



**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
***Community Development Department***

Edward L. Roberge, PE  
*City Engineer*

**CITY OF CONCORD  
POLES AND WIRES COMMITTEE**

**MEETING MINUTES**

**MARCH 21, 2017 – 10:00 AM  
2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL**

**ATTENDEES**

Ed Roberge, City Engineer  
Heather Shank, City Planner  
Chip Chesley, Director of General Services  
Paul Gendron, City Surveyor  
Sue Golden, Deputy Assessor  
Richard Wollert, Concord Fire Department  
Jay Dunn – Utilities Manager – Waveguide

**CALL TO ORDER**

Ed Roberge called the meeting to order. Mr. Roberge introduced Jay Dunn of Waveguide, who was in attendance for the Waveguide applications on the agenda. Mr. Roberge stated that the committee would address Items 5 and 6 out of order to accommodate Mr. Dunn.

**APPROVAL OF 12/16/16 MEETING MINUTES**

Mr. Roberge opened the item. Heather Shank moved to approve the 12/16/16 Poles and Wires Committee meeting minutes. Seconded by Chip Chesley. 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 six new items on the agenda and one old business item. The six new items consisted of one item for Unitil, three items for segTEL / Firstlight, and two items for Waveguide. The old business item is for Unitil Energy Systems, on behalf of the Concord Black Ice Pond Hockey group.

## **FINAL APPLICATIONS**

5. 186 Communications / Waveguide, request for licensure of fiber within a city right-of-way  
West Street, Dunklee Street, Gilmore Street, and Pillsbury Street

Mr. Gendron stated that this application is for fiber on West Street, Dunklee Street, Gilmore Street, and Pillsbury Street. It's essentially two routes, one starting at existing plant at the intersection of South Street and West Street, then proceeding easterly along the southerly side of West Street, to Dunklee Street, then southerly along the westerly side of Dunklee Street and connecting into existing plant at the intersection of Allison Street. The second route starts at existing plant at the intersection of South Street and Allison Street, then proceeds southerly along the easterly side of Gilmore Street to Pillsbury Street, then easterly on Pillsbury Street to the building at 2 Pillsbury Street.

Mr. Gendron indicated that he had several conversations with Mr. Dunn related to the proposed route. He also had coordinated with Rick Wollert. Mr. Gendron indicated that the proposed route had bypassed a pole on West Street, but that Mr. Dunn had written that they would modify the application to attach to the pole that was originally omitted. Mr. Gendron stated the application currently cuts diagonally across the intersection of Pillsbury and Broadway. He stated that he had asked Mr. Dunn why this proposal was submitted and Mr. Dunn had responded that since there was already existing plant cutting diagonally, that it was recommended by the utilities that they utilize this path.

Mr. Gendron asked Mr. Wollert to comment on the wires that cut across the intersection at Pillsbury and Broadway and Mr. Wollert responded that he believed they were telephone and / or cable drop wires that service a residence near the intersection. Mr. Roberge asked Mr. Dunn if there was space on the poles at Pillsbury and Broadway to follow the existing plant. Mr. Dunn stated that he believed there is if the fire alarm cable is raised. Mr. Dunn briefly explained his understanding of the wires at the intersection and stated that he would amend the application to follow the existing plant from pole 16 / 14 to pole 17 / 16 and then to pole 16 ½ / 15, instead of from pole 16 / 14 to pole 16 ½ / 15.

Mr. Roberge recommended that the application be accepted subject to the conditions that Mr. Dunn modify the applications at the intersections of West Street and Broadway and Pillsbury Street and Broadway so that the plant goes from pole 33 to pole 2 then to pole 22 instead of from pole 33 to pole 22 at the West Street intersection, and from pole 16 / 14 to pole 17 / 16 and then to pole 16 ½ / 15, instead of from pole 16 / 14 to pole 16 ½ / 15 at the Pillsbury Street intersection.

Mr. Chesley asked Mr. Dunn when he would be starting construction of this project if it is approved. Mr. Dunn stated by the end of this week or next week.

Mr. Roberge asked Mr. Dunn to provide updated maps and applications of the proposed route taking into account the two route changes.

Ms. Shank made a motion to accept Mr. Roberge's recommendation with conditions. Seconded by Mr. Chesley. The license petition was approved with conditions.

