

**WIRELESS TELECOMMUNICATIONS
FACILITIES ORDINANCE**

Town of Otisfield Maine

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**Section 1. Title, Effective Date, Amendments and Repeal of Existing Wireless
Telecommunications Facilities Ordinance**

1.1. Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Ordinance" of Otisfield, Maine, (hereinafter referred to as the "Ordinance").

1.2. Effective Date and Amendment Dates

A. This Ordinance became effective on:

B. This Ordinance was amended on:

1.3. Amendments

This Ordinance may be amended by a majority vote at the Annual Town Meeting. Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

1.4 Repeal of Existing Wireless Telecommunications Facility Siting Ordinance

Adoption of this Ordinance shall repeal any and all previous Wireless Telecommunications Facility siting Ordinances. This shall not prevent the enforcement of repealed ordinances with respect to the time periods in which they were in effect.

Section 2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq.

Section 3. Purpose

The purpose of this Ordinance is to create a complete and comprehensive stand-alone document that will not require reference to or review under other plans and ordinances and to provide a process and an exclusive set of standards for the construction of Wireless Telecommunications Facilities in order to:

- A. Implement an ordinance concerning the provision of wireless telecommunications services and the siting of their facilities.
- B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate Wireless Telecommunications Facilities.
- C. Allow competition in wireless telecommunications service.
- D. Encourage the provision of advanced wireless telecommunications services to the largest number of businesses, institutions and residents of Otisfield.
- E. Ensure that Otisfield can continue to protect fairly and responsibly public health, safety and welfare.
- F. Encourage the co-location of Wireless Telecommunications Facilities, thus helping to minimize adverse visual impacts on the community.
- G. Enable Otisfield to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.
- H. Further the goals and policies of the Comprehensive Plan, while promoting orderly development of the Town with minimal impacts on existing uses.
- I. Protect the scenic and visual character of the community.
- J. Strive to minimize any potential adverse effect of a Wireless Telecommunication Facilities on property values.

Section 4. Applicability

This Ordinance applies exclusively to all construction and expansion of Wireless Telecommunications Facilities, except as provided in section 4.1.

4.1. Exemptions

The following are exempt from the provisions of this Ordinance:

- A. Emergency Wireless Telecommunications Facility. Temporary Wireless Telecommunication Facilities for emergency communications by public officials.
- B. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
- C. Parabolic antenna. Parabolic antennas less than seven (7) feet in diameter that are an accessory use of the property.
- D. Maintenance, repair or reconstruction. Maintenance, repair or reconstruction of a Wireless Telecommunications Facility and related equipment, provided that there is no change in the height or any other dimension of the facility and/or project area.
- E. Temporary Wireless Telecommunications Facility. Temporary Wireless Telecommunications Facility in operation for a maximum period of one hundred eighty (180) days.
- F. Antennas as accessory uses. An antenna that is an accessory use to a residential dwelling unit.

Section 5. Review and Approval Authority

5.1. Approval Required

No person shall construct or expand a Wireless Telecommunication Facility without approval as follows:

- A. Expansion of an Existing Facility and Co-location. Approval by the Code Enforcement Officer (CEO) is required for:

1. Any expansion of an existing Wireless Telecommunications Facility that increases the height of the facility by no more than twenty (20) feet above the originally approved height. In no case shall the CEO approve an increase in the height of the facility that would exceed 180 feet. This provision shall not be waived.
2. Accessory use of an existing Wireless Telecommunications Facility, or
3. Co-location on an existing Wireless Telecommunications Facility.

B. New Construction. Approval of the Planning Board is required for construction of a new Wireless Telecommunications Facility, and for any expansion of an existing Wireless Telecommunications Facility that increases the height of the facility by more than 20 feet above the originally approved height and/or increases the size of the project area. In no case shall the Planning Board approve an increase in the height of the facility that would exceed 180 feet. This provision shall not be waived.

5.2. Approval Authority

In accordance with Section 5.1 above, the CEO or Planning Board, as appropriate, shall review applications for Wireless Telecommunications Facilities and make written findings on whether the proposed facility complies with this Ordinance.

