

**Introduced: 07/12/99**  
**Second Read: 08/02/99**  
**Public Hearing: 08/02/99**  
**Adopted: 08/02/99**

**ORDINANCE 99-07**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***RELATING TO WIRELESS FACILITIES***

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***WHEREAS*** the Londonderry Planning Board has voted to amend the Zoning Ordinance of the Town of Londonderry to reflect certain changes; more specifically, to revise Section III - Districts and Uses; Subsection 304 - Wireless Facilities; and,

***WHEREAS*** the Londonderry Town Council is vested with the power to effect such changes to the Zoning Ordinance; and,

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Zoning Ordinance of the Town of Londonderry, amendments to Section III - Districts and Uses, Subsection 304 - Wireless Facilities as attached hereto is hereby adopted.

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Daniel J. Vecchione  
Chairman - Londonderry Town Council

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Joan M. Savina  
Town Clerk

(SEAL)

***A TRUE COPY ATTEST:***  
***08/02/99***

**TOWN OF LONDONDERRY, N.H.**  
**ZONING REGULATIONS**  
**REVISED 1999**

**Section III -(304)**

**Chapter 1—ZONING ORDINANCE**

**304    Wireless Facilities - Regulation and Performance Criteria**

- A.     Construction of wireless communications facilities are prohibited in CO (Wetlands Conservation), AR-I, and R-III zones and are permitted as a use by right in C-I, C-II, C-III, IND-I and IND-II only if the criteria of Part D of this Section are met. If Part D criteria are not met, then a special exception must be obtained in C-I, C-II, C-III, IND-I and IND-II.
- B.     It is required by this ordinance that cellular phone antenna be placed on an existing wireless facility tower if it is physically and legally possible.
- C.     All variance processes are subject to site plan review.
- D.     Performance Criteria - (See next page)

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REVISED 1999**

**Section III -(304.D)**

**Chapter 1—ZONING ORDINANCE**

**304 Wireless Facilities - Regulation and Performance Criteria (Cont'd)**

**D. Performance Criteria**

*WIRELESS FACILITY PERFORMANCE CRITERIA*

SECTION	AR-I, R-111, CO	CI-, C-II, C-III, IND-I, IND-II
D.1 Cellular Antenna to be affixed to a new (proposed) ground tower	Not allowed	Maximum Tower Height: 190 feet Setbacks: The GREATER distance by application of the following: 1. Tower Height + 10 feet from street rights-of-way or site boundaries 2. Two (2) times the tower height from abutting residential property lines 3. The tower shall be fenced to a minimum height of eight (8) feet with two (2) strands of barbed wire 4. Site Plan Review required
D.2 Cellular antenna to be affixed to an existing building without a roof tower	Not allowed	1. Antenna may be placed on the facade or roof of conforming building or structures without regard to height or setback of the building. 2. Antenna support structures will be considered to be roof towers if the height of the structure exceeds ten (10) feet above permitted height of building.
D3. Cellular antenna to be affixed to a new (proposed) roof tower.	Not allowed	Roof Towers may be placed on the roof of a conforming building using either of the following to determine tower height and setback: 1. Tower height above the roof may be as high as the setback distance to the nearest roof edge. 2. The heights allowable for a ground tower may be used for a roof tower if the required setbacks for a ground tower are met.
D.4 Cellular antenna to be added to an existing approved or permitted tower.	Not allowed	Allowed if following conditions are met: 1. The tower height is not increased. 2. No ancillary features are added to the tower other than antenna, required safety hardware, and ancillary equipment buildings. 3. All conditions of the previous tower approval have been satisfied.
D.5 Existing nonconforming tower	N/A	Subject to zoning requirements concerning Nonconforming Structures
D.6 Ancillary equipment building(s)	Not allowed	1. Subject to all requirements of appropriate zone (ie: bulk, setback, etc.)

