



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT

November 19, 2025

ATTENDANCE: Drew Gentile, Chairman, Sharon Schilling, Vice Chairman, Doug McAllister and Richard Ventura

RECUSED: Marc Ohlson, Alternate

OTHERS PRESENT: Madison TV, Evan Woss, Kate Young, Land Use Boards Administrator, Branden Gill – Rep. for Vertex Towers, LLC, Mark Graffam, Commissioner – Village District of Eidelweiss and Paul Calvo and Marc Ohlson

CALL TO ORDER: Chairman Gentile called the meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE/ROLL CALL: Chairman Gentile asked Ventura to lead in the reciting of the Pledge of Allegiance. The roll call confirmed four regular members were present, constituting a quorum.

ELEVATION OF ALTERNATES: Chairman Gentile explained there were no alternates present tonight to elevate.

PUBLIC HEARINGS:

Case #25-06 - Variance request (continued from October 15, 2025)

Chairman Gentile explained the board had a joint meeting with the Planning Board on October 15, 2025 and the Zoning Board continued this case to tonight and he asked Young, Land Use Boards Administrator to read **Case #25-06** aloud as well as the Public Meeting Notice as follows:

Case #25-06 - Variance request from Francis D. Parisi, Esquire, authorized agent for Vertex Towers, LLC to install, operate and maintain a personal wireless service facility at 0 Tasker Hill Road (off Oak Ridge Road), Madison, New Hampshire, Tax Map 206, Lot 71, from the Madison Zoning Ordinance for the following Articles/Sections:

1. A variance from Article VI, Section 6.5.A to permit construction of a 100-foot-tall facility.
2. A variance from Article VI, Section F.H.5 to permit overhead utilities.
3. A variance from Article VI, Section 6.6.M (2) to permit a monopole-style facility (if necessary) towers shall not exceed ten feet (10') over the average tree canopy height.
4. A variance from Article VI, Section 5.7.A to permit construction of the facility on a property with insufficient frontage.

PUBLIC MEETING NOTICE: Notification of this public meeting was posted in the Town Hall upper and lower levels and Madison and Silver Lake Post Offices on October 29, 2025.

Conflict of Interest: Chairman Gentile polled the board and confirmed there was no Conflict of Interest.

Waiver Request: Chairman Gentile polled the board and there was no waiver request.

Regional Impact: Chairman Gentile polled the board and Schilling stated she believes there is regional impact because, Attorney Parisi indicated at the October 15, 2025 joint meeting with the Planning Board, that there was development of Regional Impact. Chairman Gentile, McAllister and Ventura were all in agreement.

Chairman Gentile swore in Brenden Gill, Agent for Vertex Towers, LLC, Mark Graffam, Commissioner for Village District of Eidelweiss and Paul Calvo, a resident.

Chairman Gentile asked Gill for a brief summary and specifically, as to the location of the tower. Gill explained that he was there representing Vertex Towers, LLC and Gill provided an overview of the project, explaining that they are proposing four variances, that being a 100-foot monopole style tower to host wireless broadband communication providers, with T-Mobile being the initial carrier. He noted that the project itself would have minimal impact to the property, which is a large wooded parcel in an area of higher elevation of topography with existing telecommunication assets. He also explained that there will be a ground compound with correlating equipment that will facilitate the tower and the service.

Chairman Gentile asked if anyone in the public wished to make a statement?

Paul Calvo, 100 Oak Ridge Road – stated he was opposed to the project as it would be located a few hundred feet from his property and he expressed the following concerns:

- That the tower would be in the proximity 600 feet to a residential neighborhood in Eidelweiss which is very close knit with dozens of homes.
- He is opposing this tower because there are already two towers that are already in the area providing sufficient coverage and this is a third tower for market sharing and the attraction of other antennas at a future date. He stated there is more need for a cell tower in the town's parking lot or at King Pine. He further explained that you can already see the two existing towers and you will see this third one also.
- The lack of demonstrated need for additional service since residents reported good existing coverage.
- Negative impacts on aesthetics and property values.
- Frontage issues, as the property is not associated with Eidelweiss but would build a road off Oak Ridge Road and that there is frontage at O Tasker Hill Road. The project should be done from there and the frontage should not be approved from Eidelweiss for Oak Ridge Road.
- He also stated that this case is identical to King Pine's case.