6. 186 Communications / Waveguide, request for licensure of fiber within a city right-of-way

Sheep Davis Road, Industrial Park Drive, and Regional Drive

Mr. Gendron stated that this application is for fiber on Sheep Davis Road, Industrial Park Drive, and Regional Drive. The project starts at existing plant on the easterly side of Sheep Davis Road, proceeds westerly across Sheep Davis and private property to Industrial Park Drive, then proceeds northerly to Regional Drive, then westerly to a pole on the south side of Regional Drive opposite the 5 Chenell Drive property. At the intersection of Industrial Park Drive and Regional Drive there is a short section of Fairpoint conduit. At the westerly end of the application, there is conduit under Regional Drive to service 5 Chenell Drive.

Mr. Gendron asked Mr. Wollert if he had a chance to look at this route yet. Mr. Wollert stated that he hadn't yet. Mr. Dunn stated that the make ready had just been paid. Mr. Dunn briefly described the issue with clearance with the hi-tension lines and the need to occupy the Fairpoint conduit.

A brief conversation ensued related to the conduit at 5 Chenell Drive and whether it had been previously licensed and when it may have been installed. Mr. Gendron stated that the poles and wires statutes contain an exception for Committee licensure if the infrastructure is reviewed by the local land use board as part of a site plan or subdivision plan. The Committee viewed several survey plans on file with the City to try and ascertain when the conduit was installed but no definite plans were found.

Mr. Dunn asked for clarification as to the City's licensure of the proposal in relation to the portion crossing private property. Mr. Gendron stated that the City will input the entire line into its GIS systems, but Waveguide would only be taxed on the portion of the line that crosses the 100 foot wide ROW of Sheep Davis Road, the section within Industrial Park Drive and within Regional Drive, and the 66 foot wide ROW of Regional Drive at the conduit to 5 Chenell Drive.

Sue Golden questioned the tax implications for the section of plant across private property at the Salvation Army building on the west side of Sheep Davis Road. Mr. Roberge asked if what she was referring to was if Waveguide pays rent to the Salvation Army to occupy the

poles on its property, then would Waveguide be responsible for paying taxes? Ms. Golden stated yes. It was suggested that the Assessing Department research this particular situation.

Mr. Dunn stated that construction of this project is still 3 to 5 months away.

Mr. Gendron recommended that the application be accepted. Ms. Shank made a motion to accept the recommendation. Seconded by Mr. Chesley. The license petition was approved.

1. Unitil Energy Systems, request for licensure of a utility pole within a city right-of-way Storrs Street

Mr. Gendron stated that Unitil had contacted the City this past winter to discuss a situation with their plant feeding the substation on the west side of Storrs Street at the southeast corner of the Holiday Inn property. Stan Balch of Unitil had explained to him that there were several issues with the current plant in that area. The issues had to do with access and snow removal during the winter to access a pole on the east side of Storrs Street and the east side of the railroad near the westerly side of the State buildings on Stickney Avenue. Another issue had to do with adding a switch to a new pole at Storrs Street to easily energize or de-energize the substation. Mr. Balch had indicated that this line feeds the downtown underground system north of Pleasant Street and it was very important to add the switch. Mr. Gendron stated that the Engineering Services Division allowed the installation during the winter at the request of Unitil and recommended that the application be approved.

Mr. Roberge asked the Committee their feelings about approval of the request after the fact. Ms. Shank asked if there could be any recourse if the application was not approved. Mr. Roberge stated that the application could be denied and the Committee would demand removal of the pole. He also stated that the existing poles would need to be made taller to accommodate the wires and the new switch.

A brief discussion ensued related to the infrastructure in the Storrs Street area and the proposed corridor improvements. Mr. Roberge stated that the City will re-evaluate all of the utilities in the corridor and that it is possible that this new pole is temporary until the new corridor is constructed.

Ms. Shank made a motion to accept the recommendation. Seconded by Mr. Chesley. The license petition was approved.

2. segTEL, Inc., d/b/a FirstLight Fiber, request for licensure of fiber within a city right-of-way South Main Street

Mr. Gendron stated that this application is for fiber on South Main Street starting at existing plant at the intersection of South Main Street and McKinley Street and then proceeding northerly to the building at 1 Pillsbury Street. He indicated that the fiber is already installed and that the City became aware of it when Unitil contacted Mr. Wollert to coordinate make ready work. Mr. Gendron stated that he believed that Firstlight installed sometime this past winter. Mr. Wollert stated that the date code on the fiber is Nov. 2016, therefore he believes it was installed after that.

Mr. Roberge stated that when Firstlight was questioned by Mr. Gendron about the fiber being installed prior to the Committee licensing it, that Firstlight replied quickly and honestly about the installation.

Mr. Roberge asked Mr. Gendron to prepare a letter to the pole owners asking that they inform the City when they are approached by potential attachers and remind them how important it is to the City to be aware of these potential projects.

