

1 **OLD ORCHARD BEACH PLANNING BOARD**
2 **Public Hearing & Regular Meeting**
3 **March 12, 2019 6:30 PM**
4 **Town Council Chambers**
5 **MEETING MINUTES**

6
7 **CALL MEETING TO ORDER 6:00 PM**
8

9 **PLEDGE TO THE FLAG**

10
11 **ROLL CALL**

12
13 **PRESENT:**

14 Vice Chair Win Winch
15 Christopher Hitchcock
16 Vice Chair David Walker
17 Marianne Hubert
18 Chair Linda Mailhot

19
20 **ABSENT:**

21 Robin Dube
22

23 **STAFF PRESENT:**

24 Assistant Planner Michael Foster
25

26 **Approval of Minutes: 2/6/20 (w/change on P4 L42 to change the word power to tower)**
27

28 **MOTION:**

29 Win Winch made a motion to approve the 2/6/20 meeting minutes, seconded by
30 Christopher Hitchcock.

31
32 **Chair Linda Mailhot called for the vote:**
33

34 **VOTE:**

35 Vice Chair Win Winch - Yes
36 Christopher Hitchcock - Yes
37 David Walker - Yes
38 Chair Linda Mailhot - Yes
39 Marianne Hubert - Yes
40

41 **PASSES:**

42 (5-0)
43

44 **Public Hearings**

45
46 **ITEM #1**

47 **Proposal:** Conditional Use: Private Utility Facility (ground mounted solar array)

48 **Owner:** Paradise Acquisition LLC

49 **Location:** 60 Portland Ave (205-1-32), parcel area abutting Paradise Park Campground
50

1 Public hearing opened at 6:32 pm.

2
3 There being no one speaking for or against the applicant, the public hearing closed at 6:32 pm.

4
5 **ITEM #2**

6 **Proposal: Conditional Use: Accessory Dwelling Unit**
7 **Owner: Cheryl and Wayne McKee**
8 **Location: 2 Banks Brook Rd (103-4-24); Zoning: RD**

9
10 Opened the public hearing at 6:33 pm.

11
12 There being no one speaking for or against the applicant, the public hearing closed at 6:33 pm.

13
14 **ITEM #3**

15 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
16 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
17 **Location: Adjacent to 78 East Grand Ave, Walnut St. side (304-7-1)**
18 **Zoning: BRD and LC Shoreland**

19
20 Opened the public hearing at 6:34 pm.

21
22 There being no one speaking for or against the applicant, the public hearing closed at 6:34 pm.

23
24 **ITEM #4**

25 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
26 **Owner: Central Maine Power, Agent; New Singular Wireless PCS, LLC**
27 **Location: Right-of-Way adjacent to 116 West Grand Ave (313-1-1); Zoning: BRD**

28
29 Opened the public hearing at 6:34 pm.

30
31 There being no one speaking for or against the applicant, the public hearing closed at 6:34 pm.

32
33 **Regular Business**

34 **ITEM 1**

35 **Proposal: Zoning Ordinance Amendment: Solar Energy Systems**
36 **Action: Review Draft Ordinance and Comment**
37 **Applicant: Town of Old Orchard Beach**

38
39 Assistant Planner Michael Foster stated there are solar systems energy ordinances that staff are looking to
40 create here. As these proposals have come up there is no ordinance regulating solar. Therefore, we are
41 looking to add this in to be written as a land use. In its creation there are ten main items/questions for the
42 Planning Board to look at:

- 43
44 1. Surface area for each solar energy system
45 2. Having small, medium and large scale – how we see each use and Planning Board thoughts
46 3. Standards associated with each scale (similar to York's ordinance)
47 4. Solar energy systems as a conditional use – in the conditional use ordinance or on its own division and
48 performance standards
49 5. Minimum lot size for medium scale and large scale systems
50 6. All scales to allow building integrated and ground systems
51 7. Fewer regulations to encourage solar development maybe just for small scale (private/SF homes)

