



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

PUBLIC NOTICE EXETER CONSERVATION COMMISSION

Monthly Meeting

The Exeter Conservation Commission will meet in the Nowak Room of the Exeter Town Office Building at 10 Front Street, Exeter on **Tuesday, May 9th, 2017 at 7:00 P.M.**

Call to Order:

1. Introduction of Members Present
2. Public Comment

Action Items

1. Election of Officers
2. Exeter Department of Public Works: Lincoln Street Watershed Improvement Project (*Jen Mates, Exeter Public Works and Rob Roseen, Waterstone Eng.*)
3. Wetland and Shoreland Conditional Use Permit for a Wireless Communications Facility at 8 Kingston Road. Map/Lot 81/49 (*Francis Parisi, Varsity Wireless Investors, LLC*)
4. Request for indication of intent to accept of 12.9 acres of undeveloped land in accordance with density bonus requirements under Open Space zoning regulations 7.7.1.A. Properties are associated with the Rose Farm conceptual open space subdivision at Map 54, lots 5, 6, and 7 and Map 63 Lot 205. (*Keith Pattison, Exeter Rose Farm LLC*)
5. Committee Reports
 - a. Property Management
 - b. Trails
 - c. Outreach
6. Approval of Minutes: April 11th
7. Correspondence
8. Other Business
9. Next Meeting: Date Scheduled (6/13/17), Submission Deadline (6/2/17)

Carlos Guindon, Chair

Exeter Conservation Commission

May 5th, 2017 Exeter Town Office, Exeter Public Library, and Town Departments.

**TOWN OF EXETER
PLANNING DEPARTMENT MEMORANDUM**

Date: May 5th, 2017
To: Conservation Commission Board Members
From: Kristen Murphy, Natural Resource Planner
Subject: May 9th Conservation Commission Meeting

1. Lincoln Street Watershed Improvement Project

DPW will be presenting an overview of the project for input/discussion.

2. 8 Kingston Road, CUP Wetland and Shoreland

For your role/purposes, I would focus on sections 1, 2, 8, 9 of this application packet.

Recommendation:

Should you concur with the applicant's response to Conditional Use Permit criteria, motion as follows:

- *No objection to the issuance of a Wetland and Shoreland Conditional Use Permit Application for PB Case 17-20 for a communication tower at 8 Kingston Road, as presented.*

- *Recommend that the Wetland and Shoreland Permit for PB Case 17-20 for a communication tower at 8 Kingston Road as presented, be approved with the following conditions: list any conditions discussed*

3. Rose Farm Conceptual Open Space

The applicant has submitted plans for an open space development. As part of Exeter's Open Space regulations (Zoning Ordinance Ch 7) a "*density bonus of 10% of the total allowable dwelling units may be granted by the Planning Board if 50% or more of the non-buildable, undeveloped, or common open space land is permanently conveyed to the Town or Conservation Commission for the benefit of the general public for recreational and/or conservation purposes. The density bonus will only be granted upon written notice by the Town or Conservation Commission of their intent to accept a deed or easement conveying an interest in 50% or more of said land.*"

The applicant has presented the plan entitled Conceptual Open Space Subdivision: The Rose Farm dated 4/26/17 which includes a proposal of 12.9 acres of a 25.4 acre total open space area (the remaining 12.5 to remain private) for your consideration.

Considerations:

- RSA 36-A states Commissions "may acquire in the name of the town or city, subject to the approval of the local governing body" therefore should any action be taken to express intent to accept interest, it must be made "subject to approval of the Board of Selectmen".
- Consider the existence of infrastructure such as the publicly used spring, a concrete dam, and trails on the proposed parcels and consider determining with the applicant what party would retain responsibility for these items should the ownership transfer.
- Consider discussing potential terms of the deed, stewardship fee, baseline and document development with the applicant.
- If moving to accept, consider accepting "in concept" contingent upon finalizing the deed terms at a future Conservation Commission meeting prior to final approval of Planning Board.

Members:

Voting Members	Term	Alternate Members	Term
Carlos Guindon, Chair	2019	Vacant	2020
Todd Piskovitz	2020	Marie Richey	2018
Bill Campbell, Vice-Chair	2018	Vacant	2019
Virginia Raub, Clerk	2018	Vacant	2018
Alyson Eberhardt	2020	Vacant	2018
Andrew Koff, Treasurer	2019		
David O'Hearn	2018		
Anne Surman, BOS Liaison			



**APPLICATION FOR
CONDITIONAL USE PERMIT: WETLANDS CONSERVATION OVERLAY DISTRICT (PB);
CONDITIONAL USE PERMIT: SHORELAND PROTECTION DISTRICT (PB);
AND MINOR SITE PLAN REVIEW (PB)
FOR WIRELESS COMMUNICATIONS FACILITY**

Applicant: Varsity Wireless Investors, LLC
Site Id: VW2-NH-0041A
Property Address: 8 Kingston Road, Exeter, NH 03833
Tax Assessors: Map 81, Lot 49
Property Owner: John F. Hennessey, an individual; Christine H. Henderson as Trustee of the Christine H. Henderson Revocable Living Trust; and Laurie H. Murray and John M. Murray III as Trustees of the Murray Family 2006 Revocable Trust u/d/t dated January 10, 2006
Date: April 25, 2017

1. Planning Board Application for Conditional Use Permit: Wetlands Conservation Overlay District
2. Planning Board Application for Conditional Use Permit: Shoreland Protection District
3. Planning Board Application for Minor Site Plan Review and Checklist
4. Waiver Request
5. Filing Fees
6. Abutters List
7. Letter of Authorization
8. Project Narrative
9. Photos of Existing Conditions
10. Site Plans

Respectfully submitted,
Francis D. Parisi, Esq.
Varsity Wireless Investors, LLC
290 Congress Street, 7th Floor
Boston, MA 02210
(401) 447-8500 cell
(401) 831-8387 fax
fparisi@varsitywireless.com

1

Town of Exeter
Planning Board Application
Conditional Use Permit: Wetland Conservation Overlay District

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)

Construction of wireless communications facility within an approximately 60' x 60' fenced in compound, which will contain a tower foundation as well as equipment pads and necessary ground based telecommunications equipment

Wetland Conservation Overlay District Impact (in square footage):			
Temporary Impact	Wetland:	(SQ FT.)	Buffer:
	<input type="checkbox"/> Prime Wetlands	0	<input type="checkbox"/> Prime Wetlands
	<input type="checkbox"/> Exemplary Wetlands	0	<input type="checkbox"/> Exemplary Wetlands
	<input type="checkbox"/> Vernal Pools (>200SF)	0	<input type="checkbox"/> Vernal Pools (>200SF)
	<input type="checkbox"/> VPD	0	<input type="checkbox"/> VPD
	<input type="checkbox"/> PD	0	<input type="checkbox"/> PD
	<input type="checkbox"/> Inland Stream	0	<input type="checkbox"/> Inland Stream
Permanent Impact	Wetland:	(SQ FT.)	Buffer:
	<input type="checkbox"/> Prime Wetlands	0	<input type="checkbox"/> Prime Wetlands
	<input type="checkbox"/> Exemplary Wetlands	0	<input type="checkbox"/> Exemplary Wetlands
	<input type="checkbox"/> Vernal Pools (>200SF)	0	<input type="checkbox"/> Vernal Pools (>200SF)
	<input type="checkbox"/> VPD	0	<input type="checkbox"/> VPD
	<input type="checkbox"/> PD	0	<input type="checkbox"/> PD
	<input type="checkbox"/> Inland Stream	0	<input type="checkbox"/> Inland Stream

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:

ZBA Special Exception (applied for)

Describe how the proposal meets conditions in **Article 9.1.6.B** of the Zoning Ordinance (attached for reference):

See attached Project Narrative

2

**Town of Exeter
 Planning Board Application
 Conditional Use Permit: Shoreland Protection District**

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)

Construction of wireless communications facility within an approximately 60' x 60' fenced in compound, which will contain a tower foundation as well as equipment pads and necessary ground based telecommunications equipment, as shown in the Site Plans which accompany this application

Exeter River (Fresh) Little River (150' Buffer) Permanent Impact = 1,310± SF
 Exeter River (Fresh) Little River (300' Buffer) Temporary Impact = 1,500± SF
 Exeter River (Fresh) Little River (300' Buffer) Permanent Impact = 12,990± SF

Shoreland Protection District Impact (in square footage):