Section 6. Approval Process

6.1. Pre-Application Conference

All persons seeking approval of the CEO or the Planning Board under this Ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting the CEO shall explain to the applicant the Ordinance provisions as well as application forms and submissions that will be required under this Ordinance.

6.2. Application

All persons seeking approval of the CEO or of the Planning Board under this Ordinance shall submit an application as provided below. In all cases, the burden of proof shall be on the applicant to demonstrate to the CEO or the Planning Board that the required standard(s) have been met. The Planning Board shall have the authority to engage a-qualified independent third party or parties deemed necessary by the Planning Board to review the application. The cost of the independent review shall be borne by the applicant.

The CEO shall be responsible for ensuring that notice of receipt of a written application has been published in a newspaper of general circulation in the community. Such notice shall be published within 10 days from the receipt of the written application.

A. Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

1. Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.
2. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
3. Location map of suitable scale to locate the facility in Otisfield and elevation drawings of the proposed facility and any other proposed structures showing color and identifying structural materials.
4. For proposed expansion of a facility, a signed statement that commits the owner of the facility and his or her successors in interest to:
 - a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
 - b. Negotiate in good faith for shared use by third parties including the Town of Otisfield for emergency service communications.
 - c. Allow shared use if an applicant agrees in writing to pay reasonable charges for co-location.
 - d. Require no more than a reasonable charge for shared use based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

B. Application for Planning Board Approval. Nine copies of an application for approval by the Planning Board must be submitted to the CEO. The application must include the following information:

1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.
2. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations as well as written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.
3. A USGS 7.5 minute topographic map showing the location of all structures and Wireless Telecommunications Facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database.
4. A site plan:
 - a. Prepared by a State of Maine licensed professional engineer indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes.
 - b. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required.
 - c. A boundary survey for the project area performed by a State of Maine licensed professional land surveyor.
 - d. Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.
 - e. Details of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.
 - f. A soil erosion and sediment control plan for construction and for permanent control.

- g. Stormwater control plan designed to accommodate a 25-year storm.
 - h. A phosphorus impact analysis and control plan
 - i. Maine Department of Transportation Driveway/Entrance Permit if access to the facility will be from Route 121 or the Bolster Mills Road.
 - j. Road Opening Permit issued by the Otisfield Road Commissioner.
5. A scenic assessment consisting of the following:
- a. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.
 - b. A landscaping plan indicating the proposed placement of the facility on the site, location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the tower structure and equipment shelters and the proposed lighting method.
 - c. If requested by the Planning Board a balloon test meeting standard industry specification, on a date and time recommended by the Planning Board.
 - d. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board or their designee during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening. The applicant may be asked and should be prepared to provide photo simulations from at least one company showing how the proposed tower would appear if camouflaged. If the Planning Board determines that additional vantage points should be considered, the applicant shall complete the visual analyses for these locations for the Board's consideration.
 - e. A narrative discussing:
 - i. The extent to which the proposed facility would be visible from or within a designated scenic resource.

- ii. The tree line elevation of vegetation within 100 feet of the facility.
 - iii. The distance to the proposed facility from the designated scenic resources noted viewpoints.
- 6. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
- 7. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility. The evidence for which may consist of any one or more of the following:
 - a. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements.
 - b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.
 - c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

Specifically:

- i. Planned necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
- ii. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
- iii. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

- d. For facilities existing prior to the effective date of the application, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable.
 - e. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access.
8. Identification of sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture that are listed or are eligible for listing on the National Register of Historic Places (see 54 U.S.C. 300308; 36 CFR 60 and 800).
9. A signed statement stating that the owner of the Wireless Telecommunications Facility and his or her successors and assigns agree to:
- a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
 - b. Negotiate in good faith for shared use of the Wireless Telecommunications Facility by third parties including the Town of Otisfield for emergency service communications.
 - c. Allow shared use of the Wireless Telecommunications Facility if an applicant agrees in writing to pay reasonable charges for co-location.
 - d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate over the useful life span of the facility.
10. A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

11. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community

6.3. Submission Waiver

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based on a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

6.4. Fees

A. CEO Application Fee.

An application for CEO approval shall include payment of an application fee as established by the Board of Selectmen. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Otisfield to review the application.

