

NONRESIDENTIAL SITE PLAN APPLICATION

City of Rochester, New Hampshire

Date: December 18, 2020 Is a conditional use needed? Yes: No: Unclear: (If so, we encourage you to submit an application as soon as possible					
Property information					
Tax map #: 244 ; Lot #('s): 2-1 ; Zoning district: Agricultural					
Property address/location: 156A (sometimes 156) Lowell Street					
Name of project (if applicable): Everest - Rochester 5 - Site Number 743597					
Size of site: 9.63 acres; overlay zoning district(s)?					
Property owner					
Name (include name of individual): Joseph P. Casavant & Darin Paige					
Mailing address: 214 West High Street, Somersworth NH 03878-1527					
Telephone #: Email:					
Applicant/developer (if different from property owner) Name (include name of individual): EIP Communications II LLP					
Mailing address: 100 Summer Street, Suite 1600, Boston, MA 02210					
Telephone #: 202.236.6833 Email: christopher.davis@everestinfrastructure.com					
Engineer/designer					
Name (include name of individual):					
Mailing address: 4 Bay Road, Building A, Suite 200, Hadley MA 01035					
Telephone #: 413.320.4918 Fax #:					
Email address: jmoreno@proterra-design.com Professional license #: 12502					
Proposed activity (check all that apply) New building(s): Site development (other structures, parking, utilities, etc.):					
Addition(s) onto existing building(s): Demolition: Change of use: _x					
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Updated

Describe proposed activity/use: Installation, operation and maintenance of wireless communications facility including without limitation
150' monopole, antennas, radio communications equipment and associated fenced compound.
Describe existing conditions/use (vacant land?): Agriculture
Utility information
City water? yes no _x_; How far is City water from the site?
City sewer? yes no \times _; How far is City sewer from the site?
If City water, what are the estimated total daily needs? N/A gallons per day
If City water, is it proposed for anything other than domestic purposes? yes no \times
If City sewer, do you plan to discharge anything other than domestic waste? yes no \times
Where will stormwater be discharged? Change in stormwater will be de minimis and handled on-site
Building information Type of building(s): N/A
Building height: Tower = 150 feet Finished floor elevation: N/A
Other information
parking spaces: existing: 0 total proposed: 1; Are there pertinent covenants? Number of cubic yards of earth being removed from the site. Number of existing employees: 0; number of proposed employees total: 0.
Check any that are proposed: variance; special exception \times _; conditional use
Wetlands: Is any fill proposed? No ; area to be filled: N/A ; buffer impact? N/A

Proposed post-development disposition of site (should total 100%)						
Square footage % overall site						
Building footprint(s) – give for each building	177 and 24	0.05				
Parking and vehicle circulation	12,337	2.94				
Planted/landscaped areas (excluding drainage)	202,463	48.26				
Natural/undisturbed areas (excluding wetlands)	165,039	39.34				
Wetlands	34,800	8.30				
Other – drainage structures, outside storage, etc.	4,670	1.11				

Updated



Bowditch & Dewey, LLP

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December 18, 2020

Planning Board City of Rochester 33 Wakefield Street Rochester, NH 03867

Re: Applicant:

EIP Communications II, LLC

Property Owners:

Joseph P. Casavant & Darin Paige

Property:

156A Lowell Street, Rochester, New Hampshire

Parcel ID 0244-0002-0001

Application:

(1) Site Plan Review for Non-Residential; and

(2) Any other relief required within the jurisdiction of the Planning Board (All relief is requested if and to the extent

necessary, all rights reserved under the Federal

Telecommunications Act of 1996 ("TCA") and otherwise).

Dear Members of the Planning Board:

Pursuant to the applicable provisions of the City of Rochester Site Plan Regulations (the "Regulations"), the New Hampshire Revised Statutes and the Federal Telecommunications Act of 1996, EIP Communications I, LLC ("Everest" or "Applicant") hereby applies to the City of Rochester Planning Board (the "Board") for the above-captioned site plan review to construct, operate and maintain a Wireless Communication Facility (the "Facility") on the property located at 156A Lowell Street¹, Rochester, New Hampshire (the "Property"). The Property is in the City's Agricultural District. The Facility will address significant gaps in wireless communications network coverage for Everest's tenant AT&T including FirstNet.²

BACKGROUND

Everest builds, owns and operates the infrastructure that supports wireless telecommunications services and providers. Everest provides its customers, and the communities they serve, with creative, cost efficient solutions to the ever-growing demand for wireless ubiquity and bandwidth. Everest's founders, senior management and staff bring more than 50 years of wireless industry experience to the company, including leadership positions

¹ Some municipal information refers to the Property as 156 Lowell Street.

² FirstNet is an independent authority within the U.S. Department of Commerce. Authorized by Congress in 2012, its mission is to develop, build and operate the nationwide, broadband network that equips first responders to save lives and protect U.S. communities.



with wireless operators, tower companies, telecommunication infrastructure developers and the FCC. Everest's exceptional human resources are augmented with equity capital from investors who share the long-term view of investing in responsible communications infrastructure.

Wireless telecommunications carriers are in the process of independently designing, constructing and upgrading wireless telecommunications networks to serve areas in and around the City of Rochester and throughout the State of New Hampshire. 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 proposed Facility 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 existing access roads and parking 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 Facility will enhance service coverage in the City of Rochester and surrounding communities. The enhancement of service coverage in the City of Rochester 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 regulation.



Most importantly:

- 1. The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the City of Rochester by enhancing telecommunications services within the City.
- 2. 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.
- 3. The proposed Facility will preserve and increase the amenities of the City by enhancing telecommunications services.
- 4. The proposed Facility 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 2017, there were an estimated 411 million wireless telephone users in the United States. See FCC's First Communications Marketplace Report, p. 6 (December 26, 2018). 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. More than one-half of American households (54.9%) are now "wireless only." Even among households with both a landline and wireless telephones, approximately 42% of those households "received all or almost all calls on wireless telephones." 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.

https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201812.pdf

⁴ Id



II. THE PROPOSED FACILITY

As depicted on the Plans submitted with this application, Everest proposes to construct a 150 foot monopole tower (with a 6-foot lightning rod extending to 156 feet). The proposed Facility will structurally accommodate at least four wireless communications carriers and their associated antennas, electronic equipment and cabling; and fence at the base of the tower will be sufficient to accommodate ground based radio communications equipment. As shown on the Plans that accompany this Application, AT&T's panel antennas will be located at a height of 145 feet (antenna centerline) on the tower.

AT&T's radio communications equipment cabinets will be located on a 12-foot by 20-foot concrete equipment pad located within and surrounded by a 6-foot high chain link fence topped with barbed wire to prevent unauthorized access. A power meter bank and telephone cabinet will also be installed within the fenced in compound. A pad-mounted transformer, protected by bollards, will be located just outside the fenced compound. Additional details for the proposed Facility are set forth below and in the enclosed plans.

Everest anticipates that in the future additional wireless communications providers may also co-locate wireless communications equipment at the Facility.

The Facility will be an unmanned, passive use, will not generate any appreciable noise, dust or odors and will not adversely affect existing developed and natural environments around the City of Rochester. The location of the Facility will mitigate adverse visual impacts. The Facility will enable users to access a state-of-the-art, fully digital system for voice communication, messaging, and data transmission and reception.

III. FEDERAL TELECOMMUNICATIONS ACT OF 1996

Everest's application is governed by the provisions of the Federal Telecommunications Act of 1996, which the United States Supreme Court has explained as follows:

Congress enacted the Telecommunications Act of 1996 (TCA) ... to promote competition and higher quality in American telecommunications services and to "encourage the rapid deployment of new telecommunications technologies." ... One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers. To this end, the TCA amended the Communications Act of 1934 ... to include § 332(c)(7), which imposes specific limitations on the traditional authority of

⁵ The tower is proposed to be up to 150 feet (with a 6-foot lightning rod). However, Everest is in the process of completing further FAA study required due to the Property's location near the airport. If approved, Everest will construct the tower to either 150 feet or to such lesser height that will not require FAA marking or lighting. In no event will the tower be constructed to a height that requires FAA marking or lighting.



state and local governments to regulate the location, construction, and modification of such facilities ... 47 U.S.C. § 332(c)(7). Under this provision, local governments may not "unreasonably discriminate among providers of functionally equivalent services," § 332(c)(7)(B)(i)(I), take actions that "prohibit or have the effect of prohibiting the provision of personal wireless services," § 332(c)(7)(B)(i)(II), or limit the placement of wireless facilities "on the basis of the environmental effects of radio frequency emissions," § 332(c)(7)(B)(iv). They must act on requests for authorization to locate wireless facilities "within a reasonable period of time," § 332(c)(7)(B)(ii), and each decision denying such a request must "be in writing and supported by substantial evidence contained in a written record," § 332(c)(7)(B)(iii).

City of Rancho Palos Verdes, Cal. v. Abrams, 544 U.S. 113, 115-116 (U.S. 2005) (internal citations omitted).

The TCA was intended to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans. The proposed Facility will help bring advanced and improved telecommunications and information technologies to Rochester.

IV. RELIEF REQUESTED

The proposed Facility satisfies the requirements of Article III, Section 1 of the Regulations for approval of the Site Plan as follows (Ordinance in **bold**):

Section 1. General Standards: Sections A - C.

