TOWN OF NORTHUMBERLAND
PLANNING BOARD Minutes - Draft
Wednesday, June 3, 2026 - 6:00 p.m.
Meeting Room - 10 Station Square
Groveton, NH

Board members present: Clint Bramlett, Erike Lehtinen, Rob Roby, Wayne Montgomery, Sean Durkin (phone)
Others present: Tracey Morrill, Elizabeth Pierce, Jim Buss, Mary Kugel, Jennifer & David Lyon, Susan Becker, Lupine McDonough, Joe Keenan, Arthur Pitts, Raymond & JoAnne Benoit, Rebecca St. Cyr - Minute Taker/Transcriber

Chairman Clint Bramlett opened the meeting at 6:00 pm.

1. **Approval of minutes from May 13, 2026, meeting.**
   Motion to approve the May 13, 2026 minutes by: R. Roby,
   2nd by: W. Montgomery

Joe Keenan said to be careful with approving something that you just denied. The minutes are the only legal record. If the legal record states something that you don't agree with anymore you need to be very careful.

Motion to Table the approval of the May 13, 2026 minutes by: R. Roby
2nd by: W. Montgomery, 4 in Favor, 1 abstained

2. **Approval of Minutes from May 28, 2026 Meeting.**
The minutes were not available for the May 28th meeting.

Joe want's to be sure the letter from their atty is read by the Board.

3. **Review and Approval of Vertical Bridge Tower Extension to be Continued to July 8, 2026, Map/Lot: 243-013-00-00.**
Moved to first.

Clint said our timeline was June 3rd, Vertical Bridge agreed to an extension to be continued to July 8, 2026. Wayne commented we need a motion to approve and accept the extension before moving forward. Erike asked if we can do that after his presentation? The main purpose of the last meeting was to review the checklist to see if this is an actual application or not. He took a few hours going through it and has some thoughts about that which will inform our decision to make a determination. There was a lack of clarity. He suggested that we at least talk about it before making a specific vote. Wayne thinks the approval of the extension will give us more time for necessary housekeeping issues. He doesn't think it will affect what he (Erike) is talking about.

Erikes only objection is that by putting into the record that there's an actual application in effect which requires an extension is the actual issue that we need to discuss. Wayne said we are not saying that we are approving the application we are just approving the extension. The issue of the June 3rd meeting that was scheduled with them has been extended to July 8. Wayne said we have to accept that for it to be functional. Erike asked Wayne how he would word the motion?

Motion to accept their (Vertical Bridges) letter of an extension for June 3 to July 8 by: R. Roby
2nd by: W. Montgomery

David Lyon agreed, if we don't have a valid site plan then you are voting on something that may not actually exist. Clint agrees, let's move Erikes presentation talking about the extension to the front, then we will vote after his presentation.

Wayne said the intention of this meeting was to approve the minutes, to accept the extension that's been offered and then go into Non-Public session. Wayne wants us to get our thoughts together and understand what we've each found and make a well planned out approach.

Erike feels it's a valuable use of time to get some information out. Our task this past week was to review the application and checklist to see if it meets the definition of an application or not. Whether there is an application on the table or not he thinks will drive how we proceed.

Elizabeth said if you accept a vote on the extension, you are basically validating it by acknowledging it. Wayne did not agree with that. What he asked Michael Maliguti for was to go back to Vertical Bridges to give this Board time before we do anything. That's what the extension is about. Elizabeth further commented.

Erike Lehtinen said he is an appointed and sworn in member of the Planning Board (PB). His task since the last meeting was to review the application to see if it's material is an application, because there was question about that. Was it an application that we need to act on, was there a clock going, or is it dead (just not an application)

Erike reviewed the actual application that Vertical Bridges submitted and there is a checklist. He referenced the Town of Northumberland Zoning ordinance, specially Section 4.14, which relates to telecommunication equipment and facilities. He has not, and does not have plans for any financial connections with Verizon or Vertical Bridges. As he went through the application, he found a number of items that could stop the whole process in its tracks. He will hit some highlight that he thinks we need to be aware of as a Town.

There are significant legal/procedural defects with the app; State & Federal issues. Page 2 & 3 of the application for the Telecommunication Conditional Use Permit (put in by the owner Dave Fortin & Vertical Bridge) has a checklist with a number of items that are required in order for there to be a valid application in place. Many are checked as yes and many are checked as No. Next to no there is a waiver request for that item. Example - Item #3, there is signature block for PB endorsement that's a no; Driveway permit - No; waiver requested; Existing fire hydrants and ponds; Is the proposed facility camouflaged so it's visually unintrusive - No, Waiver requested. Photographic documentation of balloon test - waiver required - nothing answered. There are a number of different things. When he started looking at the application, he immediately saw a lot of problems. He went through to try to figure out why there are waivers and what's the justification to provide a waiver, he didn't find any. There are some procedural matters that could end this application tonight.

