed, it is virtually impossible to add height to the structure. Greg Grinnell

asked if there could be more than four antennas on the tower in the future. Mr. Parisi stated that there are currently four major carriers in the market and that is why they would like a tower that can accommodate four antennas. Mr. Parisi stated that if additional antennas were to be added, a study would have to be carried out to see what the tower could structurally accommodate, and then a building permit would have to be obtained to make any changes to the tower.

Cindy Hall asked if Vertex Towers had any commitments from carriers. Mr. Parisi stated that the tower will not be built if they do not have any commitments. Mr. Parisi stated there are currently no commitments, but there is a big need for service in the area and eventually carriers will be interested in Eaton.

Victoria Murphy asked how the tower will hold up to weather events and mentioned the strong windstorms in the area. Mr. Parisi stated that after the company secures approvals from the Zoning and Planning Boards, an engineering team will do a soil and weather study on the area and the tower will be designed for this specific location.

Helen Hoffer asked if the tower would have a light on the top. Mr. Parisi stated that no lighting is required on this tower.

Carol Mayhofer stated that the Board is dealing with regulations that are now obsolete with regard to current technologies. Carol Mayhofer stated that she would like the Planning Board to bring the regulations up to date and then the Boards can consider the proposal at that point in time. Greg Grinnell pointed out that many surrounding Towns have no regulations regarding cell phone towers at all.

Megan Hoffer asked what the minimum height the tower can be and still be effective. Mr. Parisi stated that he did not have that exact data, but the request for the 180-foot tower is the minimum for efficacy.

Don Gemmecke asked what the coverage would look like if the tower was lowered by 25 feet and if the density of the forest would impede the use. Mr. Parisi confirmed that that the signal would be impeded and the minimum height needed for the tower is the requested 180 feet.

John Border stated that consideration of the tower height is important because the Town's Zoning Ordinance specifically states "In no case" with regards to limits on a cell tower's height. John Border stated that the Board cannot prevent cell towers from being built, but they can ask about alternatives. John Border asked about an alternative technology that would put smaller broadcasting devices on telephone poles along Route 153. Mr. Parisi stated that technology has a different objective. Eaton is starting with zero cell service, and the area topography is a major problem. Mr. Parisi stated that the technology Mr. Border is referring to is designed to boost signal for capacity, not coverage. Chairman Larson asked if installing that technology is within Vortex Tower's skillset. Mr. Parisi stated that the company does install that technology, but it would not be a technological solution for Eaton.

John Border asked how the potential tower installation on King Pine would impact the necessary height of the Eaton tower. Mr. Parisi stated that the tower at King Pine would not provide significant coverage for Eaton, and that the tower is mostly being installed for

better coverage and capacity at the ski resort. John Border then asked if the company was possibly anticipating more antennas and if that was why they were asking for such a tall tower. Mr. Parisi replied that the design includes room for four antennas, and that it is unlikely that there would be more.

Pam Burns asked if reducing the height of the tower would then make it unattractive to potential carriers. Mr. Parisi confirmed that statement and said that 180 feet is the minimum needed.

Cindy Hall asked if carriers look at how many of their customers are in a region before providing coverage in that area. Mr. Parisi stated that it is a lot more complicated than that, and that some carriers are invested in creating a safety network of service. Mr. Parisi also stated that the Government encourages carrier competition. Cindy Hall also stated that cell phone service might not bring the safety we think it will bring and stated concern about people driving while using their phones.

Heather McKendry stated that ten years from now we would not be having this conversation, as she feels the technology will be outdated by then. Heather McKendry also stated that she feels local homeowners have what they need and questioned why we felt the need to worry about travelers through the area. Heather McKendry also voiced concern over road accidents due to people using their phones while driving.

Greg Grinnell referenced a story from the Town of Madison Zoning Board meeting where a resident slid off the road during a snowstorm. Due to there not being cell service in the area, the resident was unable to call for help and was stuck on the side of the road for four hours until found by a plow truck.

Carol Mayhofer stated that she knows some residents who will be able to see the tower, but that they feel safety is worth it.

Chairman Larson referenced RSA 673 and 676.5 and suggested making a motion to retain an independent radio frequency engineer and real estate appraisal. The independent study will be paid for by the applicant, according to RSA 673. Pam Burns asked what the purpose would be for doing that. Chairman Larson replied that someone without vested interest in the project could verify the claims of the applicant regarding minimum tower height needed and property valuation.

Ken Cargill asked if the independent expert verifies that 180 feet is the minimum required for the tower to work, will the Board be approving the variances? Chairman Larson replied that this is a difficult case, and that he wants all the information possible before making a decision. Chairman Larson stated that the Board was only hearing testimony from a single person who has a vested interest in the project, and that he feels like he owes it to the Town to do his due diligence.

Patricia Mattox-Larson stated that rather than take Vertex Tower's word for it, she would like an independent consultant's opinion.

Ken Cargill stated that real estate appraisers are difficult to find in this area.

