

Rye Heritage Commission: Meeting

Thursday, March 5, 2020

5:30 PM

Town Hall

AGENDA:

- **Pledge of Allegiance**
- **Member Introductions**
- **Review and Approval** of February 6, 2020 Meeting Minutes
- **Port Way Cell Tower** – Michelle Tyminksi
- **Treasurer Report** – Peter White
- **Storm Windows Project**
- **Rye Day** – Meeting April 7th
- **Pulpit Rock Update**
- **Old Business** – Graveyard Project (Next step Map Creation)
- **Next Meeting** – April 2, 2020; April 7th Rye Day Committee Meeting (For all who can attend)
- **Adjourn**

History of the cell tower proposal at 68 Port Way (formerly 0 Port Way)

The interest in placing a cell tower at the end of Port Way began in 2018. This is a piece of land acquired by the town for delinquent taxes. The majority of the lot is wetland. The lot sits in the middle of over 500 acres of wetlands, private and public conservation land. The only access is across state conservation land or a private road. The argument for this location began with the presumption that it would be located deep in the woods where it would not be seen.

In January 2019 The Board of Selectmen started fast tracking the process and signed a land lease agreement with Verizon to pursue placing a tower on a corner of this lot. Later that same month, the town of Rye petitioned for a highway layout hearing on Starboard Way to connect the town owned Parsons Road to an access easement obtained further up the road. This enabled Verizon to gain access to the landlocked parcel of land now known as 68 Port Way.

The Board of Selectmen then put forth Article 3, 21, 22, 23 & 24 to add the parcel to the Telecommunications District, to ratify the lease agreement with Verizon; to retain the 10,000 square foot lease space and convey the rest of the designated parcel of land to the conservation commission for open space; to lay out a section of Starboard Way as a town road, completing legal access to the tower location; and to allow payment of up to \$4,000 to owners of land for damages sustained as a result of the Lay out. These items were on the March 2019 ballot. Consideration has never been given to the expected diminishing property values of neighboring properties to the cell tower site.

Verizon then set to work on designing the tower site. They submitted an application for a building permit in September 2019. A rejection letter was issued by the Building Inspectors office on September 30, 2019. At that time the address of the parcel in question was changed to 68 Port Way.

A balloon test was performed on January 11, 2020. The resulting photos with a map depicting where they were taken from can be seen on the Rye Civic League website by doing a search for "balloon test".

At the last joint Planning Board and Zoning Board of Adjustment meeting, certain members were asking to require a 150' cell tower so they would not have to consider another tower in town the near future. Verizon pushed back stating they could not justify a taller tower as the current plan is designed for collocation of 4 providers and only two providers are planned to be on the tower. A 150' tower is designed for 6 or 7 providers and the company doesn't have that many providers to go on the tower. The joint boards voted to require Verizon to build a structure that could be increased to 150' at a future date.

Verizon is now in front of the Conservation Commission, Rye Zoning Board and Planning Board for the following:

Conditional use permit and Major Site Development Application by Cellco 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' x 50' 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; Section 301.8B(1) and 301.8B(7) to construct a cell tower and compound within the wetlands buffer; and Section 301.8B5.b2 for cutting trees greater than 4.5" in diameter, measured at a height of 4.5' above ground level, within the wetlands buffer. Property is in the Single Residence District. Case #47a-2019.

Special Exception from Sections 301.8B(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.

Unlike the cell tower proposal on Brackett Rd, this tower is more visible with views as far as the Wentworth by the Sea Hotel. No consideration has been made on Verizon's part to camouflage the tower in any way.

The next meetings are as follows:

March 10, 2020 – Planning Board

March 14, 2020 – 9am site walk to review marked trees over 4 ½ " in diameter, proposed to be cut in the 75 foot wetlands buffer for cell tower access road and tower pad site and perimeter.

March 18, 2020 – Zoning Board of Adjustment