Erike referenced the Telecommunication Equipment & Facilities, Section 1.4 of our Zoning ordinance. The planning mandate, item #3, the rule by which we have to make decisions, says our mandate as it relates to telecommunications equipment and facilities "is to reduce the adverse impacts of such facilities may create on, including but not limited to, migratory bird corridors, impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents, like fire as an example, to persons and property, and the diminution of property value".

That's our mandate, so with that in mind he went through this to find out: are we meeting this standard? If somebody comes to me 20 years from now and says, Erike, did you do a good job of protecting this community in such a manner? I need to be able to look at that and say yes.

A big glaring problem is that the abutter notification was not completed before the completeness vote. I listened to the entire March 4th meeting. I wasn't there and wasn't a member of the planning committee, but noticed it had not happened. That's a problem. It's procedurally defective.

The meeting notice, the agenda to that particular meeting was 7 am in the morning on March 4th. That was not the required 24-hour notice.

The Board Chair received the application materials informally. In fact, it said if I hadn't paid for my dog license, I wouldn't have gotten this. This is unacceptable.

There was a board member who had a very clear conflict of interest. These are procedural issues that are material to whether or not this is an application in good order or not.

Fire Safety waiver - not formally evaluated.

Balloon Test - he didn't see it. Waiver requested not sure why not - requires advanced notice.

Zoning district on the application incorrect - shows Agricultural and it's Timber Management. Accepted with this error uncorrected.

Procedurally - 9 waivers requested, none formally evaluated. Our ordinance requires the Board must find strict conformity to the standards that pose unnecessary hardship. He doesn't see that hardship.

State issues - RSA 676.4 - Abutter notification before a completeness vote. That did not happen - abutters are require to be notified 10 days prior. The completeness vote was therefore not legal under the statute.

RSA 673 - Disqualification of Board members, we already established there was a direct financial interest to a person on the Board.

NHDES Wetland permit not obtained. By their own report there is a jurisdictional wetland on the property.

Shot clock - we talked about this in depth last time. It hasn't been established in his mind.

There is a NH Supreme ruling Winslow vs. the Town of Holderness Planning Boad 1984. This is case law. The NH Supreme Court ruled that a board's decision is invalid if a disqualified member participated, even if that member's vote was only one of several affirmatives. The holding was it is impossible to estimate the influence one member might have on his associates. It's been established that in fact was an issue in this particular application.

Federal issues - United States Code 47, US Code 332, The applicant must demonstrate, (Vertical Bridge in this case) a significant gap in coverage with substantial evidence. There has to be some measure of dropped calls. Erike is very familiar with the area, I live in the area. there's no dropped calls. There isn't any subscriber complaint data, no field measurements. Nothing was submitted with this that would indicate a field gap, a coverage gap.

There's a lot of issues in terms of what is the future potential of this site, co-location, what we approved today may not work for in the future. There might be additional technology that's harmful to us or animals or anything or even just visually.

There are the procedural, State and Federal issues, all of which could end this application immediately. Erike noticed even if this was in perfect condition (Erike is arguing that it's not) there are a lot of little things that were left out. For example, there is a provision of what it would cost to remove this monstrosity at some point in the future - 20, 30 years from now. The grand total of removing it is $45,000 as disclosed by this entity. $45,000 is not a lot in 2026, he doesn't know what it will be like in 2036, 46, or 56 And last but not least, there's absolutely no provision for any kind of emergency response. There would be potentially hazardous materials on the site, and they just simply didn't submit it.

Erike said I plan to make a motion after hearing from other Board members, but my intention after looking at this that its not only NOT an application, but even if it were an application, it's void because it conflicts with Federal and State law and there are several significant procedural problems at the Town level. It's my intention, it's my belief that it's Null and Void and that should be determined among our members.

Clint commented those were all valid points, he would like a motion that it's not an official application as opposed to rejecting it. Clint feels we need to acknowledge that we are not accepting this as an application. Erike asked if conflict with the Federal or State law mean that an application is incomplete or void? Clint wasn't sure. Erike thinks it's void, he doesn't think you can have an application that directly conflicts with NH State statutory and case law, it won't become legal. There a couple of issues that could end this:

1) the Winslow vs. the Town of Holderness in 1984, the Supreme Court specifically talked about a Boards decision is invalid if a disqualified member participated. There was a disqualified member that participated. 2) RSA 676 - The abutter notification required was not done no less than 10 days prior. If we were to approve this application, we would be in conflict with NH Statutory and case law. He doesn't believe that we can approve or extend this application, because it's materially in breach of both State and Federal law and has significant procedural deficiencies by our own Zoning. For clarity, they can apply, but any entities need to apply in a legal sound manner. The motion that he (Erike) would make is to Reject this application. Then if they would like to come back and put in another application that meets all the requirements, they can do that. Clint said the clock would not start ticking until they submit a new application.

