

**REVISION OF NEW LONDON TELECOMMUNICATIONS ORDINANCE 2011
DOCUMENT PREPARED 6/29/2011 BY UPPER VALLEY LAKE SUNAPEE
REGIONAL PLANNING COMMISSION FOR NEW LONDON PLANNING BOARD**

PROPOSED AMENDMENTS TO ZONING ORDINANCE

**ARTICLE II
DEFINITIONS**

Amend definition of Average Tree Canopy Height to read:

Average Tree Height: An average Height found by inventorying the Height at above ground level (AGL) of the five tallest trees within a 150 foot radius of the proposed facility site.

Insert definition for Fresnel Zone to read:

Fresnel Zone: The envelope around a line-of-sight radio signal which should be free of interfering objects, such as branches, to minimize interference with a radio signal.

*Proposed language for Telecommunications Facilities Ordinance:
Sections D, E, F, G and H have been re-written.*

**ARTICLE XXIII
TELECOMMUNICATIONS FACILITIES ORDINANCE**

A. Authority:

This Article is adopted by the Town of New London on XXXX XX, XXXX in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

B. Purpose and Goals:

This Article is enacted in order to establish general guidelines for the siting of telecommunications Towers and antennas and to enhance and fulfill the following goals:

- 1) Preserve the authority of New London to regulate and to provide for reasonable opportunity for the siting of Telecommunications Facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community.
- 2) Minimize adverse impacts such facilities may create, including, but not limited to impacts to the following: aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

- 3) Provide for Co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques including stealth Telecommunications Facilities, and siting possibilities beyond the political jurisdiction of the Town.
- 4) Permit the construction of new Towers only where all other reasonable opportunities have been exhausted, and to encourage the users of Towers and antennas to configure them in a way that minimizes the adverse visual impact of the Towers and antennas.
- 5) Strike a balance between the positive benefits and negative impacts of Co-location versus dispersal of Telecommunications Facilities.
- 6) Provide constant maintenance and safety inspections for any and all Telecommunications Facilities.
- 7) Provide for the removal of abandoned Telecommunications Facilities and ones that are no longer inspected for safety concerns and code compliance. Provide a mechanism for removal of these abandoned or uninspected Telecommunications Facilities to protect the citizens from imminent harm and danger.

C. Applicability:

- 1) Principal or Secondary Use:

Telecommunications Facilities may be considered either principal or secondary Uses. Subject to this Article, Telecommunications Facilities may be permitted as a secondary Use on a parcel that has an existing primary Use. A different existing Use or an existing Structure on the same Lot shall not preclude the installation of Telecommunications Facilities on such Lot.

For purposes of determining whether the installation of a Tower or antenna complies with district Development regulations, including but not limited to set-back requirements, Lot-coverage requirements, and other such requirements, the dimensions of the entire Lot shall control, even though the antennas or Towers may be located on leased parcels within such Lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance, shall not be deemed to constitute the expansion of a Nonconforming Use or Structure. Such facilities shall not be deemed to be an Accessory Use.

- 2) Amateur Radio; Receive-Only Antennas: This Ordinance shall not govern any Tower, or the installation of any antenna that is under 70 feet in Height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

- 3) Essential Services & Public Utilities: Telecommunications Facilities shall not be considered infrastructure, Essential Services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for Telecommunications Facilities is a Use of land, and is addressed by this Article.

D. Locational, Height and Siting Requirements:

- 1) Zone Districts: Telecommunications Facilities shall be permitted in all Zone Districts.
- 2) Yard Requirements: Equipment, Buildings, guy wires and other Structures shall conform to the minimum front, side and rear setbacks for the Zone District in which they are to be located. Towers must be set back a distance equal to 125% of the Height of the Tower from all property lines.
- 3) Height Standard: Subject to any stricter standards as set forth below, a Telecommunications Facility shall not exceed one hundred fifty (150) feet in Height.

- a. Telecommunications Facilities in Wooded Areas: In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for a Telecommunication Facility, shall not exceed twenty (20) feet above the Average Tree Height of the five (5) tallest trees within one hundred fifty (150) feet of the facility. Notwithstanding the twenty (20) foot limitation described above, an additional height may be approved upon a finding by the Planning Board as part of their review, that the additional height is necessary in order to provide adequate coverage to create an appropriate Fresnel Zone or to provide for co-location, and that the additional height will not have an adverse visual impact on the scenic character or appearance of the area. A Telecommunications Facility shall only be the minimum height necessary to achieve the coverage required.

