Bill as Introduced

SJR 1 – AS INTRODUCED

2003 SESSION

03-1062
03/09

SENATE JOINT RESOLUTION *1*

A RESOLUTION approving certain uses of Weeks state park.

SPONSORS: Sen. Gallus, Dist 1

COMMITTEE: Wildlife and Recreation

ANALYSIS

In this senate joint resolution, the general court finds that the installation of communications equipment at Weeks state park serves a significant public purpose and is consistent with the conditions of the Weeks family grant, provided that certain conditions are met.

SJR 1 - AS INTRODUCED

03-1062
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

A RESOLUTION approving certain uses of Weeks state park.

Whereas, Weeks state park in the town of Lancaster is established on land granted to the state of New Hampshire by the children of John Wingate Weeks; and

Whereas, the grant of the Weeks property was intended as a memorial to John Wingate Weeks and his outstanding interest in the promotion of forestry; and

Whereas, the grant of the Weeks property was conditioned on the land and buildings being forever maintained by the state for the practice and demonstration of forestry and for the use and enjoyment of the people of New Hampshire and its visitors; and

Whereas, the state of New Hampshire accepted the Weeks grant and its conditions in 1941, 73; and

Whereas, advanced telecommunications capabilities serve important public purposes, including facilitation of forest fire protection and enhancement of the use and enjoyment of the state's resources by its citizens and its visitors; and

Whereas, installation of communications equipment on the Weeks property would serve this important public purpose; and

Whereas, communications equipment may be located within an extension of the existing stone tower in a manner that is consistent with the appearance and purposes of Weeks state park; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire hereby finds that the installation of communications equipment at Weeks state park serves a significant public purpose and is consistent with the conditions of the Weeks family grant, provided that:

1. Any communications equipment installed at Weeks state park shall be housed in such a manner as to be consistent in appearance either with structures that are currently on the premises or with structures that have been proven to have existed on the premises.

2. Any communications equipment installed at Weeks state park shall be unobtrusive both visually and aurally.

3. The design of any communications installation within the existing tower and any necessary ancillory structures shall be approved by the Weeks State Park Association.

4. Any revenue generated by the installation or lease of any communications equipment at Weeks state park shall be dedicated to the maintenance of Weeks state park.

Amendments

Wildlife and Recreation
February 11, 2003
2003-0257s
03/04

Amendment to SJR 1

Amend the resolution by replacing the fourth and fifth paragraphs after the resolving clause with the following:

3. The design of any communications installation within the existing tower and any necessary ancillary structures shall be approved by the Weeks State Park Association

4. Any revenue generated by the installation or lease of any communications equipment at Weeks state park which exceeds the operating expenses associated with the communications equipment shall be remitted to the department of resources and economical development, division of parks and recreation.

Committee Minutes

Wildlife & Recreation Committee

Hearing Report

To:	Members of the Senate
From:	Liz Ignacio *Legislative Aide*
Re:	**SJR 1** – *A RESOLUTION approving certain uses of Weeks state park.*
Hearing date:	February 11, 2003
Members present:	Sen. Gallus, Sen. Roberge, Sen. Cohen, Sen. Gatsas, Sen. Sapareto
Members absent:	None

Sponsor(s): Sen. Gallus, Dist 1

What the bill does: In this senate joint resolution, the general court finds that the installation of communications equipment at Weeks state park serves a significant public purpose and is consistent with the conditions of the Weeks family grant, provided that certain conditions are met.

Who supports the bill: Peter Riveire: Coos Economic Development Corporation, Robert Sinclair Bast: spokesperson for the Weeks family

Who opposes the bill: Rich McLeod: Director of Parks and Recreation

Summary of testimony received: The Weeks family and Coos Economic Development Corporation fully support the language of SJR 1, the telecommunications tower design, and placement of telecom equipment in Weeks State Park. The strategic placement of a telecommunications tower on top of Mt. Prospect will help facilitate DSL connections and cellular communications in Coos County. Currently this region has had limited telecommunication abilities. The telecom tower design will be compatible with the appearance of other park buildings and will not interfere with the landscape or quiet enjoyment of the park.