Mark Graffam, Commissioner for Village District of Eidelweiss (VDOE) explained he is not here to oppose the cell tower but he wanted to express his concerns about protecting the community roads. He is concerned about the hauling of the tower on a tractor trailer truck and is also concerned about the weight of the tower, noting Eidelweiss had recently spent \$300,000.00 on road improvements. He explained that the conclusion was, that Eidelweiss would have bonds to protect the roads and pictures could be taken before the tower is hauled to show the roads were in good condition prior to the tower hauling. Graffam asked how the bond process would happen? Chairman Gentile stated this is a Planning Board issue and that the Zoning Board can attach conditions, but if those conditions already attach to the Planning Board, then that is an unnecessary duplication. Graffam was concerned where does Eidelweiss get the leverage to protect their roads by getting multiple bonds on this project and we did not agree to the dollar amounts of the bonds and my job is to protect our roads? Chairman Gentile stated that they could put a condition on the approval of a variance that could, in principle, do that and we can discuss that in the process whether that is necessary or not and he understands what Graffam is saying,

but that this is not directly related to the question of the four variances. Chairman Gentile stated we do have the ability to attach conditions and we can listen to how this proceeds.

Young, Land Use Boards Administrator explained that the Planning Board continued their hearing and they are going to go over the list of conditions they have from the Planning Board attorney at their next meeting on December 3, 2025.

Graffam asked at what point does the dollar value for the bond get established? Chairman Gentile stated that would be a Planning Board issue and the Zoning Board's focus is, if the application warrants a variance from the established Zoning Ordinance. He further explained that the Planning Board is tasked with the issues Graffam is asking for.

Graffam stated there are three pieces to this, the Class V roads Vertex will use to come off of Rt. 113 with their tractor trailer truck and all their equipment to come up Eidelweiss Drive and then come up Oak Ridge Road to get to what we are calling a "paper road" or a road that was laid out on the original road layouts that was back in the 1960's by Great Northern Land Corporation. He further explained that right now, it is a completely undeveloped road and there is a house right next to it with a berm that protects the water pipe because it is all ledge up there and you could not put the water pipe down in the ground without blasting six feet down into the ground to get the water pipe below freezing, so it is bermed up. His concern is with the "paper road" because they will be turning it from a "paper road" to a Class VI Eidelweiss road and we do not have any control on how Vertex does that unless we get it from the Town of Madison. He further explained that the roads are approximately 40 feet wide and Eidelweiss bought the roads from the developer and these are deeded roads and Eidelweiss owns the land. He asked if they will build a driveway from Eidelweiss property, which is going to be a Class VI road by definition, which Eidelweiss will not maintain. He is not concerned about the drainage, because it is all downhill from the Class V Road, but he would like to know how the Town of Madison is going to allow them to build on the "paper road" to go to what is being proposed as a driveway? He asked that if this is a 40-foot wide "paper road" is there going to be a 40-foot-wide driveway? He believes that what the Planning Board is saying, is that Vertex will get a driveway permit from Eidelweiss for a driveway that is not in Eidelweiss. Chairman Gentile stated he understood Graffam's concerns, but this is not under the purview of the Zoning Board but is under the purview of the Planning Board.

Chairman Gentile asked Graffam about what he stated earlier, that he had three items and that one was the road and Chairman Gentile asked what are the other two items? Graffam stated that it is a driveway and that the frontage is not on a road and it is the width of an existing "paper road." He further explained that driveways are usually curb cuts into the sides of roads. Chairman Gentile asked when were these were originally subdivided? Graffam stated 1963. Chairman Gentile read the following aloud *"Any existing lots of record at the time of the passage of this ordinance which is March 1987 but not conforming to present minimum frontage requirements or dimensional requirements, shall have the right to continue in their present use indefinitely as well as being used for any other conforming use for the district in which it is located so long as sufficient off-street parking for any such proposed use is provided within the property boundaries."* Chairman Gentile explained that from the perspective of what the Zoning Board can do, the lot does not have to meet the frontage requirements of the current ordinance because it existed as such prior to the inception of this ordinance. He further explained that the only condition that it has to meet is sufficient parking for purposes for which it is used and it is a conforming use. He further explained that a cell phone tower is a conforming use, based on the assumption those conditions are all met. He further explained that the Zoning Board is not able to address the question of frontage because the frontage itself, is not an issue to prevent the Zoning Board to allow a cell phone tower. Chairman Gentile stated that, from the Planning Board's perspective, whether those were all pragmatic, practical and possible issues, is another issue, but from the Zoning Board's perspective, the

