

**Town of Otisfield
Planning Board Minutes
Community Hall
March 23, 2021
7:00 PM**

1. The meeting was called to order at 7:31 PM by Chair – Karen Turino.
2. **Attendance:** Members present were Chair – Karen Turino, Vice Chair – Rick Jackson, Stan Brett, Herb Olsen, Otis Brown & Pauline Flagg – Alternate & Recording Secretary

Secretary: Tanya Snow Via Zoom

3. **Announcement of Quorum:** Board has a quorum.
4. **Approve Secretary's Report:**
 - A. Regular Meeting Minutes from February 23, 2021. *Motion to accept minutes. SB/OB – Unanimous.
5. **Discussion & Comments from public:**
 - A. None.
6. **Residence - Based Business Applications:**
 - A. None.
7. **Shoreland Zoning Applications:**
 - A. None.
8. **Wireless Application:**
 - A. Ronald Balistreri, represented by Scott D. Anderson of Verrill Law Office. Map R09/Lot 14.

Preliminary meeting for possible Cell Tower located at 264 Bell Hill Rd. took place on 11.10.2020. Application fee \$500.00 has been received. Balloon Photo simulation took place on Saturday - November 21, 2020 between 9 am and 12 noon. (Pictures submitted into public record) KT: Stated at a prior meeting the Wireless telecommunications facilities Ordinance will stand alone. No other ordinance need be applied. TS posted notice of application in the newspaper on January 11, 2021. We approved the application as complete last meeting and a letter was sent to the applicant indicating that. Tonight (03.23.21) the Public Hearing was held at 6 PM.

Starting with Wireless Telecommunications Ordinance on page 16.

7.2. Planning Board Approval Standards.

An application for approval by the Planning Board under Section 5.1.B must meet the following standards:

7.2 A. Siting on Municipal Property. *If an applicant proposes to locate a new Wireless Telecommunications Facility, or expand an existing facility on municipal property, the applicant must show the following:*

DISCUSSION: Not Applicable. This is not on Municipal Property. *All agree.

*Motion that this is N/A. RJ/OB – Unanimous.

7.2 B. Design for Co-location. *A new Wireless Telecommunications Facility and related equipment must be designed and constructed to accommodate expansion for future colocation*

DISCUSSION: Map Z-3, shows the side view of tower allowing or accommodating 3 additional tower bands. The second part of standard relates to locations of other available towers. There are no towers available and the 2 closest ones in Casco and Oxford Verizon is already on. So that complies. There were 3 sites identified, one never got built
*All agree.

*Motion that all of section B is applicable and has been met. RJ/SB – Unanimous.

7.2 C. Height. *A new Wireless Telecommunications Facility must be no more than one hundred eighty (180) feet in height. The applicant shall be prepared to justify the height being requested.*

DISCUSSION: We are at 110' for the proposed tower. The lightning rod is above the 110'. HF: Jesse Cottingham, EMA Director has discussed with Verizon about putting an antenna on top of the tower for the Town's use. Does this increase the height? The FD would extend it above that, but KT agrees it would still fall under the ordinance allowable maximum of 180'. The FD would be treated as an addition to the existing structure. It's a municipal use not a private company. This wouldn't be part of the height assessment here tonight. The FD antenna will be extended above the 110' and will be negotiated separate from tonight's PB application. 200' triggers FAA permits. Lightning rod is not an antenna because it is not a device for communication of radio frequencies. * All agree.

*Motion that this height of 110' is accepted. HO/SB – (4) approve (1) abstained OB.

7.2 D. Setbacks. *A new or expanded Wireless Telecommunications Facility shall be set back a minimum of one hundred twenty-five percent (125%) of its height from the outer perimeter of the tower compound area. This area shall be considered the fall zone. The setback may be satisfied by including the areas outside the outer perimeter of the tower compound area.*

DISCUSSION: The compounded area should include the fence. The definition includes the base of the structure and security fences, so the east (road) side of the tower, includes fenced-in area. Do we need to include that additional area from the base of the monopole to the other side of the fence or begin to measure the Setback from the perimeter fence of the site? The setback of 125% would be satisfied by measuring from the base of the monopole. We have an ambiguous standard, but there isn't a rule on interpreting this. KT: The purpose of the Setback is to provide for a safe area within which the monopole might fall. So it would be logical to use the 'Fall Zone' definition. *All agree.