An alternative tower structure or other camouflaging device shall be used that effectively conceals the presence of the tower and antennae. Appropriate camouflaging for wooded areas include: ranger or forest fire watch towers of a size typically found in the State of New Hampshire, Monopole Towers effectively disguised as trees, or other structures acceptable to the Planning Board.

- b. Telecommunications Facilities in Fields or Agricultural Areas. A Telecommunications Facility located in a field or other open area without a tree canopy shall be adequately camouflaged. Appropriate camouflaging for fields or open areas includes agricultural silos, windmills, or other structures acceptable to the Planning Board and of a size typically found in the State of New Hampshire.

- c. Telecommunications Facilities in or on Existing Structures. A Telecommunications Facility may be located on or within an existing building or structure provided that such facilities are adequately camouflaged and shall be architecturally compatible with the host building or structure as acceptable to the Planning Board.
- d. Telecommunications Facilities in New Structures. A Telecommunications Facility may be located in a new building or structure provided that such building or structure (a) shall not exceed the maximum building height in the district where a Telecommunications Facility is proposed, and (b) shall be architecturally compatible with the buildings in the immediately surrounding area as acceptable to the Planning Board.

E. Permitting Regulations:

- 1) Telecommunications Facilities Located on an Existing Structure or Preexisting Tower (Co-location): The applicant must obtain approval of a Site Plan Review by the Planning Board. In addition to the standards and requirements specified in the Site Plan Review Regulations, an applicant for a Site Plan Review for Telecommunications Facilities shall comply with Section F. Additional Requirements for Site Plan Review.
- 2) Telecommunications Facilities Located on a New Tower: The applicant must obtain approval of a Conditional Use Permit and Site Plan Review by the Planning Board, demonstrating compliance with all the provisions of this Article.
 - a. Applicants seeking approval for Telecommunications Facilities shall first evaluate existing Structures for the siting of Telecommunications Facilities (Co-Location). Only after finding that there are no suitable existing Structures for Co-location, shall a provider propose a new ground mounted facility.
 - b. Burden of Proof: The applicant shall have the burden of proving that there are no existing Structures that are suitable to locate its proposed Telecommunications Facilities and/or transmit or receive radio signals.

F. Additional Requirements for Site Plan Review:

Each applicant requesting a Site Plan Review for a Telecommunications Facility under this Article shall submit the following information:

- 1) Telecommunications Facility Application Form
- 2) Letter of Authorization: A letter of authorization from the landowner is required if the applicant is not the landowner.

- 3) Telecommunications Facility Application Fee: As outlined in the Town land use permit fee schedule.
- 4) Third-Party Review: The Planning Board shall have the application reviewed by and request the technical assistance of a consultant. Cost for this review shall be borne by the applicant in accordance with 676:4. The applicant shall establish an escrow account with the Town Finance Officer for the professional review. The applicant shall maintain an adequate balance in the escrow account at all times or the Planning Board will suspend further consideration of the application until the escrow account has an adequate balance. Any balance remaining in the escrow account after the Planning Board has made a decision on the final Site Plan Review application and the professionals have been reimbursed in full shall be refunded to the applicant.
- 5) Regional Notification List and Fee: Pursuant to RSA 12:K, in addition to the notification of direct Abutters, the Planning Board shall notify by letter the governing body of any municipality located within 20 miles of the boundaries of New London of the pending application and publish a public notice in a newspaper serving the area not less than 7 and not more than 21 days prior to the public hearing date. The applicant shall pay for the cost of regional notification.
- 6) Site Plan Requirements: All the application requirements as specified in Article V of the Site Plan Review Regulations including a scaled plan in accordance with the requirements of the Site Plan Review Regulations and further information including:
 - a. All proposed Telecommunications Facilities including any Tower(s), antenna(s) and accessory Structures;
 - b. Setbacks;
 - c. Fencing; and
 - d. Adjacent uses (up to 200' away).
- 7) Radio Frequency (RF) Exposure: The applicant shall submit written proof that the proposed Use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
- 8) FCC License: Carriers must provide the Planning Board with a copy of their Federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Communications Act of 1996.
- 9) Inventory of Existing Telecommunications Facilities and Structures: Each applicant for Telecommunications Facilities shall provide to the Planning Board an inventory of existing Telecommunications Facilities and Structures that are within the jurisdiction of the Town and those within two miles of the border thereof. This shall include mapping these existing Telecommunications Facilities and Structures on a U.S.G.S. Topographical Map and shall include specific

information about the location, Height, design of each Telecommunications Facilities, as well as economic and technological feasibility for Co-location on the inventoried Telecommunications Facilities.