Director McLeod spoke in opposition to SJR 1 because the Department of Resources and Economic Development is waiting for the Attorney General's office to review the wording in the Weeks family deed. If the AG approves the wording, DRED will support the resolution. Director McLeod and the members of the Transportation Committee feel that the revenue from the tower should go to the Division of Parks and Recreation as they are responsible for maintenance of Weeks State Park.

Funding: Director McLeod will be going to the Attorney General's Office to get revenue estimates on the tower.

Future action: Senator Sapareto will prepare a Committee Amendment adding the wording, "All revenues derived over and above expenses shall be remitted to the Division of Parks and Recreation". The committee will exec on the bill 2/18/03.

ei
[file: SJR 1 report]
Date: 2/14/03

Date: February 11, 2003
Time: 1:45 p.m.
Room: 104 LOB

The Senate Committee on Wildlife and Recreation held a hearing on the following:

SJR1 approving certain uses of Weeks state park.

Members of Committee present: Senator Gallus, Chairman
Senator Roberge, V. Chairman
Senator Cohen
Senator Gatsas
Senator Sapareto

The Chair, Senator John Gallus, opened the hearing.

Senator John Gallus, D. 1: We will open a hearing now on SJR1. The chair again recognizes the prime sponsor.

Senator Theodore L. Gatsas, D. 16: Senator Gallus.

Senator John Gallus, D. 1: Thank you Mr. Chairman, members of the committee. So nice to be here again. This particular Senate Joint Resolution approves certain uses of Weeks State Park. In this SJR the General Court finds that the installation of communications equipment in Weeks State Park serves as a significant public purpose and is consistent with the conditions of the Weeks Family Grant provided that certain conditions are met. Basically, what this particular legislation is for, as most of you know who visit the North Country, communications up north with cellular phones is very poor in most of the areas. They do not operate in most of Coos County unless you have some type of a booster or some type of satellite system. The people of Lancaster, NH have been trying also to get broadband internet access into that area. They are trying to use the facilities at the top of Weeks State Park for housing a tower that would provide that internet access service, DSL, to the area as well as better communications with cell phones. The original Grant from the Weeks family had written into it somewhere, I think the terminology is "no commercial uses" and so the heirs of the Weeks family, John Wingate Weeks, the grandson and other members of the family have agreed with the Town of Lancaster and the economic development office in

Lancaster that their grandfather would have no problem with this particular type of use at the top of that mountain. It was not really a commercial use and it was in the public good as you can see from the terminology used in the Bill. It is really kind of a necessary thing for the North Country. It will not be an intrusion on the landscape. John Wingate Weeks grandson is a architect or building architect and he has designed some plans, I don't have them with me today, and those plans would just add to the top of the tower that is there and enclose the towers that would be put on those building and this piece of legislation is important for the people of the North Country. The esthetics are very nice. It will not interfere with the top of the mountain. This is not something that will negatively impact anything in that area but it is a real necessary thing to have broadband and also good communications for safety and other reasons in the North Country. That is one of the main reasons I signed onto this thing with no problems at all.

Senator Theodore L. Gatsas, D. 16: Any questions? Senator Cohen.

Senator Burton J. Cohen, D. 24: I assume that this will not be at all like the Mount Kearsarge tower which caused such a big ruckus and is such an eye sore up there. How far above the current structure would it extend?

Senator John Gallus, D. 1: I wish I had those plans with me. I thought Rob Bast would be here who is the grandson. He is not here. They have designed a building that would be added to the top of the tower that is already there. Very attractive building, I have seen the plans. Just blends in. You wouldn't know anything is inside the actual the towers and transmitting facilities. The tower would be inside this little building on top of the tower that is there and then they would rebuild for the transmitting stations, they would rebuild a shed a little ways from this particular facility and I think Director McLeod can tell you a little bit more about where that old facility was that was there before.

Senator Burton J. Cohen, D. 24: Thank you.

Senator Theodore L. Gatsas, D. 16: Senator Sapareto.

Senator Frank V. Sapareto, D. 19: Thank you Mr. Chairman. The question is, are the Executors of the Estate for the Weeks Estate is it the grandson and son? Or are those the Trustees or whatever? He must have requested this or left this in a form of a Trust or something in the Will that one of them are involved in this decision making or people will ensure that his wishes were carried out. Is the grandson, son?