*Motion that WE ARE INTERPERTING the definition on Setback distance of 125% and that it should be from the base of the tower because it was ambiguous. OB/HO – Unanimous.

*Motion that this Setback is acceptable. RJ/SB – Unanimous.

7.2 E. Landscaping. *A new Wireless Telecommunications Facility and related equipment must be screened with plants from view by abutting properties to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable. All Wireless Telecommunication Facilities shall maintain the required setbacks as undisturbed vegetated buffers except for the access road. The Planning Board may require additional plantings in the buffer area(s) to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.*

DISCUSSION: We did put a condition of no cutting during long eared bat mating season of June 1 through July 31st. *All agree. Map C-2 shows the wooded area surrounding the compound.

*Motion that this Standard is met. RJ/OB – Unanimous.

7.2 F. Fencing. *A new Wireless Telecommunications Facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Access to tower(s) shall be through a lockable gate. Roof mounted towers are exempt.*

DISCUSSION: The Site plans show a 7' chain link fence with a climbing barrier adding a foot. It is a lockable gate. If the FD wanted a key or the combination that can happen. *All agree.

*Motion that we accept this. OB/SB – Unanimous.

7.2 G. Lighting. *A new Wireless Telecommunications Facility must be illuminated only as necessary to comply with FAA or other applicable State and Federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the tower compound area to the maximum extent practicable.*

DISCUSSION: The application initially showed downward facing security lights. However, this was supposed to be removed prior to submitting the application. There will be no security lighting as part of the proposal. No lights are required by FAA on a 110' tower. *All agree.

*Motion that this is N/A. RJ/OB – Unanimous.

7.2 H. Color and Materials. *A new Wireless Telecommunications Facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.*

DISCUSSION: This has been questioned at the Public Hearing. Described as gray, non reflective. *All agree.

*Motion that we accept the non-reflective gray as being consistent with the Standard. OB/HO – Unanimous.

7.2 I. Structural Standards. *A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".*

DISCUSSION: This is a structural standard for towers. Final design of the foundation can be done after approval of the application, if approved, with the Condition that the CEO has final approval of the foundation design prior to a Building Permit being issued, but the tower will be designed with the standards referenced here. * All agree.

*Motion that this Standard is acceptable. RJ/OB – Unanimous.

7.2 J. Visual Impact. *The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the Town of Otisfield's Comprehensive Plan's Significant Scenic Vistas Table, or by a State or Federal agency. If the facility is to be sited above the ridge line, it must be designed to minimize 1-7....*

DISCUSSION: We can't make the tower invisible or totally disappear from view. It could be seen from (3) viewpoints in the balloon tests. It's below the ridgeline, which does hide it from most parts of Town. Lesser visual impact on this than the tree branch kind. The 3 visible sites are not identified in the Otisfield Comprehensive Plan's three scenic vistas to be preserved. For 6-8 months out of the year, visibility will be low. * All agree.

J.1. – *visible above tree line:* balloon pictures show where it's visible. 2. *The line of sight.* The balloon Photo simulations show all the features within it. 3. *Extent of visibility within viewpoints...* N/A. 4. *amount of vegetative screening,* all agree the woods surrounding the site provide natural screening. 5. *Distance from viewpoints...* all agree N/A. 6. *Reasonable alternatives...* the visual impact of a gray non reflective pole is as minimal as it can get. Imitation trees have more mass and become the objectionable feature rather than serving as camouflage, especially when viewed up close. 7. *More than one tower.* All agree N/A.

*Motion that this Standard is met with the exception of 3, 5 & 7 which are N/A. RJ/HO – Unanimous.

