

MICHAEL DONOVAN LAW, P.L.L.C



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MEMORANDUM

TO: Rye Board of Adjustment
Rye Planning Board

RE: Verizon Cell Tower Proposal/Alternate Sites

DATE: June 14, 2018

Dear Board Members:

This follows-up on my May 10, 2018 Memorandum in which I recommended the following 5 alternative sites be reviewed by wireless engineering services consultant Ivan Pagacik.

1. The town owned 14 acre parcel at 0 Port Way (TM 23, Lot 1) as well as the portion of the state owned Wallis Sands State Park parcel at the end of Port Way. (TM 23, Lot 4).
2. The Rye Elementary School 30 acre parcel which is part of the Wireless Telecommunications Overlay District. TM 18, Lot 34.
3. The state owned land (61 acres) at 505 Ocean Boulevard (former Ralph Brown property). Tax Map 25, Lot 1.
4. The more westerly part of Ordione State Park, away from the Seacoast Science Center part of the park. Tax Map 25, Lot 11. The entire park is 137 acres in size.
5. The Thiel property at 34 Brackett Rd. (TM 22, Lot 89).

On May 17, 2018 I received an e-mail from Attorney Manougian (attached) in which he states that Verizon is willing to stipulate that 0 Port Way and the Theil property were not rejected by Verizon on the basis of their RF performance characteristics. Verizon believes these sites are not feasible for other reasons. If this means that these sites are technically feasible alternatives to the proposal for 120 Brackett Road, then there is no need for Consultant Pagacik to review them (i.e. 0 Port Way and Theil).

Rye Elementary School. Town Administrator Magnant and I met recently with the Rye School Board to discuss the possibility of a cell tower on the 30 acre parcel next to the Rye

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Elementary School. The school board authorized us to have consultant Pagacik review the feasibility of a cell tower on that site. According to Attorney Manougian's May 17, 2018 e-mail, Verizon has no problem with that. Hence, I recommend that Consultant Pagacik review that site.

2. Odiorne Point. Apparently in 2009-2010 a proposal to put a 110 ft. monopine just off the edge of the main parking area at Odiorne State Park was dropped by Verizon. Verizon states that this tower would have addressed the coverage gap which the 120 Brackett Road tower is intended to address.

Odiorne Point State Park covers 137 acres. There may be other feasible sites at Odiorne which might not be as objectionable as the site adjacent to the main parking area. Unless Verizon is willing to stipulate to that, I recommend that Consultant Pagacik look at other parts of the state park.

3. 505 Ocean Boulevard. Attorney Manougian's May 17, 2018 email suggested that Verizon should have the first opportunity to evaluate this site (rather than having Consultant Pagacik review it). Then Consultant Pagacik can review Verizon's findings if necessary. That seems like a reasonable request.

If there are other potential sites board members would like to review, they should be added to the list. Mr. Pagacik should be provided the final list as soon after the June 21 joint hearing as possible.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Michael L. Donovan

Attached: Atty. Manougian May 17, 2018 E-Mail

Cc (By E-Mail)
Ivan Pagacik
Victor Manougian, Esq.
Michael J. Magnant