B. Planning Board Application Fee.

An application for Planning Board approval shall include payment of an application fee as established by the Board of Selectmen. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Otisfield to review the application.

C. Planning Board Review Fee.

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application including the cost of any independent review(s). The review fee shall be paid in full prior to issuing a building permit.

That portion of the review fee not used shall be returned to the applicant within sixty (60) days of the Planning Board's decision.

6.5. Notice of Complete Application

Upon receipt of an application, the CEO or the Planning Board, as appropriate, shall provide the applicant with a dated receipt. Within forty-five (45) days of receipt of an application, the CEO or Planning Board, as appropriate, shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO or the Planning Board, as appropriate, shall notify the applicant in writing of this determination. If the application is incomplete, the CEO shall ensure that the applicant is notified in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, and requires Planning Board review, the Planning Board shall ensure that all abutters within one thousand (1000) feet of the proposed tower compound area, as shown on the Assessor's records, shall be notified by first-class mail, that an application has been accepted as complete. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

6.6. Public Hearing

- A. For applications for Planning Board approval under Section 5.1B, a public hearing shall be held within forty-five (45) days of the date of finding the application complete.
- B. The Planning Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. All abutters within one thousand (1,000) feet of the proposed compound area, as shown on the Assessor's records, shall be notified, by first-class mail, at least seven (7) days prior to the hearing by the Planning Board. Public hearings by the Board shall be conducted according to the following procedures.
 1. The chairman shall call public hearings as required. A quorum of the Planning Board is necessary to conduct an official public hearing. The chairman shall preside at all public hearings.

2. The secretary shall maintain a permanent record of all public hearings. All records to be maintained or prepared by the secretary are public records. They shall be filed in the municipal clerk's office and may be inspected at reasonable times.
3. The Planning Board may provide, by regulation which shall be recorded by the secretary, for any matter relating to the conduct of any public hearing, provided that the chair may waive any regulation upon good cause shown.
4. The Planning Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts.
5. The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the Planning Board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions.

6.7. Approval

A. CEO Approval.

Within thirty (30) days of receiving a complete application for approval under section 5.1A , the CEO shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Section 7.1 of this Ordinance. The time period may be extended upon agreement between the applicant and the CEO.

The CEO shall notify all abutters within one thousand (1,000) feet of the proposed tower compound area of the decision to issue a permit under this section.

B. Planning Board Approval.

Within ninety (90) days of receiving a complete application for approval under section 5.1 B, the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

Section 7. Standards of Review

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

7.1. CEO Approval Standards

An application for approval by the CEO under Section 5.1.A must meet the following standards:

- A. The proposed facility is an expansion, accessory use, or co-location to a structure legally existing at the time the application is submitted.
- B. The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
- C. The proposed facility increases the height of the legally existing structure by no more than twenty (20) feet.
- D. The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment to the maximum extent practicable.

7.2. Planning Board Approval Standards

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

- 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:
 - 1. The proposed location complies with applicable municipal policies and ordinances that relate to the use of municipal property.
 - 2. The proposed facility will not interfere with the intended purpose of the property.
 - 3. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

- B. Design for Co-location. A new Wireless Telecommunications Facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the height limitation effectively prevents future co-location. Proposals for the siting of Wireless Telecommunications Facilities or antennae on existing towers or Alternative Tower Structures (ATS) or at locations that presently have Wireless Telecommunications Facilities are favored over proposals for construction of new towers on sites where towers do not presently exist. The Planning Board review process guides Wireless Telecommunications Facility applicants towards co-location and requires the applicant to prove, among other factors, that their proposed antennas or facilities cannot be accommodated by existing tower structures. The Planning Board shall have the authority to determine whether or not co-location is a reasonable, practical and feasible option.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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".
- 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 its profile by blending with the surrounding existing natural and man-made environment to the maximum extent practical using available materials, natural buffers, and the Tower location site. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:
1. The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource.
 2. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
 3. The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s).
 4. The amount of vegetative screening or the impact of any artificial screening.
 5. The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource.
 6. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.
 7. If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.