The Planning Board may share such information with other applicants applying for approvals or Conditional Use permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority. By sharing such information, however, the Planning Board is not in any way representing or warranting that such sites are available or suitable.

- 10) Compliance with Sections H-K: The applicant shall demonstrate compliance with the requirements of the following sections of this Ordinance:
 - a. Section H: Design/Construction Standards
 - b. Section I: Bonding, Security & Insurance
 - c. Section J: Inspections
 - d. Section K: Abandonment Or Discontinuance Of Use And Removal

G. Conditional Use Permits:

- 1) General: If required by Section E. Permitting Regulations, an applicant for Telecommunications Facilities shall obtain approval of a Conditional Use Permit from the Planning Board. All applicants under this Ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations.
- 2) Procedure on application: The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.
- 3) Application Requirements: Each applicant requesting a Conditional Use Permit under this Article shall submit the following information:
 - a. Engineering Information: The applicant shall submit the engineering information detailing the size and coverage required for the facility location including the justification for Height proposals.
 - b. Use of Alternative Telecommunication Sites: If the applicant is proposing to build a new Telecommunications Facilities, the applicant shall submit written evidence demonstrating that no existing Telecommunications Facilities or other Structure can accommodate the applicant's proposed Telecommunications Facilities. This evidence can consist of:
 - i. Substantial Evidence that no existing Telecommunications Facilities or Structures are located within the geographic area

- required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
- ii. Substantial Evidence that existing Telecommunications Facilities are not of sufficient Height to meet the applicant's engineering requirements, and why.
 - iii. Substantial Evidence that the existing Telecommunications Facilities or Structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. Substantial Evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing Telecommunications Facilities or Structures, or the antenna on the existing Telecommunications Facilities or Structures would cause interference with the applicant's proposed antenna.
 - v. Substantial Evidence that fees, costs, or contractual provisions required by the owner in order to share the existing Telecommunications Facilities or Structure are unreasonable. Costs exceeding new Tower Development are presumed to be unreasonable.
 - vi. Substantial Evidence that the applicant can demonstrate other limiting factors that render existing Telecommunications Facilities and Structures unsuitable.
- c. Environmental Evaluation (EA or EIS for NEPA): The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the Federal 30 day comment period, and the Town process, shall become part of the application requirements.
- d. Visualization of Proposed Facility: Computer-generated photo simulations of the proposed facility showing the facility from all public rights-of-way from which it may be visible. Each photo shall be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos shall show the color of the facility and the method of screening. The photo simulations shall be completed for summer (leaf-on) and winter (leaf-off) visualization.

- e. **Visual Analysis:** A written visual analysis with supporting illustrations demonstrating the visual impact of the proposed facility, including photographs of the balloon test and elevation views of the facility from public roads, public recreation areas and abutting properties. The visual analysis must also document and describe the visual impacts on view sheds, ridgelines, and other impacts by means of the Telecommunications Facility's location, Tree and foliage clearing and placement of incidental Structures.

For the balloon test, the applicant shall fly or raise a five-foot-diameter balloon (painted black or dark blue) at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. At least ten days prior to the balloon test, the applicant shall provide written notice to the Planning Board of the date and time of the test, and notice of the balloon test shall be published in a paper of general circulation in the municipality and shall be posted in at least two public places. The sole purpose of this test is to identify the location and height of the proposed facility and not its visual impact.

- f. **Co-location Declaration:** The applicant proposing to build a new Tower, shall submit a declaration with the Town that allows for the maximum allowance of Co-location upon the new Structure. Such statement shall become a condition to any approval. This declaration shall, at a minimum, require the applicant to supply available Co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such a declaration is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned Development of New London, and shall be grounds for a Denial.
 - g. **Fees:** As outlined in the Town land use permit fee schedule, and
 - h. **Other Information:** Any other information deemed necessary by the Planning Board to assess compliance with this Ordinance.
- 4) **Referral of Application:** The applicant shall refer any application for a Height Variance to the regional office of the FAA and the owners of private airstrips located within 5 miles.
- 5) **Factors Considered in Making Decisions:**
- a. Height of proposed Tower or other Structure.
 - b. Proximity of the Telecommunications Facilities to residential Development or zones.