Ms. Golden asked if the City had recourse against Unitil or Fairpoint for not notifying the City about Firstlight attaching to poles. Mr. Roberge stated that the City could go to the PUC and make a complaint. Mr. Wollert suggested that we not file a complaint for this project. Mr. Gendron stated that he has seen letters from the pole owners to the attachers stating that the attacher is responsible for also securing all required licenses and / or permits from the state or municipal authorities.

Mr. Gendron indicated that they have secured licenses from Unitil and Fairpoint and recommended that the application be approved.

Mr. Roberge made a motion to accept the recommendation. Seconded by Mr. Chesley. The license petition was approved.

3. segTEL, Inc., d/b/a Firstlight Fiber, request for licensure of fiber within a city right-of-way  
Washington Street, North Main Street, and Court Street

Mr. Gendron stated that this application is for fiber on Washington Street, North Main Street, and Court Street starting at existing plant at the intersection of Washington Street and North State Street. He stated that it then proceeded easterly along the northerly side of Washington Street to North Main Street, then southerly on the westerly side of North Main Street to a certain pole, then crosses North Main Street to the easterly side, then southerly to a pole opposite Court Street, then westerly to a pole at the southwest corner of North Main Street and Court Street. The original proposal then crossed to two poles on the north side of Court Street to conduit that would feed the existing courthouse on the south

side of Court Street. Subsequent information from Firstlight indicated that they now wanted to go underground to the existing courthouse from the pole at the southwest corner of North Main and Court. They stated that the reason for this was insufficient space on the aerial route along Court Street.

Mr. Gendron indicated that he had an on-site meeting with Ed Robinson, Outside Plant Engineer for Firstlight, at the beginning of March. At that meeting Mr. Gendron had informed Mr. Robinson that Firstlight would not be allowed to excavate in the pavement of Court Street as it had recently been repaved and was under moratorium. Mr. Robinson and Mr. Gendron observed the right-of-way bounds for Court Street in relation to the pavement, and determined that there was insufficient room to excavate within the right-of-way without impacting the pavement. Mr. Gendron informed Mr. Robinson that the City was actively reviewing a site plan for the demolition of a County building and the construction of a new courthouse. He advised Mr. Robinson to contact the County and / or its engineer as soon as possible to discuss the placement of fiber on County land so that it does not impact the proposed site development.

Mr. Gendron indicated that as of this Committee meeting, he had no further information related to the placement of fiber on the County land.

Mr. Roberge asked about the route and whether Firstlight could install within the North State Street right-of-way and then easterly along Court Street. Mr. Wollert stated that these companies prefer the least expensive path.

Mr. Gendron indicated that Firstlight has been in contact with Unitil and Fairpoint and recommended that the application be approved for Washington Street and North Main Street but not for Court Street. He indicated that he would stay in contact with Firstlight related to their proposed installation on County land.

Mr. Roberge made a motion to accept the recommendation that only Washington Street and North Main Street be approved and that no digging in the Court Street right-of-way still applies, and that Mr. Gendron continue to coordinate with Firstlight and the County for installation on County land. Seconded by Mr. Chesley. The license petition was approved.

4. segTEL, Inc., d/b/a Firstlight Fiber, request for licensure of fiber within a city right-of-way  
South Fruit Street and Clinton Street

Mr. Gendron stated that this application is for fiber on South Fruit Street and Clinton Street starting at existing plant at the intersection of South Fruit Street, North Fruit Street, and Pleasant Street. He stated that it then proceeded southerly along the easterly side of South Fruit Street to Clinton Street, then easterly on the northerly side of Clinton

Street to a private state road known as Averill Drive on State land, then northerly along Averill Drive to a pole with conduit that feeds the District Court building.

Mr. Wollert stated that he had reviewed this route and had no concerns.

Mr. Gendron indicated that Firstlight has been in contact with Unitil and Fairpoint and recommended that the application be approved.

Ms. Shank made a motion to accept the recommendation. Seconded by Mr. Chesley. The license petition was approved.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

1. Unitil Energy Systems, Request for licensure of a utility pole within city owned property White Park at White Street

Mr. Gendron stated that prior to the December 16, 2016, Committee meeting, Unitil and the Black Ice Pond Hockey group had approached the City to install an electrical riser pole at the southeast corner of White Park where the annual Black Ice Pond Hockey tournament is situated. He reminded the Committee that it had approved the project subject to the installation of the pole on City land and the completion of a license. Mr. Gendron stated that both had taken place and no action was needed on this item as it was for information purposes only.

### **ADJOURNMENT**

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