Temporary Impact	Wetland: (SQ FT.)	Buffer: (SQ FT.)
	<input type="checkbox"/> Prime Wetlands 0 _____	<input type="checkbox"/> Prime Wetlands 0 _____
	<input type="checkbox"/> Exemplary Wetlands 0 _____	<input type="checkbox"/> Exemplary Wetlands 0 _____
	<input type="checkbox"/> Vernal Pools (>200SF) 0 _____	<input type="checkbox"/> Vernal Pools (>200SF) 0 _____
	<input type="checkbox"/> VPD 0 _____	<input type="checkbox"/> VPD 0 _____
	<input type="checkbox"/> PD 0 _____	<input type="checkbox"/> PD 0 _____
	<input type="checkbox"/> Inland Stream 0 _____	<input type="checkbox"/> Inland Stream 0 _____
Permanent Impact	Wetland:	Buffer:
	<input type="checkbox"/> Prime Wetlands 0 _____	<input type="checkbox"/> Prime Wetlands 0 _____
	<input type="checkbox"/> Exemplary Wetlands 0 _____	<input type="checkbox"/> Exemplary Wetlands 0 _____
	<input type="checkbox"/> Vernal Pools (>200SF) 0 _____	<input type="checkbox"/> Vernal Pools (>200SF) 0 _____
	<input type="checkbox"/> VPD 0 _____	<input type="checkbox"/> VPD 0 _____
	<input type="checkbox"/> PD 0 _____	<input type="checkbox"/> PD 0 _____
	<input type="checkbox"/> Inland Stream 0 _____	<input type="checkbox"/> Inland Stream 0 _____

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:

ZBA Special Exception (applied for)

Describe how your proposal meets the conditions of Article 9.3.4.G.2 of the Zoning Ordinance (attached for reference):

See attached Project Narrative

3

MINOR SUBDIVISION, MINOR SITE PLAN, AND/OR LOT LINE ADJUSTMENT APPLICATION CHECKLIST
--

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | |
|--|-------|
| 1. Application for Hearing | (x) |
| 2. Abutter's List Keyed to the Tax Map | (x) |
| 3. Name, phone number, and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.) | (x) |
| 4. Checklist for plan requirements | (x) |
| 5. Letter of Explanation | (x) |
| 6. Fifteen (15) 11"x 17" copies of the plan set | (x) |
| 7. Seven (7) copies of of 24'x36' plan set | (x) |
| 8. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (x) |
| 9. Application Fees | (x) |
| 10. Written request and justification for waiver(s) from Site Plan/Sub Regulations | (x) |
| 11. Conditional Use Permit (CUP) applied for | () |
| 12. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) | ()NA |
| 13. Stormwater Analysis waiver requested | () |
| 14. Wetlands function and values analysis waiver requested | () |

NOTES: All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.

TOWN OF EXETER
MINOR SUBDIVISION, MINOR
SITE PLAN, AND/OR LOT LINE
ADJUSTMENT APPLICATION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

MINOR SITE PLAN
 MINOR (3lots or less)
SUBDIVISION LOTS

LOT LINE ADJUSTMENT

_____	APPLICATION
_____	DATE RECEIVED
_____	APPLICATION FEE
_____	PLAN REVIEW FEE
_____	ABUTTER FEE
_____	LEGAL NOTICE FEE
_____	INSPECTION FEE
_____	TOTAL FEES
_____	AMOUNT REFUNDED

John F. Hennessey, an individual; Christine H. Henderson as Trustee of the Christine H. Henderson Revocable Living Trust; and Laurie H. Murray and John M. Murray III as Trustees of the Murray Family 2006 Revocable Trust u/d/t dated January 10, 2006

1. NAME OF LEGAL OWNER OF RECORD: _____

ADDRESS: 12 Pendexter Road, Madbury, NH 03823

TELEPHONE: (401) 447-8500

2. NAME OF APPLICANT: Varsity Wireless Investors, LLC

ADDRESS: 290 Congress Street, 7th FL, Boston, MA 02210

TELEPHONE: (401) 447-8500

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: Lessee

see attached letter of authorization

(Written permission from Owner is required, please attach.)

4. DESCRIPTION OF PROPERTY:

ADDRESS: 8 Kingston Road, Exeter, NH 03833

TAX MAP: 81 PARCEL #: 49 ZONING DISTRICT: NP

AREA OF ENTIRE TRACT: 19 ac PORTION BEING DEVELOPED: 5625 sq ft

5. **EXPLANATION OF PROPOSAL:** construction of wireless communications facility within an
approximately 60' x 60' foot fenced in compound which will contain a tower foundation, equipment pads and necessary
ground based telecommunications equipment

6. **ARE MUNICIPAL SERVICES AVAILABLE?** (YES/NO) N/A no water or sewer required
IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR
CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Site Plans entitled "Site Name: Exeter" by ProTerra Design Group, LLC dated 4/21/17</u>	
B. <u>(11 sheets)</u>	
C. _____	
D. _____	
E. _____	
F. _____	

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED**
(YES/NO) NO IF YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Jesse Moreno, P.E. ProTerra Design Group, LLC
ADDRESS: 4 Bay Road, Bldg A, Suite 200, Hadley, MA 01035
PROFESSION: licensed professional engineer **TELEPHONE:** (413) 320-4918

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** see attached Site Plans

11. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?

(Please check with the Planning Department Office to verify) (YES/NO) _____ IF YES, LIST BELOW AND NOTE ON PLAN.

Special Exception - applied for

NOTICE: I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13.2 OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

Varsity Wireless Investors, LLC

DATE 4/25/17

APPLICANT'S SIGNATURE

By: 

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.

**CHECK LIST FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION AND LOT LINE ADJUSTMENT**

APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.10.1.4
✓	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
✓	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
✓	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
✓	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
✓	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
✓	<input type="checkbox"/>	f) Zoning (including overlay) district references.
✓	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
✓	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
✓	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
✓	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
na	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
✓	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.
✓	<input type="checkbox"/>	m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."

4



April 25, 2017

Town of Exeter Planning Board
10 Front Street
Exeter, NH 03833

Applicant: Varsity Wireless Investors, LLC
Site Id: VW2-NH-0041A
Property Address: 8 Kingston Road, Exeter, NH 03833
Tax Assessors: Map 81, Lot 49
Property Owner: John F. Hennessey, an individual; Christine H. Henderson as Trustee of the Christine H. Henderson Revocable Living Trust; and Laurie H. Murray and John M. Murray III as Trustees of the Murray Family 2006 Revocable Trust u/d/t dated January 10, 2006

Dear Members of the Planning Board:

The Applicant respectfully requests a WAIVER from the following requirements of the Town of Exeter Site Plan Review Regulations:

1. Stormwater Analysis;
2. Wetlands function and values analysis; and
3. Such other requirements as are inapplicable to the proposed project

Given (i) the size and setbacks of the project relative to the size of the overall lot; (ii) the relatively flat topography of the lot and minimal grading required; and (iii) the de minimus amount of additional impervious surface that will be created as a result of the proposed project; there will be only a de minimus amount of, and no offsite, storm water runoff because of the proposed facility. Moreover, there will be no impact on existing wetlands.

Thank you for your consideration in this regard.

Francis D. Parisi, Esq.
Varsity Wireless Investors, LLC
290 Congress Street, 7th Floor
Boston, MA 02210
(401) 447-8500 cell
(401) 831-8387 fax
fparisi@varsitywireless.com

5

6

Abutters List

Date: April 24, 2017

[print this list](#)

Search Distance: 50 Feet

Prop ID: 073-047-0000
Prop Location: ARBOR ST Exeter, NH
Owner: BOSTON AND MAINE RAILROAD
Co-Owner: CORPORATION

Prop ID: 074-059-0000
Prop Location: WESTSIDE DR Exeter, NH
Owner: EXETER TOWN OF

Prop ID: 074-060-0000
Prop Location: 7 WESTSIDE DR Exeter, NH
Owner: BLANCHARD EILEEN M

Prop ID: 074-061-0000
Prop Location: 5 WESTSIDE DR Exeter, NH
Owner: STEELE GLENN AND
Co-Owner: ANNAMARIE REV TRUST 2011

Prop ID: 074-062-0000
Prop Location: 3 WESTSIDE DR Exeter, NH
Owner: GRAY BRIAN T
Co-Owner: GRAY CASSANDRA A

Prop ID: 074-063-0000
Prop Location: 1 WESTSIDE DR Exeter, NH
Owner: TOUSIGNANT DARLENE

Prop ID: 074-081-0000
Prop Location: KINGSTON RD Exeter, NH
Owner: FRAUMENI JUDITH L REV TR
Co-Owner: FRAUMENI JUDITH TRUSTEE

Prop ID: 081-033-0000
Prop Location: 35 WESTSIDE DR Exeter, NH
Owner: LANPHEAR ROGER

Prop ID: 081-034-0000
Prop Location: 33 WESTSIDE DR Exeter, NH
Owner: GROWER CURTIS E
Co-Owner: GROWER ELSIE J

Prop ID: 081-035-0000
Prop Location: 31 WESTSIDE DR Exeter, NH
Owner: MARSHALL JOANNE S
Co-Owner: PENNINGTON DALE E