frontage issue is probably not going to be something the Zoning Board can deal with based on the face value of our ordinance. He further stated that he does not believe the Zoning Board can deny a variance because it is permitted by our ordinance on the frontage issue. Graffam stated that his actual questions about the driveway permit and the curb cut into the dead end at the foot of a boundary, and questioned if this is a Planning Board issue? Chairman Gentile stated yes. Schilling stated that Graffam could speak with Bob Boyd, the Code Enforcement Officer that when Vertex files for a permit, Boyd is the one who reviews them and either approves them or says no but that Graffam should talk with him specifically about driveways and curb cuts etc.

Schilling stated she was looking at the site plan that Vertex submitted and it is showing a 12-foot-wide gravel driveway with a 15-foot easement for a total of 27 feet worth of real estate. Gill explained it is a one, being 15 feet and the 12-foot gravel driveway is within that 15 feet. Schilling asked if it is 12 feet with a foot and a half on either side. Gill stated yes. Graffam asked if the 12 feet goes all the way out to Oak Ridge Road and Gill clarified it did.

Chairman Gentile asked Graffam what his third issue was? Graffam stated it was the access on a Class V road to get there; the Class VI road that is going to be developed; and the driveway permit Vertex is asking Eidelweiss to issue. Vertex is calling it an Eidelweiss driveway which is on the outside of Eidelweiss going to the tower from the political boundary of Eidelweiss. Chairman Gentile explained those are all Planning Board issues.

Schilling asked because she was not at the October 15, 2025 public hearing, if she could ask a few questions. Schilling asked Gill if they are proposing above ground utilities and it looks like it is 6,500 feet as shown on the site plan? Chairman Gentile asked Gill if there are poles there that can be used? Gill explained there are existing poles there already. Gill also explained that the last post shown on the site plan is where they are taking that transmission from the existing primary run and continuing it into their compound. Chairman Gentile asked from what distance is the existing pole to the compound? Gill stated it would be the length of the driveway. Chairman Gentile asked Gill if the effect of the request is to allow for the overhead utilities for that piece instead of underground? Gill stated yes. Schilling asked what that distance is and how many other poles might Vertex have to install? Schilling reiterated that it says on the site plan 6,503 feet +/- . Gill stated there will be three new poles from the existing pole on Oak Ridge Road. Schilling stated that the reason why she is asking this is because she is trying to visualize the effect of installing new overhead wires, as opposed to going with underground wires and she recognizes that they would hit ledge and not be able to do that. McAllister stated that the poles are lower than the canopy and would be hidden by the foliage on either side and they are perpendicular to Oak Ridge Road. Ventura explained you will see the first pole but not the second and third. Gill explained that at some point, they would have to set a new pole coming off the existing pole and even if they were able to go underground, they will have to take that service off of what is existing there and bring it over and go underground. He further explained there has to be one pole, at least. He further explained as to the water pipe question, the utility pole is on one side and the first pole they are setting is so far down past the water pipe they do not have to disturb that area.

Chairman Gentile explained that the Zoning Ordinance specifies it should be underground utilities and the Zoning Board has to meet all five conditions for the Zoning Board to grant a variance. Chairman Gentile explained that the most difficult one is, showing the hardship and why, is extremely difficult. Gill explained that the existing conditions on the ground, because of where the location is and because of the topography, does not allow us to trench the entire width and trenching through ledge, 250 +/- feet is quite a burden. He further explained that the existing water pipe that is bermed that is servicing the home, they would have to trench through this and it would cause an issue so they would have to set a pole on the other side of that and come in. He further stated there would be code requirements they would need to get around. Schilling suggested putting

the utility lines above the water pipe. Gill stated that cutting into the berm would open a can of worms and they have actually designed their access driveway around this.

Schilling asked if the applicant has an engineering study? Calvo explained the developer said they did not do a geological study.

Calvo explained there is a scenic overlook at the top of Oak Ridge Road and you will see the tower and the power lines. Ventura asked if the utility lines could go over a surface? Gill explained he is not sure if that would be allowed by code.