1 8. Buffers, screening and setbacks
2 9. Each district has its own lot or building coverage percentages. How ground mounted solar coverage
3 percentage will figure into this
4 10. Systems site on buildings may exceed the height of building allowed in that district. Should building
5 integrated systems have their own height requirements?
6 **Objective:** to receive feedback from the PB to prepare a draft to present at the April meeting.
7
8 Win Winch addressed how to determine pervious surface and can't just take the
9 sq. ft. of the solar panel.
10
11 Marianne Hubert addressed medium scale sizing which should be a percentage of the lot size vs. one acre
12 which would be quite a visual impact if there are neighbors. Also, having the project in front of us at
13 Paradise, she thinks there should be a power line requirement. She adds that a lot of power lines should
14 not be in town.
15
16 Vice Chair David Walker addressed concerns of several of the 10 main items from the list:
17 On #1
18 Preference that the entire covered ground area by the solar arrays out there be the measurement used for
19 determining the scale (perimeter of the total array).
20 On #2
21 Buffers probably need to make this conditional use increased so that there is less of an impact on
22 neighbors and the buffer determined mainly by staff and not standards for residential and commercial
23 buildings at this time.
24 On #4
25 Requested to make this a conditional use or have its own standards. It should be its own division with a
26 link to the conditional standards or develop own set of standards for this division.
27 On #5
28 To determine lot size either have 1.5 to 2 sq. ft. for every sq. ft. of surface area measured or 1-1.25 sq. ft.
29 On #9
30 Agreed if they are mounted on impervious ground.
31
32 On #10 Should be the current heights we already have.
33 Christopher agrees with David's height requirement. Clearer definition of surface area which is the
34 ground for which the area sits.
35
36 Chair Linda Mailhot agreed with all the PB comments.
37 In addition:
38 On #2
39 Agreed with Large scale recommendation for industrial purpose and not rural purpose. Michael Foster's
40 response suggested looking into Community Solar for size of solar field for medium and large scale. Vice
41 Chair David Walker stated the town has a limited amount of industrial space trying to make this space for
42 solar generation.
43 On #8
44 Agreed with small scale for buffering. Medium and Large scale, setbacks should be much larger as a 50
45 ft. minimum (vegetative buffer)
46
47 Chair Linda Mailbot referred to the York Zoning Ordinance Handout:
48 (P177) Ground mounted solar energy systems shall not be located in the front yards of residential zoning
49 districts – same criteria to use in Old Orchard Ordinance.
50 (D) Solar panel placement shall be prioritized to “negate” instead of to “minimize” any solar glare on to
51 nearby properties.

1 (E) Making sure we are not minimizing setbacks for wetlands or watersheds
2 (P-178 #5) Removal Category: only large scale under this category – proposing both medium and large
3 for Old Orchard Ordinance.
4 Item 6 – Abandonment (Item i) proposed that the wording of this change because it can be argued several
5 different ways: When it fails to generate electricity to insert not to supply power to the grid for medium
6 and large (same for paragraph ii: large and medium). Miscellaneous questions: How would the land use
7 be taxed? This should this be taxed as a business and how would this be.
8 Change wording Insert *or* not supply power to the grid. It doesn't fail to generate electricity if it's
9 turned off.
10 Paragraph II would refer to medium and large.
11
12 Marianne Hubert suggests being taxed as a business as well.
13
14 Assistant Planner Michael Foster was asked to research these concerns and agreed to check these details.
15

16 **ITEM 2**

17
18 **Proposal: Conditional Use: Private Utility Facility (ground mounted solar array)**
19 **Action: Discussion; Final Ruling**
20 **Owner: Paradise Acquisition LLC**
21 **Location: 60 Portland Ave (205-1-32); Zoning: R1 and GB 1**
22

23 Assistant Planner Michael Foster stated the following: At the February meeting staff requested that the
24 applicant address a number of items. We feel all those items have been successfully addressed. At the site
25 walk concerns were brought up regards to the utility corridor leading to Portland Ave. in regards to
26 buffering, and it being used as a short cut. We want the PB thoughts.
27

28 Staff is recommending conditional approval at this time.
29

30 Chair Linda Mailhot asked about the zoning setback in this area (affecting neighboring properties) And, if
31 there was going to be a gate off from the Cascade road for that access.
32

33 Dan Robinson from Revision Energy introduced himself and stated that he did reach out to CMP, and
34 they do not gate these line extensions for access. Revision Energy with the owners have no concerns with
35 fire and police or any other emergencies. A curb cut is not being proposed there. The existing curb will
36 remain. The shortcut itself can be contained from the Paradise acquisition side.

37 The new pole installed on the property will be the same height as the existing pole - three phase power
38 line - from the Cascade Road (outside the western side of the property).
39

40 Chair Linda Mailhot states that in regards to this access road from the Cascade Rd. it feeds
41 into the back parcel that CMP will use. Before permits are issued, the side setbacks on the access road are
42 in line to this access road.
43

44 Chair Linda Mailhot read the responses to the Criteria Use Standards:
45

46 **Sec. 78-1240. – Conditional Use Criteria Responses**

47 **Conditional Use Criteria Responses**

48 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-
49 site.
50

1 **Response: Other than a brief construction period, of two months or less, the solar array will**
2 **not add additional pedestrian, or vehicular traffic on a daily basis. During construction**
3 **activities, access through Paradise Park Resort and Campground, would be allowed. Post**
4 **construction traffic would be limited to, on an as needed basis for occasional service, and**
5 **replacement parts. The solar array will include remote monitoring services, which will indicate**
6 **when service is required.**

7
8 (2) The proposed use will not create or increase any fire hazard.