Prop ID: 081-036-0000
Prop Location: 29 WESTSIDE DR Exeter, NH
Owner: TETREULT RAYMOND

Prop ID: 081-037-0000
Prop Location: 27 WESTSIDE DR Exeter, NH
Owner: HAYWARD MATTHEW W
Co-Owner: HAYWARD KIMBERLY A

Prop ID: 081-038-0000
Prop Location: WESTSIDE DR Exeter, NH
Owner: EXETER TOWN OF

Prop ID: 081-039-0000

Prop Location: 25 WESTSIDE DR Exeter, NH
Owner: LUCZKO DIANE L
Co-Owner: LUCZKO SCOTT A

Prop ID: 081-040-0000
Prop Location: 23 WESTSIDE DR Exeter, NH
Owner: CALLAHAN JOHN J

Prop ID: 081-041-0000
Prop Location: 21 WESTSIDE DR Exeter, NH
Owner: WALKER DAVID T
Co-Owner: WALKER KATHRYN S

Prop ID: 081-042-0000
Prop Location: 19 WESTSIDE DR Exeter, NH
Owner: GURSHIN CHRISTOPHER W
Co-Owner: GURSHIN DENISE

Prop ID: 081-043-0000
Prop Location: 17 WESTSIDE DR Exeter, NH
Owner: MOORE MARLEEN M

Prop ID: 081-044-0000
Prop Location: 15 WESTSIDE DR Exeter, NH
Owner: WALSH CHRISTOPHER M

Prop ID: 081-045-0000
Prop Location: 13 WESTSIDE DR Exeter, NH
Owner: OUELLETTE MARK J

Prop ID: 081-046-0000
Prop Location: 11 WESTSIDE DR Exeter, NH
Owner: WOOLLES JOYCE M

Prop ID: 081-047-0000
Prop Location: 9 WESTSIDE DR Exeter, NH
Owner: YAROSEWICK JANET S

Prop ID: 081-048-0000
Prop Location: 6 KINGSTON RD Exeter, NH
Owner: HENNESSEY JOHN F & MURRAY FAMILY REV TR
Co-Owner: HENDERSON CHRISTINE H REV LIV TR

Prop ID: 081-049-0000
Prop Location: 8 KINGSTON RD Exeter, NH
Owner: HENNESSEY JOHN F & MURRAY FAMILY REV TR
Co-Owner: HENDERSON CHRISTINE H REV LIV TR

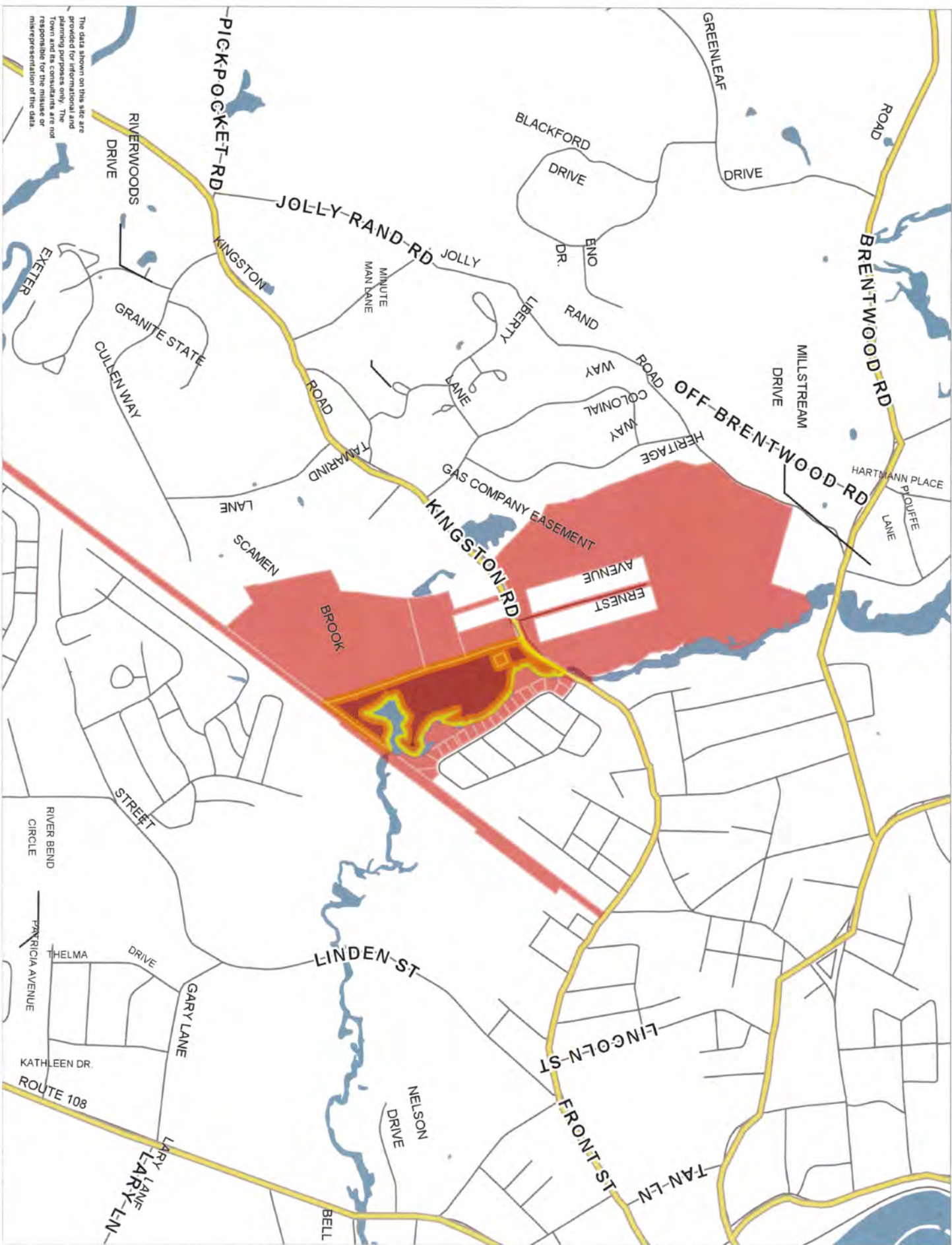
Prop ID: 081-050-0000
Prop Location: 10 KINGSTON RD Exeter, NH
Owner: BARIL OWEN G
Co-Owner: MICHAUD BARBARA E

Prop ID: 081-052-0000
Prop Location: KINGSTON RD Exeter, NH
Owner: BRICKYARD BUSINESS
Co-Owner: CONDO UNIT OWNERS ASSOC

Prop ID: 081-053-0000
Prop Location: KINGSTON RD Exeter, NH
Owner: MENDEZ REV REAL ESTATE TR
Co-Owner: NEEPER BRETT L TRUSTEE



- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated September)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



The data shown on this site are provided for informational and planning purposes only. The user assumes all liability and is not responsible for the misuse or misrepresentation of the data.



Printed on 04/24/2017 at 06:08 PM

Town of Durham
Town Council
8 Newmarket Road
Durham, NH 03824

Town of Newmarket
Town Council
186 Main Street
Newmarket, NH 03857

Town of Newfields
Town Council
65 Main Street
Newfields, NH 03856

Town of Rye
Board of Selectmen
10 Central Road
Rye, NH 03870

Town of Stratham
Board of Selectmen
10 Bunker Hill Ave
Stratham, NH 03885

Town of North Hampton
Select Board
233 Atlantic Avenue
North Hampton, NH 03862

Town of Hampton
Board of Selectmen
100 Winnacunnet Road
Hampton, NH 03842

Town of Hampton Falls
Board of Selectmen
1 Drinkwater Road
Hampton, NH 03884

Town of Seabrook
Board of Selectmen
99 Lafayette Road
Seabrook, NH 03874

Town of Kensington
Board of Selectmen
95 Amesbury Road
Kensington, NH 03833

Town of South Hampton
Board of Selectmen
3 Hilldale Ave
South Hampton, NH 03287

Town of East Kingston
Board of Selectmen
24 Depot Road
East Kingston, NH 03827

Town of Newton
Board of Selectmen
2 Town Hall Road
Newton, NH 03858

Town of Kingston
Board of Selectmen
163 Main Street
Kingston, NH 03848

City of Portsmouth
City Council
1 Junkins Avenue
Portsmouth, NH 03801

Town of Greenland
Board of Selectman
10 Town Square
PO Box 100
Greenland, NH 03840

Town of Hampstead
Board of Selectmen
35 Summit Ave
Hampstead, NH 03841

Town of Danville
Board of Selectmen
210 Main Street
Danville, NH 03818

Town of Sandown
Board of Selectmen
PO Box 1756
Sandown, NH 03873

Town of Fremont
Board of Selectmen
PO Box 120
Fremont, NH 03044

Town of Chester
Board of Selectmen
84 Chester Street
Chester, NH 03036

Town of Raymond
Board of Selectmen
4 Epping Street
Raymond, NH 03077

Town of Epping
Board of Selectmen
157 Main Street
Epping, NH 03042

Town of Nottingham
Board of Selectmen
139 Stage Road
Nottingham, NH 03290


Town of Lee
Select Board
7 Mast Road
Lee, NH 03861

7

LETTER OF AUTHORIZATION


We, **John F. Hennessey**, an Individual, **Christine H. Henderson** as Trustee of the **Christine H. Henderson Revocable Living Trust** and **Laurie H. Murray** and **John M. Murray III** as Trustees of the **Murray Family 2006 Revocable Trust** are owners of a certain parcel of land located at 8 Kingston Road, Tax Map 81, Lot 49, Town of Exeter, Rockingham County, New Hampshire, and recorded at the Rockingham County Registry of Deeds in Book 4713, Page 2753.