Schilling asked if there will be a generator for the utilities in case of an emergency? Gill explained that is the responsibility of the carrier when they pull their building permit. Schilling explained that Attorney Parisi stated there would be no noise and she does not believe that to be true because, if a generator is installed, there will be some noise. Gill stated he is assuming that other existing sites have generators. Schilling stated that is one generator but it looks like it could be up to four. McAllister asked how could you put four carriers on the 100-foot monopole and stated that does not work. Gill explained they are spaced down. McAllister stated that the fourth carrier would only be at 60 feet? Gill stated 66 feet.

Schilling asked if the height of the tower is 100 feet and if there is another antenna at the top? Gill explained that is the lightning rod. Schilling asked if the lighting rod is above the 100 feet? Gill stated yes. Schilling explained that once the cell tower is approved, Vertex has the ability to extend that cell tower by another 20 feet and then the lightning rod on the top. Schilling asked if they did the balloon test that would show what the ultimate height could be there and what it would look like or did you only do it at the 100 feet? Gill explained just at the 100 feet and that is all they are proposing right now. Gill stated if there was a situation down the road allowed by federal law, then that is not what we are talking about here under this application and we are proposing 100 feet. Schilling stated that the board would like to see what it looks like with the lightning rod. Gill explained it is no different than what is up there now. Schilling, again stated that Vertex could potentially be at 120 feet with a lightning rod on top and she would have liked to have seen some proactivity in doing the balloon test that showed what that potential visual would look like.

Schilling stated there is no landscaping around the fence, just eight-inch straw waddles and asked if there is a proposal to put in evergreens around the five feet of fence to break it up visually? Gill explained that you would not see the chain link fence. Schilling disagreed because you would have to take down trees and that you would see the chain link fence. Gill explained that evergreens die off fairly quickly, in their experience, as well as get eaten by deer. Gill also stated the vegetation buffer would grow back over time. Schilling disagreed because if you are running heavy equipment over the vegetation buffer, it will get decimated and there is no plan to bring it back. Ventura asked if it is an open chain link fence? Gill stated yes and he believes this would be a Planning Board issue.

Schilling asked if there was a report from an appraiser and asked if it was included in the application? Gill stated that Attorney Parisi had already submitted it. Schilling stated she could not find it. Gill stated there is case law in New Hampshire. Schilling interjected and asked what case law are they using to site for this and she would like factual proof and back up submitted with their application so the board can look at it and use that. Gill asked, for his clarification, what variance is that requirement for? Schilling stated that it could have effect on property values and having a negative effect on property values could affect whether or not they are able to put the pole up.

Chairman Gentile stated the applicant submitted a statement which is listed as a Site Acquisition Specialist but that does not say anything about property values. Schilling stated she is looking for the report that Attorney Parisi cited.

Schilling explained that Attorney Parisi stated he looked at alternatives and that there are two existing towers and that he never indicated what those alternatives were. She asked Gill if they a report that they can submit that shows the board what other sites were looked at and the timeframe they have looked at because it was her understanding, that they have had an agreement for this property for a number of years, at least three or four or more and how did they arrive that this was a feasible sight? Gill explained there is a report with the application and at the last hearing, Attorney Parisi addressed the structural capabilities of the existing poles and Attorney Parisi also listed the existing towers in the area showing that they would not meet the coverage area. Schilling stated she is not talking about existing structures, but alternative site locations where you could erect a new tower. Gill stated it is listed in the application documentation. Schilling asked is it the Director of Site Acquisition and she asked Gill to answer her so she did not have to look through it and she also asked that he tell her what the other sites were. McAllister showed Schilling where it was. Gill stated it is in the application and is public record. Schilling stated it shows they looked at 22 Klausen Road, 1 Klausen Road, 7 Presidential Drive and 94 Oak Ridge Road.

McAllister stated there is a "paper road" someplace and his assumption is, that it is the first part of the driveway which is this "paper road" until it crosses onto their property and it becomes their driveway. Gill agreed. Schilling stated it is up to the VDOE to maintain this. McAllister stated that Graffam said earlier that they are not going to do it. Gill stated that Vertex is going to maintain the "paper road" but that these sites are not visited very often and they do not plow them in the winter and if maintenance is required per their recruitments, then they will do that. McAllister stated there would be an agreement between VDOE and Vertex that they will be using that "paper road" and they will keep it accessible in case they need to get in there in the winter and this needs to be between Vertex and VDOE. Schilling asked if they have that agreement? Gill stated not yet. Schilling stated that would be beneficial for the Planning Board to know that. Young, Land Use Boards Administrator stated that may be in the proposed conditions for the Planning Board.