9
10 **Response: All material and electrical components are certified by the appropriate entities**
11 **governing fire, and electrical safety. The proposed solar array will be installed, and inspected**
12 **by a Maine licensed Master Electrician, prior to being placed in service. The Electrical one-**
13 **line diagram will be submitted with the "Permit Pack" following site plan review and approval.**
14 **When construction is completed, we will work with Code Enforcement to ensure inspection is**
15 **completed to NFPA, NEC, and Town standards. The applicant and owner, have met with OOB**
16 **Fire Chief and OOB Fire Inspector at an active, ground mounted solar array in Westbrook**
17 **ME. Discussions during the meeting and site walk were based around general site safety,**
18 **disconnecting methods, ingress and egress. A knox box was recommended for the gate of the**
19 **chain-link fence by the Fire Chief and this box will be procured through the Fire Department.**
20 **Public safety access will be established through the Paradise Park Resort and Campground Rd.**
21 **via Adelaide Rd. Public Safety entities have current year-round key card access to the**
22 **Campground gate. The solar arrays 6' chain-link fencing will have a locked gate, and keys will**
23 **be provided via the aforementioned knox box at the gate.**

24
25 (3) The proposed use will provide adequate off-street parking and loading areas.

26
27 **Response: Other than the brief construction period, the array will not require off-street**
28 **parking or loading areas. On an as needed basis, occasional service and part replacement**
29 **vehicles will be allowed to access through Paradise Park Resort and Campground.**

30
31 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
32 water supply.

33
34 **Response: During construction, there will be small amounts of ground disturbance from the**
35 **installation of the earth screw foundations as well as trenching for underground electric**
36 **conduits. All construction related disturbance will be contained by erosion control barriers**
37 **situated to control runoff and sedimentation. Maine DEP has ruled that solar arrays do not**
38 **constitute an impervious surface since their installation does not inhibit plant growth under the**
39 **array. Thus, the total additional imperious surface created by the array will be limited to the**
40 **diameter of the 3" ground screws, and will not create any substantial increase in runoff, water**
41 **contamination or erosion. This statement does not excuse any permitting required by law, any**
42 **and all necessary permits will be acquired prior to construction activities. We have met with a**
43 **Wetland Scientist and wetland delineations will be established in the spring.**

44
45 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
46 contaminants.

47
48 **Response: Solar arrays do not produce smoke, dust or other airborne contaminants.**
49

1 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
2 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
3 neighboring properties.
4

5 ***Response: Solar arrays do not produce any odors or fumes, and solar modules have an anti-***
6 ***glare coating. The hours of operation are, during daylight hours, but do not require employees***
7 ***to operate the system. The solar array will not create nuisance noise. Decibel levels have been***
8 ***taken from the Cumberland Maine Landfill project, which employs the same size and***
9 ***manufacturer inverter as the proposed project. DbA Readings at 3' are documented at 38.9 dba,***
10 ***and vibration is limited to, during the construction process.***

11
12 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
13 generated by the use.
14

15 ***Response: Solar arrays do not generate solid or liquid waste.***
16

17 (8) The proposed use will not adversely affect the value of adjacent properties.
18

19 ***Response: The proposed solar array will not increase daily vehicle or pedestrian traffic and***
20 ***will be screened by a proposed 10-foot-high wooden fence on the East, a 6-foot-high wooden***
21 ***fence on the Northern boundary of the solar array and a pre-existing 10-foot-high wooden***
22 ***fence on the West. The solar array will not produce any fumes, dust, or other contaminants. It***
23 ***is highly unlikely to adversely affect the value of adjacent properties with its day to day***
24 ***functions and the additional means of buffering/screening.***
25

26 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
27 generation of noise and hours of operation.
28

29 ***Response: The solar array will not create nuisance noise. Decibel levels have been taken from***
30 ***the Cumberland Maine Landfill project, which employs the same size and manufacturer***
31 ***inverter as the proposed project. DbA Readings at 3' are documented at 38.9 dba. This is below***
32 ***the maximum allowed noise level of 55dba during the day, and 45dba during the night in this***
33 ***zone, and therefore no nuisance noise will be detectable beyond the property. The hours of***
34 ***operation are during daylight hours, but do not require employees, daily deliveries, or***
35 ***additional vehicle traffic beyond occasional service or part replacements as needed. We are***
36 ***viewing this project as less of a nuisance than other allowable R-1 uses including single-family***
37 ***residences in detached dwellings and customary accessory, educational, public and religious***
38 ***uses. All of which, contribute to a wholesome neighborhood environment, but do have a***
39 ***potential to increase vehicular traffic, pedestrian traffic and noise.***
40

41 (10) The applicant's proposal must include any special screening or buffering necessary to visually
42 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
43

44 ***Response: Screening and Buffering proposals are identified on the supporting project site plan***
45 ***documents, as well as a description within this document addressing Sec. 78-1823. – Screening***
46 ***and buffering material.***
47

48 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
49 existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
50

1 ***Response: Tree removal, which is a vital task to ensure the efficiency and safety for the solar***
2 ***array, is not within the proposed construction project scope. Any trenching for the***
3 ***underground power source will be restored with the native material from this activity and***
4 ***dressed with mulch to re-establish vegetation.***
5

6 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria
7 in this section and to develop and thereafter maintain the proposed project or use in accordance with all
8 applicable requirements.
9

10 ***Response: The property owner has provided a statement of financial capability within this***
11 ***revised material. The solar array has a life expectancy of 25 years, with minimal maintenance***
12 ***activities (replacement, or update of materials and components) during that period. All***
13 ***materials used for the project have a recycling value.***
14

15 **MOTION:**

16 Vice Chair David Walker made a motion to conditionally approve Revision Energy’s Conditional Use
17 Application proposing a private utility facility ground mounted solar array located on land owned by
18 Paradise Acquisition LLC, 60 Portland Ave MBL: 205-1-32.
19

20 **Conditions:**

- 21 1. Approval is dependent upon and limited to the proposal and plans contained in the application
22 dated December 26, 2019, and all supporting and documents and oral representations submitted
23 and affirmed by the applicants and its agents, and conditions, if any, imposed by the Planning
24 Board; any variation from such proposals, plans, supporting documents and representations are
25 subject to review and approval by the Planning Board, provided that de minimis variation is
26 subject to review and approval by the Town Planner.
- 27 2. All Maine DEP permit approvals shall be secured by Revision Energy before construction begins.

28 Seconded by Win Winch.
29

30 **Chair Linda Mailhot called for the vote:**
31

32 **VOTE:**

33 Vice Chair Win Winch - Yes
34 Christopher Hitchcock - Yes
35 Marianne Hubert - No
36 Vice Chair David Walker - Yes
37 Chair Linda Mailhot - Yes
38

39 **PASSES:**

40 (4-1)
41

42 **ITEM 3**

43 **Proposal:** **Conditional Use: Accessory Dwelling Unit**
44 **Action:** **Discussion; Final Ruling**
45 **Owner:** **Cheryl and Wayne McKee**
46 **Location:** **2 Banks Brook Rd (103-4-24); Zoning: RD**
47

48 Assistant Planner Michael Foster stated one outstanding issue was a question about the septic system and
49 if it was sized to accommodate an additional bedroom. This was resolved. One of the existing bedrooms
50 is part of an interior remodel and will become part of another bedroom. Three bedrooms exist and a fourth
51 will not be added.

1
2 Staff recommends conditional approval. Applicant needs to follow through with the second condition- the
3 deed registry.

4
5 Chair Linda Mailhot read the responses to the Criteria Use Standards:

6
7 **Conditional Use Criteria Responses**

8 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-
9 site.

10
11 ***Response: Plan is to renovate the existing garage structure so there will be no significant***
12 ***hazards to pedestrian or vehicle traffic.***

13
14 (2) The proposed use will not create or increase any fire hazard.

15
16 ***Response: There will be fire alarms installed in the unit. The accessory dwelling will be***
17 ***constructed in accordance with applicable codes which include fire safety.***

18
19 (3) The proposed use will provide adequate off-street parking and loading areas.

20
21 ***Response: Adequate off-street parking is provided to allow for the addition of 1 vehicle***
22 ***associated with the accessory use***

23
24 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
25 water supply.

26
27 ***Response: The proposal involves minimal site disturbance; therefore, will not cause water***
28 ***pollution, erosion and contamination***

29
30 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
31 contaminants.

32
33 ***Response: The accessory dwelling unit will be constructed in accordance with applicable codes***
34 ***which includes ventilation provisions. Also, nothing associated with this proposal will create***
35 ***nuisances or unhealthy conditions to neighboring properties***

36
37 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
38 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
39 neighboring properties.

40
41 ***Response: The accessory dwelling unit will be constructed in accordance with applicable codes***
42 ***which includes ventilation provisions. Also, nothing associated with this proposal will create***
43 ***nuisances or unhealthy conditions to neighboring properties***

44
45 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
46 generated by the use.

47
48 ***Response: The proposed accessory dwelling will use weekly public trash pick-up. We are***
49 ***evaluating existing septic system and will make improvements as needed***

50
51 (8) The proposed use will not adversely affect the value of adjacent properties.

1
2 ***Response: Land uses adjacent to the subject property are family dwellings and the addition of***
3 ***an accessory residential use is compatible with these existing uses; therefore, will not adversely***
4 ***affect the value of adjacent properties***
5

6 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
7 generation of noise and hours of operation.
8

9 ***Response: The proposal is a low-density, low-impact residential use and is compatible with***
10 ***existing residential uses in the neighborhood in respect to hours and noise***
11

12 (10) The applicant's proposal must include any special screening or buffering necessary to visually
13 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
14

15 ***Response: Discussed with the town planner and determined buffer not required for this project***
16

17 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
18 existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
19

20 ***Response: We are not altering the landscaping***
21

22 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria
23 in this section and to develop and thereafter maintain the proposed project or use in accordance with all
24 applicable requirements.
25

26 ***Response: Contacted my lender and I am approved for a personal loan to complete this project***
27

28 **MOTION:**

29 Marianne Hubert made a motion to conditionally approve Cheryl and Wayne McKee Conditional Use
30 Application proposing an Accessory Dwelling Unit located at 2 Banks Brook Rd., MBL: 103-4-24.
31

32 **Conditions:**

- 33 1. Approval is dependent upon and limited to the proposal and plans contained in the application
34 dated January 9, 2020, and all supporting documents and oral representations submitted and
35 affirmed by the applicants and its agents, and conditions, if any, imposed by the Planning Board;
36 any variation from such proposals, plans, supporting documents and representations are subject to
37 review and approval by the Planning Board, provided that de minimis variation is subject to
38 review and approval by the Town Planner.
39 2. The property owner shall provide and record in the York County Registry of Deeds a covenant in
40 a form acceptable to the Town that the existence of the Accessory Dwelling Unit is predicated
41 upon the occupancy of either the Accessory Dwelling Unit or principal dwelling by a person who
42 owns the property. Seconded by Win Winch.
43

44 ***Linda Mailhot called for the vote:***
45

46 **VOTE:**

47 Vice Chair Win Winch - Yes
48 Christopher Hitchcock - Yes
49 Marianne Hubert - Yes
50 Vice Chair David Walker – Yes
51 Chair Linda Mailhot - Yes

1
2 **PASSES:**

3 (5-0)
4

5 **ITEM 4**

6 **Proposal: Conditional Use: Home Daycare**

7 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**

8 **Owner: Timothy and Dorothy Rogers**

9 **Location: 4 Cardinal Ln (103-1-15); Zoning: RD**

10
11 Assistant Planner Michael Foster discussed the following concerns:

12 **The amount of children cared for:**

13 Increasing the amount of children cared for changes the child care facilities definition this falls under. For
14 one to six children this would be considered a *Family day care home*. Caring for seven to twelve children
15 would make this a *Group day care home*. For Group day care homes our ordinance requires that “*such*
16 *facilities shall be permitted only on lots that fully comply with the minimum lot and frontage requirements*
17 *of the zoning district within which they are located.*” The lot size is over 14 acres so it meets minimal lot
18 size standard. In the Rural District the minimum lot frontage required is 200’. The frontage as we
19 typically see is along Portland Ave and is 36’. This property is located on Cardinal Lane which appears to
20 be an established street, serving a total of three single family homes. This property does have over 200’
21 along Cardinal Lane. In our opinion this would be appropriate in meeting the frontage requirement.

22
23 **Fire safety, state inspection**

24 Originally we thought the local Fire Department had jurisdiction to inspect this daycare proposal, but after
25 review by the Fire Department, it was determined that they will not be inspecting this Group day care
26 home because the State Fire Marshal’s office in conjunction with DHHS are the authorities having
27 jurisdiction.

28 Planning staff has been in contact with Catherine Paglio, DHHS Child Care Licensing Specialist. The
29 applicant is working with DHHS to meet the licensing requirements and Catherine doesn’t see any reason
30 why this daycare wouldn’t receive its license.

31 **Outdoor play area**

32 There were questions about play area access. We spoke with Catherine Paglio with DHHS in person and
33 by email. Her response to the play area question is below:

34 “State fire marshal has completed and approved her inspection. The location of her playground would be
35 fine by licensing rules, we do not require a fence unless childcare is near a heavily traveled area or is near
36 a body of water-she has neither but know[s] it is a requirement for the town. I am happy OOB requires a
37 fence-I feel it keeps children safer.”

38 Assistant Planner Michael foster states that Staff recommends a determination of completeness be made
39 this month. We do recommend a site walk due to the conditional uses potential impact to neighbors and
40 better understand the site layout.

41 **MOTION:**

42 Christopher Hitchcock made a motion for the determination of a complete application for the Conditional
43 Use of a Child Care Facility located at 4 Cardinal Lane in the Rural District, MBL 103-1-15.

44 The site walk should be scheduled for 2 April 2020 at 5:30 PM and a Public Hearing needs to be
45 scheduled 9 April 2020 at 6:30 PM. Seconded by Win Winch.

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Chair Linda Mailhot called for the vote:

VOTE:

- Win Winch - Yes
- Christopher Hitchcock - Yes
- Marianne Hubert - Yes
- Vice Chair David Walker - Yes
- Chair Linda Mailhot - Yes

PASSES:

(5-0)

ITEM 5

Proposal: Subdivision: 34-Lot Cluster Subdivision
Action: Determination of Completeness; Schedule Site Walk and Public Hearing
Owner: Mezoian Development, LLC
Location: Ross Rd (105-2-7); Zoning: RD and ID

Assistant Planner Michael Foster stated that this is now before us as a formal preliminary plan for a 34-lot cluster subdivision. It was first introduced to the PB at the November 2019. At that time 37 lots were proposed. There are two primary issues that were identified. The first proposal required a zoning district map amendment. The second proposal required an access easement to be granted. The board’s primary responsibility now is to review the proposal for the determination of completeness. The overall concept hasn’t changed a whole lot besides the fewer lots; more open space; and more detailed engineering info now in the plans.

Zoning Map Amendment - In the March memo we discussed primary issues: the zoning map amendment. The PB began consideration and held a public hearing. The only formal action remaining is the recommendation from the PB. At the January meeting the PB tabled so that the subdivision review and map amendment can run at the same time. One question we have is when should the map amendment be brought back to the PB.

Second access - Because the subdivision includes 15 or more lots, the second access is required. The only reasonable area for this access is through town property. The applicant will need an access easement granted by the town council to do this. It’s been discussed with the town manager, but formal council consideration has not begun. Our question for the PB is when should the applicant secure council vote for the access easement – before determination of completeness or before final vote.

Waiver request - The applicant is seeking a waiver from the common acceptance standard. We feel the applicant provided the info needed to support waiver request, and Wright Piece is comfortable, too. Because it’s a cluster subdivision the applicant needs to address all applicable PUD cluster standards. We will need more info addressing these standards during the next submission. Although close, we feel the PB needs additional info before determination of completeness is made. Also, the PB should consider our questions regarding when should we resume consideration of zoning map amendment and when should the applicant secure council vote.

Steve Blake from BH2M introduced himself. Chair Mailhot asked Steve for clarification about the site and where this lot is proposed. Steve responded that there are 30 acres of a 90 acre parcel. The easement requested on town property is exclusively for the subdivision limiting industrial use around residential

1 area. The original request was to resume the entire parcel, but the owner of the parcel came back and
2 changed the request for a section of the parcel since there was another potential use in that industrial zone
3 of the parcel. A portion of the parcel is in the rural district.
4

5 Assistant Planner Michael Foster's expressed Chair Linda Mailhot's needed clarification about the
6 concern that either the industrial use ends up next to residences or that the people in the residences push
7 back against something that would be allowed in an industrial use pertaining to the Wright Pierce Memo.
8

9 This process has 3 components: the zoning map amendment and the cluster subdivision itself hinged on
10 the approval from the town. Therefore, if the easement goes forward and the subdivision goes away then
11 is the easement attached strictly to the proposal or if it would exist separately. Michael will research.
12

13 Vice Chair David Walker requests a correction from Cascade Road to Ross Road in the Soil evaluation
14 section of the proposal. Also, concerned that contaminants reaching into the brook and below state
15 standards. The brook is compromised already. Requested additional detail with Mark Stencie and staff
16 engineers to follow up as well.
17

18 Chair Linda Mailhot read the Wright Pierce memo - Priority Considerations - Item 2 - states the open
19 space on the southern side of the property will be significantly used up for the creation of stormwater
20 management for the wet pond and the town should review the open space. I Just want to be sure we don't
21 miss that.

22 Land to donate to the town is not useful for development but is an adjacent use for hiking and horseback
23 riding.
24

25 Marianne Hubert questioned for septic system to become individual systems per lot. Steve can do this
26 with a subsequent submission.
27

28 Vice Chair David Walker requests secondary proposal for Plumes to be mitigated by the discharge fields.
29 Steve will get clarification as well. Steve asked for clarification of next steps. Michael will summarize
30 comments and feedback to be prepared for he or Jeffrey to review with Steve to clarify the next steps.
31

32 **ITEM 6**

33 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

34 **Action: Discussion and Final Ruling**

35 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**

36 **Location: Adjacent to 78 East Grand Ave, Walnut St. side (304-7-1); Zoning: BRD and LC**
37 **Shoreland**
38

39 Assistant Planner Michael Foster stated the following: Last month the PB made a determination of
40 completeness for this Conditional Use Wireless Telecommunications Facility- Architectural Siting. This
41 month the PB should be able to make a final approval. Planning staff wanted to point out one item to the
42 PB that we previously overlooked in regard to the AT&T Small Cell Site Noise Analysis, but we believe
43 it is minor and shouldn't keep this from moving forward. The applicant has since clarified as well. You'll
44 see in the memo that we had pointed out in the noise analysis that there was one radio unit when the
45 analysis was done the readings weren't available. So, it was all based on predictions to what the existing
46 unit provided for sound. A new update has been provided to the noise study that does reflect that it will be
47 under the district standards for noise. This item has now been answered and clarified. Staff recommends
48 that the PB make a final ruling to approve this application.

49 Chair Linda Mailhot read the responses to the Criteria Use Standards:

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Sec. 78-1311. - Standards for architectural siting (AS) on existing structures.

Wireless telecommunications facilities proposing to locate on existing buildings structures, flagpoles, or utility poles must meet all the following criteria:

(1) Antennas, receivers, lightning rods, guy wires, and any other wireless telecommunications facility equipment shall be attached to an existing building in such a manner as to not project above the roofline, ridgeline, peak, or steeple of the structure as observed from public lands and ways, or from historic sites and buildings.

Applicant Response: *AT&T's Facility will not be attached to a building and this provision of the Ordinance does not apply to this Application.*

(2) A wireless telecommunications facility antenna or equipment attached to a building or structure roof shall not contrast with the color, texture, or linear orientation of the roofing materials.

Applicant Response: *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to minimize potential visual impacts upon the neighborhood.*

(3) No wireless telecommunications facility equipment shall be mounted on any structure or located on any property that is in violation of the BOCA National Property Maintenance Code, 1993 edition, or any other building code so adopted by the town council. Buildings or properties in violation of the BOCA National Building Code, 1993 edition, or any other building code so adopted by the town council, or any structure in a dilapidated condition shall be rehabilitated in a manner approved by the planning board prior to the attachment of wireless telecommunications facility equipment.

Applicant Response: *To AT&T's knowledge, neither the Pole nor the Site is in violation of any code.*

(4) Wireless telecommunications facility equipment shall be designed to be visually compatible with the texture and color of the background building material.