As owners of the above-referenced property we hereby authorize Varsity Wireless, LLC and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on our property.



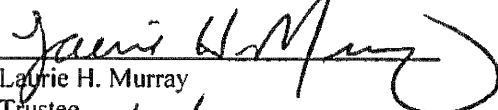
Name: John F. Hennessey
Title: Owner
Date: 9/7/16

Christine H. Henderson Revocable Living Trust

By: 

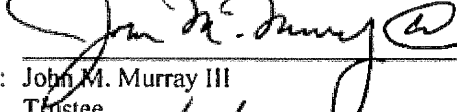
Name: Christine H. Henderson
Title: Trustee
Date: 9/5/16

The Murray Family 2006 Revocable Trust
u/d/t date January 10, 2006

By: 

Name: Laurie H. Murray
Title: Trustee
Date: 9/7/16

The Murray Family 2006 Revocable Trust
u/d/t date January 10, 2006

By: 

Name: John M. Murray III
Title: Trustee
Date: 9/6/2016

8



**APPLICATION FOR
SPECIAL EXCEPTION (ZBA);
CONDITIONAL USE PERMIT: WETLANDS CONSERVATION OVERLAY DISTRICT (PB);
CONDITIONAL USE PERMIT: SHORELAND PROTECTION DISTRICT (PB);
AND MINOR SITE PLAN REVIEW (PB)
FOR WIRELESS COMMUNICATIONS FACILITY**

Applicant: Varsity Wireless Investors, LLC
Site Id: VW2-NH-0041A
Property Address: 8 Kingston Road, Exeter, NH 03833
Tax Assessors: Map 81, Lot 49
Property Owner: John F. Hennessey, an individual; Christine H. Henderson as Trustee of the Christine H. Henderson Revocable Living Trust; and Laurie H. Murray and John M. Murray III as Trustees of the Murray Family 2006 Revocable Trust u/d/t dated January 10, 2006
Date: April 25, 2017

PROJECT NARRATIVE

INTRODUCTION

The Applicant Varsity Wireless Investors, LLC, a Delaware limited liability company (“Varsity”) builds, owns and operates the infrastructure that supports wireless telecommunications services. We provide our customers, and the communities they serve, with creative, cost efficient solutions to the ever-growing demand for wireless ubiquity and bandwidth.

Varsity’s founders, senior management and staff bring more than 50 years of wireless industry experience to the company, including leadership positions with wireless operators, tower companies, telecommunication infrastructure developers and the FCC. Varsity’s exceptional human resources are augmented with equity capital from investors who share the long-term view of investing in responsible communications infrastructure.

Varsity is sometimes herein referred to as the “Applicant”.

Applicant’s proposed Wireless Communications Facility is shown on plans submitted with this Application (the “Plans”). Applicant proposes to construct a 130’ monopole tower at 8 Kingston Road, Exeter, NH 03833 Tax Assessors: Map 81, Lot 49 (the “Property”) that will structurally accommodate up to 5 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence in the base of the tower to accommodate ground based telecommunications equipment. As shown on the Plans that accompany this Application, T-Mobile will place panel and dish style antennas and required electronic equipment at a height of approximately 126’ (centerline) on the tower, and it is anticipated that various other telecommunications companies, including AT&T Wireless, Verizon Wireless,

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and SprintPCS, will place panel style antennas and required electronic equipment at heights of approximately 116', 106', and 96' (centerline) on the tower, and each will place telecommunications equipment and backup batteries inside equipment shelter(s) and/or weatherproof cabinets to be located immediately adjacent to the base of the tower. Power/telephone cabinets will be installed just outside the fenced in compound. Applicant's Wireless Communications is similar to the other telecommunication facilities already located in Exeter and the surrounding area and has been designed in accordance with the Town's Ordinance as much as possible.

The subject Property is a very large 19 acre primarily undeveloped parcel located in the NP Neighborhood Zoning District.

THE PROJECT

Wireless telecommunications carriers are in the process of independently designing, constructing and upgrading wireless telecommunications networks to serve areas in and around the Town of Exeter. Such a network requires a grid of radio transmitting and receiving cell sites located at varying distances depending on the location of existing and proposed installations in relation to the surrounding topography. The radio transmitting and receiving facilities require a path from the facility to the user on the ground. This requires the antennas to be located in a location above the tree line where the signal is not obstructed or degraded by buildings or topographical features.

Once constructed, the Wireless Communications will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as telephone service which are currently available at the property. The traffic generated by the facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the access roads and parking to be constructed at the Property. The proposed facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The installation will not require the addition of any new parking or loading spaces.

The construction of the Applicant's Wireless Communications will enhance service coverage in the Town of Exeter and surrounding communities. The enhancement of service coverage in the Town of Exeter is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it

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pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

Moreover and most importantly:

1. The proposed Wireless Communications will promote and conserve the convenience and general welfare of the inhabitants of the Town of Exeter by enhancing telecommunications services within the Town.
2. The proposed Wireless Communications will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters.
3. The proposed Wireless Communications will preserve and increase the amenities of the Town by enhancing telecommunications services.
4. The proposed Wireless Communications will facilitate the adequate provision of transportation by improving mobile telecommunications for business, personal and emergency uses.

Wireless service is important to public safety and convenience. As of the end of 2015, there were an estimated 375 million wireless telephone users in the United States. See FCC's *Nineteenth Report to Congress on the State of Competition in the Commercial Mobile Radio Services Marketplace*, p. 8 (September, 2016). There are now more wireless subscriptions than landline telephone subscriptions in the United States, and the number of landline telephone subscribers across the nation is declining each year while the number of wireless users increases. Moreover, it is forecasted that wireless connections will become more significant as network service providers facilitate increase connectivity directly between devices, sensors, monitors, etc., and their networks. *Id. at p. 9.*

For many Americans, wireless devices have become an indispensable replacement for traditional landline telephones. Even when Americans maintain both types of telephone service, Americans are opting increasingly to use wireless devices over their landline telephones. For Americans living in "wireless-only" homes and for those others while away from their homes, cell phones are often their only lifeline in emergencies. Almost 50% of American households are now "wireless only." <http://www.ctia.org/industry-data/ctia-annual-wireless-industry-survey>. The FCC estimates that approximately 70% of the millions of 911 calls made daily are placed from cell phones, and that percentage is growing. See <http://www.fcc.gov/guides/wireless-911-services>

**COMPLIANCE WITH SITING CRITERIA FOR
WIRELESS COMMUNICATIONS FACILITIES**

The Town of Exeter does not have a specific zoning ordinance provision pertaining to wireless communications facilities. "Essential Services" are a permitted use in the NP Neighborhood Professional zoning district subject to the grant of a Special Exception from the Zoning Board of Adjustment. There is a 35' height limit in the NP Neighborhood Professional zoning district. However:

5.4.2 Special Exception to Height Regulations – Board of Adjustment:

F. Communication towers may exceed the height regulations by more than forty percent (40%) providing the Zoning Board of Adjustment grants special exception approval and finds that:

1. The proposed site and tower promote co-location opportunities.
2. The applicant has exhausted all other reasonable alternatives to a new tower that would minimize the adverse visual impacts.
3. The applicant has made every reasonable effort to locate the tower in a non-residential zoning district.

The proposed Facility has been designed to fulfill the stated purpose and intent goals of the Town's Ordinance in all respects. The location of the proposed Facility is on a large (19 acre) primarily undeveloped lot in the NP Neighborhood Professional zoning district. As a wireless infrastructure developer, Varsity encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market, and intends to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community. As is evidenced by the supporting materials that accompany this Application, there are no existing wireless communication facility towers or any other structure anywhere near the proposed Facility that have the height and structural integrity to support wireless communications antennas and meet the coverage objective of the proposed Facility. Moreover, the proposed Facility will be sited so as to minimize the visibility of the Facility as much as possible from adjacent properties and shall be suitably screened from abutters and public rights of way. The monopole will be a non-reflective galvanized steel color to minimize the visual impact of the Facility. The proposed Facility will be placed the Property, and will be amply buffered by a dense stand of existing trees and bushes, and as such will be suitably camouflaged to reduce the visual impact of the Facility.

