

**TOWN OF RYE - BOARD OF SELECTMEN  
MINUTES OF MEETING & PUBLIC HEARING**

**Thursday, January 3, 2019**

**10:00 a.m.**

**Intersection of Starboard Way & Parsons Road**

Members Present: Chairman Priscilla Jenness, Vice-Chairman Phil Winslow and Selectman Keriann Roman

Also Present: Town Administrator Michael Magnant, DPW Director Dennis McCarthy and Town Attorney Michael Donovan

**I. Call to order**

At 10:00 a.m., Chairman Jenness called the meeting to order.

**II. PETITION FOR HIGHWAY LAYOUT HEARING** – The petition asks the Board of Selectmen to layout as a town road a  $\pm$  75 feet long by 25 feet wide section of Starboard Way which is currently a private way. This short street, if laid out, will connect to an access easement to town owned Parcel 23-1 which will be granted to the town over the remainder of Starboard Way and Port Way by the owners of Starboard Way and Port Way.

Chairman Jenness announced that the hearing is being held pursuant to RSA Chapter 43 and that anyone wishing to offer testimony must be sworn in.

Chairman Jenness then read the petition of Town Administrator Michael Magnant into the record. (See attached)

Chairman Jenness then announced all the abutters that had been notified of the hearing.

- Joseph D. Tiano, Trustee  
John D. Palma Irrevocable Trust  
281 Lawsbrook Road, Concord, MA 01742
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281 Lawsbrook Road, Concord, MA 01742
- Thomas A. Gosselin and Deborah J. Gosselin  
1 Starboard Way, Rye, NH 03870
- Peoples United Bank  
1555 Lafayette Road, Portsmouth, NH 03801
- Kevin W. Knapp and Stephanie M. Knapp  
50 Marsh Road, Rye, NH 03870
- Kevin W. Knapp and Stephanie M. Knapp  
1 Port Way, Rye, NH 03870
- Arik L. Jones  
10 Port Way, Rye, NH 03870

- Grace Pizzano, Trustee  
Kornechuk Family Irrevocable Trust  
24 Port Way, Rye, NH 03870

Chairman Jenness asked Dennis McCarthy and Attorney Donovan to show the dimension of the layout. Attorney Donovan offered to explain. He stated that it is half of Starboard Way, which is a private road. It is enough for Verizon to get access to the site. It will be an approximately 75 to 80 feet long, by 25 feet wide section of Starboard Way. It will connect to an access easement which will be granted to the town over the remainder of Starboard Way and Port Way by the owners of Starboard and Port Way. Dennis McCarthy and Attorney Donovan, using a tape measure, showed those in attendance the measurements and location of the layout.

Jeff Knapp asked about deeds to the properties. Attorney Donovan explained they were not needed for the abutting properties and briefly went over the ownership to the middle of the road doctrine. Janet Tiano asked if Verizon only needed half of the roadway. Attorney Donovan confirmed. Kevin Knapp asked if the town was going to now maintain this section of the roadway and who was going to maintain the other half. Attorney Donovan explained that would still be private and up to the owners to decide. Kevin Knapp asked why they weren't part of the discussions with the other homeowners. Attorney Donovan stated that it was felt that since the Knapp's were against the cell tower, it was assumed they wouldn't want to cooperate with the town on the access issue. However, as he had told Mr. Knapp in the past, if they were agreeable to the easement, he would recommend that the Board of Selectmen enter into the same agreement with them.

Bill Epperson asked if anyone knew how frequent the use of the roadway by Verizon would be. Attorney Donovan stated that Verizon said after construction they would need to check the site once a week with a pick-up truck.

Janet Tiano asked about radiation from the cell tower. Attorney Donovan stated that per FCC rules the town could not take that into consideration. The federal government has determined that radiation from cell towers does not pose a health risk.

Hearing no further testimony Chairman Jenness closed the public hearing at 10:17 a.m.

Attorney Donovan then explained the next steps in the process.

**At 10:26 a.m. Phil Winslow made a motion to approve the Petition for Highway Layout submitted by Town Administrator Michael J. Magnant on November 26, 2018 and to authorize filing of a Return of Layout with the Town Clerk if the March 12, 2019 town meeting approves the layout. Seconded by Keriann Roman. All in favor.**

Chairman Jenness excused herself from the meeting. Vice-chairman Winslow, Selectman Roman, Town Administrator Michael Magnant and Attorney Donovan then walked the site.

**At 11:15 a.m. Phil Winslow made a motion to adjourn. Seconded by Keriann Roman. All in favor.**

Respectfully submitted,  
Michael Magnant, Town Administrator

TOWN OF RYE, NEW HAMPSHIRE

PETITION FOR HIGHWAY LAYOUT

TO: The Selectmen of the Town of Rye

The undersigned represents that for the accommodation of the public, there is occasion for a new Class V Highway to be laid out over Starboard Way (a private street) at the following location:

Beginning at the southwesterly corner of a stone wall surrounding the cemetery located at the intersection of Parsons Road and Starboard Way (a private way); thence running northerly  $\pm 75$  feet along said stone wall to the corner of the stone wall located at the northwesterly corner of land of the John D. Palma Irrevocable Trust; thence turning  $90^\circ$  and running northwesterly a distance of 25 feet to the centerline of the right-of-way of said Starboard Way; thence turning  $90^\circ$  and running southerly a distance of  $\pm 80$  feet to the right-of-way line of Parsons Road; thence turning and running easterly along the right-of-way line of Parsons Road to the point of beginning.

Petitioner hereby states that there is a public need for said highway in order to provide access to town owned  $\pm 13.9$  acre Tax Map 23/Parcel 1 which is landlocked. Said parcel is being considered as the site for a wireless telecommunications facility (i.e. cell tower) which will address serious deficiencies in cellular service in the northeast part of Rye including Wallis Sands State Beach, Odiorne State Park, Route 1A and residences along parts of Brackett Road, Ocean Boulevard, Clark Way and Sagamore Road. The cell tower being considered for this parcel will likely also carry First Net Program antennae thereby greatly enhancing Rye's first responders telecommunications capabilities.

This short street, if laid out, will connect to an access easement to Parcel 23-1 which will be granted to the town over the remainder of Starboard Way and Port Way by the owners of Star Board Way and Port Way.

The undersigned, therefore, requests you to layout a highway of suitable width on the route above-described.

Dated at Rye, NH this 26 day of November, 2018.



Michael J. Magnant  
Town Administrator  
Town of Rye, NH  
10 Central Road  
Rye, NH 03870

# STARBOARD WAY HEARING

1/3/18

mm

<u>NAME</u>	<u>ADDRESS OR AFFILIATION</u>
DAT Losik	PB Vice Chair
Bill Epperson	PB Chair
Stephanie Knapp	1 Port Way
Kevin Knapp	"
JEFF KNAPP	162 PARSONS RD
Keri Loman	BOS
Joanne Hardin	32 Shoals View Dr.
Paul Winston	BOS
Priscilla Jenness	305
Peter Crawford	171 Brackett
Mike Magmont	Town of Ryx
MIKE DONOVAN	Town ATTY.
Stephen Carter	Planning Bd.
Art Jones	10 Port Way
JOE & JAN TEANO	139 Person Rd.
Michelle Tymjaski	121 Parsons Rd
Kim Reed	437 Washington Rd + Pt2 admin
DENNIS MCCARTHY	SR DIRECTOR
MARK COHEN	Fire Chp.