Senator John Gallus, D. 1: I don't think necessarily that he is in that capacity with the State as far as you know some of these organizations that are associated with Weeks State Park. I am sure Director McLeod can tell you a little bit more about that. I know that he is involved basically with the people that wanted to do this at that facility. You know, wanted to make sure it is within keeping with the original idea of his grandfather, and we do have a letter coming from Rob Bast in just a few minutes.

Senator Theodore L. Gatsas, D. 16: Senator Gallus can you tell me does the original tower there now, there is no revenue source from that tower. Will there be a revenue source from that tower and if so, where does the revenue source go?

Senator John Gallus, D. 1: You would ask that question Senator. There will be some type of revenue source coming into the Park from the communications tower and I am not sure what those dollars are. My main concern was the ability to have cell coverage and DSL to that area of the county. Any type of funds that would accumulate from the lease of that tower space which would be, that is where the commercial use is coming in, is from this money basically. I would suspect that that is going right back to the Park. The Division of Parks. They own it. We will find out from Director McLeod very shortly I am sure.

Senator Theodore L. Gatsas, D. 16: Any other questions? Thank you Senator.

Senator John Gallus, D. 1: Thank you. The Chair recognizes Director McLeod who is opposed to this particular project.

Richard McLeod, Director of Parks & Recreation: Thank you Mr. Chairman, committee members. For the record, my name is Rich McLeod. I am the Director of the Division of Parks & Recreation and yes, even though we support a lot of the statements made by Senator Gallus and this Resolution, we are opposed to the Resolution at this time. We are awaiting word from the Attorney General's office to make sure that the language in this Resolution is consistent with the Deeds of the Weeks family. At this time, we haven't had any official word from the AG's office about whether or not this is compatible with the conditions of the Deed and that is the reason we are opposing it. Were we to get word from the AG's office that this was compatible, we would probably change our position. I would be happy to answer any questions.

Senator John Gallus, D. 1: Any questions from the committee? Senator Gatsas?

Senator Theodore L. Gatsas, D. 16: Thank you Mr. Chairman. Mr. McLeod, the revenue question that I asked Senator Gallus, can you shed some light on that.

Richard McLeod, Director of Parks & Recreation: I will try Senator Gatsas. Were there to be a commercial tower at Mount Prospect, Weeks State Park, there have been a number of organizations that have shown interest in that revenue. One of those organizations itself has been the Weeks State Park Association. There has been talk and discussion at various meetings that the revenue might go back to the Weeks State Park Association. We manage that property in conjunction with the Division of Forests and Lands. There has been talk that the revenue would go back to the Division of Forests and Lands. It would be my position and I haven't discussed this fully with Commissioner Bald. It would be my position that as long as the Division of Parks is managing and paying for the upkeep of that property, I would like to see that revenue come back into the park fund were we to ever support at any time a communication facility at Weeks. So, does that answer your question Senator?

Senator Theodore L. Gatsas, D. 16: Follow up.

Senator John Gallus, D. 1: Go ahead Senator.

Senator Theodore L. Gatsas, D. 16: Mr. McLeod if you could get us something, should the Attorney General change or give you back that your position could change, is there any way that you could provide to us what you think the revenue amount would be?

Richard McLeod, Director of Parks & Recreation: Certainly Senator. I wasn't prepared to answer that question today but I will go back and review a lot of the plans. There has been more than one plan for various communication towers up there. I will go back and recap some of that and get you some of the information that you requested.

Senator John Gallus, D. 1: Are you all set Senator? Would it be reasonable to say Director, that that income stream should be probably 10 to 30,000 a month? In that range?

Senator Burton J. Cohen, D. 24: Per year?

Richard McLeod, Director of Parks & Recreation: That would depend of course on the contract and who we contracted with and if they provide the communications. What has happened on other state park properties is we

have gotten revenue in terms of ten, fifteen thousand dollars a year. Plus, plus, whoever was providing the facilities went in and built the facilities themselves. There was no cost, no direct cost at stake.

Senator John Gallus, D. 1: One follow up question that I have. Part of my concern and the ability to put this Bill and wanting to put this Bill forward is that fact that my understanding was that the requested opinion from the Attorney General's office has been taking forever. Can you tell me how long that has been over there?