The proposed Facility has been designed to fulfill the purpose and intent goals of the City's Regulations and the City of Rochester's Master Plan and Capital Improvement Program to the extent feasible. The location of the proposed Facility is on a large (9.63 +/- acre) currently unused lot in the Agricultural District and is surrounded by undeveloped land or residential lots and is appropriate for the proposed Facility. It is not a legally non-conforming site. As set forth in the Radio Frequency Report submitted herewith, the Property is uniquely situated to allow AT&T to address the significant gap in its wireless network coverage in the vicinity of the Property. The proposed Facility will not have any adverse effects on the environment, and will contribute to the general welfare, values and quality of life within the City, and will facilitate the provision of telecommunications services throughout the City. The proposed Facility will also enhance the ability of wireless carriers to provide telecommunications services to the community quickly, effectively and efficiently. In addition, the facility will be part of FirstNet which is an independent authority within the U.S. Department of Commerce. Authorized by Congress in 2012, its mission is to develop, build and operate the nationwide, broadband network that equips first responders to save lives and protect



U.S. communities.

The location of the proposed Facility utilizes significant setbacks from adjacent property lines and Lowell Street and takes advantage of the existing vegetation and dense tree growth on and near the Property to help minimize any adverse visual impacts. The Facility is generally surrounded by wooded and agricultural land and the required vegetative buffer. The Facility complies with the Regulations to the extent reasonably feasible and will reduce the number of new structures ultimately needed to provide wireless communication services in the surrounding area by providing opportunities for co-location.

Section 2. Architecture: Sections A through J.

Everest will comply with all lawful and applicable provisions of these provisions of the Regulations. This Section is generally inapplicable to the Facility as it is not a building and these requirements are not applicable to the construction of a monopole tower. The Facility is not located in a Historic District. The Facility complies with the general purpose and intent of these provisions by utilizing significant setbacks from adjacent property lines and Lowell Street and takes advantage of the existing vegetation and dense tree growth on and near the Property to help minimize any adverse visual impacts. The Facility is generally surrounded by wooded and agricultural land and the required vegetative buffer and is designed and positioned in such a way as to minimize any impact on scenic views, recreation areas and cultural resources. The Facility is will be galvanized gray in order to blend with the typical grey/blue color of the sky.

Section 3. Construction Practices: Sections A – I.

Everest will comply with all lawful and applicable regulations and provisions of the Regulations concerning construction practices. Proper construction fencing will be installed to the extent necessary. Everest will work with public safety to ensure proper fire access to the Site during construction.

Section 4. Cultural Resources: Sections A – E.

Everest will comply with all lawful and applicable regulations and provisions of the Regulations. This Facility will not affect any historic places, archaeological resources, cemeteries or stonewalls. The location of the proposed Facility utilizes significant setbacks from adjacent property lines and Lowell Street and takes advantage of the existing vegetation and dense tree growth on and near the Property to help minimize any adverse visual impacts. The Facility is generally surrounded by wooded and agricultural land and the required vegetative buffer and is designed and positioned in such a way as to minimize any impact on scenic views.



Section 5. Landscaping: Sections A- G.

Everest will comply with all lawful and applicable regulations and provisions of the Regulations. The Facility will comply with the intent of this provision. Further, the Board has the right to approve any application that departs from specific requirements of the section but meets the intent of the provision. The Facility will not generate any excessive noise, heat, smoke, glare, effluent, odor or pollution. The proposed Facility will not result in the overcrowding of land or over-concentration of population. Since the Facility is unmanned and passive in nature, it will not require or discharge water or sewerage, generate any trash or rubbish, nor overburden other municipal services. The Applicant has designed the Facility to minimize visual impact on the surrounding area and best protect the value of the surrounding property. The Facility takes advantage of existing vegetation and is set within an area of dense growth and is generally surrounded by wooded and agricultural land and the required vegetative buffer. There will be no parking lot, as only one parking space is required to service the Facility because it is unmanned and passive in nature.

<u>Section 6. Lighting: Sections A – E.</u>

The Facility will comply with all lawful and applicable Regulations concerning lighting. The Facility is designed not to depress the quiet enjoyment of the neighboring residential properties nor hamper the citizens' ability to enjoy the nighttime sky or result in the unnecessary use of electric power.

The monopole will be a non-reflective galvanized steel color to minimize the visual impact of the Facility. The proposed Facility will not be constructed to a height that will require FAA lighting or marking.

Section 7. Miscellaneous Design Standards.

A. <u>Erosion and Sedimentation Control</u>

There will be a *de minimis* increase in impervious surface by the Facility as designed and no impact on stormwater on or near the property and any extension to the existing access driveway and parking space will be gravel. See Stormwater Narrative submitted herewith.

B. Fences

The Property is surrounded by wooded and agricultural land and the proposed Facility will be surrounded by dense tree growth and the required vegetative



buffer. Due to the unique qualities of the Property and the inability of much of the Facility to be seen from the street, the Applicant is proposing chain link fence. If required as a condition of approval by the Board then the Applicant will agree to install colored vinyl slats.

C. <u>Monumentation</u>

Some monumentation currently exists at the Property. The Facility is merely a 60 ft x 60 ft area within a 9.63+/- acre parcel and the nearest property line is approximately 128 ft. from the Facility. The Facility is only a small fraction in size in comparison to the Property as a whole and it would be economically unfeasible and unduly burdensome to require the Applicant to install monumentation at the Facility and/or on the Property. If additional monumentation is required, Everest respectfully requests that it be limited in scope to only that monumentation reasonably necessary.

D. Recreation and Open Space

No residents are expected to visit or occupy the Facility and these provisions do not apply to the Facility as designed.

E. <u>Screening and Buffering: Sections 1-3.</u>

The Facility will comply with all lawful and applicable regulations and provisions of these Regulations. The Facility complies with the applicable buffering and screening requirements and provides more than the required minimum 75-foot vegetative buffer. Further, the Board is authorized to approve any application that departs from specific requirements of the section but meets the intent of the provision. The Facility will not generate any excessive noise, heat, smoke, glare, effluent, odor or pollution. The Facility takes advantage of existing vegetation and is set within dense growth as the Facility site is generally surrounded by wooded and agricultural land and the required vegetative buffer.

As shown on the Compound Plan provided herewith the Facility will include a transformer, radio communications equipment, electrical meters, and telephone cabinet. These utility items are designed to be inside of the required buffer for Wireless Communications Facilities, will be screened from the rest of the site and will not be seen from outside the Property.

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F. Signage

There will be no signage on the tower. Signage shall be limited to that necessary or required by the Federal Communication Commission regulations.

<u>Section 8. Natural Resources: Sections A - D.</u>

The Facility will comply with all lawful and applicable Regulations. 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 use will be passive and require no employees on the premises. Specifically, the proposed Facility will require approximately two (2) vehicle trips per month by a service technician for routine maintenance and will require no water, septic, or other municipal services. Further, the proposed Facility is unmanned and passive in nature and will not contribute to overcrowding of land or undue concentration of population. The proposed Facility will involve no adverse effects on public or private water supplies, drainage, schools, parks, open space, or other public requirements. The proposed Facility will involve no excessive noise or pollution to the environment. The Facility will not impact any of the Specific Features listed in this section of the Regulations requiring special protections.

<u>Section 9. Operational Issues: Sections A – D.</u>

The proposed Facility is unmanned and passive in nature. The Facility does not generate any trash or rubbish nor solid waste and will be maintained in a sanitary condition and free from refuse and debris. 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. Any needs for snow storage or clearing will be minimal and will comply with the purpose and intent of the Regulations.

Section 10. Parking and Circulation: Sections A – J.

The proposed Facility is unmanned and passive in nature. The Facility will only be visited one to two times per month by authorized personnel in an SUV-sized vehicle. As depicted on the Plans, the Facility will utilize the existing access to the Property. Everest will improve an existing driveway with gravel and extend a portion with a new gravel access road to allow vehicular access to the Facility. Further, one turnaround area/parking space will be located near the proposed Facility for use by authorized personnel and will use gravel rather than impervious material as encouraged by the Regulations. The proposed use of the Facility does not require any additional parking, curbing, or loading space other than as depicted on the Plans.



Based on the foregoing, the Applicant requests a waiver of any requirement for any more than one (1) parking space at the facility, pursuant to Article III, Section 10(C) of the Regulations. The purpose and intent of this section of the Regulations is to support the local economy by facilitating access to and within the City of Rochester, enhance access to living, employment, civic, social and economic opportunities, eliminate or minimize inefficient and unsafe parking arrangements and optimize use of public infrastructure. The Facility is not designed to be accessible by the Public by foot or vehicle, rather it is to enhance the telecommunication capabilities of the City of Rochester. It is within the intent and purpose of the Regulations to permit the Facility to proceed as designed with one (1) parking space at the Facility based on its unmanned nature and the limited number of trips required to access the Facility.

Pursuant to Article III, Section 10 (J) (1), there is no need for a loading facility based on the proposed use of the Facility.

<u>Section 11. Pedestrian, Bicycle, and Transit Facilities: Sections A – C.</u>

The proposed Facility is unmanned and passive in nature. The Facility will only be visited one to two times per month by authorized personnel in an SUV-sized vehicle. As depicted on the Plans, the Facility will utilize the existing access to the Property. Everest will improve an existing driveway with gravel and extend a portion with a new gravel access road to allow vehicular access to the Facility. Further, one turnaround area/parking space will be located near the proposed Facility for use by authorized personnel and will use gravel rather than impervious material as encouraged by the Regulations. There is no need for pedestrian nor other access to the Facility by unauthorized personnel. 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.

Section 12. Public Health and Safety: Sections A – D.