The board discussed possible access from 0 Tasker Hill Road but due to the steep sloping, that it is not an option. Schilling stated you could probably do an easement to get from one place to another across their own property. Gill stated the amount of clearing to go from 0 Tasker Hill Road would be far more visually intrusive than anything they are proposing. Chairman Gentile stated that this board is concerned with the question whether you can have a variance to access the property that does not have a sufficient amount of frontage. He further stated that the board cannot determine whether the easement can be granted or whether it can be maintained or anything like that, but we will address the question of whether or not the frontage is not an issue and that is a question posed to the board.

Schilling stated she had a question about the wording of the variance request #3, *A variance from Article VI, Section 6.6.M (2) to permit a monopole-style facility (if necessary)*. She stated that she did not understand "if necessary" and did they mean if the monopole is necessary or the variance. Chairman Gentile stated the question was whether it was necessary to have a variance for the mast issue. Schilling stated she would have put "*If a variance is necessary.*" Schilling asked if this insert was done by us or them and Young, Land Use Boards Administrator stated no, that Attorney Parisi wrote the variance that way. Chairman Gentile stated the variance is necessary because there is a technical difference between a monopole and a mast and it would be inappropriate for the board to simply gloss over that.

Chairman Gentile stated the board will go through, point by point the variance requests and that this gives the board a chance to ask questions and then the board can come back to their deliberation after they close the public hearing.

Chairman Gentile stated the first question is the 100 foot tower and there are two issues the board needs to clarify and the first one is, is it more than ten feet above the normal canopy height as measured by the formula that is given in our Zoning Ordinance and second, it is also visible above the ridgeline from the public roads and he understands this was always a contentious issue and he understands visible above the ridgeline means if you are standing at a public road or scenic location and you look at the tower and if it breaks the horizon, it is seen above the ridgeline and it is not from which ridgeline the tower is visible, but does it break the horizon and that is what that wording means. Chairman Gentile stated that by our Zoning Ordinance, it appropriately requests a variance for that and the question then is, when we look at our five criteria he wants to make sure the board has had a chance to interact with Gill and any public present. Chairman Gentile went on to say that the cell phone tower is a permitted use in this zoning district and we are not denying it based on that and it is allowed and the variances allow the applicant to depart from specifications. Chairman Gentile stated that with respect to public safety, as to the height of the tower, they have given the board information which states that they are well within the FCC guidelines on emissions and if it meets those emissions, we are not allowed to make any other judgments regarding the safety of the tower. He also explained that there is documentation that this meets the FAA safety requirements, so there is no prima facie question on the safety, public safety and public issue on the height of the tower.

Chairman Gentile stated the next question is the character of the neighborhood and it already has cell phone towers on it and one could argue that a new tower or a higher tower disturbs the nature of the neighborhood. McAllister asked as to the 100-foot monopole, how is the height compared to lattice tower? Gill stated that the tower is steel and 99 feet and on a one-foot pier foundation and is essentially a 100-foot tower.

Calvo stated that the lattice tower does not have a lot of equipment and the new towers have a lot of antennas. He further stated that the other tower is like a telephone pole in the tree line and aesthetic wise, this new tower will stick out. McAllister stated they only have one potential tenant right now so there will not be four sets of cells and only one set of cells and not quite as intrusive with a tower with four antennas on it. Chairman Gentile stated that once the tower is there, it can have four antennas. Chairman Gentile stated there are parameters from the TCA from 1996 and one of the things is, once a site is selected, if it is uniquely suitable to provide a service which is not otherwise available, then the board may not apply the local Zoning Ordinance to prohibit that service. Chairman Gentile asked Gill why this particular site is uniquely suitable to provide the service that otherwise, is less suitable and he further stated this is important to the board because they may disagree with the idea that they do not like the fact that a 100-foot tower is visible. He further stated that if that tower is uniquely suitable for a service which otherwise cannot be provided, then the board probably cannot deny the variance solely on the issue and he asked Gill why he believes he meets that criteria? Gill stated because there is no other existing infrastructure at this location because of the topography and nature of the area that exists that can hold T-Mobile's equipment or any other future carrier so there is an act of prohibition and discrimination if this were to be denied. Chairman Gentile asked for the record, could Gill explain what service in what area does this provide service for which is otherwise not available? Gill stated the carriers have networks that are nationwide and as they build up their networks, it takes multiple installations to build out a suitable service in terms to provide service to their customers. Chairman Gentile asked Gill to walk the board through the maps why this tower is necessary. Gill stated the nature of this location is unique because of the topography and how it blocks out other locations. He further stated that if you put a tower on the south side of it, it is going to block out to the north and if you put a tower on the west side, it is going to block out to the east and he further explained this is a high elevation site and is centered in an area that is considered a dead zone.