Richard McLeod, Director of Parks & Recreation: I have had, we have a number of issues over at the AG's office. I would say that this one has been there for a couple of months anyway.

Senator John Gallus, D. 1: Senator Sapareto do you have a question?

Senator Frank V. Sapareto, D. 19: My question was answered thank you.

Senator John Gallus, D. 1: Are there any other questions from the committee. Thank you Director McLeod.

Richard McLeod, Director of Parks & Recreation: Thank you sir.

Senator John Gallus, D. 1: The Chair will now call on Dan Dussault who has a couple of letters that were written in support, in favor of the Bill. One from Peter Riviere the Coos Economic Development Corporation and another one from Robert Bast who is a family member of Weeks family.

Dan Dussault, Senate Intern: Thank you Mr. Chairman. I will go with the letter of Robert Bast. Dear.... **(See attached letter of Robert Bast attached hereto and referenced as Attachment #1)**. The second is from a Mr. Peter Riviere. Dear John . . . **(See attached letter of Peter Riviere attached hereto and referenced as Attachment #2)**.

Senator John Gallus, D. 1: Thank you very much Dan. Does anyone else wish to speak to this Bill? Anyone else wish to speak a second time? Being no further testimony, we will close the hearing on SJR1.

Respectfully submitted,

Susan A. Bridge
Senate Secretary
February 13, 2003

ATTACHMENT #1

ROBERT S. BAST
191 Windrow Lane
Hinesburg, Vermont 05461
t. 802.482.2804 f. 802.482.3953 bastrood@gmavt.net

February 09, 2003

Senator John Gallus
New Hampshire State Senate
Concord, NH
FAX TRANSMITTAL 1-603-271-3027

RE: Weeks State Park Resolution, SJR 1

Dear Senator Gallus:

I write on behalf of the Weeks family to support SJR-1 on the possible location of communications equipment at the park. My grandfather and great aunt intended that the park be a memorial to their father, John W. Weeks, and as such, to convey to the people of New Hampshire the sense of wonder and humility he felt as he looked around him at one of the most magnificent views in America. We all regard great grandfather John with pride and deep regard for his selfless public achievements. We also know that Sinclair Weeks was strongly interested in the economy of the north country, and as well agreed that the public interest was served by communications equipment at the park- police and highway radio, as well as the fire watch. Given the rapidly changing world of the internet, cellular communication and the like, and the strategic position of Mt Prospect, it seems that Weeks Park can play an important role in facilitation of communications in Coos County. Some of that will serve enterprise, and at least some will facilitate citizen access to government and safety. It has been speculated that location of antennae discreetly at Mt. Prospect will keep more visible antennae from popping up in other locations , preserving views and making the landscape more attractive for all.

I have consulted with family, shared the text of the resolution, and am able to say that we feel it to be acceptable and workable. We think that the primacy of the quiet enjoyment of the park has been preserved as the main point of Weeks State Park. The conditions will allow the location of communication equipment in the tower in a manner which is not visible, and will be compatible with the appearance of the park buildings. I look forward to contributing to the proper implementation of these conditions in my role on the Weeks State Park Association Board of Directors. The family would like to thank you and the New Hampshire General Court for the careful concern shown to the Weeks family, and the respect given to the conditions of gift of Sinclair Weeks and Katherine Davidge.

Sincerely,

Robert Sinclair Bast

ATTACHMENT #2

7 February 2003

Senator John Gallus, chairman
Wildlife and Recreation Committee

Re: SJR 1

Dear John,

I want to add my support to the language in SJR 1 which effectively will allow telecommunications equipment to be placed in the fire tower atop Mount Prospect in Lancaster and Weeks State Park.

I have spoken at length with Rob Bast, a spokesman for the Weeks Family, and he assures me he has full support for the language, the tower design, placing telecom equipment there and the Joint Resolution.

Just a word about what this means to the North Country:

As you know cellphone reception north of the notches is largely hit or miss unless you are in Littleton or Berlin. With cellphones becoming ubiquitous with many life-saving applications as well as business uses, the region is at a distinct economic disadvantage in not having universal coverage.