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.

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.

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 designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
2. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
3. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
4. Downstream drainage requirements shall be studied to determine the effect of the proposed project. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the project. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

N. Conservation, Erosion and Sediment Control. Soil erosion and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Wireless Telecommunications Facility and approval.

1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.

2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
4. Disturbed soils shall be stabilized as quickly as practical.
5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

O. Phosphorous Export. A Wireless Telecommunications Facility proposed within the direct watershed of a lake or pond listed in Appendix A shall be designed to limit phosphorus runoff to the levels established in Appendix A.

1. Phosphorus export shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical

Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Planning Board.

2. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

7.3. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this Ordinance, the CEO and Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

- A. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
 1. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
 2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties.
 3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.
 4. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The

amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

- B. Upon request by the Town of Otisfield, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.
- C. Guarantees. All guarantees shall be on a continuous basis, with any provision for cancellation to include that a minimum thirty (30) day notice of cancellation or non-renewal be sent by certified mail to the Town of Otisfield. The guarantee shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Planning Board, for review of the cost of removal of the structure every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate;
1. Performance Guarantee. Any application that required Planning Board review and approval may be required to post a performance guarantee for the development, construction, or modification to the Wireless Telecommunications Facility. The Planning Board shall determine whether or not a performance guarantee is required based on the Board's assessment of the potential of the project to cause the Town to incur expenses, such as to stabilize the site if the project is not completed.

The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as practical as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type of guarantee shall be approved by the Board of Selectmen. The guarantee shall be released only as authorized by the Planning Board.

2. Guarantee for Removal of Abandoned Wireless Communication Facilities.
 - a. The applicant for a new tower shall post a guarantee in the form of a continuous corporate surety bond in favor of the Town equal to 125% of the estimated demolition and removal cost of the tower and associated facilities if abandoned at any time by the applicant. Estimates of demolition and removal costs shall be provided by an independent contractor and shall not be based on services being provided by Town employees and Town equipment.
 - b. The amount of the guarantee shall be approved by the Planning Board and shall be sufficient to return the land to a condition as near to the original

pre-construction condition as practical as determined by the Planning Board.

- c. Unless the landowner requests otherwise, all above ground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as practical.
 - d. The type of the guarantee shall be approved by the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Otisfield, a savings account passbook issued in the name of the Town or a faithful bond running to the Town of Otisfield and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.
3. Proof of financial capacity to build, maintain, and remove the proposed tower must be submitted.

D. Inspections;

1. During construction, a schedule acceptable to the Planning Board for inspections during construction will be established by the CEO.
2. Completed Wireless Telecommunications Facility.
 - a. Inspections of towers by either a Maine Licensed Professional Engineer or a qualified third party mutually agreed upon by the applicant and the CEO shall be performed to assess structural integrity. Such inspections shall be performed as follows:
 - i. Monopole towers - at least once every seven (7) years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.
 - ii. Self-supporting towers - at least once every five (5) years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
 - iii. Guyed towers - at least once every three (3) years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

- b. The inspection report shall be submitted to the CEO within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO may require repair or demolition of the tower.
- c. The cost of such inspections, reports, repairs or demolition required under this Section of the Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days or less as required by the CEO safety reasons.
- d. Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

E. Removal and Storage of Materials

- 1. All used structural and electronic components shall be removed and properly disposed of once they have exceeded their useful life and are no longer in use. This standard includes, but is not limited to, removing used guy wires, used fence parts, and structural components for towers.
- 2. Outside storage of materials shall not be permitted except as specifically approved by the Planning Board.

7.4 Waiver of Planning Board Approval Standards and Standard Conditions of Approval

A . If the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular application, it may waive any provisions of Section 7.2 except for 7.2.C, Height, 7.2.D, Setbacks, and 7.3, Conditions of Approval, provided that such waiver will not have the effect of nullifying the purpose of this Ordinance.