The Facility will comply with all lawful and applicable regulations concerning public and health and safety. The Applicant will work with the Fire Department to ensure that the access provided is acceptable and compliant with their requirements.

Except for the potential installation of propane tanks, the Applicant does not propose the use, creation or storage of any hazardous materials at the site. The Applicant will work together with the Fire Department to ensure that, if installed, propane gas storage meets the specifications from the Fire Department.

The Facility will not be a place for salt storage.



The Facility will be secured by a chain link fence topped with barbed wire, as shown on the Plans and shall comply with all lawful and applicable security requirements set forth for Wireless Communications Facilities in the Regulations.

Section 13. Stormwater Management: Sections A and B.

The Facility will comply with all lawful and applicable regulations concerning stormwater management. The proposed Facility involves the *de minimis* change to topography and impervious surface on the site. The proposed compound is only a small 60-foot by 60-foot area within the over 9.63 acre parcel. The Facility is over 128 feet to the nearest property line and will have no impact on stormwater drainage at the Property. See Stormwater Narrative submitted herewith.

Section 14. Traffic and Access Management: Sections A – E.

The Facility is unmanned and passive in nature. The Facility will only be visited one to two times per month by authorized personnel in an SUV-sized vehicle. As depicted on the Plans, the Facility will utilize the existing access to the Property. Everest will improve an existing driveway with gravel and extend a portion with a new gravel access road to allow vehicular access to the Facility. Further, one turnaround area/parking space will be located near the proposed Facility for use by authorized personnel and will use gravel rather than impervious material as encouraged by the Regulations. The proposed use of the Facility does not require any additional parking, curbing, or loading space than as depicted on the Plans. As a result, the proposed Facility will not have any material impact on pedestrian or vehicular traffic and safety on or near the Property.

Section 15. Utilities: Sections A − D.

The Facility will comply with all lawful and applicable regulations concerning utilities. The Facility is unmanned and passive in nature and will not require or discharge water or sewerage, not generate any trash or rubbish, nor overburden other municipal services. The proposed Facility will require no more than two (2) vehicle trips per month by a service technician for routine maintenance and will require no water, septic, or other municipal services. The proposed Facility will involve no adverse effects on public or private water supplies, drainage, utilities, or other municipal interests.

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<u>Section 16. Standard for Specific Uses, B. Wireless Communications Facilities</u> (Commercial)

1. The Purpose of these regulations is to:

(a) facilitate the provision of wireless communication services to the residents and business of Rochester;

The proposed Facility will benefit the City and promote and conserve the convenience and general welfare of its residents, businesses and travelers by enhancing telecommunication services and providing reliable state-of-the-art digital wireless voice and data services. Further, the Facility. The proposed Facility will contribute to securing safety from fire, flood, panic and other dangers by providing more reliable wireless coverage with E911 enhanced emergency service. In addition, AT&''s facility will provide service for FirstNet which is an independent authority within the U.S. Department of Commerce. Authorized by Congress in 2012, its mission is to develop, build and operate the nationwide, broadband network that equips first responders to save lives and protect U.S. communities.

(b) minimize adverse visual impacts through design and siting standards:

The design and location of the proposed Facility utilizes significant setbacks from adjacent property lines and Lowell Street and takes advantage of the existing vegetation and dense tree growth on and near the Property to help minimize any adverse visual impacts. The Facility is generally surrounded by wooded and agricultural land and the required vegetative buffer.

(c) encourage the location of facilities in non-residential areas;

The Facility is located in the Agricultural District and not in a residential district.

(d) avoid potential damage to adjacent properties from tower failure; and

The Facility is designed to and will comply with all applicable local, state and federal safety regulations including required setbacks and safety design. In the highly unlikely event of a 100% tower failure the Facility is set back 156 feet from the nearest property line.



(e) discourage proliferation of antenna support structures through colocation on existing structures and the mounting of antenna on alternate structures such as water towers, church steeples, and smokestacks.

As set forth in the Radio Frequency Report submitted herewith, the Property is uniquely situated to allow AT&T to address the significant gap in its wireless network coverage in the vicinity of the Property. Further, as set forth in the "Existing and Alternative Site Analysis," prepared by TerraSearch Real Estate Group submitted herewith, there are no existing structures that can accommodate the proposed radio communications equipment and allow AT&T to address this significant gap in its wireless network. In addition, the Facility will also accommodate up to four (4) communication providers and encourages co-location to reduce the likelihood of another tower being required to provide adequate coverage to the surrounding area.

2. Submittal Materials.

Everest's application, including this narrative, and the supplemental materials submitted herewith includes the information required by this section.⁶

- 3. Design. The following design standards apply:
 - a. The lowest 6 feet of the facility shall be visually screened by trees, large shrubs, solid walls, fences and or other structures.

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⁶ To the extent that the Ordinance or Regulations seek to regulate interference from personal wireless services facilities, it is preempted by federal law. *See, e.g.* Freeman v. Burlington Broadcasters, Inc., 204 F.3d 311 (2d Cir. 2000); Southwestern Bell Wireless, Inc. v. Johnson County Board of County Commissioners, 199 F.3d 1185 (10th Cir. 1999); Cellular Phone Task Force v. Federal Communications Commission, 205 F.3d 82, 88 (2nd Cir. 2000). In re Cingular Wireless, L.L.C, FCC Docket No. 02-100 (July 7, 2003), the FCC held that federal law preempts a local government's attempt to regulate radio frequency interference ("RFI") with local public safety communications systems. In sweeping language, the FCC indicated that local zoning provisions having the "intent and effect ... to regulate the operations - not the placement, construction and modification - of licensed facilities" are preempted because they focus on "radio frequency regulation rather than local land use concerns" (at page 10-11). Nor are preempted local regulations saved by the claim that the local government is attempting to "assure itself that a carrier is complying with FCC standards" where the regulation is "effectively regulating federally licensed operation" as opposed to "traditional zoning regulation of the physical facility" (at page 11). Accordingly, federal law preempts any and all provisions of the Ordinance or conditions imposed within an approval affecting the operations of the FCC-licensed facility.



As depicted on the Plans submitted herewith, Everest's proposed Facility is located within an area of dense tree growth, including a significant percentage of evergreen trees, that far exceeds the minimum requirement 75 feet of natural vegetative buffer for the Facility. The existing dense tree growth and surrounding vegetation will adequately screen the lowest 6 feet of the Facility.

b. The height and mass of the facility shall not exceed that which is essential for its intended use.

As depicted on the Plans submitted herewith and the reports submitted herewith, the height and mass of the structure do not exceed that which is essential for its intended use.

c. The color of the proposed facility shall be a light tone or color (except where otherwise required by the FAA) in order to minimize the visual impact.

The color of the proposed tower complies with this provision of the Regulations. The tower will be a non-reflective galvanized steel grey that minimize any alleged visual impact. As set forth herein, Everest will not construct the tower to a height that requires FAA marking or lighting.

d. There shall be a security fence around the base of the support structure or the lot where the support structure is located.

As depicted on the Plans submitted herewith, Everest's proposed Facility is enclosed by a six-foot-tall chain link fence with barbed wire to secure the base of the support structure.

e. The proposed facility will not unreasonably impair the view of or from any public park, natural scenic vista, historic building or district, or significant view corridor.

The proposed Facility has been designed to blend into the environment to the extent feasible. The proposed Facility has been located on the Property in a manner that will minimize its visibility. The proposed location uses the existing vegetation on and near the Property in order to screen it from view to the extent feasible. In addition, the proposed monopole will be a non-reflective galvanized steel gray.



f. The Towers shall be of a monopole design unless the Planning Board determines that an alternative design would better blend in to the particular environment.

In accordance with this provision of the regulations, Everest proposes to construct a 150-foot monopole tower (with a 6-foot lightning rod extending to 156 feet). The proposed Facility will structurally accommodate at least four wireless communications carriers and their associated antennas, electronic equipment and cabling; and fenced compound at the base of the tower will be sufficient to accommodate ground-based radio communications equipment.

4. Removal bond. The applicant may be required to submit a removal bond to ensure that the structure will be properly removed should it become obsolete.

If required as a condition of approval Everest will submit a removal bond.

5. Process for antennas mounted on existing structures.

Not applicable.

V. CONCLUSION

Everest respectfully requests the Board to grant the requested site plan review approval and any other approvals or waivers required for the proposed Facility. Everest respectfully requests that the Board schedule this application for a public hearing at its next meeting for which proper notice can be given.

If I can provide any further information regarding this application, please let me know.