Applicant Response: *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to minimize potential visual impacts upon the neighborhood.*

(5) Mitigation measures of architectural siting of a wireless telecommunications facility shall conform to the dominant architectural period of the host structure.

Applicant Response: *AT&T's antenna will be of a neutral, non-reflective color to minimize potential visual impacts upon the neighborhood.*

(6) Wireless telecommunications facility equipment shall be located on the structure so as to be visually compatible with the rhythm and proportion of voids (windows and doors) and solids (facade) of the background structure.

Applicant Response: *AT&T's antenna will be of a neutral, non-reflective color to minimize potential visual impacts upon the neighborhood.*

(7) Wireless telecommunications facility equipment shall not project beyond the facade of the building or structure in a manner that visually compromises the profile of the structure at the predominant angle of viewer observation. It is advised that wireless telecommunications facility equipment be visually disguised as architectural detail or incorporated into architectural detail where feasible, especially in

1 locations within the historic districts, on historic structures of moderate to high historic/architectural
2 value, or in areas of high viewer populations.

3 **Applicant Response:** *AT&T's Facility will comply with this provision of the Ordinance.*

4 (8) Ground facilities shall be screened from the street and all adjacent properties in all districts except the
5 industrial district. Buffering shall consist of evergreen vegetation that achieves 90 percent year round
6 visual obstruction from all potential viewer populations at the time of planting, solid wooden fencing,
7 earth mounding, or combination thereof. The planning board may approve a buffer which achieves less
8 than 90 percent visual obstruction where the proposed ground facility is a building and the planning board
9 determines that the location, style, and architectural detailing of the building are visually compatible with
10 other buildings in the immediate vicinity of the site and with the character of the surrounding
11 neighborhood.

12 **Applicant Response:** *AT&T's Facility does not entail the placement of additional structures at ground
13 level on the Site and AT&T respectfully asserts that a vegetated buffer is not necessary in this instance.*

14 **Sec. 78-1240. – Conditional Use Standards.**

15 Before authorizing any conditional use, the planning board shall make written findings certifying that the
16 proposed use is in compliance with the specific requirements governing individual conditional use and
17 demonstrating that the proposed use meets the following standards:

18 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-
19 site.

20 **Applicant Response:** *The Facility will be unmanned and will not result in a significant increase in traffic
21 or other hazards to pedestrians on or off Site.*

22 (2) The proposed use will not create or increase any fire hazard.

23 **Applicant Response:** *The proposed use will not create or increase any fire hazard. AT&T's Facility will
24 be monitored remotely to detect malfunction.*

25 (3) The proposed use will provide adequate off-street parking and loading areas.

26 **Applicant Response:** *AT&T's Facility will be unmanned. Maintenance personnel will park in the existing
27 parking area on Site.*

28 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
29 water supply.

30 **Applicant Response:** *AT&T's Facility will be unmanned and will not require water or sewer services. A
31 passive use, AT&T's Facility will not generate smoke, odors, dust waste, glare, erosion, sedimentation,
32 water pollution or significant amounts of traffic.*

33 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
34 contaminants.

35 **Applicant Response:** *AT&T's Facility will not generate smoke, odors, dust waste, glare, or significant
36 amounts of traffic.*

1 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
2 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
3 neighboring properties.

4 **Applicant Response:** *Though operating twenty four hours a day, seven days a week, AT&T's Facility will*
5 *be unmanned and will not create a nuisance to neighboring properties. A passive use, AT&T's Facility*
6 *will not generate smoke, odors, noise in excess of applicable Town Ordinances, dust waste, glare,*
7 *erosion, sedimentation, water pollution or significant amounts of traffic.*

8 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
9 generated by the use.

10 **Applicant Response:** *AT&T's Facility will be unmanned and will not generate any solid or liquid waste.*

11 (8) The proposed use will not adversely affect the value of adjacent properties.

12 **Applicant Response:** *AT&T's Facility will not adversely impact the values of adjacent properties*
13 *because the Facility will not generate smoke, odors, noise in excess of applicable Town Ordinances, dust*
14 *waste, glare, erosion, sedimentation, water pollution or significant amounts of traffic.*

15 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
16 generation of noise and hours of operation.

17 **Applicant Response:** *AT&T's Facility, though operating twenty four hours a day, seven days a week, will*
18 *be unmanned and will not generate unreasonable amounts of noise or significant amounts of traffic.*
19 *Please refer to the Noise Study submitted herewith.*

20 (10) The applicant's proposal must include any special screening or buffering necessary to visually
21 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.

22 **Applicant Response:** *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to*
23 *minimize potential visual impacts.*

24 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
25 existing topography within its location, particularly in minimizing any cut, fill, or paving intended.

26 **Applicant Response:** *There will be no change in the existing topography of the Site, nor the amount of*
27 *impervious surfaces thereon, as a result of AT&T's Facility.*

28 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria
29 in this section and to develop and thereafter maintain the proposed project or use in accordance with all
30 applicable requirements.