Greg Grinnell stated that he feels like cell phone coverage could make property values increase, because a lot of people work from home now and being able to have cell service even when the power is out is a positive selling point.

Mark Griffin asked if it could be an option to lower the cell tower height and add the electric pole mounted broadcasting option. Mr. Parisi stated that in Eaton's case, that technology is not an option.

Chairman Steve Larson made a motion to retain professional consultant services, according to RSA 676.5. RSA 676.5 requires the applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided the review and consultation does not substantially replicate a review and consultation obtained by the Planning Board. This is to include a Radiofrequency engineer and a Real Estate Appraiser. John Border seconded the motion. The motion passed by unanimous roll call vote.

The Board began to discuss the request for a Variance to Article VIII, Section F.H.5 of the Zoning Ordinance.

Mr. Parisi stated that based on the proposed location of the cell tower, overheard utilities in this case are in the woods where no one will see them. Mr. Parisi stated that in order to bury the utilities, they would have to cut down more trees and therefore have a larger impact on the forest. Mr. Parisi also stated that having to bury the utility lines has the potential to make the cell tower installation cost prohibitive.

Cindy Hall asked what would happen to cell phone service if the power went out due to a tree falling on the utility lines. Mr. Parisi responded that the tower will be equipped with backup batteries and generators, and that there are Government mandates that require cell phone towers to be kept on air. Mr. Parisi also pointed out that there are already above-ground utility wires running to the tower site. Cindy Hall asked if the access road to the tower would be maintained through the winter months, so work crews could access the utility wires if there was a problem. Mr. Parisi stated that the road would not be maintained during the winter, and that crews would use snow machines if necessary to access the site. Mr. Parisi also pointed out that there is no value to the public if the utility lines are buried, because there is no one downstream from the cell tower who would lose power from the tower's utility lines going down. Mr. Parisi stated that the reason for burying utility lines is to improve the visual impact of the tower, but in this case, the location of the tower is in the middle of the woods on private property and will not negatively impact anyone's view.

The Board began to discuss the Variance and finding of facts.

- 1) Granting the Variance **would not** be contrary to public interest because:
 - a. John Border stated the Variance the Board would give in this case would not be contrary to public interest because of the secluded nature of the proposed tower location.
 - b. Pam Burns agreed with John Border.
 - c. Mark Griffin agreed with John Border.
 - d. Carl Mayhofer agreed with John Border.

- e. Steve Larson stated that there is a practical side when considering the Zoning Ordinances, and that based on the location of the tower it would not be contrary to public interest to grant the Variance.
- 2) The spirit of the ordinance **would** be observed because:
- a. John Border stated that in this case the spirit of the ordinance is to make sure the utility lines are not visible, and you cannot see the cell tower from the road, therefore there is already not going to be visible utility wires.
 - b. Pam Burns agreed with John Border and remarked that the requirement to bury all utility lines is probably based on a situation from 20 years ago.
 - c. Mark Griffin agreed and stated that no one is going to be traveling to the site and will see the wires because it is on private property.
 - d. Carol Mayhofer disagreed and stated that she does not think the spirit of the ordinance would be upheld in this case, because the ordinance clearly indicates that voters want utility lines buried.
 - e. Steve Larson agreed with John Border.
- 3) Granting the Variance **would** do substantial justice because:
- a. Carol Mayhofer stated that the company will not build the tower in that location if it is not economically feasible.
 - b. John Border stated that it is the reasonable thing to do, and that he does not see an advantage to burying the utility lines in this case.
 - c. Pam Burns agreed with John Border.
 - d. Mark Griffin agreed with John Border and stated that sometimes burying utility lines can sometimes make repairing them more difficult, especially in the wintertime.
 - e. Steve Larson agreed and stated that he feels the public interest is being upheld.
- 4) For the following reasons, the values of the surrounding properties **would not** be diminished:
- a. The Board unanimously agreed that because the site is on private property, diminishing property values are not applicable to the finding of facts.
- 5) Denial of the Variance would result in unnecessary hardship because:
- a. John Border agreed, and referenced all the points the Board had already discussed.
 - b. Mark Griffin agreed with John Border.
 - c. Carol Mayhofer agreed with John Border.
 - d. Pam Burns agreed with John Border.
 - e. Steve Larson agreed with John Border.

Chairman Steve Larson made a motion, seconded by Pam Burns, that based on the above findings of fact, the Variance for Article VIII, Section F.H.5 of the Zoning Ordinance be granted. The motion passed by unanimous roll call vote.

Chairman Steve Larson made a motion, seconded by Pam Burns, to recess the meeting until April 21, 2025, at 6:00 PM at the Eaton Town Hall. The motion carried by unanimous roll call vote.

Chairman Steve Larson made a motion, seconded by Pam Burns, to adjourn the meeting. The motion passed by unanimous roll call vote. The meeting was adjourned at 8:47 PM.

Respectfully submitted,

Bethany Hicks

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