



David Cedarholm, PE  
*City Engineer*

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

CITY OF CONCORD  
POLES AND WIRES COMMITTEE

**DRAFT MEETING MINUTES**

MAY 14, 2018 – 2:00 PM  
2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL

**ATTENDEES**

David Cedarholm, 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

**CALL TO ORDER**

David Cedarholm called the meeting to order.

**APPROVAL OF 9/15/17 MEETING MINUTES**

Mr. Cedarholm opened the item. Chip Chesley moved to approve the 9/15/17 Poles and Wires Committee meeting minutes. Heather Shank then seconded the motion to accept the minutes. Mr. Cedarholm abstained from voting as he was not at the September 15, 2017 meeting. The minutes were approved.

Mr. Cedarholm asked Paul Gendron to outline the agenda. Mr. Gendron stated there are two projects on the agenda, both for segTEL. The first is on South State Street and North State Street, and the second is on Silk Farm Road and Dunbarton Road on the St. Paul's School campus.

**FINAL APPLICATIONS**

1. segTEL, Inc., d/b/a FirstLight Fiber, Request for Licensure of fiber within a City Right-of-Way.  
South State Street and North State Street

Mr. Gendron stated that this application is for fiber starting at existing plant at the corner of South State Street and Fayette Street, and is being installed to service a property at 6 Bicentennial Square and the client is Mason & Rich. The plant will then proceed northerly across Pleasant Street onto North State Street to a utility pole just south of the intersection of North State Street and Warren Street. He showed the committee maps and aerial photos of the area. He pointed out that the last utility pole in the public right-of-way is located near the southwest corner of the building at the intersection of North State and Warren Streets, which is known as 10 North State Street. He reminded the Committee that this building used to be occupied by the business known as French's Toy Shop. Mr. Gendron stated that Rick Wollert had completed his make ready work within the public highway. He also stated that this Committee was asked to expedite its meeting as segTEL wanted to install prior to the regularly scheduled meeting in June. He indicated that this was another example of the City's Poles and Wires Committee being supportive to and working with those doing business in the City.

Mr. Gendron then advised the Committee that segTEL wants to utilize the same location as the utility lines that currently cross the building known as 10 North State Street. He showed the Committee a copy of the maps from the City's GIS and Google, including the street view from Google Maps. He also stated that segTEL's proposed route will need to cross at least two private properties, and maybe a third, to service the property at 6 Bicentennial Square. He indicated that he had informed segTEL via email that the Committee only has the jurisdiction to license their plant in the public highway, and that the granting of a license to attach to poles in the public highway shall not be construed to grant permission for segTEL to cross private property. In response he stated that Jay Dunn had written by email that "As far as easement rights, the way we've usually dealt with it in the past is that we're just following an existing utility easement. I've [Jay Dunn] reached out to the owner of the property at 10 N State Street, Terry French and are working with him on it, so that's all set." Mr. Wollert stated that Fire Alarm had been requested to install in the same location some time ago, but the project was put off due to the questionable easement rights.

Mr. Cedarholm asked Mr. Gendron what the previous project was that Mr. Dunn was referring to. Mr. Gendron stated that either segTEL or Waveguide needed to cross private property to get from one street to the other. He stated that that situation was a dedicated pole line that had specific easements and that segTEL was also licensed by the pole owners. He compared that project to the current project with wires strung across a building to reach another building, and, in the case of the North State Street site, the Committee had no knowledge of whether actual easements exist.

A brief discussion took place regarding easement rights for the wires to cross the building at 10 South State Street, whether there are deeds for the lines, or whether it might be a prescriptive easement. Mr. Gendron stated that no research was conducted by City staff to determine the extent of any easements across the property, or whether segTEL has the rights to cross the property.

Mr. Chesley asked whether there was an alternative route to Mason & Rich, such as installing in Warren Street and then on Odd Fellows Avenue, as opposed to crossing the building at 10 South State Street and whether segTEL had the rights to install. Mr. Gendron stated that he had not analyzed alternative routes. A brief discussion took place concerning the implications of issuing a license prior to knowing whether segTEL had permission to cross private property.

Ms. Shank made a motion to recommended approval of the application conditioned upon the applicant providing written authorization from every property owner involved, which states that permission is granted for the proposed work by segTEL over their property. Mr. Gendron stated that it appears that at least two properties need to be crossed, and maybe a third. Ms. Shank amended the condition to read that the application is conditioned upon the applicant providing written authorization from every property owner involved, which states that permission is granted for the proposed work by segTEL over their property, and the condition shall apply to every private property between the last pole in the public highway, pole number 2A / 4, to the property of the proposed client, Mason & Rich. Seconded by Mr. Chesley. The license petition was approved subject to the condition.

2. segTEL, Inc., d/b/a FirstLight Fiber, Request for Licensure of fiber within a Private Right-of-Way.  
Dunbarton Road and Silk Farm Road

Mr. Gendron stated that this application is for the installation of fiber to service St. Paul's School. He stated that segTEL has existing plant along Hopkinton Road, and that they are extending westerly along Dunbarton Road and then southerly along Silk Farm Road.

Mr. Gendron stated that both Dunbarton Road and Silk Farm Road are privately maintained, therefore, the Committee does not need to license the application, however they will be recorded in the Poles and Wires records. He also stated that the total length of fiber will be added to the GIS system under the private road category, and the Assessing department will be made aware of it.

He stated that Mr. Wollert did not need to complete any make ready work and that segTEL was informed of the nature of the roads on May 4.

**NEW BUSINESS**

None.

**OLD BUSINESS**

None.

**ADJOURNMENT**

There being no further items to discuss, Ms. Shank made a motion to adjourn and was seconded by Mr. Chesley. Mr. Gendron indicated that the next meeting is scheduled for June 15, 2018; however, he will monitor applications and make a decision at that time if a meeting is necessary.