> Motion moved that we Reject this application as null and void as it conflicts with both State and Federal law and local ordinance by: E. Lehtinen, 2nd by: S. Durkin,

Joe Keenan wanted to be sure the Board received and read a letter from their lawyer before they vote. Joe said it was emailed on Monday to the Town Office - Romy McMann, it's a 9 page letter laying out many of Erike's points. Dave Lyon said this is the unfortunate part of not having your own email address. Joe said the letter is very detailed, it points to statutes and laws, there should be no shot clock at all. Tracey said it also asks for something in writing from the Board saying they are acknowledging the process to this point has been defective.

Wayne said the 5 of us haven't had a chance to get together and discuss the issues. To ask us to make a decision like this at this time is asking for a lot. The whole intent of this meeting was to get to our thoughts together, work this all out and make a plan. He will abstain from voting because it's not what he thought we would be doing. It's not that he disagrees, we haven't seen the letter from their lawyer, a lot of the information he's aware of, but there are some parts that he's not familiar with. He doesn't think it's fair under the circumstances for us to be making a decision like this at this time. We could do it down the road or tomorrow after we have a chance to discuss. Clint said it's a procedural matter.

Dave Lyon asked is it fair to have you go into your Non-Public session and come back to another meeting prior to the July 8 meeting. Clint said we can see a lot of faults in the application. As an informal survey - Clint asked who is in favor of the cell tower. No one. Elizabeth reminded, procedurally you have a motion, and it was seconded, you have to vote on it. Joe said when we began the meeting Elizabeth made the point that you were about to approve a motion that suggested there was in fact a shot clock. You were talking about a July meeting as if there were a shot clock. Clint said we don't want anything to appear as accepted or anything that would start that shot clock.

Erike - it doesn't matter to him or it shouldn't matter to anyone on the Board what's in the letter from the lawyer. He knows what's already occurred violates State and Federal statutes and we have to make a decision based on that. Clint said the attorney's letter substantiates your views. Tracey said procedurally you can withdraw the motion.

Lupine said she doesn't know the answer but it's a question to protect our process. She doesn't know if bundling everything in one motion and saying State, Federal and procedural issues are the reason that this stage is not moving forward. She isn't sure if it's the best way to protect the Board and the motion. It may be worth checking with the lawyer. She further discussed.

Clint said he feels everyone in the room is in agreement with where we want to go. Erike did a terrific job outlining the issues being specific with the reasons for denying it.

Becky read the motion as she has it: Moved a motion that we reject the application because it conflicts with State, Federal and Town statutes. Discussion - Erike believes that it's void because it violates State and Federal statute and case law. It violates that and there's not much to discuss because it violates it, therefore his position is that it's an invalid application and should denied. Addendum - if they or any entity wants to submit an application in this Town of this nature or otherwise, they are welcome to but need to follow the procedure and code of the Town and the State and Federal law. The motion that he feels appalled to advocate for is to deny the application on those grounds.

Joe read a paragraph on page 9 of their atty letter - *In our client's view, the Board should immediately adopt A resolution acknowledging procedural and legal defects in its earlier actions, and stating that the interests of justice and sound administration require a new review and action on the vertical bridge application. To the extent that Vertical Bridges application remains incomplete, the Board should give written notice of the missing items to the applicant and set a deadline for the application to be complete.*

Clint said that sounds like a good motion to make, Erike reviewed. Wayne thinks Ruth has an interesting overview of this and we need to be very careful with how we do this to be sure it's the most effective way to approach it. It's not to raise any questions about what has been shared, it's just the manner that we move forward. We need to make sure we are in the right place and doing the right thing.

Erike doesn't want to withdraw his motion. The statement from the Attorney is great but says basically the same thing. They are purposing the application remains incomplete, Erike thinks that's illegal. His position is very clear, if it doesn't comply with State and Fed statues it needs to be denied. He moves to vote, this isn't going away and feels we have some grounds to deny as it is.

Lupine added if you denying on any of the Federal law you must give that denial in writing with substantial evidence. Erike said the burden of proof isn't on us, it's on them. Under 47USC - the applicant (not the Planning Board) must demonstrate a significant gap in coverage with substantial evidence. They haven't done that. Clint said the motion is still on the table and he thinks it's time to vote.

Erike Lehtinen - Yes, Sean Durkin - Yes, Rob Roby - Yes, Clint Bramlet - Yes
Wayne Montgomery - Abstained

Motion Passed - 4 - 1

4. **Transact any other business** - No other business

5. **Non-Public** - There was no Non-Public Session held.

6. **Adjournment**

Motion to adjourn by: W. Montgomery, 2nd by: R. Roby, All in Favor 5-0

Meeting adjourned at - 6:51 pm

Respectfully Submitted,

Rebecca St. Cyr - Minute Taker/Transcriber

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Minutes approved by Northumberland Planning Board Members on _____

X_____
Clint Bramlett
Northumberland Planning Board Chair

X_____
Sean Durkin
Northumberland Planning Board Member

X_____
Erike Lehtinen
Northumberland Planning Board Member

X_____
Robert Roby
Northumberland Planning Board Member

X_____
Wayne Montgomery
Northumberland Select Board Rep

X_____
Northumberland Planning Board Alt. Member