B. In granting waivers to any of the provisions of Section 7.2 the Planning Board shall require such conditions as that will assure the objectives of this Ordinance are met.

Section 8. Issuance of Building Permit

The CEO shall not issue a permit for the construction of a new Wireless Telecommunication Facility or any change to an existing Wireless Telecommunication Facility that requires CEO or Planning Board review until the CEO or Planning Board has approved the facility and all applicable conditions have been met.

Section 9. Amendment to an Approved Application

Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Section 5.

Section 10. Permit Expiration and Abandonment

A building permit shall become void unless construction operations are commenced within six (6) months from the date of approval unless such time is extended by the CEO. If the structure is not completed within twelve (12) months, a new permit should be issued at no fee.

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the Town of Otisfield may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

If a surety has been given to the Town for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Section 11. Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

Section 12. Administration and Enforcement

After completion of the project to the satisfaction of the CEO, the CEO will issue a Certificate of Compliance.

The CEO shall enforce this ordinance. If the CEO finds that any provision of this Ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance. A copy of the notification shall be sent to the Otisfield Planning Board.

The Board of Selectmen, or its authorized agent, is authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow a violation of this Ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by the CEO or the Planning Board upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

Section 13. Penalties

Any person who owns or controls any building or property that violates this Ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section 14. Conflicts and Severability

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance, the conflict or inconsistency will be resolved by the CEO or Planning Board, as appropriate, and the Wireless Telecommunication applicant. The resolution will be documented in the public record. The agreed resolution shall apply to the specific application prior to any final decision being made.

The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 15. Definitions

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

ABUTTER - The owner(s) of property within a 1,000 feet of the tower compound and any additional landowners as deemed necessary by the Planning Board, whether or not these properties are separated by a public or private street or right of way. The owners of property shall be considered to be the parties listed by the Tax Assessor of Otisfield as the ones against whom taxes are assessed.

ACCESSORY STRUCTURE OR USE - A separate use or structure which is customarily both incidental and subordinate to the principal structure and is on the same lot only. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

AGGRIEVED PARTY - An owner of land whose property is directly or indirectly affected by the granting or denial of an approval, permit or waiver under this Ordinance; a person whose land abuts land or is across a road or street or body of water from land for which an approval, permit or waiver has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval, permit or waiver.

ALTERATION - Any change or modification in construction (normal maintenance of buildings or property shall not be misconstrued as an alteration) or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification or addition of a deck, dormer or roof of a building.

ALTERNATIVE TOWER STRUCTURES (ATS) - Clock towers, bell steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennas or towers associated with a Wireless Telecommunication Facility.

ANTENNA - any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

ANTENNA SUPPORT STRUCTURE - Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna(s).

APPLICANT - A person who applies for a Wireless Telecommunication Facility siting. An applicant can be the landowner of record or the wireless telecommunications service provider or agent of record with the landowner's (or other legally designated representative) written permission.

BUILDING - See Structure

BUILDING PERMIT - The official written document to be displayed at the construction site that grants the authorization for the construction. This document is issued by the Building Inspector.

CERTIFICATE OF COMPLIANCE - A document signed by the Code Enforcement Officer stating that a Wireless Telecommunications Facility is in compliance with all of the provisions of this Ordinance.

CODE ENFORCEMENT OFFICER - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

CO-LOCATION - means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMUNITY RATES- The amount that may be charged for colocation as established by the Maine Public Utilities Commission.

COMPLETE APPLICATION - An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the CEO or Planning Board to waive the submission of required information. The CEO or Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

COMPOUND AREA - A compound area includes the base of the Wireless Telecommunications Facility support structure, any equipment facilities and any security fences.

COMPREHENSIVE PLAN - A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

CONSTRUCTION - Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

DESIGNATED SCENIC RESOURCE - A specific location, view or corridor, identified as a scenic resource in the Otisfield Comprehensive Plan's Significant Scenic Vistas Table, or by a State or Federal agency, which consists of:

1. A three dimensional space extending out from a particular viewpoint focusing on a single object such as a mountain, resulting in a narrow corridor; or on a group of objects such as a mountain range, resulting in a panoramic view or corridor, or;

2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint.