COMPLIANCE WITH CRITERIA FOR SPECIAL EXCEPTION

5.2 SPECIAL EXCEPTIONS

Special exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the Board of Adjustment. Such exceptions shall be found by the Board of Adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance:

A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof.

“Essential Services” are a permitted use in the NP Neighborhood Professional zoning district subject to the grant of a Special Exception from the Zoning Board of Adjustment.

B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

The construction of the Applicant's Wireless Communications will enhance service coverage in the Town of Exeter and surrounding communities. The enhancement of service coverage in the Town of Exeter is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the Facility will comply with all applicable local, state and federal safety regulations.

C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located. Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses), that are not permitted uses as listed in 4.2 Schedule 1: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.

“Essential Services” are a permitted use in the NP Neighborhood Professional zoning district subject to the grant of a Special Exception from the Zoning Board of Adjustment. The proposed Facility will be located closest to other properties in the NP zone used commercially, will be amply set back from abutting properties in all directions, and will be surrounded by undevelopable wetlands to the east and south.

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D. That adequate landscaping and screening are provided as required herein.

The proposed Facility will be on a large (19 acre) primarily undeveloped lot and will be surrounded by a dense buffer of existing vegetation.

E. That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.

Once constructed, the Facility will be unmanned and the traffic generated by the Facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character.

F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

The proposed use will conform with all applicable regulations governing the Neighborhood Professional zoning district. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the Facility will comply with all applicable local, state and federal safety regulations.

G. As a condition of special exception approval, the Applicant may be required to obtain Town Planner review and /or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.

The Applicant has applied for Site Plan Approval from the Planning Board.

H. That the use shall not adversely affect abutting or nearby property values.

The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof. The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning. Specifically, it will generate only about two vehicle trips per month by a service technician for routine maintenance, will be served by standard electrical and telephone service, and requires no water, septic or other town services. Numerous studies and market analysis have shown that an existing or proposed communications tower has no measurable impact on nearby property values. There are already other similar facilities located in the Town of Exeter and surrounding communities. Although many of these towers have been in existence for several years, the Town of Exeter does not appear to have granted

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lower assessments or abatement requests due to the proximity to or visibility of a communications tower. Once constructed, the Facility has been designed to and will comply with all applicable local, state and federal safety regulations.

I. That if the application is for a Special Exception for the hazardous storage of a material which is, in the opinion of the Planning Board, potentially explosive, then as per Article 5.2.D, landscaping shall be required to include blast containment, blast dampening or blast channeling features.

Not Applicable.

J. That if the application is for a use in the "Professional/Tech Park District," such exception will not:

1. Affect the water quality of Water Works Pond or other water supplies;
2. Constitute a health and safety hazard to the community;
3. Permit temporary structures;
4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance.

The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as "hazardous" will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.

Not Applicable.

**COMPLIANCE WITH CRITERIA FOR CONDITIONAL USE PERMIT FOR
WETLAND CONSERVATION OVERLAY DISTRICT**

9.1.6 Conditional Uses:

A. Conditional Use Permit: Under the enabling authority granted by NH RSA §674:21 II, the following uses are only permitted in the Wetlands Conservation Overlay District pursuant to the issuance of a conditional use permit by the Planning Board provided that all of the conditions listed in article 9.1.6.B below are met.

1. Construction of roads and other access ways, parking areas, utilities, structures, drainage systems, wells and other site improvements that impact the Wetlands Conservation Overlay District, provided that the proposed construction is essential to the productive use of land not within the Wetlands Conservation Overlay District.

The Applicant has applied to the Planning Board for a Conditional Use Permit to construct a Wireless Communications Facility in the Wetlands Conservation Overlay District as shown on the site plans that accompany this Application.

2. If prime wetlands are involved then the following: Agriculture activities including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause increases in surface or groundwater contamination by pesticides or other toxic or hazardous substance and that such use will not cause or contribute to soil erosion.

Not Applicable

3. Within the 100 ft. buffer around prime wetlands, forestry and tree farming consistent with the best management practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified, in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log landings shall be located 50 feet from streams or ponds and designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.

Not Applicable

B. Conditions:

1. That the proposed use is permitted in the underlying zoning district;

“Essential Services” are a permitted use in the NP Neighborhood Professional zoning district subject to the grant of a Special Exception from the Zoning Board of Adjustment.

2. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation Overlay District;

The lot on which the proposed Facility will be built is a large 19 acre parcel that is predominately undeveloped, but a substantial portion of which is wetlands. The use for which the permit is sought cannot be carried out on a portion or portions of the lot which are outside the Wetlands Conservation Overlay District because of the limited area on the lot that is not wetlands or subject to a wetlands buffer.

3. The proposed impact has been evaluated in the context of the relative "value" of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic system. To the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s).

Given (i) the size and setbacks of the project relative to the size of the overall lot; (ii) the relatively flat topography of the lot and minimal grading required; (iii) the de minimus amount of additional impervious surface that will be created as a result of the proposed project; there will be only a de minimus amount of, and no offsite, storm water runoff because of the proposed facility. Moreover, there will be no impact on existing wetlands and the proposed Facility will not be detrimental to the value and function of the wetlands.

4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer and that no alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;

Given (i) the size and setbacks of the project relative to the size of the overall lot; (ii) the relatively flat topography of the lot and minimal grading required; (iii) the de minimus amount of additional impervious surface that will be created as a result of the proposed project; there will be no detrimental impact on the wetland or wetland buffer. As is shown on the site plans which accompany this Application, significant erosion control measures will be utilized during construction.

5. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade and condition following construction;

As is shown on the site plans which accompany this Application, significant erosion control measures will be utilized during construction, and the Applicant agrees to restore the construction site outside of the fenced in compound as nearly as possible to its original grade and condition following construction.

6. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;

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The proposed use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater, and will not result in the loss of wetland. Once constructed, the Facility will comply with all applicable local, state and federal safety regulations.

7. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.

The Applicant intends to apply for and obtain a Shoreland Permit and any other required permit from the New Hampshire Department of Environmental Services.

**COMPLIANCE WITH CRITERIA FOR CONDITIONAL USE PERMIT FOR
SHORELAND PROTECTION OVERLAY DISTRICT**

9.4.3.G

2. The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made which have been reviewed by technical experts from the Rockingham Conservation District, if required by the Planning Board, at the cost of the developer, provided that all of the following are true:

a. The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.

The proposed use will have no affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions. The proposed use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater, and will not result in the loss of wetland.

b. The proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined.

The proposed use will be unmanned and will not require water, septic or a waste water disposal system. There will be no on-site storage or disposal of hazardous or toxic substances.

c. The proposed use will not result in undue damage to spawning grounds and other wildlife habitat.

The proposed use will have no effect on spawning grounds and other wildlife habitat.

d. The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article.

The proposed use will have no effect on the Shoreland Protection District, and complies with all of the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article, other than as shown on the Site Plans, for which a Conditional Use Permit has been requested

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e. The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.

The design, construction of the proposed use will have no effect on the Shoreland Protection District, and will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.

CRITERIA FOR SITE PLAN APPROVAL

The Applicant respectfully that the Planning Board approve the Site Plan as proposed.

As the Plans indicate, the proposed Facility has been designed to accommodate the antennas of at least 4 wireless broadband co-locators. There are no existing or previously approved telecommunications facilities in the area of the proposed Facility, nor are there existing structures of sufficient height in the area of the proposed Facility, that will achieve the coverage objective of the proposed Facility. The Facility has been situated on the Property in such a way to achieve the objectives of the Ordinance by minimizing the visibility from abutting landowners as much as possible. As has been shown throughout this Project Narrative, approval of the Site Plan will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest. Site Plan Approval will not in any manner vary other provisions of the Exeter Zoning Ordinance. The Facility will substantially secure the objectives, standards and requirements of these regulations, and special circumstances warrant approval of the Site Plan as proposed. The proposed Facility is minor in scope to other commercial developments, the location is reasonably adaptable to the proposed Facility; and the proposed use is passive and will have no impact on traffic, parking, public safety, drainage, schools, parks, open space, or other public requirements.

