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To: Rye Planning Board
Rye Zoning Board of Adjustment
Rye Conservation Commission

Subj.: Verizon Cell Tower proposed for 120 Brackett Rd., Rye NH

Sirs:

I am writing to you as an abutter (34 Brackett Rd., Map 22, Lot 89) to the proposed cell tower at 120 Brackett Rd., and as one who has some history dealing with Verizon regarding a northern Rye located cell tower to: 1) Correct some misinformation in Verizon's application; 2) Provide some perspective on the situation from my dealings with Verizon, and; 3) Raise some issues that you should consider in your evaluation of this proposal and this site for a cell tower.

- 1.) First let me address the issue of misinformation. Verizon's proposal states:

The other sites that were considered prior to the Property include: 1) Pulpit Rock Lookout Tower, 2) Rye Elementary School, 3) Odiome Point State Park, and 4) two privately owned parcels that ultimately were not feasible due to legal access issues and willingness by the land owners.

As regards point #4 above; My property was one of the "privately owned parcels" that Verizon pursued in its search for a suitable site. While I have not been wildly enthusiastic about having a cell tower on my land, I have not been unwilling to do so. A more correct way of putting it is that I have been resistant to a cell tower on my land without adequate environmental/esthetic protections, as I am very possessive about my land, and somewhat indifferent to it on the financial terms that we were being offered.

My most recent discussions with Verizon date back to the summer of 2017, when we were very close to an agreement. At that time, I asked to put our discussions on hold, pending doing more research on the impact that having a cell tower would have on the valuation of a conservation easement. Over the fall, I had discussions with Society for the Protection of New Hampshire Forests (SPNHF) and Southeast Land Trust (SELT), both of which I am a member of and contributor to. The conclusion I came to is that the impact of having a cell tower (especially as regards tax credits for giving such an easement) is a very complicated topic with no easy answers. However, even with a cell tower on the site, I could still protect the rest of the land—which is my desire. It might just result in a lesser value for tax purposes.

Having come to that conclusion, I attempted to reopen discussions on siting this cell tower on my land in early December of 2017 (See copy of e-mail attached). I did not get a response to that e-mail as, clearly, in the few intervening months, Verizon came up with the cell tower siting solution that they are now proposing.

2.) History of Discussions with Verizon

I believe it would be useful to the boards in evaluating the current proposal to know some of the history of my negotiations with Verizon (on the technical/environmental front). Our discussions took place in three stages over about three years starting in early 2015. I will not bore the boards with all the details, only the salient points that reflect on the current situation and proposal.

When Verizon first approached me, they asked for a site 100' x 100'. I felt that was way too big and too intrusive on my land, even though we have 41+/- acres. After some discussion they agreed to reduce this to 51' x 51' (2,601 s.f.), claiming that this was the minimum they could operate from. Note that they are now proposing a 30' x 40' site (1,200 s.f.), less than half the space they asked of me, a point I will address later.

Initially the tower was to be 115', total height, which given that the tower was to be sited among pine trees that are 75' to 80' high, allowed for three antenna arrays (Verizon + 2 others). We mutually agreed on a site on my land, a site that is about the highest point on my parcel also making it about the highest in this part of Rye. I'd estimate the site to be at least 20' above the current site. The site was surveyed and reviewed for environmental issues, of which there were none.

My memory does not serve me well enough without digging into the stream of e-mails between us as to why discussions fell apart on that first pass, probably because the financial terms they were offering did not "move the needle" and, as it was reported in the Wall Street Journal at the time, Verizon was seemingly interested in getting out of the ownership of towers. I believe they sold off some 700 towers around the country at that time.

In early 2016, at the behest of Verizon, the primary tenant, I was approached by American Tower, confirming the above point that Verizon had changed its tower ownership strategy. Those discussions did not go very far because the financial terms were not improved and, while Verizon was reasonably good about agreeing to most of my requests for protection of our property, American Tower was much less so. American Tower in fact wanted a taller tower, presumably to fit more co-locators on the tower and thus make it more profitable. I would point out that no balloon test had been done to this point, or ever, in spite of my requests for one.

Most importantly, and "the straw that broke the camel's back," was that American Tower wanted all the trees within 80' of the perimeter of the compound felled, to protect their investment in the event of a serious blow-down. That would have meant a clearing of more than 200' in diameter. That, for sure, was not going to happen! It even defeated the purpose of locating the tower where we had agreed, a place where it would be surrounded by tall pines and set back on a large property, which would pretty much hide it from all vantage points in the area—except from us.

As related above, Verizon once again approached me in the summer of 2017. We had worked out most of the technical details with some exceptions, and some financial terms remained to be worked out, at the point where I called for a temporary suspension of negotiations. The technical exceptions raise some questions that are pertinent to the current plan being proposed by Verizon.