DEVELOPMENT - any change caused by individuals or entities to improved or unimproved real estate, including but not limited to, the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

DRIVEWAY - A vehicular access-way serving one (1) lot that provides access to a street. A vehicular access-way serving two lots or less that provides access to a street. In the Shoreland Zone a driveway is limited in length to 500 feet.

DUE DILIGENCE - A process performed by a Wireless Telecommunications Facility applicant to determine the physical condition, suitability and feasibility of a landowner's property for cell phone purposes. This includes, but is not limited to, performing signal, topographical, geotechnical, structural and environmental testing, surveying and reviewing title on the property as well as obtaining all of the certificates, permits and other approvals that may be required by any Federal, State or Local government.

EMERGENCY OPERATIONS - Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ENGINEER -

MUNICIPAL: Any Maine licensed professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

PROFESSIONAL: Any Maine licensed professional engineer

EXPANSION (WIRELESS Telecommunications Facility) - The addition of antennas, towers, or other devices to an existing structure.

FAA - the Federal Aviation Administration, or its lawful successor.

FACILITY - See Wireless Telecommunications Facility

FALL ZONE - The area on the ground from the base of a structure mounted Wireless Telecommunications Facility that forms a circle with a radius equal to one hundred twenty-five (125) % of the height of the facility, including any antennas or other appurtenances. The fall

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zone is the area within which there is a potential hazard from falling debris i.e., ice or collapsing material.

FCC - The Federal Communications Commission, or its lawful successor.

FOUNDATION - The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

GRADE - In relation to buildings, it is the average of the finished ground level at the center of each wall of a building.

GUARANTEE - See Surety.

HEIGHT OF STRUCTURE - means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade at the base of the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

HISTORIC STRUCTUE- any structure that is:

1. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

5. Identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas which have been listed or are eligible to be listed on the National Register of Historic Places.

LEASED PREMISES - The Any Maine licensed professional engineer specific portion of a landowner's property leased by a cell site carrier for telecommunications purposes. The leased premises are identified on an exhibit to the cell tower lease.

LINE OF SIGHT - (Designated Scenic Resource) the direct view of the object from the designated scenic resource.

LOT - An area of land in one ownership, or leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

MAINTENANCE/NORMAL MAINTENANCE - The regular, routine maintenance of a Wireless Telecommunications Facility including but not limited to painting, changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the Wireless Telecommunications Facility in excess of the exemption standards contained in FCC Office of Engineering and Technology (OET) Bulletin #65. This definition specifically includes painting provided that the painting. This definition specifically excludes widening an access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a Wireless Telecommunications Facility within the exemption standards contained in FCC OETC Bulletin #65.

MODIFICATION OF AN EXISTING TELECOMMUNICATIONS FACILITY - Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

MODIFICATION OF AN EXISTING TOWER OR STRUCTURE - Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

M.R.S.A. - Maine Revised Statutes Annotated

NEW CONSTRUCTION - A structure for which the construction commenced on or after the effective date of this Ordinance. It shall also include any subsequent improvements to such structures.

NEW STRUCTURE OR STRUCTURES - Includes any structure for which construction begins on or after June 27, 2015. The area included in the expansion of an existing structure is deemed to be a new structure.

NEW TOWER - A wireless telecommunication tower that is constructed after the adoption of these standards on June 27, 2015.

PARABOLIC ANTENNA - (also known as a satellite dish antenna) An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

PERFORMANCE GUARANTEE - A performance bond or surety bond held by the Town of Otisfield; issued by an insurance company or bank to guarantee satisfactory completion of the project by the applicant; also denotes a collateral deposit of "good faith money".

PERMIT - An official action which sets forth the rights and obligations extended by the Town of Otisfield to an operator to own, construct, maintain, and operate its Wireless Telecommunication Facility within the boundaries of the Town of Otisfield.

PERMITTEE - An applicant who is granted a permit for a tower and/or Wireless Telecommunications Facility by the Town of Otisfield.

