

## **Sugar Hill Planning Board and Zoning Board Special Hearing**

**March 5, 2026**

**Members:** Secretary Amy Venezia, Patty Robertson, Rusty Talbot (Selectboard Rep), Vice Chairman of the Planning Board Steve Monsein, Arthur Chase, Jim Keefe, Chairman of the Planning Board Rob Hayward, Margo Connors, Chairman of the Zoning Board Carl Hjelm, Gary Way, Sarah Pinney, Ed Cenerizio, Vice Chairman John Barth

**Absent:** Kyle Kinsey, Mike Valentine, Evan Carmean

**Guests:** Earl Duval (counsel) Martin Lavin, Jesse Moreno (project engineer), Chris Ellms, Rose Ellms, Brian Beaulieu, Joel Lanz, Jonah Hanowitz

ZBA Chairman Carl Hjelm called the joint meeting of the Zoning Board of Adjustment and Planning Board to order 5:30PM on Thursday, March 5, 2026.

On a motion made by Steve Monein, seconded by Rusty Talbot the minutes of the January 27, 2026 joint meeting were moved to be approved. PASSED UNANIMOUSLY by both the Planning and Zoning Boards.

### **Blue Sky Towers, LLC**

#### **Tax Map 216 Lot 4**

#### **Final Hearing**

Earl Duval, counsel for Blue Sky Towers, LLC along with Jesse Moreno and Mark Levin were present and prepared to answer any questions the audience or boards might have.

Zoning Board Chairman Hjelm stated he had reviewed the lease and wanted to know what happens in the event at end of the 10 yr lease if tower is decommissioned, what happens to the tower. Mr. Duval stated in other leases with Blue Sky Towers they have taken the tower down if the property owner was not interested in keeping it and said it would be fair if it was put in as a condition that stated the tower must be removed within a certain time period if it becomes decommissioned. Mr. Duval noted that there was someone at the last hearing that was concerned about herbicides and pesticides being used and the negative effects of this on her beekeeping. He stated he had spoken to Blue Sky about that and they are in agreement if a condition of the approval is that they are not allowed to use herbicides or pesticides. Coverage limitations were discussed, particularly in areas with terrain challenges, like hills, and explored solutions including signal boosters. It was explained that while boosters can help with coverage in limited areas up to 30-40 feet, they require sufficient signal to repeat and are not suitable for broader coverage areas, especially at higher network speeds. It was clarified that the cell service would be 4G and 5G coverage. Chairman Hjelm asked about the status of the DES permit and Jesse stated that the structural engineers were still finishing up and would be submitted to DES shortly. Mr. Duval mentioned they have had a preliminary meeting with DES and the engineers are finishing up the application. He stated Red Fish Engineering is hoping this should be wrapped up in about 3 months. Once approval is granted from DES, Mr. Duval anticipates that it will go fairly quickly from there and anticipates this project would be wrapped up within the year. Margo Connors asked for clarification on the power lines being buried vs being on poles. She stated that when the developers met with the Conservation Commission it was the Commissions understanding that the lines would be buried. Mr. Duval stated that the lines would be buried at the top but above ground on poles from the road up to the platform, about 40 feet would be buried according to the plans. There would be about 15 poles installed to carry the power up and it is thought the poles would be about 35' tall. Patty Robertson asked about the maintenance of the private road. It was clarified that Blue Sky is required to maintain.

With no further questions the Zoning Board of Adjustments went into a closed session for the hearing on the Variance application.

The ZBA reviewed and discussed the requirements of granting a variance. The 5 criteria questions were reviewed.

1. No diminution in value of surrounding properties would be suffered
2. Granting the permit would be of benefit to the public interest
3. Denial of the permit would result in unnecessary hardship to the owners seeking it
4. By granting the permit, substantial justice will be done
5. The use must not be contrary to the spirit of this Ordinance

It was stated that the applicant had presented a presentation at the last hearing on property values and the Board had received no hard evidence that there was any effect on property values in relation to Sugar Hill. Mr. Duval spoke to the Telecommunication Act of 1996. Joel Lanz, property owner spoke in opposition of the report that was presented and feels that property values would be affected but had no report that supported this. Gary Way stated that he felt the location was optimum and that the burden is on the landowner to prove that they have substantial property devaluation. ZBA Board members felt that the application submitted supported the criteria for granting a variance.

On a motion made by Jim Keefe, seconded by Sarah Pinney the variance was granted. **PASSED UNANIMOUSLY**

#### **Planning Board – Site Plan Review**

Chairman Rob Hayward and the Planning Board members reviewed the checklist for a site plan review. It was noted that all requirements were met.

On a motion made by Rusty Talbot, seconded by Arthur Chase the Site Plan Review was approved with the following conditions:

- DES approval is granted
- There will be no use of herbicides or pesticides or similar chemical spraying on site
- If the tower is abandoned for more than 2 years, Blue Sky Towers, LLC will remove it
- Implementation of a lockbox system for emergency services access will be installed

**PASSED UNANIMOUSLY with conditions stated above.**

Mr. Duval stated he will follow up with the Conservation Commission and provide copies of the applications. He also asked that it be noted that the waivers requested for parking, landscaping and water and sewer were granted as requested in submitted in Section 11 of the application. Chairman Hayward stated that they were as no landscaping, parking, water and sewer were needed.

With no further discussion meeting was adjourned at 6:33PM.

Submitted by:

Amy Venezia

Secretary to the Planning and Zoning Boards