He further stated if it weren't for T-Mobile and if this was anywhere else, that they would try to relocate the site. He further stated the topography limits vastly, the amount of locations.

Gill explained the coverage areas from the maps to the board and explained every network has a different coverage map and if they are too close to a site, there is a ping interference which would then disintegrate the service and they end up fighting each other. Gill further stated that T-Mobile would not be there if they did not need it. Gill referred the board to the topography map which illustrates the questions at hand much better.

Calvo stated it was just said that it is a T-Mobile dead zone and lack of coverage there but a lot of my neighbors have stated they have T-Mobile in Eidelweiss and they have fantastic service. He questioned bringing T-Mobile service to an area that has T-Mobile coverage? Gill stated T-Mobile wants you, as their network needs and they would not be here if they did not need it. They have speeds that they want to meet for their customers and new technologies and it is call effective and how long someone can do that and if they can move around. There is a lot of different factors of that and how many people can do it at the same time. He further stated that T-Mobile has determined that they need a site to support their network.

Calvo interjected and stated it is not a dead zone.

Chairman Gentile stated that this is a coordinated network coverage that addresses the needs of the entire area and we are not only speaking about whether or not there is good coverage in a specific location. Gill explained that when existing sites have to pull the load and work overload to provide services, they are looking to off-load stress at those sites because when the sites are overstressed, they can shut down, which is a huge liability.

Calvo interjected again stating there are other ways to do this instead of a cell tower and you can use telephone antennas and other ways to bring coverage to an area. Gill stated not at this topography and in this type of surroundings and this type of topography, the most effective would be a tower and in dense urban area you can do small cells but they do not have the same distance coverage or ability to handle certain things and they mesh over existing coverages as well and it is not as simple as putting up computers around.

Chairman Gentile stated that as far as overhead utilities, the board previously had that discussion and from what he heard from that discussion was that the primary reason for a request for this variance is the difficulty of trenching and building underground utilities is excessive. Ventura had previously suggested doing underground utilities and putting a berm over it but he reiterated that this would be subject to code. Schilling stated that would be up to the Planning Board.

Chairman Gentile stated that no geologic study was done so they do not know if trenching is actually impossible and they do not know if there are code issues that may not just be related to local codes but may affect the national codes and he stated, that if the board was to approve that and if they can make a condition that the Planning Board determines this. Ventura asked Gill if they are running power on the utility poles? Gill stated yes, power and fiberoptic. Ventura stated that power is the question.

Chairman Gentile stated the board is going to begin collecting their Preliminary Findings of Fact and once the Findings of Fact are finalized then they will close the public hearing and deliberate.

Preliminary Findings of Fact:

1. The location of the tower is such that there is 360-degree visibility and service access from the location near the peak of Oak Ridge Hill.
2. There was an analysis of six alternative sites which concluded that, the proposed site was uniquely suitable because the topography limits the number of potential sites, this one maximizes the service area, and some of the alternatives were nearly impossible to build on.
3. The scope of the service of the tower is 360 degrees from the top of the hill and there are RF maps to indicate coordinated service area at various RF frequencies to support the service claims.
4. The tower is visible from various roads and vantage points in the area, but the technology is line of sight.
5. The utilities are above ground in the neighborhood.
6. There is no specific geologic assessment as to whether underground utilities are possible but the water system was not installed underground due to ledge in the immediate area.
7. The tower meets the FAA air safety requirements.
8. The tower has a maximum of 7% of the MPE at 6' AGL so it meets the FCC requirements for RF emissions.
9. The only feasible access to the proposed site is from Oak Ridge Road via a paper road from the original developer, prior to the adoption of the Zoning ordinance in 1987.
10. There is no direct frontage for this property on any existing road.
11. A balloon test was performed to assess the visibility of the top of the tower at 100 feet.
12. The variance from Article VI, Section 6.5A requesting a variance from the maximum height above the canopy should also include reference Section 6.6.K.2, which states that "Wireless telecommunications facilities shall not be visible above the ridge line from public roads, recreational areas, designated scenic vistas or abutting property."
13. There is no current plan to meet the requirement of 6.6.F.1 which requires a 25-foot vegetative buffer.
14. There are currently two existing structures, one of which is lattice work providing safety communications and the other, is simply a telephone pole with some cell RF emission. It has been stated by Attorney Parisi that neither tower has the capacity for additional service.