7.2 K. Noise. *During construction, repair, or replacement the operation of a back-up power generator is only allowed between seven (7) am and nine (9) pm. There is no restriction of operation of an auxiliary generator once the Wireless Telecommunications Facility is operational.*

DISCUSSION: During construction and installation the generator will only be running during the hours listed. Charged batteries are used now on most tools. Appendix C submittal from Sept. 22nd refers only to a back-up generator. Once operational there will be no need for a generator. *All agree.

*Motion that this is accepted as proposed. RJ/SB – Unanimous.

7.2 L. *Historic & Archaeological Properties.* The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

DISCUSSION: In the application included as Appendix D in the Jan. 5, 2021 Supplement the NEPA letter stated that the proposed cell tower was not within a historic location. Condition of approval with the long-eared bats which applicant agreed to as noted under 7.2 E. Discussion. * All agree.

*Motion that this Standard is N/A and the Condition is acceptable by applicant. RJ/SB – Unanimous.

7.2 M. *Surface Water Drainage.* Adequate provision shall be made for disposal of all storm water generated within the project area including access route through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be

DISCUSSION: In the application drainage swales were identified on Map Z-2 adjacent on both sides of the proposed drive access. The topography of the site indicates it is well under any storm water run-off trigger. Z-3 has the full list of requirements for Sediment and Erosion Control to be taken. This will handle a 100-year storm. KT: does anyone want Ross Cudlitz to take a look at this? RJ: I don't think it's necessary because it's so small and has no effect on anyone in the area. Very flat surface. The drop-off as indicated on Z-3 is 1 foot for every 10 feet. Nothing indicates any areas need to be looked at. Not in a flood zone. * All agree.

1. All components of the storm water management system shall be designed to meet... all agree this is met with the proposed drainage swales adjacent to the access drive.
2. Outlets shall be stabilized against soil erosion by stone riprap ...N/A
3. The storm water management system shall be designed to accommodate upstream drainage.... N/A
4. Downstream drainage requirements shall be studied ...N/A

*Motion to ask Ross Cudlitz P.E., Engineering Assistance & Design, Inc. to take a look at this section of the Storm Water management system. KT/OB – 1 KT in favor (4) opposed, *Motion failed.

*Motion that this has met the standard with the exception that 2, 3 & 4 are N/A. RJ/OB – Unanimous.

*Tabled here to pick up at next meeting. All agree.

Next meeting PB will start at 7.2 N. Page 19. Conservation, Erosion and Sediment Control.

9. Subdivision Application:

A. None.

10. Upcoming Dates:

A. Planning Board Meeting April 13th at 7:00 PM.

11. Discussion & comments from Code Enforcement Officer: *Not in attendance.

A. None.

12. Discussion & comments from Board:

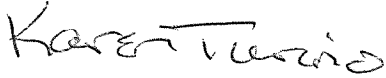
A. Future Workshop

- 1) OB thinks a future workshop would be a good idea when things slow down to review Ordinances and talk about ways to speed up the review process of the ordinances. All agree. See 2.23.21 Minutes.
- 2) OB suggested a second workshop topic to clarify what could be considered a conflict in the Performance Standards regarding what is an “antenna” and how should a “Fall Zone” be measured in the Wireless Ordinance. Note interpretation motion under Height Standard 3.23.21 Minutes. All Agree.
- 3) RJ suggested looking at the Severability Clause in the Wireless Ordinance and the possible conflict noted by Kristin Roy in her submittal to the Board at the Public Hearing “Re: Conflicts & Severability Complaint” Dated 3.23.21. All Agree.

13. Unfinished Business:

14. Adjournment: With no further business, the meeting was adjourned at 8:55 PM. RJ/SB - Unanimous.

Respectfully submitted,
Tanya Snow, Secretary

A handwritten signature in cursive script that reads "Karen Turino".

Approved by: Karen Turino, Chair
Otisfield Planning Board
Approved on: April 13th, 2021.