Adding transmitters to the Weeks fire tower will substantially unlock the western side of the county to this service as cellular phone companies have been searching for appropriate tower locales. Mount Prospect always has been the most coveted due to its locale and the region's topography.

This resolution and the resulting location of telecom equipment at Weeks State Park will provide one of the keys to opening the North Country to reasonable development by communications dependent businesses.

I urge quick passage so the reconstruction of the tower can be planned and completed this coming construction season.

Thanks for your untiring efforts in behalf of your North Country constituency,

Sincerely,

Peter Riviere

Peter Riviere, executive director
Coos Economic Development Corporation

Speakers

SENATE WILDLIFE & RECREATION COMMITTEE

Date February 11, 2003 Time 1:45 p.m. Public Hearing on **Bill # SJR1**

approving certain uses of Weeks state park.

(Please print) *Please check box(es) at left that apply.*

SPEAKING?	FAVOR	OPPOSED	NAME	REPRESENTING
written	☑	☐	Peter Riviere	Coos Economic Dev. Corp.
written	☑	☐	Robert Bast	
☐	☐	☑	Rick McLeod	Director of Parks & Recreation
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Testimony

Bast & Rood Architects

PO BOX 220
HINESBURG, VT 05461

Fax Cover Sheet

SEND TO: SEN JOHN GALLUS	FROM: ROB BAST
ATTENTION:	DATE: 2/10/03
OFFICE LOCATION: CONCORD	PHONE NUMBER: 802-482-5200
FAX NUMBER: 603-271-3027	FAX NUMBER: 802-482-3953

☐ URGENT ☐ REPLY ASAP ☐ PLEASE COMMENT ☐ PLEASE REVIEW ☐ FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: 2

Comments:

AS REQUESTED, FOR YOUR DISCUSSION TOMORROW.

REGARDS,

ROB BAST

DESCRIPTION OF SENT ITEMS: LETTER

CEDC Coos Economic Development Corporation

Fax

To: Sen. John Gallus **From:** Peter Riviere

Company: NH Senate **Date:** 2.11.03

Fax: 271-3027 **No. of Pages:** 1 + 2

Phone: 271-3077 **Re:** SJR1

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply

• **Comments:**

John —

No response from Comr Bald, but here's my input anyway.

Thanks for your help.

Peter Riviere

148 Main Street, Lancaster, NH 03584 — Tel. 603-788-3900 Fax 603-788-3355 e-mail CEDC@together.net

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Wildlife and Recreation

to which was referred Senate Joint Resolution 1

AN ACT approving certain uses of Weeks state park.

VOTE: 3-0

2003-0257s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator John Gallus
For the Committee

SJR1 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: approving certain uses of Weeks state park.

Date	Body	Description
1/30/2003	**S**	Introduced and Ref. to Wildlife & Recreation; SJ 3, Pg.42
1/31/2003	**S**	Hearing; February 11, 2003, Room 104, LOB, 1:45 p.m.; SC7
2/28/2003	**S**	Ought to Pass with Amendment{0257}, [03/06/03]; SC12, Pg.6
3/6/2003	**S**	Committee Amendment{0257}, AA, VV; SJ 7, Pg.73
3/6/2003	**S**	Ought to Pass with Amendment{0257}, MA, VV; OT3rdg; SJ 7, Pg.73
3/6/2003	**S**	Passed by 3rd Reading Resolution; SJ 7, Pg.73-74
3/13/2003	**H**	Introduced and ref to Res, Rec & Dev; HJ24, p629
3/26/2003	**H**	Hearing Apr 2 2:00 RM305,LOB
5/7/2003	**H**	Maj Report OTP for May 15 (Vote 16-2;CC)
5/15/2003	**H**	Passed; HJ 42, p1315 + 1354
5/15/2003	**H**	Enrolled Am{1730}, Am Adopted; HJ 45, p1436
5/22/2003	**S**	Enrolled Bill Amendment{1730}, Adopted; SJ 17, Pg.48-484
5/29/2003	**H**	Enrolled; HJ 45, p1447
5/29/2003	**S**	Enrolled;
6/6/2003	**S**	Signed by the Governor on 6/6/2003 Chap: 0094

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations