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RECREATION COMMISSION MEETING MINUTES

Monday, January 6, 2020

Rye Town Hall

10 Central Road, Rye, NH

6:00 p.m.

In attendance: Cory Belden, Stephen King, Brett Mulvey, Joe Persechino, Georgina Saravia, Commissioners, and Lee Arthur, Recreation Director.

Guests: Keriann Roman, Selectman, Howard Kalet, John Bellino, and Cathy McCabe of the Telecommunications Committee, Owen Shepcaro, and Susan Shepcaro of 45 Recreation Road, Rye, NH.

I. Call to Order and Pledge of Allegiance

Meeting was called to order at 6:04 p.m.

II. Roll Call

III. Approval of Minutes

Consideration of Previous Meeting Minutes of November 4, 2019 and December 5, 2019.

Motion was made by Brett Mulvey to approve the Recreation Commission Meeting Minutes of Monday, November 4, 2019 with the change noted in the Thursday, December 5, 2019 Recreation Commission Meeting Minutes. Seconded by Stephen King. Motion carried. Georgina Saravia abstained.

Motion made by Stephen King to approve the Recreation Commission Meeting Minutes of Thursday, December 5, 2019. Seconded by Brett Mulvey. Motion carried. Georgina Saravia and Joe Persechino abstained.

IV. Correspondence

Memorandum from Priscilla Jenness requesting Rye Recreation's Annual Report ending December 31, 2019.

Lee Arthur indicated that she would send a draft annual report of what Rye Recreation has done during the year to Gregg Mikolaities for review and input.

Financial Reports

Lee Arthur provided the commission members with financial reports for December. She explained that there are still some 2019 bills that will need to be deducted when received. The recreation budget has a balance remaining of \$14,744.15 and 4.89% left; the recreation revolving budget has a balance remaining of \$59,787.39 and 24.40% left; and the patriotic purposes budget has a balance remaining of \$633.80 and 5.92% left. She explained that the facility expenses (furniture) and equipment purchases (benches) have not yet been deducted from the recreation revolving budget.

Lee Arthur pointed out that the church space needs carpet and to be painted. She requested the Recreation Commissioners consider paying for the carpet from the donation account and indicated that she has found a volunteer willing to paint the second floor space.

V. Old Business

Keriann Roman, Vice-Chairman, Board of Selectmen and Howard Kalet Telecommunications Infrastructure Committee to discuss potential cell phone tower locations at the Rye Recreation Area (Wireless Telecommunications Facilities Overlay District)

Keriann Roman thanked the commission for considering the cell tower issue again. She explained that the Recreation Area was delineated for recreation purposes. Therefore, even though it is Town owned land, anything that happens on it requires the approval of the Recreation Commission. She explained that the Telecommunications Committee has been working on the first step in the process of placing cell tower(s) in Rye, which is putting a parcel of land (in this case the Rye Recreation Area) into the Wireless Telecommunications Facilities Overlay District. This opens it up to cell phone providers to consider placing a tower at the Recreation Area in order to cover gaps in coverage. If a cell phone provider was interested in placing a tower at the sight, they would have to have the approval of the Recreation Commission, Selectmen and residents. The lease of the property would also require the passage of a warrant article.

Keriann Roman explained that the reason she was present is that the Board of Selectmen and the Planning Board could put the Recreation Area into the Wireless Telecommunications Facilities Overlay District and place it on the warrant without the approval of the Recreation Commission. However, it would not make sense because ultimately the Recreation Commission must approve the placement of a cell tower at the Recreation Area. She is present to clarify the process and explained there is currently no specific location for the tower. There was a previous discussion regarding the placement of a cell tower by the gravel parking lot and she understands the Recreation Commissions opposition to that location because of current parking limitations. It is understood that the Recreation Area is limited and the Recreation Commission would likely want to expand in the future, but by putting the area in the overlay district all it does is open up the possibility of a cell tower being placed there. If a cell phone provider did express an interest in the area, the Recreation Commission and Board of Selectmen would work together to decide where specifically the cell tower would be placed.

Keriann Roman indicated that they are trying to avoid what occurred on Brackett Road, where a cell phone provider found a parcel of land owned by a private resident, that filled a gap, however, impacted many other properties. The Planning Board and Zoning Board of Adjustment are very limited in what they can do to stop the building of a cell tower in locations that are less than desirable.

She explained that she is neither in favor nor not, in regards to the placement of a cell tower at the Recreation Area. However, if the placement occurred the Board of Selectmen would be willing to allow some of the rent to go to Rye Recreation exclusively.

She then opened the floor to answer questions about this issue. Stephen King asked Keriann Roman to summarize the Brackett Road issue. She explained the cell phone provider found a parcel of private land to place a tower on in exchange for rent. It was less than 50 feet off of the road and in close proximity to two homes, a less than desirable location. It was a complicated issue to deal with as the Telecommunications Act (which is federal law) that trumps town ordinances. Ultimately the outcome was that Verizon was presented with another option, a parcel of Town owned land off Port Way and chose that location.