- The proposed Facility will reduce the number of new structures ultimately needed to provide wireless communication services in the surrounding area by providing co-location potential;
- The proposed location is reasonably adaptable to the proposed Facility;
- The proposed Facility is designed to be at the minimum height necessary to provide adequate coverage to the area and keep potential visual impacts to a minimum;
- The proposed Facility will be located on a lot abutting lots already used for commercial purposes;
- The proposed Facility will comply in all respects with radio frequency emission standards established by the FCC;
- The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof. The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning. Specifically, it will generate only about two vehicle trips per month by a service technician for routine maintenance, will be served by standard electrical and telephone service, and requires no water, septic or other town services;

- The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town by enhancing telecommunications services within the town;
- The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters;
- The proposed Facility will involve no overcrowding of land or undue concentration of population because it is an unmanned Facility;
- The proposed Facility will preserve and increase the amenities of the Town by enhancing the telecommunications services;
- The proposed Facility will involve no adverse effects on public and private water supplies and indeed will utilize no water at all;
- The proposed Facility will facilitate the adequate provisions of transportation by improving mobile telecommunications for business, personal and emergency uses;
- The proposed Facility will involve no adverse effects on drainage, schools, parks, open space, or other public requirements;
- The proposed Facility will involve no excessive noise or pollution to the environment;
- The proposed Facility will have no adverse effect on historic sites; and
- The proposed Facility will be an appropriate use of land within the Town.

THE TELECOMMUNICATIONS ACT OF 1996

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the “TCA” or the “Telecommunications Act”). The intent of the TCA as enacted by Congress was to institute a framework to promote competition and innovation within the telecommunications industry. Although this law specifically preserves local zoning authority with respect to the siting of wireless service facilities, it clarifies when the exercise of local zoning authority may be preempted by federal law. Section 704 of the TCA provides, in pertinent part, that

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS-

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under its respective licenses from the FCC, wireless telecommunications carriers are obligated to provide a reliable “product” [i.e. telecommunications service] to the population in northern New Hampshire, which includes the Town of Exeter. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier’s failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. As demonstrated in the Application and supplemental materials provided by the Applicant, the proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the existing network infrastructure. In Daniels v. Town of Londonderry, 157 N.H. 519 (2008), the New Hampshire Supreme Court upheld the grant of use and area variances for the construction of a cell tower in an agricultural-residential zone, noting that the Londonderry ZBA correctly treated the TCA as an “umbrella” that preempted local law under certain circumstances.

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In a growing number of cases, the federal courts have found that permit denials violate the TCA, even if such denials would be valid under state law. For example, in Omnipoint Communications v. Town of Lincoln, 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town's wireless overlay district violated the TCA and ordered the variance to issue despite an Ordinance provision prohibiting use variances. The court in Nextel Communications v. Town of Wayland, 231 F. Supp. 2d 396 (D. Mass 2002) reached the same result. In that case, the court stated: "Although the Board's statement [regarding its lack of authority to issue a use variance] may be correct statement in Massachusetts regarding variances, it is not controlling in the special case of Telecommunications facilities...Under the Telecommunications Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services." Wayland at 406-407. Most notably, in Omnipoint Holdings, Inc. v. Town of Cranston, No. 08-2491 (1st Cir. Nov. 3, 2009), the United States Court of Appeals for the First Circuit recently affirmed a judgment of the United States District Court for the District of Rhode Island, which found that the Cranston Zoning Board of Review violated the TCA by effectively prohibiting the provision of wireless services in Cranston when it denied an application for a special use permit and variance to construct a wireless facility in a residential area. The Court noted that "[t]he effective prohibition clause does not stand alone; it is also part of the TCA's larger goal of encouraging competition to provide consumers with cheaper, higher-quality wireless technology.... As cell phone use increases, carriers need to build more facilities, especially in populated areas, to continue providing reliable coverage, and local regulations can present serious obstacles." Cranston, p. 25. More recently, in New Cingular Wireless, LLC v. City of Manchester, Case No. 11-cv-334-SM (USDC D. NH Feb. 28, 2014), the United States District Court for the District of New Hampshire indicated that the City of Manchester impermissibly denied a variance to construct a telecommunications tower in a (non-permitted) residential zone, in that the tower addressed significant coverage gaps and provided competitive and reliable wireless services and there was no feasible alternative. The Court noted that the City must consider the public benefits of wireless services in determining whether to grant a zoning variance for a tower. Id.

The Applicant has investigated alternative sites in and around the defined geographic area within which its engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the wireless network of existing and planned facilities. No existing structure or property in or near the vicinity of the proposed Facility is feasible to accommodate the wireless network requirements. The proposed Facility is on land which already is commercially used.

Accordingly, denial of a permit to construct a Telecommunication Facility would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Ordinance and the U.S. Congress in enacting the TCA.

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SUMMARY

Because the proposed facility meets all of the requirements for a Special Exception for Wireless Communications Facility under the Exeter Zoning Ordinance, and pursuant to §704(a) of the Federal Telecommunications Act of 1996 which provides, among other things, that wireless facilities may not be prohibited in any particular area and that any denial of zoning relief must be based upon substantial evidence, the Applicant respectfully requests that (i) the Zoning Board approve the requested Application For Special Exception and (ii) the Planning Board grant the requested Conditional Use Permits and approve the Site Plans as proposed, and the Town grant such other relief, relief or waivers deemed necessary by the Town of Exeter under the current Ordinance and pending Ordinance amendments, if any, so that the Applicant may construct and operate the Wireless Communications Facility as proposed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Parisi', with a stylized flourish at the end.

Francis D. Parisi, Esq.
Varsity Wireless Investors, LLC
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Boston, MA 02210
(401) 447-8500 cell
(401) 831-8387 fax
fparisi@varsitywireless.com

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8 Kingston Road
aerial view



Legend



200 ft

Google earth

@2016 Google

8 Kingston Road

View of property from entrance to driveway

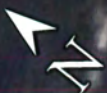


Legend

Google earth

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6.34 ft



Date: April 28, 2017

To: The Exeter Conservation Commission ("CC"),

c/o Kristen Murphy, Natural Resource Planner, kmurphy@exeternh.gov

From: Exeter Rose Farm, LLC

Re: Request for a matter to be heard by the CC

Mr. Chairman and Members:

We have proposed a single family residential development on a ~49.9 acre site at the end of Oak St. Please see our preliminary site plan attached ("Plan"). The development of this site has been underway for several years, including multiple iterations with the Planning Board ("PB") to prepare a compliant yield plan for the site (39 single family lots before density bonuses as approved in January).

The Plan has been prepared in accordance with the open space regulations of the town. These regulations provide for a 10% density bonus if 50% or more the open space is permanently conveyed to the Town or the CC for the public benefit.

We are requesting that the CC support the conveyance of 12.9 acres of open space (of 25.4 acres total, with 12.5 acres to remain private), as depicted on the Plan, and provide such written notice to the PB as they may require to approve a density bonus.

The Plan is to create [39+] conforming single family lots with new streets/utilities to provide access/frontage to be turned over to the town at completion. The current access on Oak St Ext is proposed to remain up to the spring access point, to a turnaround/parking area similar to the existing area already open to the public and maintained by the town. Entry/access to the new development from that point may be restricted and/or gated depending on public safety or other considerations; the primary entry/access coming from a proposed extension of Wadleigh St.

We would offer to convey to the Town and/or the CC or other designee, by deed or conservation easement, as a gift, including all reasonable closing costs and fees of conveyance, the land area indicated on the Plan, thereby ensuring continued public access to areas of the property that are already valued by the public, and conservation with public stewardship and access to valued environmental resources of the site.

The points in favor of conveyance for the public interest include; A) The public participation in the PB meetings indicates concern about continued access to the spring, trail access and conservation, B) The spring has a history as a public resource, having been re-routed and protected for use by the County historically, and informally maintained by the landowners and the Town over recent decades for continued use by the public; including the access through Oak St Ext and the widened area adjacent to the spring with signage and areas to park. C) The Town and CC can support a low/no incremental cost public resource for the benefit of (39+) new residents/taxpayers, the existing proximate neighbors/taxpayers (50+), and the general public.

Respectfully submitted for your consideration,

Keith W. Pattison

Exeter Rose Farm, LLC

**CONSERVATION COMMISSION
APRIL 11, 2017
DRAFT MINUTES**

Call to Order:

The meeting was called to order by Acting Chair Bill Campbell, at 7:03 pm.

1. Introduction of Members Present:

Members present were David O’Hearn; Andrew Koff, Ginny Raub, Bill Campbell, Vice Chair/Acting Chair, Anne Surman, Selectmen’s Representative, Alyson Eberhardt and Todd Piskovitz.

Staff present were Kristen Murphy, Natural Resources Planner; and David Pancoast, Recording Secretary. Members of the public, presenters and consultants were present as well.

2. Public Comment: There was none.

Action Items:

1. McDonnell Conservation Area Kiosk – Eagle Candidate (Caleb Mahoney)

Caleb Mahoney, Life Scout in Exeter, asked permission to construct a Kiosk at the McDonnell Conservation Area. It will be 9 feet tall and 5 feet across. It would be sited at the edge of the parking area down by the trailhead. It will condense the tree signage that exists for the area. He is to begin construction in end of June and complete it by mid-July. The funds will be raised by him through a car wash. Ms. Diane Arnheim, owner, was present and confirmed he had permission to do this project and she appreciated it, but suggested he bring a lot of help to dig holes for the posts.