PRINCIPAL USE - A use other than one which is wholly incidental or accessory to the use of another building or use on the same premises.

PROJECT AREA- Includes the land area needed for access to the Wireless Telecommunications Facility, including area for drainage, the tower compound area, parking and maneuvering areas, and fall zone area.

RECONSTRUCTION- The rebuilding, improvements and/or upgrading to a Wireless Telecommunications Facility, provided that there is no change in the height or any other dimension of the facility and/or project area.

RIGHT-OF-WAY - A strip of land, described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it, and indicating responsibility for maintaining said right of way.

ROAD - Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “roads” includes synonymous words including, street, avenue, highway, lane, way, etc.

SETBACK - The minimum horizontal distance from a lot line, right of way or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the work of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for basements, footings, piers, or foundations, or the erection of temporary forms; nor does it include installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalls, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

SURETY - Surety bond or guarantee; a pledge or formal promise made to secure against loss, damage, default or for the fulfillment of an obligation; a guarantee or security; the payment of a debt. The type of surety/guarantee shall be approved by the Board of Selectmen and may include any of the following: a certified check payable to the Town of Otisfield, a savings account passbook issued in the name of the Town or a faithful performance bond running to the Town of Otisfield; issued by a surety company authorized to do business in Maine.

SURVEY - A location drawing, prepared by a Maine licensed professional surveyor licensed by the State of Maine, of a landowner’s property and its boundaries. A Wireless Telecommunications Facility application requires a survey as part of its due diligence.

TARGETED MARKET COVERAGE AREA - The area which is targeted to be served by a proposed Wireless Telecommunications Facility.

TOWER - Shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennae, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

TOWER COMPOUND AREA - A tower compound includes the base of the Wireless Telecommunications Facility support structure, any equipment facilities and any security fences.

TOWER HEIGHT - means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

UNREASONABLE ADVERSE IMPACT - The proposed project would produce an end result which is:

1. Excessively out of character with the designated scenic resources affected, including existing buildings, structures, and features within the designated scenic resource.
2. Would significantly diminish the scenic value of the designated scenic resource.

USE - The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

VEGETATION - All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4 inches in diameter, measured four and one half (4.5) feet above ground level.

VIEWPOINT - That location which is identified either in the Comprehensive Plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

WIRELESS TELECOMMUNICATIONS - Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile

radio (ESMR), paging, radio, television and similar services that currently exist or that may be developed in the future.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF) or “Facility” means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services,, common carrier wireless exchange access services, and personal communications service (PCS), or pager services.

WIRELESS TELECOMMUNICATIONS TOWER - see TOWER

Appendix A

Post Development Phosphorus Export by Watershed

Lake Name	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	P(1)
Little Pond	340	25	315	0.25	79	2.6	mod-sensitive	medium	1.00	0.033
Moose Pond	1153	100	1053	0.25	263	10.18	mod-sensitive	medium	1.00	0.0387
Pleasant Lake	2841	300	2541	0.35	889	55.89	outstanding	high	0.50	0.0314
Saturday Pond	835	70	765	0.25	191	9.17	mod-sensitive	high	0.75	0.036
Sebago Lake	11986	1000	10986	0.3	3296	357.69	outstanding	high	0.50	0.0543
Thompson Lake	8806	750	8056	0.3	2417	143.58	outstanding	high	0.50	0.0297

(1) The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

- DDA Direct land drainage area in Township in acres
- ANAD Area not available for development in acres
- AAD Area available for development in acres
- GF Growth factor
- D Area likely to be developed in acres
- F lbs. phosphorus allocated to towns share of watershed per ppb in lake
- WQC Water quality category

LOP	Level of protection
C	Acceptable increase in lake's phosphorus concentration in ppb
P	lbs. per acre phosphorus allocation (FC/D)

03.03.15-JAM

03.19.15 Revised-JAM

04.13.15 Revised-JAM

04.15.15 Revised-JAM

05.06.15-Revised-JAM

06.01.15-Revised-JAM

TAFT 07.22.15