



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Engineering Services Division

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Edward L. Roberge, PE
City Engineer

CITY OF CONCORD
POLES AND WIRES COMMITTEE

MEETING MINUTES

MARCH 18, 2016 – 2:00 PM
2ND FLOOR CONFERENCE ROOM, CITY HALL

ATTENDEES

Ed Roberge, City Engineer
Heather Shank, Acting City Planner
Paul Gendron, City Surveyor
Sue Golden, Deputy Assessor
Richard Wollert, Concord Fire Department

CALL TO ORDER

Ed Roberge called the meeting to order. Mr. Roberge noted that Chip Chesley, Director of General Services and Nancy Larson, City Planner, were not in attendance. He stated that Heather Shank, Acting City Planner, was in attendance for Ms. Larson.

APPROVAL OF 10/30/15 MEETING MINUTES

Mr. Roberge opened the item. Ms. Shank moved to approve the 10/30/15 Poles and Wires Committee meeting minutes. Seconded by Mr. Roberge. The motion to approve the minutes was unanimously approved.

Mr. Roberge asked Paul Gendron to briefly outline the agenda. Mr. Gendron stated that there were three items on the agenda, a preliminary application for NH Communications Backhaul Networks, LLC, a final application for Oxford Networks – Freedom Ring Communications, and an information item related to Public Service of New Hampshire / Eversource's Northern Pass.

PRELIMINARY APPLICATION

1. NH Communications Backhaul Networks, LLC, Request for Licensure of Utility Pole within a City Right-of-Way
Loudon Road (NH Route 9)

Mr. Gendron stated that no action was necessary on this item at this time. He stated that NH Communications Backhaul Networks, LLC, an Interstate Transport and Broadband Company (“NH Communications”), has submitted information requesting the placement of a 120 foot utility pole within the right-of-way of Loudon Road just westerly of Sheep Davis Road. He stated that information produced by the State of New Hampshire acknowledges that this section of Loudon Road is a City maintained highway, therefore, the licensing responsibility probably rests with the City. He stated that he sent an email with the information to Richard Radwanski at State of New Hampshire District 5 asking for his input and whether he has any concerns or questions.

Mr. Roberge read the cover letter for the package of information that was submitted by Daniel C. McClendon, Network Real Estate Permitting Manager. He noted that the cover letter does not include a business address or a phone number. Mr. Gendron noted that he had contact information for Kimberly Keller, who originally contacted the City. Richard Wollert noted that he had found LinkedIn info for Mr. McClendon that indicated that he was Counsel for Mobilitie. It was noted that Mobilitie had made contact with the City around October of 2015. At that time, Mobilitie had inquired about six potential locations that would require new utility poles. They had asked for information related to permitting or agreements, pole height restrictions, and the time frame for the review process.

A brief discussion ensued related to the cover letter and whether the company is a PUC regulated company or a private company. The letter states that NH Communications is “a public utility company regulated by the New Hampshire Public Service Commission.” It was also discussed whether zoning or site plan review would be necessary in addition to any action by the Poles and Wires Committee. It was noted that cell towers require site plan review and that antennas require building permits. Mr. Roberge asked Ms. Shank to review the City codes to determine compliance with the request.

After reviewing the construction plans as submitted, Ms. Shank asked whether this is actually a cell tower. She stated that if it is a cell tower, it cannot be located in the public right-of-way and that it would need to be located on private property. Mr. Wollert asked whether the City has a pole height restriction and Mr. Roberge stated that typically 60 feet more or less is the maximum height. Mr. Gendron noted that due to its proposed proximity to an airport runway, he would review the airport approach slopes in conjunction with this request.

Mr. Roberge stated that more research needs to be conducted as to what the structure will be defined as, and what zoning and / or land use laws will pertain to the structure.

It was also suggested that the company be contacted to inquire into its business model and its customers.

FINAL APPLICATIONS

1. Oxford Networks – Freedom Ring Communications, Request for Licensure of fiber within a City Right-of-Way
Short Street, North Spring Street, and Warren Street

Mr. Gendron explained that Oxford Networks acquired Freedom Ring Communications, also known as Bayring Communications in previous applications with the City. He indicated that this particular application commences at their existing plant along Rumford Street, and then runs easterly along Short Street to North Spring Street, then southerly to Warren Street, then easterly to the YMCA at the corner of Warren and North State Street. He stated that he became aware of the project from Richard Wollert after he received a make ready request. Mr. Gendron stated that he had visited the area and observed the route. He noted that the last pole on the proposed route was on the south side of Warren Street and that the YMCA is on the north side. He stated that the current connections from the pole to the building are by aerial wires. Mr. Roberge asked whether Oxford had stated how they would connect to the building. Mr. Gendron stated that they did not.

Mr. Gendron recommended that the application be approved subject to confirming with Oxford whether they would connect by aerial wires or underground conduit. Mr. Roberge stated that if they planned to use conduit that a separate petition should be submitted.

Ms. Shank made a motion to accept the recommendation with the condition that Mr. Gendron confirm the final connection. Seconded by Mr. Roberge. The license petition was conditionally approved.

INFORMATION

1. Public Service Company of New Hampshire - Eversource - Northern Pass
Mountain Road, Hoit Road, Sanborn Road, Shaker Road, Oak Hill Road, Appleton Street, Curtisville Road, Portsmouth Street, Old Loudon Road, Loudon Road, Pembroke Road, Regional Drive, Chenell Drive, and Antrim Avenue

Mr. Gendron stated that no action was necessary on this item and that it was for information purposes only. He stated that he and Deputy City Solicitor Danielle Pacik accompanied the State of New Hampshire's Site Evaluation Committee during site inspections on Wednesday, March 16. The Committee and several Public Service of New Hampshire ("PSNH") representatives hosted site visits at several locations to explain the proposed construction of the Northern Pass. The Committee and PSNH supplied maps and photographs that had the proposed structures superimposed in the photo. Mr. Gendron passed out a picture from the *Concord Monitor* that showed the Committee viewing an area near D'Amante Drive.

Mr. Gendron stated that the Committee made site visits at Boyce Road in Canterbury, Hoit Road and Mountain in Concord, Shaker Road, Oak Hill Road, Portsmouth Street, D'Amante Drive and Loudon Road, behind Shaw's and Home Depot across from McKenna's Purchase, and Industrial Park Drive.

Mr. Gendron stated that when PSNH constructed the V-182 line within the same right-of-way as the proposed Northern Pass, licenses for all of the public road crossing were required by the Committee. A brief discussion ensued whether the Committee would have the same authority with the Northern Pass, or whether the federal nature of the project would preempt the Committee. Mr. Gendron stated that he would inquire with the City Legal Department.

NEW BUSINESS

None.

NEXT MEETING

Mr. Roberge noted that the next meeting is scheduled for June 17.

ADJOURNMENT

There being no further items to discuss, Ms. Shank made a motion to adjourn and was seconded by Mr. Roberge.