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**Section IV (304.E - 304.H)**

## Chapter 1—ZONING ORDINANCE

### 304 Wireless Facilities - Regulation and Performance Criteria (Cont'd)

E. New ground towers shall be subject to site plan review. The assessment and review of each application for a wireless facility's compliance with the Performance Criteria of Part D shall be the responsibility of the Building Inspector, Planning Director and Town Engineer. *For antennas mounted on existing structures, the above-mentioned Town review team shall ascertain that the proposal meets all applicable Town requirements as follows:*

1. *Site and building plans shall be submitted and approved as specified herein.*

2. *A report prepared by a qualified professional engineer registered in the State of New Hampshire indicating the existing structures' suitability to accept the antenna, and the proposed method of affixing the antenna to the structure shall be limited along with the complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.*

F. *Any proposed wireless communication facility shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Wireless communication facilities shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted a varying heights.*

G. *Temporary facilities must meet the following requirements:*

1. *Use of a temporary facility in excess of one day is allowed only if the owner has received a temporary use permit from the Londonderry Building Department*

2. *Temporary wireless facilities are permitted for use not to exceed a total of thirty (30) days during construction of permanent facilities or a total of ten (10) days during a special event.*

3. *The maximum permitted height of a temporary wireless facility is fifty (50) feet from grade.*

4. *Temporary facilities are subject to all applicable portions of this Ordinance.*

H. *Non-Commercial Wireless Facility (Amateur Radio) Standards: Towers that solely support amateur radio equipment ("Ham Radio Towers") and conform to all applicable performance criteria as set forth in Section D, shall be permitted in the rear yard of residentially-zoned parcels. Ham Radio Towers shall be limited to the minimum height that is technically necessary to engage successfully in amateur radio communications.*

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**Section IV (304.I - 304.K.1.b)**

**Chapter 1—ZONING ORDINANCE**

**304    Wireless Facilities - Regulation and Performance Criteria (Cont'd)**

*I.      Removal of Unused Towers or Portions of Towers: Unused towers or portions of towers shall be dismantled and removed as follows:*

*1.      Any approval of a new ground tower and associated facilities shall be subject to a condition that the tower and facilities shall be removed within six (6) months of the cessation of operations unless a time extension is approved in writing by the Planning Board. All abandoned or unused towers and associated facilities at the site, unless a time extension is approved in writing by the Planning Board.*

*2.      At the time of application, the applicant, if not the landowner, shall submit a copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations.*

*3.      In the event that a tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Town and the costs of removal assessed against the property.*

*4.      Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. Any replacement of portions of a tower previously removed shall be subject to the approval and permit requirements of this Section. (Section 304 - Wireless Facilities).*

*5.      As a condition of approval, the applicant shall provide security in a form and amount acceptable to the Planning Board to ensure removal of the unused tower. The security shall be maintained until the tower is removed.*

*6.      The owner of a wireless facility, with written authorization from the property owner, shall file annually a declaration with the Planning Department as to the continuing operation of every facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and considered abandoned, thus subject to the provisions of Sections I.1 through I.5 above.*

*J.      Signs are prohibited on Wireless Communications Facilities*

*K.      Special Exception for Wireless Communications Facilities - Wireless communications facilities are prohibited in Residential zones (AR-I, CO and RR-III). Special exceptions shall be granted only in Commercial (C) and Commercial-I (C-I) zoning districts upon a determination by the Zoning Board of Adjustment that the wireless communications equipment planned for the proposed site cannot be accommodated:*

*1.      On an existing or approved antenna support structure or on any alternative tower structure for which an application is pending within a radius of:*

*a.      One mile for structures of one hundred twenty (120) feet or greater in height;*

*b.      One half mile for structures under one hundred twenty (120) in height,  
or*

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**Section IV (304.K.1.c - 304.K.2)**

**Chapter 1—ZONING ORDINANCE**

**304    Wireless Facilities - Regulation and Performance Criteria (Cont'd)**

***K.        Special Exception for Wireless Communications Facilities (Cont'd)***

***1.        On an existing or approved antenna support structure....(Cont'd)***

***c.        One quarter mile for structures under eighty (80) feet in height for one of the following reasons:***

***1.        The planned equipment would exceed the structural capacity of the existing, approved or pending antenna support structure, as documented by a qualified professional engineer registered in the State of New Hampshire, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost (defined here in as three quarters (3/4) of the cost of the tower;***

***2.        Planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified professional engineer registered in the State of new Hampshire and the interference cannot be prevented at a reasonable cost.***

***3.        Existing or approved antenna support structure within the required radius cannot accommodate the planned equipment at the necessary height as documented by a qualified professional engineer registered in the State of New Hampshire.***

***2.        The burden of proof is upon the applicant to demonstrate that all reasonable alternatives to the erection of a new structure have been fully explored.***