Sincerely,

Brian S. Grossman

Bun & Com

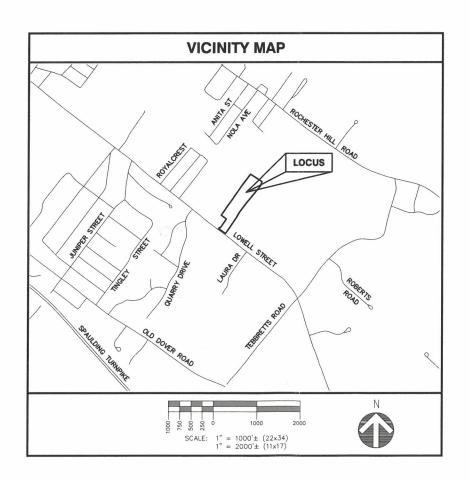


SITE NAME: ROCHESTER 5 SITE NUMBER: 743597 ADDRESS: 156A LOWELL STREET ROCHESTER, NH 03867

DRAWING INDEX			
SHEET	DESCRIPTION	REVISION	
T-1	TITLE SHEET	0	
C-1	ABUTTERS PLAN	А	
C-2	EXISTING CONDITIONS PLAN	Α	
A-1	COMPILED PLOT PLAN	0	
A-2	SITE PLAN	0	
A-3	COMPOUND PLAN & ELEVATION	0	
P-1	DRIVEWAY PLAN & PROFILE	0	
D-1	DETAILS	0	
D-2	DETAILS	0	
EC-1	EROSION CONTROL PLAN & DETAILS	0	
CA-1	TENANT DETAILS	0	

- PLANS FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION.
 ALL UNDERGROUND UTILITY INFORMATION WAS DETERMINED FROM SURFACE INVESTIGATIONS AND EXISTING PLANS OF RECORD. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES IN THE FIELD
- THIS SHEET WAS ORIGINALLY PRINTED TO ANSI D (22"x34") WITH 1"
 MARGINS. PRINTING TO ANSI B (11"x17") WILL RESULT IN A HALF-SCALE
 (1:2) SHEET SET WITH 1/2" MARGINS. CONFIRM ALL SCALED DISTANCES
- ORDINANCES INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

NEW HAMPSHIRE STATE BUILDING CODE (2015 IBC) WITH AMENDMENTS ELECTRICAL CODE: NEC 2017 WITH NEW HAMPSHIRE AMENDMENTS



APPROVAL SIGNATURE BLOCK

CITY OF ROCHESTER PLANNING BOARD

CHAIRMAN

TENANT INFORMATION

PROJECT INFORMATION

743597

355.5'±

NAD83/NAVD88

RAW LAND WIRELESS COMMUNICATIONS FACILITY

156A LOWELL STREET ROCHESTER, NH 03867

43' 17' 03.49"± N (SURVEY 1A)

70° 57' 04.52"± W (SURVEY 1A)

N/F JOSEPH P. CASAVANT

& DARIN PAIGE 214 WEST HIGH STREET SOMERSWORTH, NH 03878

EIP HOLDINGS II, LLC TWO ALLEGHENY CENTER NOVA TOWER 2, SUITE 703 PITTSBURGH, PA 15212

PROTERRA DESIGN GROUP, LLC 4 BAY ROAD BUILDING A; SUITE 200 HADLEY, MA 01035 TEL: (413) 320-4918

NORTHEAST SURVEY CONSULTANTS 116 PLEASANT STREET SUITE 302 EASTHAMPTON, MA 01027 TEL: (413) 203-5144

LUCAS ENVIRONMENTAL, LLC 500A WASHINGTON STREET QUINCY, MA 02169

AGRICULTURAL (AG)

PROPOSED 150' TALL MONOPOLE AND 50'x50' FENCED COMPOUND WITHIN 60'x60' LEASE AREA.



SITE TYPE:

SITE NAME: SITE NUMBER:

LATITUDE:

LONGITUDE:

APPLICANT:

SITE ENGINEER

SURVEYOR:

WETLAND SCIENTIST:

DATUM:

(P) ELEVATION:

PROPERTY OWNER:

SITE ADDRESS:

ZONING DISTRICT(S):

ASSESSOR'S TAX ID#: 244-2-1

SCOPE OF WORK:

SITE ID: NH4143 ROCHESTER-LOWELL ST

DATE

NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
550 COCHITUATE ROAD
FRAMINGHAM, MA 0170

RMITTING Ш 0 0



ProTerra

DESIGN GROUP, LLC

HOLDINGS II, ALLECHENY CE TOWER 2, SU EIP H TWO A NOVA PITTSI

EVEREST - NEXTRECTE REPORTS

STAMP:

DATE: 10/16/20 DRAWN: STZ/JEB CHECK: JMM/TEJ SCALE: SEE PLAN

FOR MORE INFORMATION ABOUT THIS SITE PLAN CONTACT: MS. MICHAEL ASHLEY CULBERT VICE PRESIDENT OF SITE DEVELOPMENT EVEREST INFRASTRUCTURE PARTNERS

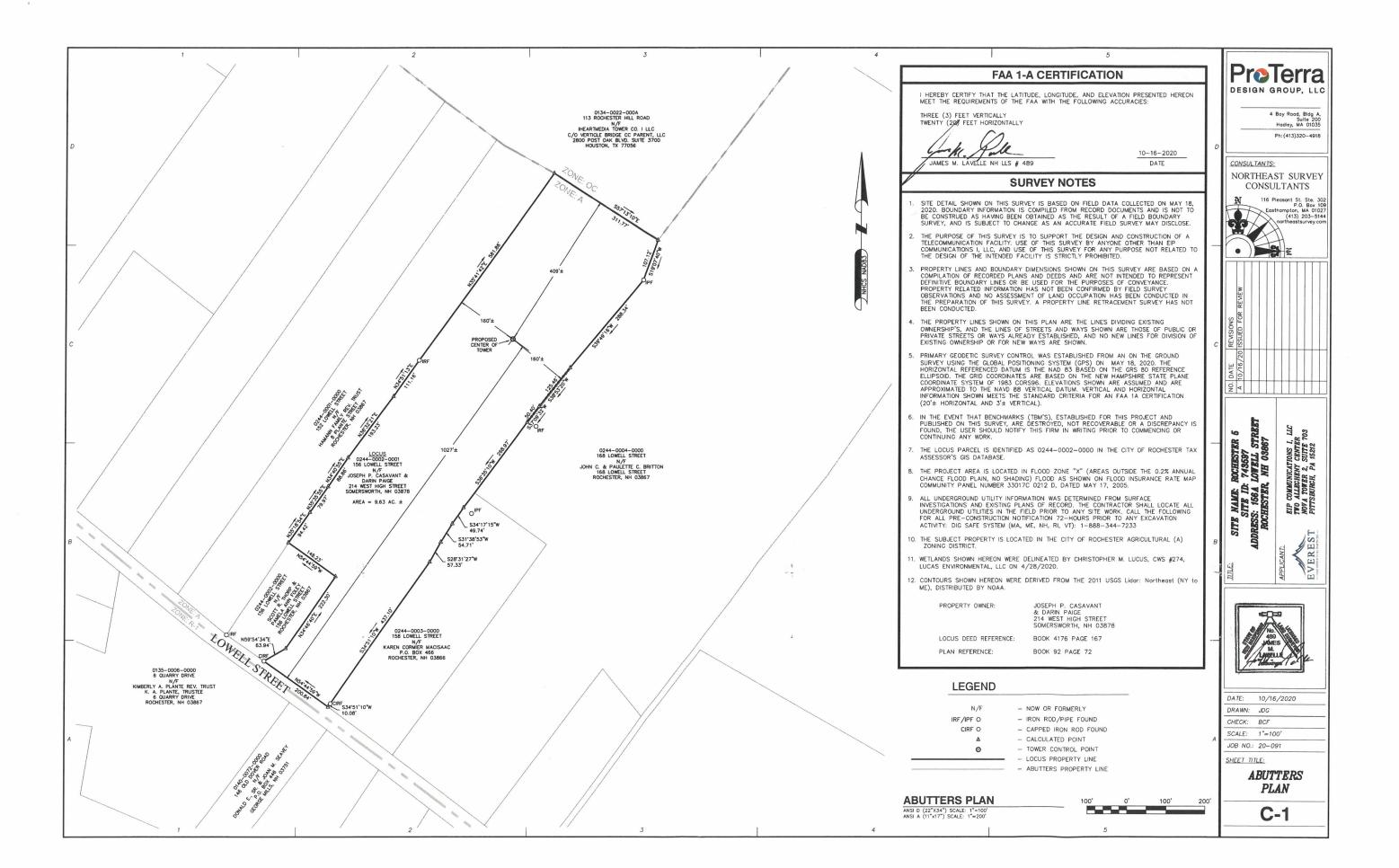
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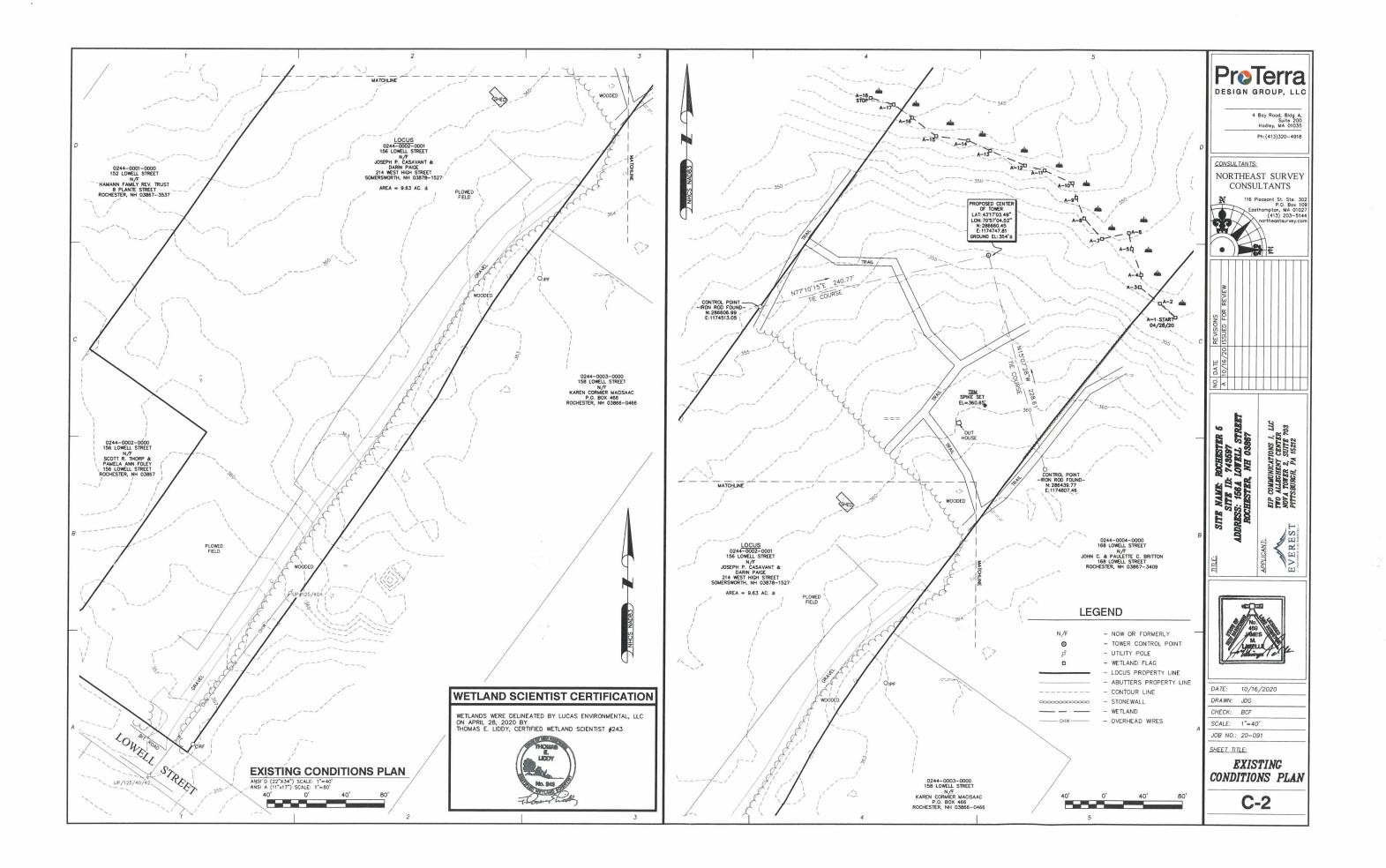
TITLE SHEET T-1