Stephen King asked Keriann Roman if the Recreation Commission voted against putting the Recreation Area in the Wireless Telecommunications Facilities Overlay District, it would not make a difference because the Town does not need the Recreation Commission's approval to be put in the Wireless Telecommunications Facilities Overlay District. Keriann Roman, however, explained the Selectmen felt if the Recreation Commission voted against putting the Recreation Area in the overlay, they would respect the wishes of the Recreation Commission because ultimately no cell tower can be built in the Recreation Area without the approval of the Recreation Commission.

Howard Kalet added that in the packet the Recreation Commissioners were provided there is an example of the coverage that would be available with a cell tower in a particular spot at the Recreation Area; however he explained it does not need to be in that exact spot, it was just used as an example. He also mentioned, just because land is in the Wireless Telecommunications Facilities Overlay District, it does not mean a cell phone provider will be interested, it is their choice. Joe Persechino mentioned that having land in the Wireless Telecommunications Facilities Overlay District, advertises to cell phone providers that they are invited to look at the land identified and the Town is open to have a cell tower placed at that location.

Cory Belden explained his concern is that Rye Recreation has limited land and aesthetically a cell tower could obstruct the view of the marsh. He mentioned there are other considerations, for example the gravel lot parking area is closed in the winter and is not maintained as well as the Recreation Commission has an agreement with the Conservation Commission, specifically regarding tree cutting.

Keriann Roman explained if the Recreation Commission approved a cell tower location and the Town approved the location at Town Meeting, there would be no need for approval from the Conservation Commission regarding tree removal. She also indicated

that the Selectmen have offered the Conservation Commission some of the potential rent proceeds as consolation for any trees that are taken down. The tower would be away from the fields and the fields would be out of the fall zone. Except for when the cell tower goes in initially. Once the cell tower is in place it would be accessed once a month for maintenance. Howard Kalet added that in the wintertime the technician would not go in unless there is a problem, and if the roads are not plowed, the technician can go in by foot or by snowmobile; there is no need for the road to be plowed.

Stephen King clarified the fall zones and access road would both have to be in the Recreation Area, which Keriann Roman confirmed as correct.

Concern was expressed that there is not enough space in the Recreation Area without having the fields in the fall zone. Joe Persechino interjected that there is no point in getting into the specifics at this time because Keriann Roman is just asking whether the Recreation Commission would consider allowing the Recreation Area to be included in the Wireless Telecommunications Facilities Overlay District, not where the cell tower would be located. He explained because of the land limitations of the Recreation Area, there is no circumstance where the Recreation Commission could entertain the idea of having a cell phone tower at the Recreation Area.

The Recreation Commission opened the discussion up to the public for comment. Owen Shepcaro noted if the cell tower was placed where it was proposed it would be very difficult to build a road to it. Susan Shepcaro then spoke, explaining when you enter the trails and take the first right, the first thing you come across is a wetland crossing. She explained she does not know how you would place the access road because of the various buffer zones required with wetlands and conservation land. She also expressed that the direct abutters of the land are opposed to a cell tower being placed in the Recreation Area, including herself.

Brett Mulvey said disturbing the trails would be a negative because there are already very limited trails in Town. Cathy McCabe spoke next, pointing out that this initiative and the Telecommunications Committee was started because it was voted for in a warrant article by residents in the Town and was an attempt to be proactive. Susan Shepcaro asked whether they could wait to see what Port Way does for the coverage, and Cathy McCabe responded that they have already mapped out the coverage and that they would still need another tower. Brett Mulvey asked whether existing towers could be optimized to cover the gaps in coverage, but Howard Kalet explained because of the location of the existing towers no changes could be made that would cover the current gap in coverage.

Keriann Roman explained that this site was the only site that covers the gap and where it would be seen by the fewest number of residents. Cory Belden then clarified at this proposed location it would be seen by a significant number of people who use the Recreation Area. Cory Belden then closed the public comment period and opened the floor for discussion among the Recreation Commissioners.

Cory Belden read two emails into the record. The first was from Todd Cronin, Recreation Commissioner:

“Hi Lee. I am unable to attend tonight due to multiple personal conflicts. I have read the cell proposal and continue to be opposed to any installation at Rye Rec.”

The second email was from Gregg Mikolaities, Recreation Commission Chairman:

“Lee, I have a last minute conflict and need to be in Rochester tonight for a client so will miss the Recreation meeting.

My understanding there will be a presentation on including 55 Recreation Road in the Wireless Communications Overlay District.

I am of the opinion that a cell tower, or any structure that would encumber land, not specifically for recreation purposes is not in the best interest of the Recreation Commission and the Town of Rye.