Chairman Gentile asked for a motion to close the public hearing.

Motion by Schilling, seconded by McAllister to close the public hearing. The motion was voted on and passed **4-0**.

Chairman Gentile stated the board is now going to begin with their deliberations and there will be no further comments from the public nor the applicant.

Findings on the five conditions for a variance:

1. A variance from Article VI, Section 6.5.A to permit construction of a 100-foot-tall facility.

The 100-foot tower addresses two issues:

1. More than 10 feet above the formal canopy height as measured by the formula in the definition "Average tree canopy height" on page 56 of the 2024 Madison Zoning Ordinance.
 2. Visible above the ridgeline from public roads... section 6.6.K.2.
-
1. The variance will not be contrary to the public interest.

2. The spirit of the ordinance will be observed (answers for both 1 and 2 together):
For the variance to be contrary to the public interest, and for it to violate the spirit of the ordinance, it must unduly and to a marked degree violate the basic objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?
- First, a cell phone tower is a permitted use in this district and this variance is needed under the provisions of the Madison Zoning Ordinance.
 - The tower meets the safety stands of the FCC and FAA, so there is no immediate threat to health or safety.
 - There are already older communications structures in the neighborhood, so adding to them or replacing them with this monopole, will impact the existing character of the neighborhood but not to a marked degree.
 - However, the board recognizes that under the umbrella parameters of the TCA of 1996, that these criteria may not be used to deny the variance if the effect is to prohibit needed cell phone service.
3. Substantial justice is done because:
Any loss to the individual which is not outweighed by a gain to the public is an injustice.
- Vertex Towers, LLC has provided information supporting the exceptional suitability of the site for the proposed monopole.
 - The owner will benefit financially from the project so there is no loss to the individual.
 - The wider community will benefit from the cell phone coverage. The immediate abutters have concerns regarding property values.
4. The values of surrounding properties are not diminished because:
- There is evidence, published by the National Association of Realtors, that cell towers lower property values. This evidence contradicts the assertion by the applicant.
 - In weighing the evidence, the assessment asserted by the applicant have the advantage of being more local. The study done by the University of Southern Alabama and published in the Journal of Real Estate Finance and Economics in 2018 is, however, much more rigorous having included all sales in the county over nearly 20 years, during the time of the expansion of cell towers and includes both rural and urban settings. This study concludes that there would be a reduction in property values at least within the distance specified in the study (2,400 feet) of anywhere from 2.4% to 10%.
 - This study is submitted as part of the record.
 - However, the board recognizes that under the umbrella parameters of the TCA of 1996, that these criteria may not be used solely to deny the variance if the effect is to prohibit needed cell phone service
5. Literal enforcement would result in unnecessary hardship because owing to the special conditions of the property (1):
There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because:
- In the case of cell phone towers, unnecessary hardship is established when:
 - There is a significant gab in coverage.
 - The unique topographical features of the site make it particularly suitable for providing service.

- There are no other reasonable alternative sites.
- In this case, the site, due to its height is uniquely suitable with a lack of alternative sites with similar coverage characteristics.

The proposed use is a reasonable one because:

- Cell phone coverage is a permitted and desired service which is to be provided under the provisions of the TCA of 1996.

(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.

Motion by Schilling, seconded by Ventura to **GRANT** the variance from Article VI, Section 6.5.A to permit construction of a 100-foot-tall facility. The motion was voted on and passed **4-0**.

Even though the board feels there could be a negative impact on the neighborhood, including a loss of property values for those homes within 2400 feet.

- Because the public benefit in resolving coverage gaps and providing choice of carriers outweighs that decrease and
- Is effectively mandated by the parameters of the TCA of 1996.

2. A variance from Article VI, Section F.H.5 to permit overhead utilities.

The primary issue is that underground utilities are extremely difficult and costly to install in this topography.