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P-1	DRIVEWAY PLAN & PROFILE	0
D-1	DETAILS	0
D-2	DETAILS	0
EC-1	EROSION CONTROL PLAN & DETAILS	0
		9

GENERAL NOTES

- CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER & APPLICANT REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
- PRIOR TO ANY SITE WORK. CALL DIG-SAFE (888) 344-7233 72-HOURS PRIOR TO ANY EXCAVATION.
- WITH GRAPHICAL SCALES SHOWN HEREIN.
 NEW CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE CODES AND
- BUILDING CODE:







REFERENCES

PROPERTY LINE, TOPOGRAPHY AND EXISTING FEATURES – SEE SHEETS C-1 & C-2 PREPARED BY NORTHEAST SURVEY CONSULTANTS DATED 7/29/2020.

ZONING DISTRICTS — ZONED: AGRICULTURAL FROM MAP ENTITLED "ZONING MAP CITY OF ROCHESTER, NH" ADOPTED 4/14/2014.

FLOODPLAIN — FLOOD INSURANCE RATE MAP 33017C0212D EFFECTIVE MAY 17, 2005 PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, US DEPARTMENT OF HOMELAND SECURITY. PROJECT AREA IS WITHIN ZONE X: "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

AERIAL PHOTOGRAPHY - NH GRANIT, NEW HAMPSHIRE STATEWIDE GIS CLEARINGHOUSE (2010 IMAGES)

GENERAL NOTES

- THE TYPE, DIMENSIONS, MOUNTING HARDWARE, AND POSITIONS OF ALL PROJECT OWNER'S EQUIPMENT ARE SHOWN IN ILLUSTRATIVE FASHION. ACTUAL HARDWARE DETAILS AND FINAL LOCATIONS MAY DIFFER SLIGHTLY FROM WHAT IS SHOWN.
- 2. THE PROJECT OWNER'S PCS FACILITY IS AN UNMANNED PRIVATE AND SECURED EQUIPMENT INSTALLATION. IT IS ONLY ACCESSED BY TRAINED TECHNICIANS FOR PERIODIC ROUTINE MAINTENANCE AND THEREFORE DOES NOT REQUIRE ANY WATER OR SANITARY SEWER SERVICE. THE FACILITY IS NOT GOVERNED BY REGULATIONS REQUIRING PUBLIC ACCESS PER ADA REQUIREMENTS.
- 3. THE DESIGN OF THE TOWER, FOUNDATION AND ANTENNA MOUNTING HARDWARE WILL MEET THE ANSI/EIA/TIA-222-G STANDARDS FOR STRUCTURAL STEEL ANTENNA SUPPORTING STRUCTURES AND STATE BUILDING CODE REQUIREMENTS. DETAILED CONSTRUCTION DRAWINGS AND STRUCTURAL CALCULATIONS WILL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER AND SUBMITTED WITH A BUILDING PERMIT APPLICATION FOR REVIEW AND APPROVAL BY THE LOCAL BUILDING CODE ENFORCEMENT OFFICIAL.
- 4. ONCE THE FACILITY BECOMES FULLY OPERATIONAL, NORMAL AND ROUTINE MAINTENANCE BY TOMER OWNER'S AND CARRIER'S TECHNICIANS WILL BE PERFORMED. THE ESTIMATED VEHICULAR TRAFFIC GENERATED BY THESE WISITS IS PREDICTED TO BE LESS THAN THE TYPICAL TRAFFIC GENERATED BY A SINGLE—FAMILY OWELLING.

ZONING SUMMARY

ZONING DISTRICT(S): AGRICULTURAL (AG)

ASSESSORS ID: 244-2-1

(P) USE: WIRELESS COMMUNICATIONS FACILITY¹

DIMENSION	PROVIDED	CONSTRAINT	
PARCEL - AREA	9.6± AC	45,000 SF MIN.	
PARCEL - FRONTAGE	200'±	150' MIN.	
PARCEL - LOT COVERAGE	<1%±	40% MAX.	
(P) COMPOUND - FRONT YARD	995'±	20' MIN.	
(P) COMPOUND - SIDE YARD	128'±	10' MIN.	
(P) COMPOUND - REAR YARD	377'±	20' MIN.	
(P) COMPOUND - ACCESSORY STRUCTURE HEIGHT	15'±	35' MAX.	
(P) MONOPOLE - HEIGHT (HIGHEST APPURTENANCE)	150' (156')	156' ²	
(P) MONOPOLE - DISTANCE TO PROPERTY LINE	156'± MIN.	156' ²	
(P) MONOPOLE - DISTANCE TO (E) BUILDINGS & STRUCTURES	>500'± (NO USES/SIZES/HEIGHTS LABELED)		

SPECIAL CONSIDERATIONS MAY BE REQUIRED FOR THE FOLLOWING:

- 1 WIRELESS COMMUNICATIONS FACILITY ALLOWED IN AGRICULTURAL (AG) DISTRICT BY SPECIAL EXCEPTION AS NOTED WITHIN "ZONING ORDINANCE OF THE CITY OF ROCHESTER, NEW HAMPSHIRE" TABLE 18-D.
- 2 "ZONING ORDINANCE OF THE CITY OF ROCHESTER, NEW HAMPSHIRE": §42.22.c.14 SPECIAL EXCEPTIONS, CONDITIONS FOR PARTICULAR USES, WIRELESS COMMUNICATIONS FACILITY DOES NOT SPECIFY A MAXIMUM TOWER HEIGHT OR PROPERTY LINE SETBACK. IT WAS ASSUMED A MINIMUM PROPERTY LINE OF AT LEAST THE TOWER HEIGHT BE PROVIDED.



4 Bay Road Building A; Suite 200 Hadley, MA 01035 Ph: (413)320-4918

CONSULTANTS:

NO. DATE REVISIONS

A 06/17/20 ISSUED FOR REVIEW

10/16/20 FOR PERMITING

ADDRESS: 1664 LOWELL STREE
ROCHESTER, NH 03667
EIP HOLDINGS II, LLC
TWO ALLEGIENT CENTER
NOVA TOWER 2, SUITE 703
ST.
PHYSBURGE, PA 16212

ADDR.