3.) Considerations for the Boards as Regards the 120 Brackett Rd. Site for a Cell Tower

1. Space Requirement and Use: As indicated above, in its discussions with me, Verizon claimed that the minimum space they could operate from was 51' x 51' and we were (to my recollection) discussing having only two (2) other co-locators on the tower. Verizon is now proposing four (4)

antenna arrays yet managing them from a 30' x 40' space. For anyone who is mathematically challenged, this is less than ½ of the space they were demanding from me. Had the space they were seeking on my land been smaller, our negotiations might have gone differently.

However, this discrepancy raises the other issue I had with Verizon. Verizon, all along, had suggested my signing separate leases with co-locators, for additional space to accommodate them. That would, presumably, have been beyond the 51' x 51'. More recently they did indicate that all the co-locators could fit in that compound (presumably we were still talking about 2 co-locators) but that each would have its own separate back-up generator and, presumably separate fuel (LPG) tank. I balked at this insisting that Verizon consolidate support facilities, most importantly back-up power. This was a stumbling block in our discussions this past summer.

So, as regards the current proposal, that leaves the question: 1) With four (4) companies now proposed to be operating from this smaller space (less than ½ the space requested of me), how is the back-up power being handled? Are they planning to provide back-up power to all co-locators from one generator and fuel tank? Or, will there be requests to expand the size of the compound, and for additional variances, coming down the pike?

Note, it is my understanding that back-up generators operate approximately once a week to ensure their functionality, keep batteries charged, etc. That means they regularly generate noise. If there are more of them, that means more noise at random times.

2. Noise/Visibility: I already mentioned noise from generators. My understanding is that the telecom equipment requires cooling, which means air-conditioners running. I've noted that Verizon is now proposing a lower stockade fence, 6' vs. 8'. That will provide less buffering of noise. It will also mean more of the equipment/shed within the compound will be visible from the street. We had agreed on at least an 8' fence and a 10' fence was still under discussion and I think that is also appropriate for the currently proposed site.

3. Landscaping: At the meeting with the Conservation Commission, Verizon indicated that landscaping around the stockade fence would be with arborvitae. My own position was, and still is, that landscaping should, as much as possible, be naturalizing. There is nothing natural about arborvitae in the New England woods. I believe that Verizon should landscape with mountain laurel and rhododendron, or equivalently natural evergreens of an appropriate size in a somewhat random pattern in front of the stockade fence. Such a buffer should also be provided for some distance down their proposed road and around the equipment outside the compound. Another reason for rhododendron/mountain laurel is that they are more deer resistant, so might actually survive. I believe the head of the Conservation Commission in the just-held hearing referred to arborvitae as "deer candy."
4. Access Road: In looking at Verizon's plan, I've noted that they plan on a road surface of "4 inches of compacted reclaimed bituminous concrete." That is an impervious surface, which is probably detrimental to the ecology. Beyond that, the access road loops off of and runs almost parallel to Brackett Rd. for about 150'. Presumably the road and site pad will be built at an elevation above the surrounding land, which itself slopes away from and is lower than Brackett Rd. The effect will be to either block runoff from Brackett Road headed to the wetlands from which Verizon is seeking a setback variance, or to channel it towards the property owner's house. I'm not sure if the property owner has water issues at their house or with their septic system but, if they do, this will no doubt complicate those.
5. Tower height: Verizon indicated that the tower is 120'. However, that is to the centerline of the top antenna array (which will be Verizon's). Antenna arrays are 10' high which makes the functional height of the tower actually 125'. I was told that we would need about 15' of cover to make the tower look like a semi-realistic pine tree, which brings the total height to about 140'. I strongly suggest that the Planning Board insist on a balloon test before making a decision on this application.

SUMMARY

It is not disputed that a cell tower is needed in the northern end of Rye. I do feel that Verizon is shoehorning this tower into a site where it does not belong, having found a property owner that is seemingly pliant environmentally and indifferent to the impact of his actions on his neighbors. I'm sure it is also a very cost-effective solution for them, being so close to a public road.

Verizon, however, is stretching the truth to say that all other appropriate private landowners were "unwilling" to lease it land. We had not ruled out having a cell tower on our 40+ acres were it could be well hidden from view of all neighbors. We were, in fact, close to agreement, though on the terms they had offered to date (technical/environmental/financial), we were still on the fence about it.

As it is, I personally have little issue with Verizon locating its cell tower on the proposed site. Its impact on us, even as abutters, is minimal. I will only see and hear it when I'm driving or biking down Brackett Rd.

The people I feel sorry for are the target property's neighbors. The property owner will be getting whatever financial rewards have influenced him to let Verizon's tower, tower over his land, while some six (6) to ten (10) immediate neighbors along Brackett Rd. will be suffering the diminution in the value of their properties and quality of life. You could also say that the walkers, joggers, bikers, and beach bound folks using Brackett Road, which together with the Route 1A Scenic Byway is a popular loop for these activities, will also be losers if this proposal is accepted.

I trust that the Boards involved will take all the above into consideration in making their decisions about the siting of this cell tower.

Yours sincerely,



Michael F. Thiel