So therefore,

Conditions 1&2: It is not primarily a question of public health and safety or the character of the neighborhood because all the existing utilities are above ground. Not meeting the condition of the ordinance for underground utilities is in the spirit of the ordinance because there is no marked impact on the neighborhood or safety of the public.

Condition 3: Substantial justice is achieved by granting utilities installation which provide needed service and are consistent with the others in the neighborhood.

Condition 4: The overhead utilities will have no anticipated impact on property values.

Condition 5: Requiring the expensive and difficult trenching for underground utilities due to the anticipation of encountering ledge would be an unnecessary hardship on the applicant.

Motion by Ventura, seconded by Schilling to **GRANT** the variance for the reasons mentioned above. The motion was voted on and passed **4-0**.

3. A variance from Article VI, Section 6.6.M (2) to permit a monopole-style structure.

The monopole represents more modern technology and is less intrusive because it allows a lower profile even if one that is slightly wider.

Conditions 1&2: There is no threat to the public health and a monopole versus a mast will have no additional negative impact on the neighborhood.

Condition 3: Substantial justice is done by allowing the more current technology which benefits everyone.

Condition 4: The style of the mast has little effect on property values.

Condition 5: Requiring a mast would have the effect of requiring a higher structure for the same service which significantly increase visibility and would have negative impact on all.

Motion by McAllister, seconded by Ventura to **GRANT** the variance for the reasons stated above because it will provide a lower overall height and is more consistent with current technology. The motion was voted on and passed **4-0**.

4. A variance from Article VI, Section 5.7.A to permit construction of the facility on a property with insufficient frontage.

This property and application meet the requirements of Article 1.3A of the Zoning Ordinance which allows nonconforming properties existing at the time of the passage of the Zoning Ordinance in March 1987 to be developed with any permissible use in the district without compliance of minimum frontage so long as there is sufficient parking provided on the property. Therefore, no variance is required.

Gentile read aloud the provisions of the 30-day appeal period. Gentile closed **Case #25-06**.

Case #25-08 - Variance Request (2 Appenvel Way)

Case #25-08 – Variance request from Angel Byers Crandell, Trustee of the Angel Byers Crandell 2002 Trust, for property located at 2 Appenvel Way, Tax Map 109, Lot 143, **Article V, Section 5.9 (D) and (E)** of the Zoning Ordinance, to permit an attached two-car garage with a mudroom addition which is 55 feet from the center of Appenvel Way where 65 feet is required. All other set back requirements are met.

Chairman Gentile explained that the applicant had emailed Young, Land Use Boards Administrator that she would not be attending tonight’s meeting due to she is still waiting on the certified plot plan from her surveyor and she asked that her case be continued.

Motion by Schilling, seconded by Ventura to continue **Case #25-08** to December 17, 2026 at 6:00 pm at the Madison Town Hall, Lower-Level Meeting Room. The motion was voted on and passed with a vote of **4-0**.

The Board agreed that if no new applications were received by November 25, 2025, the December 17, 2025 meeting would be canceled.

Approval of Draft Minutes – October 15, 2025

Motion by Schilling, seconded by McAllister to approve the minutes of October 15, 2025. The motion was voted and passed with a vote of **4-0**.

Administration

The Board discussed the budget for the upcoming year, focusing primarily on the legal fees line. Due to expenses related to the cell tower case and potential future expenses for cases currently in federal court, the Board agreed to increase the legal line from \$5,000 to \$30,000. They also discussed increasing the postage line to \$1,000 to accommodate rising postage costs.

Motion by McAllister, seconded by Gentile to approve the 2026 Budget as amended to \$30,000.00. The motion was voted on and passed **4-0**.

The Board also discussed procedures for the December meeting and decided if no new applications were received by the deadline, the December 17, 2025 meeting would be canceled with any pending cases moved to January 21, 2026.

Motion by McAllister, seconded by Schilling to continue **Case #25-08** to January 21, 2026 at the Madison Town Hall, Lower-Level Meeting Room at 6:00 pm. The motion was voted on and passed **4-0**.

ADJOURNMENT: **Motion** by Ventura, seconded by McAllister to adjourn the meeting at 9:40 pm. The motion was voted on and passed **4-0**.

Respectfully submitted,

Katharine Young
Land Use Boards Administrator