APPLICANT:

EVEREST

STAMP:

ESSE

MESSE

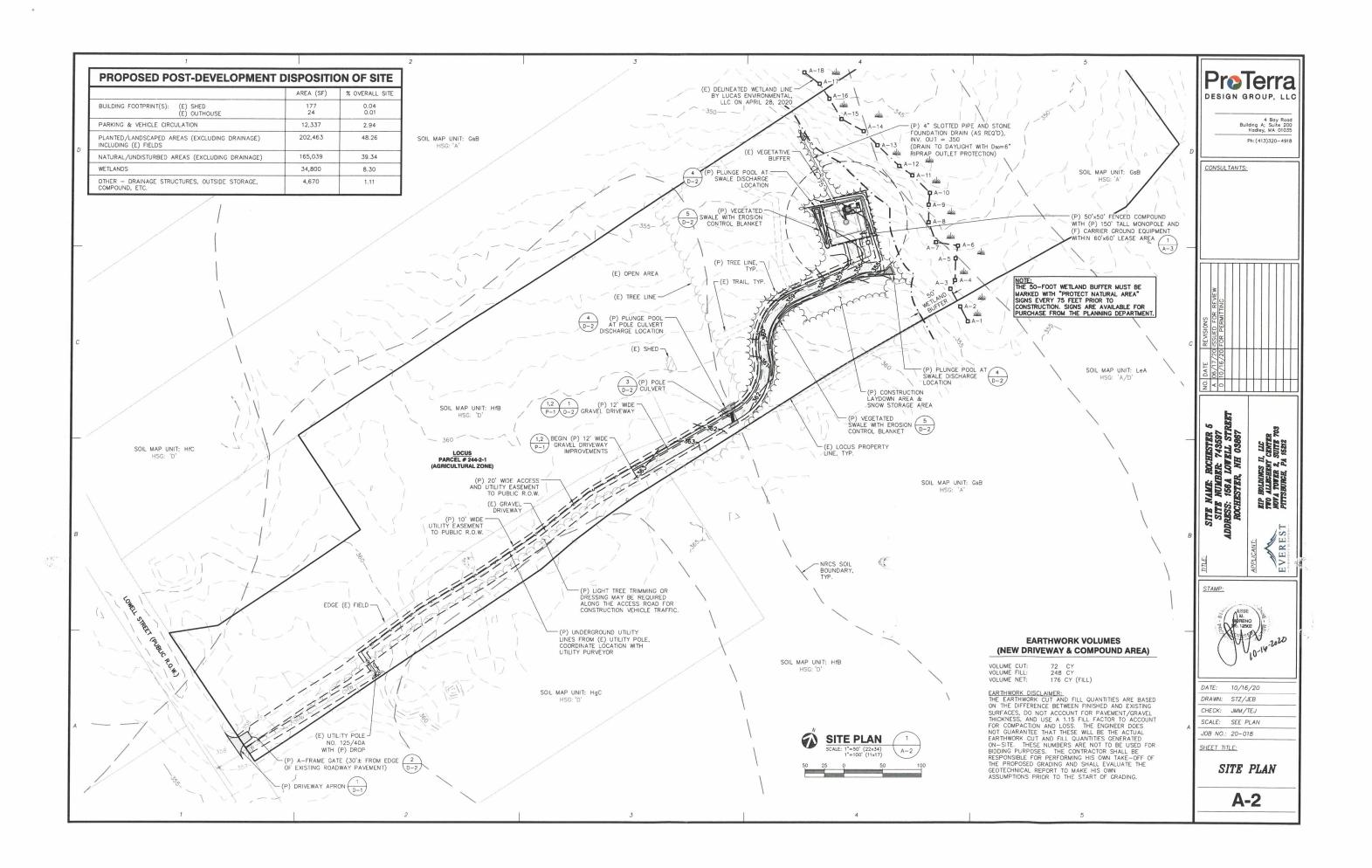
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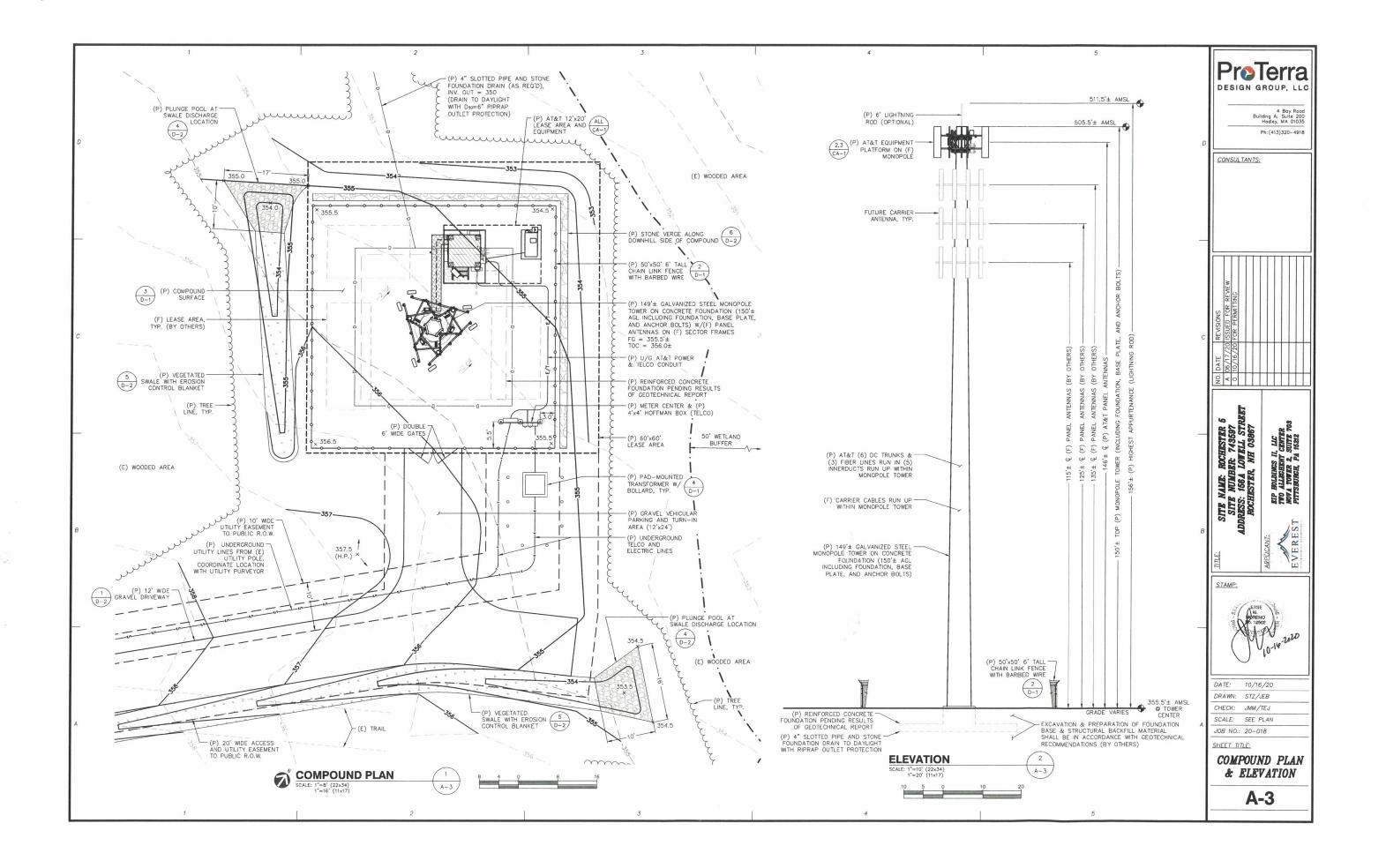
DATE: 10/16/20
DRAWN: STZ/JEB
CHECK: JMM/TEJ
SCALE: SEE PLAN
JOB NO.: 20-018