The town has limited area designated for recreation and encumbering the land with anything not related to recreation is short sighted. Just prior to my joining the Recreation Commission 20 or so years ago, a large portion of the land at Recreation Road was deeded over to the Conservation Commission. At the time I don't believe people totally understood how that decision would limit future recreational opportunities. My opinion is that encumbering any more land with non-recreational purposes will further restrict future Recreation Commissions.

I also have concerns about the long term health impacts from cell towers on the public and most importantly youth that utilize the Recreation area. I understand health impacts can be debated by “experts” but I don't believe there is enough information in the Isotrope report that assures me that allowing a cell tower in close proximity to the playing fields that are utilized 9 months per year, is in the best interest of the recreation participants.

Lastly, I don't understand the haste in which the decision was made to identify Recreation Road as an area to be considered for a cell tower? Maybe that will be presented The Recreation Commission heard one brief presentation last month on the work of the committee but no details were provided.

It would have been helpful to me to see a specific site study and not base the location on the need to fill in gaps on a coverage map. We would need our own technical experts to tell us if the coverage maps are accurate and in fact if this is the best location for a cell tower.

It would have been beneficial to have the committee conduct a site walk with the Recreation Commission to understand how a potential cell tower would be located, how would access be provided to the site, security fencing, limits of tree cutting, clear zones and visual exhibits from all 4 sides. I would like to have seen the results of some preliminary soils mapping and topographic surveys to understand the environmental impacts, discuss how cable and electricity would be provided to the cell tower site, would this be underground or overhead? It is disconcerting that this is going to a public hearing tomorrow night with no input

at all from the Recreation Commission with the exception of the two brief meetings.

While I cannot participate in tonight's vote, for the reasons stated above, I am opposed to a cell tower, or any non-recreational structure on any land under the control of the Rye Recreation Commission on behalf of the residents of Rye. Please read this into the record on my behalf as a resident of the town.

Regards, Gregg

*Gregg Mikolaities
1 Willow Lane
Rye, NH 03870*

Stephen King expressed his agreement with the position of Gregg Mikolaities regarding both the potential health issues a cell phone tower near the fields might cause and generally about building non-recreation structures on recreation land. He expressed his opposition to placing the Recreation Area into the Wireless Telecommunications Facilities Overlay District. Brett Mulvey said he agrees with Stephen King. Cory Belden explained the Recreation Commission has limited land to accommodate any future expansion and it would be worse if any was given up for a cell phone tower. He concluded he does not support the cell tower at the Recreation Area. Georgina Saravia indicated that she felt that a cell tower would take up a lot of space. There was a discussion on whether a vote was needed.

Motion was made by Stephen King for a roll call vote on whether the Rye Recreation Area should be put into the Wireless Telecommunications Facilities Overlay District. Seconded by Cory Belden. Cory Belden, No; Stephen King, No; Brett Mulvey, No; Joe Persechino, No; and Georgina Saravia, No. All members voted not to place the Rye Recreation Area into the Wireless Telecommunications Facilities Overlay District.

Recreation Multi-Purpose Storage Facility Update

Cory Belden emailed the contractor asking for a walk-through of the new storage facility, but he has not heard back from him. Lee Arthur indicated that she requested that the locks be installed and they were. It was pointed out that there is not much left to be completed. The inside has drywall and has been taped. However, the heating has not been installed. The final payment has not been distributed. Cory Belden asked the Recreation Commissioners to consider what aesthetic improvements can be made around the storage facility.

Rye Congregational Church Lease

Lee Arthur explained the lease has been signed; the large gym room is not included but it is available to rent. The church wants the space to be accessed from the main entrance as it has a security camera. Kim Gardiner is assisting with the design elements and Sam Hatem has volunteered to paint the space and help with carpet selection, some furniture has been purchased. Discussion ensued about different aspects of the space including use.

Lee Arthur proposed having the next Recreation Commission Meeting in the new space. The naming of the space was discussed and “The Wave” was proposed as an example as the space design is coastal, with the third floor designed with surf boards etc. It was suggested connecting with Ryan and Tyler McGill (Summer Sessions) for input. There was a discussion about having food trucks as part of the grand opening and as a part of a different event.

Cory Belden indicated the need to update the Recreation Master Plan.

**VI. New Business
Program Updates**

Lee Arthur indicated that the ski/snow program just started. There are 19 participants compared to 28 last year. It was discussed going to a different slope and combining forces with other Recreation Departments.

VII. Adjournment

*Motion was made by Brett Mulvey to adjourn the meeting at 7:28 p.m.
Seconded by Joe Persechino. Motion carried.*

The next Recreation Commission Meeting was tentatively set for Monday, February 3, 2020 at 6:00 p.m. at the Rye Congregational Church, 580 Washington Road in the new Rye Recreation space.

**These are draft minutes. Please refer to the minutes of the next meeting for approvals/corrections.*