- c. Nature of Uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding Tree coverage and foliage.
 - f. Design of the Telecommunications Facilities, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress to the site.
 - h. Availability of suitable preexisting Towers and other Structures as discussed in Section G, 3, b.
 - i. Visibility from public roads, public recreation areas and abutting properties.
 - j. Visual impacts on view sheds, ridgelines, and other impacts by means of Telecommunications Facilities' location, Tree and foliage clearing and placement of incidental Structures.
 - k. Availability of alternative siting locations.
- 7) Criteria for Decisions on Conditional Use Permits:
- a. Existing Structures and pre-existing Towers have been used whenever feasible after considering all the alternative siting locations.
 - b. The Tower or antenna extends the minimum Height to obtain coverage.
 - c. The telecommunication site has been designed to minimize the visual obtrusiveness through Use of Alternative Tower Structures, and the use of materials, colors, textures, screening and landscaping that blends the Telecommunications Facilities with the natural setting and built environment.
 - d. The applicant has demonstrated compliance with all of the Location Requirements in Section D., Permitting Regulations in Section E., and Construction/Design Standards in Section H.
 - e. The applicant has satisfied the security and insurance requirements in Section I.
 - f. The applicant has provided the Co-location declaration required by Section G.3(f).

- g. The applicant has submitted written proof that the proposed Use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
- h. The applicant has submitted written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules.
- i. The applicant has demonstrated that the application is consistent with the Purpose and Goals of this Article as outlined in Section B.

8) Decisions:

Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing, and a Denial shall be in writing and based upon substantial evidence contained in the written record.

In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed Telecommunications Facilities on adjoining properties, and to preserve the intent of this Ordinance.

H. Design/Construction Standards: The construction/design standards in this section shall apply to all Telecommunications Facilities and the installation of all Antennas.

1) Aesthetics:

- a. In addition to camouflaging and architectural compatibility requirements listed in Section D.3.a-d, Telecommunications Facilities shall be painted a neutral color to blend in with natural setting and built environment, subject to any applicable standards of the FAA, so as to reduce visual obtrusiveness.
- b. At a Telecommunications Facilities' site, the design of the Buildings and related Structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and built environment. These Buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.
- c. If an Antenna is installed on a Structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the

supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.

- 2) **Lighting:** Towers and Antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If other lighting is required for the Telecommunications Facilities, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views, be shielded to minimize glare, and shall be directed downward and inward towards the facility and not towards neighboring properties to the extent reasonable.
- 3) **Safety Standards:** To ensure the structural integrity of Towers and Antennas, the owner of a Tower shall ensure that is maintained in compliance with standards for Towers that are published by the Electronic Industries Association, as amended from time to time. If the Town concludes that the Tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Tower, the owner shall have 30 days to bring such Tower into full compliance with such standards. If the owner fails to bring such Tower into compliance within 30 days, such action shall constitute an abandonment and is grounds for the removal of the Tower, in accordance with Section K, at the owner's expense through execution of the posted security.
- 4) **Security Fencing:** Telecommunications facilities shall be enclosed by security fencing not less than 6 feet in Height and shall also be equipped with an appropriate anti-climbing device.
- 5) **Landscaping:**
 - a. Telecommunications Facilities shall be landscaped with a buffer of plant materials that screens the view of the Tower compound from adjacent residential property, public roads and public recreation areas to the maximum extent practicable. The standard buffer shall consist of a landscaped strip at least 50 feet wide outside the perimeter of the compound. Retention of existing vegetation is preferred.
 - b. Existing mature Tree growth and natural land forms on the site shall be preserved to the maximum extent possible as determined by the Planning Board. Retention of existing mature natural vegetation is preferred over new plantings as a means to screen telecommunication sites.
- 6) **Signage:** Signs shall be limited to those needed to identify the property and the owner and warn of any danger. Otherwise, Towers shall not contain any permanent or temporary Signs, writing, symbols, or any graphic representation of any kind. Signs shall conform to the Sign Regulations specified in Section 10 of Article II General Provisions.