Mr. Koff raised discussion of the footings for the posts going down the frost line. Ms. Murphy reported that Doug Eastman, Code Enforcement Officer, said that due to vandalism it needed concrete footings and, if installed with them, it would be fine at 3 feet deep.

Ms. Eberhardt asked about sign consolidation. Mr. Mahoney's thought was to combine several of the tree signs with the warnings and rules on them. Mr. Campbell said to be sure to keep access hours very visible. Ms. Eberhardt moved to approve the application with the suggested details, and expend up to \$100 for signage, Ms. Raub seconded and it was unanimously approved.

2. Morrisette Conservation Area Kiosk -- Eagle Candidate (Daniel Stinson)

Mr. Stinson, Life Scout of Exeter, presented an update. He proposed to construct a kiosk with a site map and information. It will be sited across from Little River, the Town will cover the cost of signage. Also he is doing his project like the one at McDonnell above and will install the 6" x 6" posts in cement as well. Mr. Campbell said the kiosk will be like the Kimball Reserve kiosk. Ms. Stinson wants to also do a kid's trail sign and a general clearing of the trails. Mr. Koff said the proposed location is subject to Commission final approval. Discussion was for fine-tuning the location to avoid the sewer easement, with DPW input. Digsafe approval is only good for 30 days. Ms. Murphy will take care of getting that. Mr. Ms. Murphy said the Morrisette owners are also present. Michele Morrisette Wade spoke. Her Grandfather owned it and she is liaison on this and will help with it if she can. Mr. Campbell said the field will remain a field and the apple trees are being revived. Milkweed was sown for wildlife too. Ms. Raub said this will be for Morrisette, not Jolly Rand. A motion to approve the project as presented with a \$100 sign expenditure was made by Ms. Raub, seconded by Ms. Eberhardt, and unanimously approved.

3. Exeter Shoreland Conditional Use Permit ("CUP") Application for the construction of a 3,000 sq foot 3-bay car wash at 108 Portsmouth Ave, Tax Map/Lot #52, 52 (Jones and Beach)

Mr. Campbell pointed out this would be a recommendation to the Planning Board. Wayne Mollin from Jones and Beach Engineering presented. This site is in between Exeter Lumber and the café next door. The former gas station was torn down and cleaned up. The environmental clean up was handled and is done. This site is within the 300 foot Exeter Shoreline District. The high water zone of Wheelwright Creek was ascertained. Existing conditions plan is presented tonight. Driveway circles around the site to where we have some deck ____ [?] Could not make this word out on

tape]____. Development was cleared to 20 foot buffer in the back. Soil test results showed silt-clay loam there. A landscape buffer is proposed at the rear to block car lights. Rain garden in front is to allow water to come to the front and be discharged to Town drainage. Rest of the drainage is to rear into a pond away from the residential property at Leary Court, allowed on this by regulations. He went through all five items for the CUP. They will install silt fencing for excavation for Town water and sewer. Stormwater is collected, treated and discharged into the Town sewer system. No septic or leach field will be located onsite. This site will have significantly lower risk use than the former gas station. The ground will be maintained by a full time employee onsite.

Mr. Campbell asked about soapy carwash water disposition. Mr. Mollin said the water is not reused but all dirt is captured in the middle process. There are settling tanks to allow materials to come out. Everything filters through two different tanks for cleanliness. Ms. Eberhardt asked about sludge pump-out. Mr. Mollin said the maintenance plan is for it to be pumped out and cleaned out about every six months. Ms. Raub asked about TRC and what about cars dripping other things while in the waiting queue. Mr. Mollin said the grading plan flows to the pond and they have an operations and maintenance plan that includes that pond. Discharge is through Exeter Lumber's lot with approval. Ms. Murphy said there is a person who will take care of site maintenance. Landscaping is part of what they do. Mr. Mollin said that high pressure nozzles are used. The owner of lot and car wash will be present there or on call, he is not selling the project Mr. Campbell asked about issues for a huge thunder storm? Mr. Mollin said there will be a sump in the basin and an outlet going out.

Mr. Piskovitz said there's a manhole onsite with a basin that has an inlet and outlet, that is not DPW's, between the prior building and lumber yard. Mr. W said all tanks were removed. Mr. Piskovitz said it's still there on east side of where the building was. Mr. Mollin said that might be an old septic tank. If they find it, it will be crushed, filled and buried. There was limited history on this site. Mr. Koff said the back half isn't developed. Mr. Mollin said it was cleared a year or two ago by the Exeter Lumber owners. There was a prior project proposed for this site.

Mr. Campbell said a motion to recommend approval of this CUP to the Planning Board with conditions was necessary, to include investigating and resolving the manhole and connections mentioned. Ms. Campbell said snow storage will occur in front, on the right side and some between this and Steve's Restaurant and the rest would be over by the proposed dumpster. Mr. Mollin said the online regulations don't discuss plowing of snow and asked about plowing and storing snow, but knows they can't dump snow on this protected district area. Ms. Murphy said those functions must typically be outside the 300 ft district and any zones or buffers. Mr. Campbell said you can plow but not store it in that zone. Mr. Mollin said that was fine. Ms. Raub said she is not a proponent of rain gardens, as they usually don't work. The proposed rain garden was discussed. Mr. Campbell asked for a motion on the two items. Ms. Raub moved the Commission report no objection to the CUP as proposed, subject to a detailed plan of the rain garden with a maintenance plan of it, and a determination of the manhole situation, and all snow storage to be outside the 300 foot shoreline protection area. Ms. Eberhardt asked who is on hook for the rain garden? Mr. Mollin said landowner is on hook and onsite worker will take care of maintaining it every day. Mr. Koff seconded and it was unanimously approved.

4. 2017 Proposed Trail Projects (Bob Kelly)

Bob Kelly of the Trails Subcommittee presented a graphic. He presented a list of projects for this Commission to consider. The Trails Committee focused on repairs needed. At Henderson Swasey/Fort Rock, with four major trail groups: red, blue, green and yellow. At Henderson Swasey there are ten projects to do: first one off Continental Drive at industrial park now being developed. That private party is ok with trail entry going in there once his project is done. Next is trail off Industrial park, small wooden bridge, section to be rerouted on the hill and as trail goes up the hill. Third is far western area, 'rooty' section and large rock with low wet area there-reroute around it for better access to the hill. Fourth is Mellow Trail, large section of trees down, roots and rocky area. Trail has been split by users. They want to discontinue it and make a smoother access there. Mr. Campbell asked how do they resolve 'rootiness?' Mr. Koff said they should go around it with an 's' trail. If the walkers still use it even when it's rerouted, the Trail Committee should do brushover to that access, to keep

folks out of it. Fifth: on southern section, near railroad trestle area, a lot of logging has been done. Drop zone there with a trail through it. Loggers want to keep it open for regrowth. The Trail Committee wants to do a short reroute around it, to keep the trail in the woods as before. There was discussion on no grading in that area. Mr. Campbell said the open area should be kept open. Mr. Kelly agreed. Problem is with traffic in there and no defined trail. Commission members will go look at it. Sixth, back to wooded area, there is a wood plank bridge near Norris Brook that needs to be replaced. Seventh: open space near turn at southside near the other open area to go north: there is an undefined trail in logging area, they want to define the trail. Eight: more northerly along the Dean property, for the trail at her property, lots of cutting was done in there and some brush and trees are down across the trail. Folks went around them. Want to cut them up and toss them to sides to restore that trail. Ninth: off 'yellow' trail, two short trails down to the tunnel from the southside have arisen and it is hard to get oriented in there. Need 8" x 11" signs to direct folks to the highway tunnel. Tenth: large pine tree fallen at 'green' trail and 'yellow' trail intersection needs to be removed. Ms. Murphy said at Henderson Swasey there is another tree down at the gas line that should be cut up.

Oakland list: #1 is to come down from the Oakland parking lot where a plank bridge is being replaced by Comcast this year. DPW will stage the materials for work on sections. Should be minimal disruption with pre-construction at DPW. It is a very long plank bridge 15-20 years old now, lots of maintenance has been done on it, but it's falling apart. They want to replace that bridge. Up on another section at hill there are a lot of roots, trail needs to be redone. Mr. Piskovitz said that could be closed as there is already an alternate route for it. Discussion on that. Mr. Kelly continued that halfway out on red trail, rooty area, 20 feet long or so needs a trail maintenance reroute around it. At Forest Bridge, a bridge was done with Town funds, due to unsafe conditions and big drop-off, there's a big cut tree to be removed. This list contains about a year or two of work.