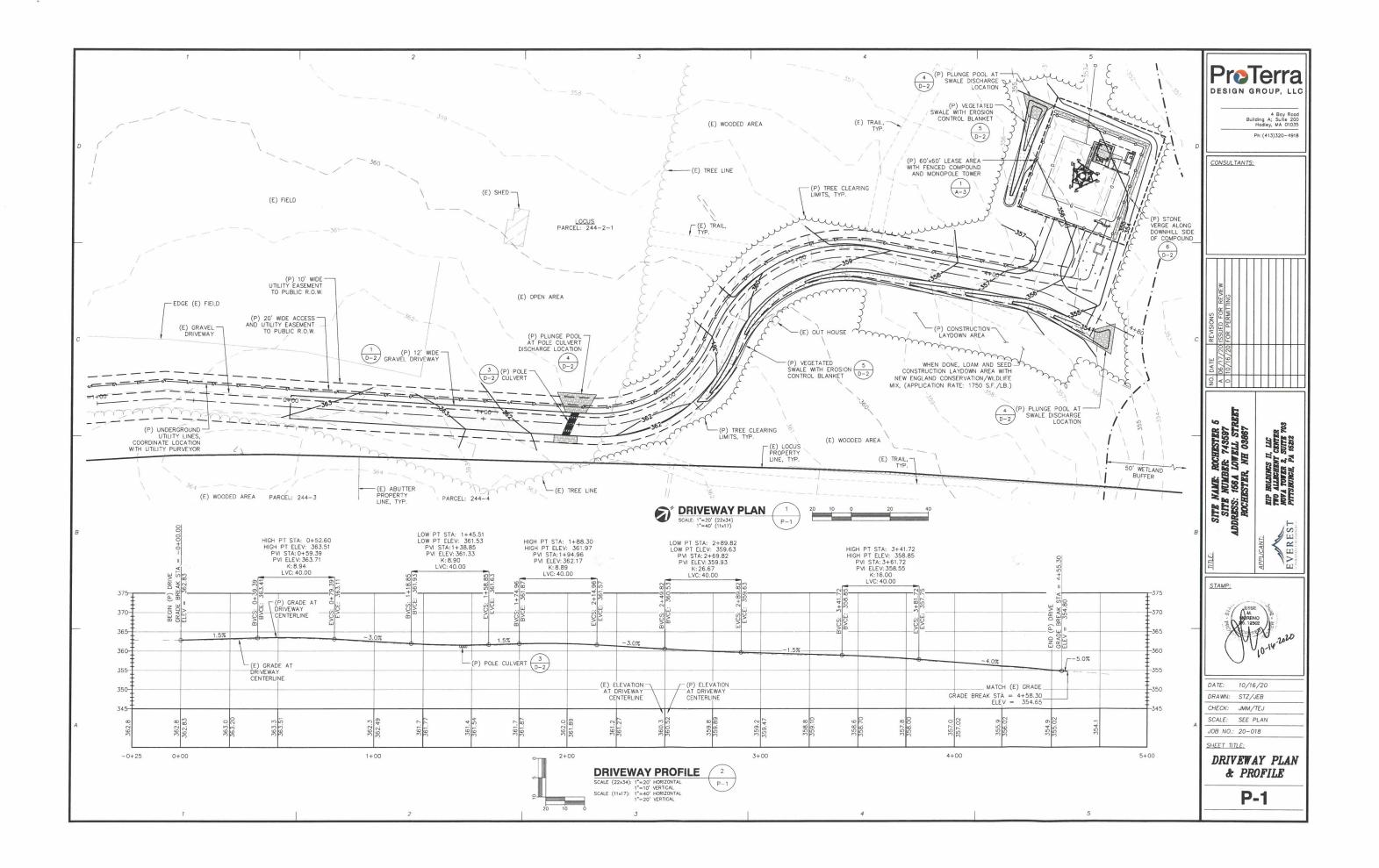
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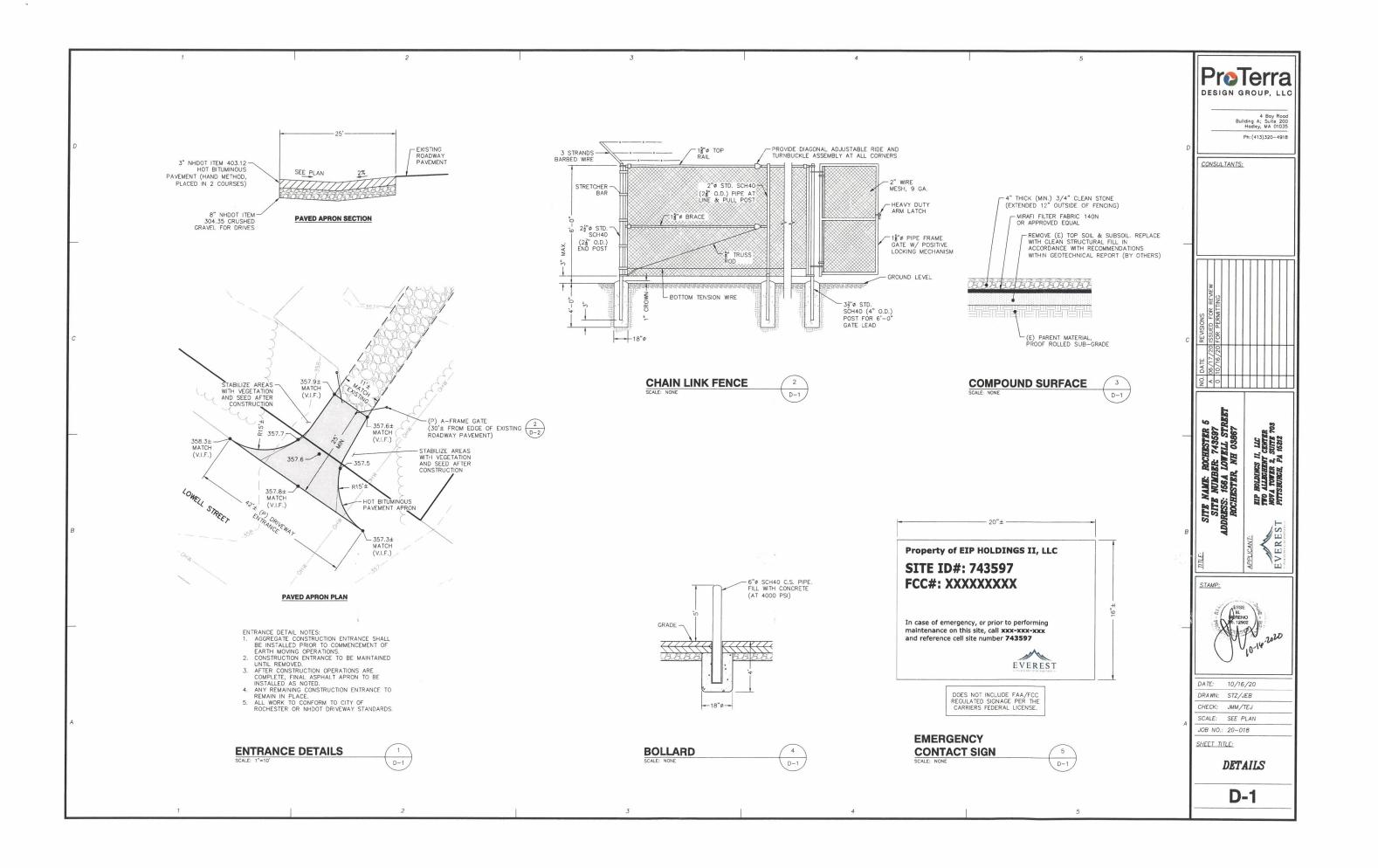
COMPILED PLOT PLAN