- 7) **Equipment Shelters:** Equipment Shelters for Telecommunications Facilities located on or within Buildings in a village area or visible from public roads, public recreation areas or abutting properties shall be concealed or Camouflaged so that the shelter either is not visible at Grade or appears to be a part of the original Structure.
 - 8) **Historic Buildings:** Any Telecommunications Facilities located on or within a Historic Structure shall not alter the character-defining features, distinctive construction methods, or original historic characteristics of the Building. Any alteration made to a Historic Structure to accommodate Telecommunications Facilities shall be fully reversible. Telecommunications Facilities authorized by this subsection shall be concealed within or behind existing architectural features, and shall be located so that they are not visible from public roads, public recreation areas or abutting properties.
 - 10) **Access Road and Above Ground Utilities:** If available, existing entrances and driveways shall be utilized to serve a Telecommunications Facilities site, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a Telecommunications Facilities site shall obtain an access permit from the New Hampshire Department of Transportation if accessing a state highway or from the New London Road Agent if accessing a town road. New driveways shall not exceed 12 feet in width. Where new wireless communication facilities require construction of, or improvement to, access roads, to the extent practicable, roads shall follow the contour of the land and shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall either be installed underground or be designed and located so as to minimize or prevent disruption of the scenic character or beauty of the area.
 - 11) **Federal Requirements:** All Towers must meet current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, then the owners of the Towers and Antennas governed by this Ordinance shall bring such Towers and Antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section K, of the Tower or Antenna as abandoned, at the owner's expense through the execution of the posted security.
- I. **Bonding, Security and Insurance:** Recognizing the extremely hazardous situation presented by abandoned and unmonitored Towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned Towers in the event that the Tower is abandoned and the Tower owner is incapable or unwilling to remove the Tower in accordance with Section K. Bonding and surety shall

be consistent with Section IV-A,3.j. of the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

- J. Inspections: Recognizing the extremely hazardous situation presented by abandoned and unmonitored Towers, quarterly reports based on on-site inspections of the structural integrity of the Tower shall be submitted to the Board of Selectmen by the owner of the Tower. If the Board of Selectmen does not receive a report in any given six month time period, lack of such report shall be grounds to initiate abandonment proceedings.
- K. Abandonment or Discontinuation of Use and Removal:
- 1) Notification: At such time that a carrier plans to abandon or discontinue operation of Telecommunications Facilities, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, the Telecommunications Facilities shall be considered abandoned upon such discontinuation of operations.
 - 2) Removal: Upon abandonment or discontinuation of Use, the owner of the facility shall physically remove the Telecommunications Facilities within 90 days from the date of abandonment or discontinuation of Use. "Physically remove" shall include, but not be limited to:
 - a. Removal of Antennas, Tower, Mount, Equipment Shelters and security barriers from the subject property.
 - b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - c. Restoring the location of the Telecommunications Facilities to its natural condition, except that any landscaping and grading shall remain in the after-condition.
 - 3) Completion of Removal: Only when removal of the Telecommunications Facilities is completed to the satisfaction of the Planning Board will the security be returned to the carrier.
 - 4) Failure to Remove: If the owner fails to remove the facility the Board of Selectmen shall have the authority to issue a declaration of abandonment after holding a public hearing with notice to the owners and Abutters. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within 90 days, the Town may execute the security to pay for this action.

L. Administration, Enforcement and Penalties:

- 1) Enforcement: It shall be the duty of the Board of Selectmen, or its appointed representative, to enforce the provisions of this Ordinance. The Selectmen may appoint a Telecommunications Facilities inspector to carry out all or any such specific duties as the Selectmen might determine. The Selectmen are authorized to institute in the name of the Town any legal action by way of injunctive relief or otherwise to enforce this Ordinance or to restrain, prevent or abate any violations thereof, as authorized by RSA 676:15, shall further be entitled to all of the reimbursement and restitutionary relief and penalties granted to municipalities by RSA 676:17, shall further be entitled to issue cease and desist orders per RSA 676:17-a., and any other provision of the law.
- 2) Penalties: Penalties for violation of this Ordinance shall be as set forth in RSA 676:17.
- 3) Building Permit: All Structures related to Telecommunications Facilities shall obtain approval of a Building Permit from the Board of Selectmen subsequent to all required approvals by the Zoning Board of Adjustment and the Planning Board prior to construction.