Mr. Campbell would like to see the rerouting of the rooty hill part. The Comcast project will be busy, so they have time to look into it. Mr. Kelly said the removal of downed trees is important priority. They can wait on trail reroutes until later. Mr. Campbell mentioned that the beaver dam

bridge needs to be done, how big a job? Mr. Kelly said it would be a relatively big job, as it's far out, remote, and they need to carry everything in there. Also, the bridge needs supports.

Ms. Murphy said Oakland #4 is part of the Natural Resource Conservation Service easement area now so we need to work with them on it. Oakland #3 and #2 have vernal pools, and they need to avoid them. Henderson Swasey #1 should be rerouted. A company named CTI was planning to do part of that work and would like to pitch in at the appropriate time. Mr. Kelly said road blacktopping would be the best time.

Mr. O'Hearn moved to approve all components, allow tree removals now, but wait on the trail reroutes and anything with monetary needs, until the Commission can review those on a site walk, and that any future sponsors should be directed to this list for project ideas. Mr. Kelly said he got New England Mountain Bike Association ("NEMBA") match on the Commission contribution-so there is now a \$1000 total budget. Ms. Eberhardt said some folks might need to weigh in on any approvals. Mr. Kelly said the Oakland components are all construction except #4, which is half and half. The ones that are just maintenance are #8-11, and #1 and #5, are approved, plus the Comcast Cares Day work already approved. Mr. Kelly said they would like the Commission's blessing to avoid issues with the public. Mr. Kelly will work with Kristen as this develops about tree removals and maintenance. Later the Commission can view re-routes. After the discussion, Mr. Koff seconded the motion and it was approved unanimously.

5. Elliott Forest Management Objectives (Megan Henderson)

Ms. Murphy reported that Ms. Henderson needs to know what the goals are before she writes a plan. She reviewed the list Habitat-high, specific wildlife species habitat (Blandings turtles there)-high. Rare and endangered communities-high. The pond has pitcher plants, very rare. Managing forest for periodic income wood-not interested. Recreation-medium-not for off road vehicles but including snowmobiles. Ms. Eberhardt said low impact activities could all be high and others could be medium. High for passive recreation, medium for others. Mountain biking is already out there, so it's ok. Recreation for others-not interested. Limited use by others: NA, protection water quality-high, preventing soil erosion-high, protection of

wetlands etc.-high; maintaining a healthy forest-high; scenic views-high; maintaining stone walls-medium. Not applicable for the rest of the list. Access trail or road: Ms. Murphy said a right-of-way from Stone Wall Way leads into it. Cutting is a not high priority, it would be more for habitat use.

6. Raynes Lease

Ms. Murphy said she met with Darren Davis of Little Brook Farm and went over it with him. He will continue to hay it for the Commission. Couple of steps needed. NRCS fertilization plan is to be followed. Longer term lease of 1-10 years is of interest to him. Ms. Murphy said that it should be 5 years with a renewal extension of 5 years, unless no approval was done at Town Meeting which she needs to confirm. Grasslands bird habitat mowing being delayed to mid-July. He is not interested in planting corn at all. No hay or other storage is planned in the barn. He is supportive of community garden when we find a location-up to one acre in size for that. Ms. Raub asked if he could record the amount and dispersal dates of the fertilizing he does for the river documentation, just like in the original lease. Kristen said the original lease is pretty close, do you want to see changes? Mr. O'Hearn said the Stewardship Committee is meeting tomorrow evening, they should see it. Ms. Murphy suggested it should be approved tonight subject to the review and approval of the Stewardship Committee.

Ms. Murphy suggested if the Stewardship Committee is good with this lease, that the Commission convey a recommendation that the Board of Selectmen approve the lease, pending approval of the Stewardship Committee agreement, for up to five years duration. Ms. Eberhardt moved that, Mr. O'Hearn seconded, and it was unanimously approved.

7. Barry Conservation Camp Sponsorship Discussion (David O'Hearn)

Mr. O'Hearn would like Ms. Murphy's input and assistance on doing the materials for this. Students should have choice of what interests them the most to write about. Essays might be of 800 words, or could do less. Accept hand-written if legible, so as not to prevent applications from those who might not have a computer. Discussion on the challenge of comparing entries was held. The goal of Commission should be to sponsor a student who might not be able to do this otherwise. Ms. Raub wants to see a component about how they would give back to the Commission and share

the experience, even if just a story walk and Ms. Eberhardt agreed. Ms. Raub said the Commission is a Town Committee with the use of Town funds, can't just hand over money to kids. There was discussion on that. Maybe just a volunteer requirement was considered, such as 10 hours of volunteer service with a point person on the Commission for coordinating that. Mr. Campbell said first year should be a talk to the Commission and next time do more. Mr. O'Hearn suggested working on a format on this and Ms. Surman will be involved too, as will Ms. Murphy.

8. Invasive Plant Treatment at Henderson Swasey Town Forest

Ms. Murphy reported that Charlie Moreno, forester, and a contractor for this work walked it with her. Invasives are a range of concentrations throughout the area. Goal is to get this need in to the queue. Need three bids. Have a quote from one, need more due to the cost involved. A wall there had burning bush entirely along it. Can't manage it without chemical treatment. Contractor uses fine nozzles and spraying is restricted during winds. They would drive down trails on ATVs with backpack sprayers used. There is a 95% success rate first year, with a follow up within 3-5 years. Ms. Raub asked if the gas company would contribute? Ms. Murphy said they usually leave it to the landowner. The proposal was \$19,000, but the Commission only has \$12,000, so it needs to treat per acre in phases. Need to talk about limits and boundaries. Ms. Raub said use of chemicals and ATVs is not great but there seems to be no other way to do it. Mr. Campbell said there doesn't seem to be any other choice but for chemicals. The follow up needs to occur or a disaster results. Charlie Moreno suggested the Commission take action now-the longer it waits, the more expensive it is. Need commitment now for late fall of this year. It is too late for this spring. There are no other funding options at this time. Ms. Murphy was directed to go ahead and schedule this work for this coming fall.

9. Application Guidelines (Alyson Eberhardt)

Ms. Eberhardt gave the context: wetland permit application requirement allows for clarity for the Commission, beyond the standard DES application. Spells it out clearly so applicant knows. She requests that everyone look at it at home and find time in a future session to go over this. Trying to make process easier for all. She is also working on a second document of questions which the Commission wants answered in order to advance

projects. She thought this might work for other Commissions, there is a lot of interest on this. Discussion was held on colored plans for clarity. Mr. Campbell asked about a work session on another night to include bylaw work. A start time of 7 pm is best for most Commissioners. He will try to schedule something for this.

10. By-laws Update (Ginny Raub)

This was tabled to another evening.

11. Committee Reports

a. Property Management: Trails (15 min)

Above discussion was already held on this matter.

b. Outreach (20 min)

i. An Evening with the Singing Woodcock 4/22 @ Morrissette (David O'Hearn)

Mr. O'Hearn saw Classroom 120 and it's fine for folks to sit. The rental amount is \$60 for two hours. He will help set it up. Use school entrance that night. He is getting Power Point presentations from some organizations that are being helpful. After the presentation, attendees will walk to the site for viewing at three places. None of this will disturb the breeding area. The area is very muddy, so folks need boots and flashlights. Everything is booked. Anything anyone can do there to manage for woodcock is a benefit. Discussion on bees being brought in was held. Mr. O'Hearn moved to authorize up to \$60 on room use rental, Ms. Surman seconded- it was unanimous.

ii. Rain Barrel Program

Ms. Murphy said she needs someone to distribute the barrels at DPW on a Saturday from mid-April to early May. Purchase price is \$75 and direct downspouts in for water collection. Mr. O'Hearn will do it.

12. Quarterly Treasurers' Report

Discussion was held on Raynes Barn sign money. \$100 was voted to pay for Ben Anderson's materials. Sign in middle of the barn, it looks best there and also provides the best view of it. The sign font should vary for the barn's

construction date. Mr. O’Hearn will seek a recommendation for this from the Stewardship Committee tomorrow night.

13. Approval of Minutes: February 14th, 2017, Feb 14th Site walk, March 21, 2017

After discussion, Ms. Surman moved approval subject to the corrections, additions and changes discussed, seconded by Mr. Piskovitz and unanimously approved.

February 14, 2017 site walk: Ms. Raub moved approval as presented, seconded by Ms. Surman and the vote was unanimous.

March 21, 2017: Ms. Surman moved approval of these minutes as presented, Mr. Piskovitz seconded, and the vote was unanimous.

14. Correspondence

There was none.

15. Other Business

There was none.

16. Next Meeting: Date Scheduled (5/9/17), Submission Deadline (4/28/17)

17. Adjournment:

There being no further business coming before the Commission, Ms. Surman moved to adjourn, seconded by Ms. Eberhardt and the vote was unanimous. The Chair adjourned the session at 9:48 pm.

Respectfully submitted by David Pancoast, Recording Secretary.