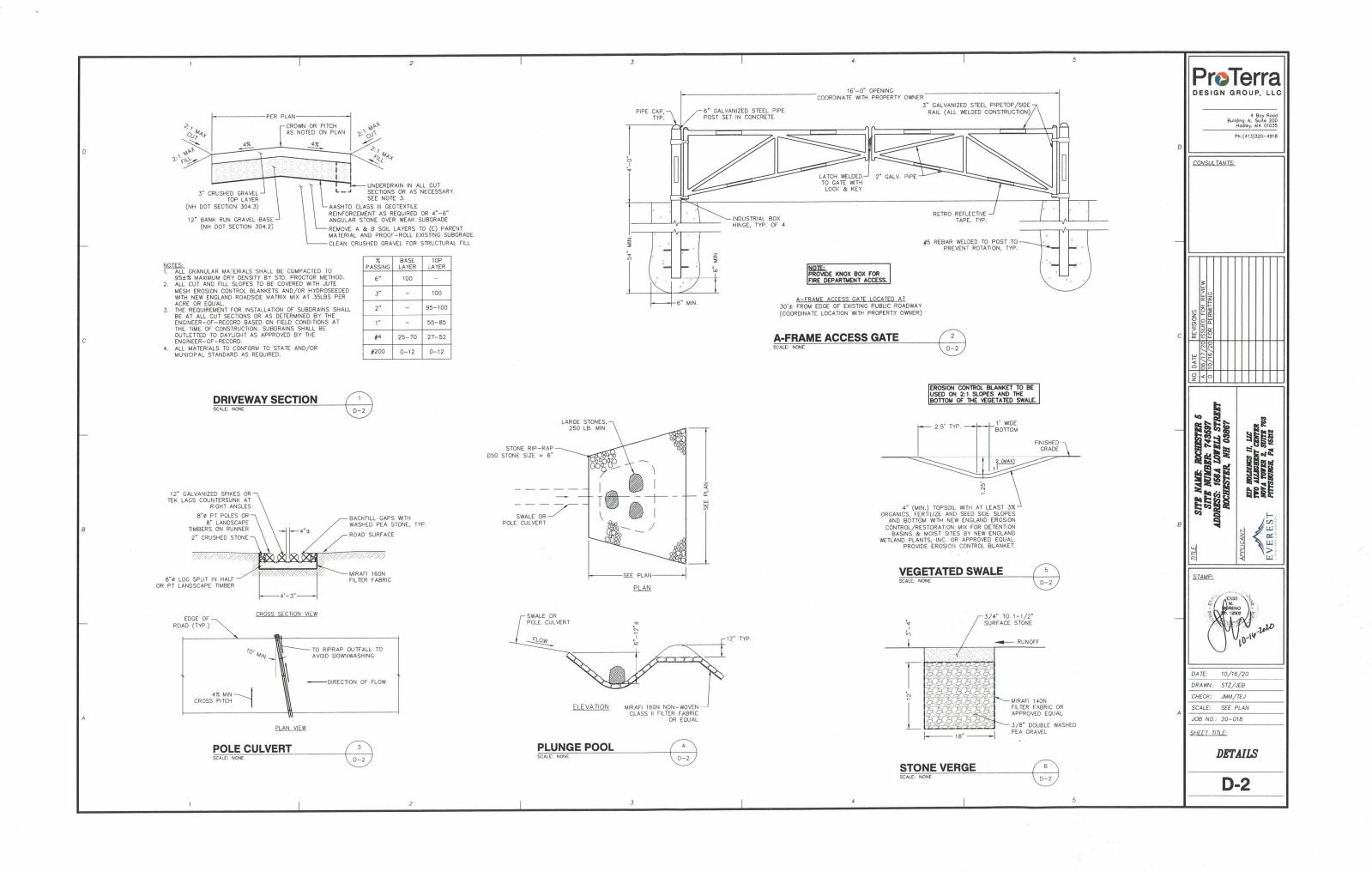
A-1

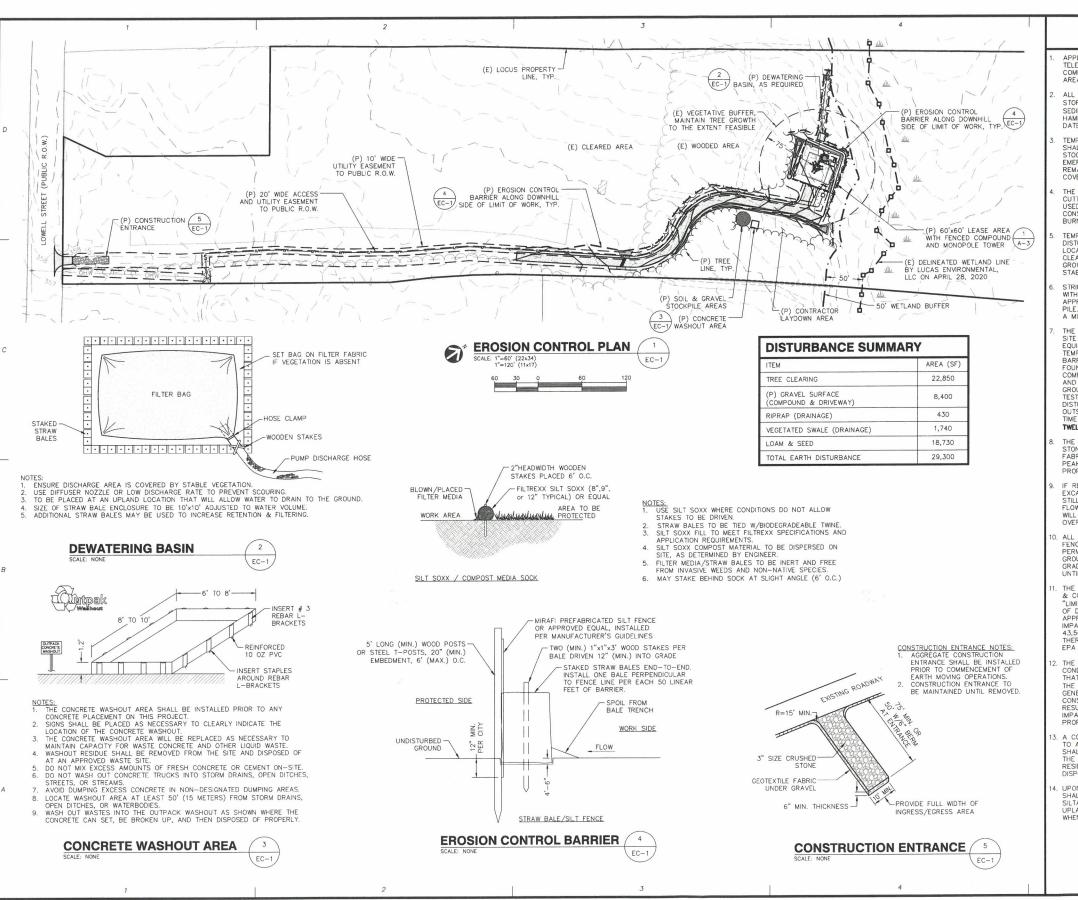












EROSION CONTROL NOTES

- APPLICANT PROPOSES TO CONSTRUCT A CELLULAR TELECOMMUNICATIONS FACILITY CONSISTING OF A FENCED COMPOUND, DRIVEWAY AND UTILITY WORK WITHIN A LEASE AREA AND EASEMENTS.
- 2. ALL WORK SHALL CONFORM TO THE NEW HAMPSHIRE STORMWATER MANUAL — VOLUME 3 "EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION" BY NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES DATED DECEMBER 2008 OR AS SUBSEQUENTLY REVISED.
- 3. TEMPORARY SILT FENCE EROSION CONTROL BARRIER SHALL BE MAINTAINED THROUGHOUT SITE CONSTRUCTION. STOCK PILE ON SITE 100 FT. OF SILT FENCE FOR EMERGENCY USE. TEMPORARY EROSION BARRIERS SHALL REMAIN IN PLACE UNTIL PERMANENT VEGETATIVE GROUND COVER IS ESTABLISHED.
- 4. THE CONTRACTOR SHALL CHIP ALL BRUSH AND SLASH CUTTINGS ON SITE AND STOCKPILE THE CHIPS TO BE USED ON ALL UNSTABLE, DISTURBED AREAS DURING CONSTRUCTION AS TEMPORARY STABILIZATION MULCH. NO BURNING WILL BE ALLOWED ON SITE.
- 5. TEMPORARY STABILIZATION MUST BE PROVIDED TO ANY DISTURBED EARTH THAT IS OPENED UP IN ANY ONE LOCATION FOR MORE THAN 14 DAYS. CHIPS FROM LAND CLEARING, EROSION CONTROL BLANKETS, OR FAST GROWING RYE GRASSES MAY BE USED FOR TEMPORARY STABILIZATION AS REQUIRED.
- 6. STRIPPED TOPSOIL SHALL BE STOCKPILED AND PROTECTED WITH STRAW MULCH. ALL STOCKPILES SHALL HAVE AN APPROVED SILTATION BARRIER TOTALLY SURROUNDING THE PILE. THE PILE SHALL BE IN AN APPROVED UPLAND AREA A MINIMUM OF FIFTY FEET FROM ALL RESOURCE AREAS.
- 7. THE PHASING AND SEQUENCING OF THE WORK FOR THE SITE PREPARATION FOR THE TELECOMMUNICATIONS EQUIPMENT INSTALLATION CONSISTS OF INSTALLING TEMPORARY EROSION AND SEDIMENTATION CONTROL BARRIERS; CLEARING AND ROUGH GRADING OF COMPOUND; FOUNDATION WORK; BACK FILL FOUNDATIONS; FENCED COMPOUND CONSTRUCTION; INSTALLATION OF MONOPOLE AND GROUND EQUIPMENT; INSTALLATION OF UTILITIES; GROUNDING AND LIGHTINING PROTECTION; EQUIPMENT TESTING; FINAL GRADING AND STABILIZATION OF DISTURBED AREAS; LOAM AND SEED DISTURBED AREAS OUTSIDE COMPOUND; FINAL CLEANUP. THE ESTIMATED TIME FOR COMPLETION OF THE WORK IS APPROXIMATELY TWELVE (12) WEEKS.
- 8. THE COMPOUND ENCLOSURE IS SURFACED WITH CRUSHED STONE UNDERLAIN BY A WEED-BLOCK SYNTHETIC FILTER FABRIC. DRAINAGE PATTERNS, RUNOFF VOLUMES AND PEAK FLOW RATES WIL NOT BE ALTERED BY THE PROPOSED CONSTRUCTION.
- 9. IF REQUIRED, TEMPORARY DEWATERING OF THE TRENCH EXCAVATIONS SHALL BE DIVERTED INTO A TEMPORARY STILLING BASIN INFILITRATION IN THE STILLING BASIN AND FLOW THROUGH THE CRUSHED STONE CONTAINMENT BERM WILL RESULT IN DIFFUSE, NON-POINT SOURCE RUNOFF OVER VEGETATED AREAS.
- 10. ALL DISTURBED AREAS OUTSIDE THE LIMITS OF THE FENCED COMPOUND AND ROADWAY SHALL BE PERMANENTLY ESTABLISHED WITH A NATIVE VEGETATIVE GROUND COVER AT THE CONCLUSION OF CONSTRUCTION. GRADED AREAS SHALL BE PROTECTED WITH STRAW MULCH UNTIL A GOOD VEGETATIVE COVER IS ESTABLISHED.
- 11. THE TOTAL IMPACT AREA OF THE DISTURBED MONOPOLE & COMPOUND CONSTRUCTION SITE IS BOUNDED BY THE "LIMIT OF WORK" AS SHOWN HEREON. THE MAXIMUM AREA OF DISTURBANCE WITHIN THE LIMIT OF WORK IS APPROXIMATELY 29,300 SQUARE FEET. THE PROJECT IMPACT AREA IS BELOW THE EXEMPTION THERSHOLD OF 43,560 SQUARE FEET IN 40 CFR PARTS 9, 122-124 AND THEREFORE IS NOT SUBJECT TO REGULATION UNDER THE EPA NPDES GENERAL CONSTRUCTION PERMIT PROGRAM.
- 12. THE PROJECT OWNER'S GENERAL CONTRACTOR SHALL CONDUCT ALL SITE DEVELOPMENT WORK IN A MANNER THAT DOES NOT EXCEED THE LIMITS OF WORK SHOWN ON THE PLANS. ADDITIONALLY, THE PROJECT OWNER'S GENERAL CONTRACTOR SHALL CONDUCT ALL CONSTRUCTION ACTIVITIES IN A MANNER THAT DOES NOT RESULT IN STORM WATER DISCHARGES WITH AN ADVERSE IMPACT ON ANY RESOURCE AREAS OR DOWNSTREAM PROPERTIES.
- 13. A CONCRETE WASHOUT AREA SHALL BE INSTALLED PRIOR TO ANY CONCRETE PLACEMENT ON THIS PROJECT. SIGNS SHALL BE PLACED AS NECESSARY TO CLEARLY INDICATE THE LOCATION OF THE CONCRETE WASHOUT. WASHOUT RESIDUE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT AN APPROVED WASTE SITE.
- 4. UPON COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL REMOVE ALL ACCUMULATED SILT FROM BEHIND SILTATION BARRIERS AND DISPOSE OF SILT EVENLY IN UPLAND AREAS, REMOVE ALL EROSION CONTROL DEVICES WHEN A GOOD VEGETATIVE COVER IS ESTABLISHED.



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CONSULTANTS:



ADDRESS: 1664 LOWELL STREET
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ROCHESTER, NH 03867
APPLICANE.
TO ALLEGHENT CENTER



DATE: 10/16/20

DRAWN: STZ/JEB

CHECK: JMM/TEJ

SCALE: SEE PLAN

JOB NO.: 20-018

SHEET TITLE:

EROSION CONTROL PLAN & DETAILS

EC-1

