

January 4, 2020 Site walk for Conditional Use Permit and Major Site Development Application by Celco Partnership d/b/a Verizon Wireless, with AT&T for property owned by the Town of Rye and located at 68 Port Way, Tax Map 23, Lot 1, to install a wireless telecommunications facility in the form of a 126' monopole at the property, which shall include twelve (12) panel antennas, six (6) remote radio heads, one (1) junction box at a centerline 121' and nine (9) panel antennas, fifteen (15) remote radio heads, six (6) surge arrestors at a centerline of 109' and ground based equipment to be housed within 50'x50' fenced enclosure. **Property is in the Single Residence District. Case #20-2019.**

Variances from Section 505.6 A(4) for construction of a wireless telecommunications facility within 100' wetlands buffer 301.8 B(1) and 301.8 B(7) to construct a driveway within the 75' buffer to access wireless telecommunications facility. **Property is in the Single Residence District. Case #47a-2019.**

Special Exception from Sections 301.8 B(1) and 301.8 B(7) to construct a driveway within the 75' buffer to access wireless telecommunications facility. **Property is in the Single Residence District. Case #47b-2019.**

The site walk opened and the group gathered at 10 Port Way to access the proposed site at 68 Port Way. The proposal uses the road (driveway) at Port Way as a possible access road into the site.

Referencing the easement, Attorney Donovan stated there is a second driveway at the Kornechuk's house. Under the easement, the Town's responsibility is to maintain the plowing in the winter up to the second driveway. It is Verizon's responsibility to maintain it from that point up to the site for their purposes.

Mr. Fredette stated that Verizon does not need winter access to the site so they do not plan on plowing.

Attorney Donovan stated there is no public right of access. The access is a limited easement access granted to the Town for the sole purpose of accessing the cell tower site. Also, the Conservation Commission owns the 14-acre parcel. The access is for forestry and open space management of the 14-acres. The access over Port Way is limited to those three things; forestry management, open space use of this lot by the Conservation Commission and the cell tower site.

Attorney Donovan pointed out there is about 140' that the Building Inspector has identified as being in 100-year flood zone. Mr. Fredette clarified 140 linear feet of the proposed roadway is within the flood zone.

The site walk minutes reference the many flags on the property and their references on the maps in relation to the wetlands, flood zones and future sea level rise. The maps were submitted to Planning/Zoning Administrator Reed and are available for anyone who is interested.

BOA Acting Chair Crapo asked why the swale adjacent to the access road is needed. He asked what is "tripping" the need to disturb the land for the swale.

Mr. Fredette explained this is what was suggested for the design to deal with runoff from the proposed access road. The intent is for the runoff to go into the swale and down. It is meant to allow water to infiltrate, as opposed to sheet flow.

PB Vice-Chair Lord suggested that Verizon's engineer may want to come back to take a second look. They may be standing on ledge. There are a lot of trees and root structures that need to come out. There may be drilling and blasting needed to put in what is proposed. It makes absolute no logical sense to him. There has to be a better solution to the roadway than what is being proposed, in terms of stormwater management.

RCC Member Mike Garvan agreed. To him the problem is the water coming off the upland area, not so much the water coming off the road.

Attorney Donovan asked how much tree cutting will be done beyond the 50'x50' compound. Mr. Fredette explained in order to clear any trees that could fall and damage the compound, it is essentially the 100'x100' lease area.

RCC Member Mike Garvan commented the clearing along the access road is 30' wide. The access road is in the buffer the entire time. He asked if they have a count on the trees that are 4" in diameter or greater. A special exception is normally needed to clear those trees. Mr. Garvan asked if Verizon has the authority to cut without a special exception. Mr. Fredette explained they have the right to do it with the easement right. They do not necessarily have the permit yet to do it, much like the site itself. There are rights to build it but no permits yet to do so.

Ms. Tyminski stated that when the trees come down there will be direct views across to Marsh Pond. She asked if they are going to be doing anything to protect those views so people are not looking at the cell tower. Mr. Fredette stated he is not sure what the views might be. The balloon test will certainly show that. It might be visible from the intersection of Brackett and Parsons, across Marsh Pond. In his professional opinion, clearing the trees will not make the tower more visible. Clearing the trees that are 40' or 50' tall are not going to impact the view from a quarter of a mile away. What will change is the vantage point from which someone is looking at the site. Trees planted in the near ground along Brackett Road and Parsons Road will impede the view. There is nothing that can be done near the compound, i.e. landscaping, to make it less visible. He thinks someone will be hard-pressed to see the compound from that distance. He commented if the compound can be seen across the marsh, he is sure they would be willing to plant some landscaping. It was noted during discussion that the trees in that area are about 70' and the tower is going to be at 126'.

PB Vice-Chair Lord asked the liability of the Town if a tree from outside the 100'x100' leased area falls onto Verizon's compound. He asked if the Town should work with Verizon to eliminate some of the "vulnerable" trees that could impact the property. PB Chair Losik stated that she thinks this is a great idea because of the recent issue at 421 South Road and the windstorms.

Mr. Fredette pointed out the existing grade is 15' and the finished grade is 14'. The finished grade of the site will drop a foot from where the stakes are that mark the tower center. Attorney Donovan commented there will be quite a bit of excavation for the chunk of ledge. Mr. Fredette explained that all the ledge will be taken out in order to pour the foundation. Attorney Donovan noted there would be no blasting allowed.

Mr. Fredette confirmed a geo-tech will be done. This is done in every case. The tower and foundation designs are site specific. Two or three core drills will be done. If a geo-tech engineer feels there is ample ledge to pin to they will do that.

RCC Chair Sally King pointed out that it is a fact that trees protect the resource and the wetland buffer. This should be kept in mind when thinking about cutting.

PB Vice-Chair Lord asked that the actual tree boundary be reflected on the plan.

BOA Member Mikolaities commented if they are going to clear 20' on either side of the fence, a 6' high berm, 10' wide, could be planted with 6' high arborvitae on top. That could provide a 10' to 12' natural berm for some of the abutters. It could certainly hide some of the equipment. The berm could be planted no problem and would turn natural over the years.

The balloon test was rescheduled to January 11th.