31 **Applicant Response:** *AT&T operates a nationwide wireless communications system that offers enhanced*
32 *features such as caller ID, voice mail, e-mail, superior call clarity, and high speed data services and has*
33 *the financial and technical capacity to develop and maintain the Facility.*

34 **MOTION:** Win Winch made a motion to conditionally approve this Wireless Telecommunications
35 Facility- Architectural Siting small cell antenna as a Conditional Use, located on the utility pole on
36 Walnut Street adjacent to 78 East Grand Ave, MBL 304-7-1, in the BRD district and LC Shoreland
37 Zoning, with the following read by Chair Linda Mailhot:

- 1 1. Approval is dependent upon and limited to the proposal and plans contained in the application
2 dated January 9, 2020, and all supporting documents and oral representations submitted and
3 affirmed by the applicants and its agents, and conditions, if any, imposed by the Planning Board;
4 any variation from such proposals, plans, supporting documents and representations are subject to
5 review and approval by the Planning Board, provided that de minimis variation is subject to
6 review and approval by the Town Planner. Seconded by Christopher Hitchcock.
7

8 **Chair Linda Mailhot called for the vote:**
9

10 **VOTE:**

11 Vice Chair Win Winch - Yes
12 Christopher Hitchcock - Yes
13 Marianne Hubert - Yes
14 Vice Chair David Walker - Yes
15 Chair Linda Mailhot - Yes
16

17 **PASSES:**

18 (5-0)
19

20 **ITEM 7**

21 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
22 **Action: Discussion; Final Ruling**
23 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
24 **Location: Right-of-Way adjacent to 116 West Grand Ave (313-1-1); Zoning: BRD**
25

26 Assistant Planner Michael Foster stated last month the PB made a determination of completeness for this
27 Conditional Use. We had the same questions in regard to the noise analysis which have since been
28 clarified. We recommend a final ruling to approve this application. And in the future Michael will look
29 into if those can be bundled as motions together or need to be done separately.

30 Chair Linda Mailhot read the responses to the Criteria Use Standards:
31

32 **Sec. 78-1311. - Standards for architectural siting (AS) on existing structures.**

33 Wireless telecommunications facilities proposing to locate on existing buildings structures, flagpoles, or
34 utility poles must meet all the following criteria:

35 (1) Antennas, receivers, lightning rods, guy wires, and any other wireless telecommunications facility
36 equipment shall be attached to an existing building in such a manner as to not project above the roofline,
37 ridgeline, peak, or steeple of the structure as observed from public lands and ways, or from historic sites
38 and buildings.

39 **Applicant Response:** *AT&T's Facility will not be attached to a building and this provision of the*
40 *Ordinance does not apply to this Application.*

41 (2) A wireless telecommunications facility antenna or equipment attached to a building or structure roof
42 shall not contrast with the color, texture, or linear orientation of the roofing materials.

43 **Applicant Response:** *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to*
44 *minimize potential visual impacts upon the neighborhood.*

1 (3) No wireless telecommunications facility equipment shall be mounted on any structure or located on
2 any property that is in violation of the BOCA National Property Maintenance Code, 1993 edition, or any
3 other building code so adopted by the town council. Buildings or properties in violation of the BOCA
4 National Building Code, 1993 edition, or any other building code so adopted by the town council, or any
5 structure in a dilapidated condition shall be rehabilitated in a manner approved by the planning board
6 prior to the attachment of wireless telecommunications facility equipment.

7 **Applicant Response:** *To AT&T's knowledge, neither the Pole nor the Site is in violation of any code.*

8 (4) Wireless telecommunications facility equipment shall be designed to be visually compatible with the
9 texture and color of the background building material.

10 **Applicant Response:** *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to*
11 *minimize potential visual impacts upon the neighborhood.*

12 (5) Mitigation measures of architectural siting of a wireless telecommunications facility shall conform to
13 the dominant architectural period of the host structure.

14 **Applicant Response:** *AT&T's antenna will be of a neutral, non-reflective color to minimize potential*
15 *visual impacts upon the neighborhood.*

16 (6) Wireless telecommunications facility equipment shall be located on the structure so as to be visually
17 compatible with the rhythm and proportion of voids (windows and doors) and solids (facade) of the
18 background structure.

19 **Applicant Response:** *AT&T's antenna will be of a neutral, non-reflective color to minimize potential*
20 *visual impacts upon the neighborhood.*

21 (7) Wireless telecommunications facility equipment shall not project beyond the facade of the building or
22 structure in a manner that visually compromises the profile of the structure at the predominant angle of
23 viewer observation. It is advised that wireless telecommunications facility equipment be visually
24 disguised as architectural detail or incorporated into architectural detail where feasible, especially in
25 locations within the historic districts, on historic structures of moderate to high historic/architectural
26 value, or in areas of high viewer populations.

27 **Applicant Response:** *AT&T's Facility will comply with this provision of the Ordinance.*

28 (8) Ground facilities shall be screened from the street and all adjacent properties in all districts except the
29 industrial district. Buffering shall consist of evergreen vegetation that achieves 90 percent year round
30 visual obstruction from all potential viewer populations at the time of planting, solid wooden fencing,
31 earth mounding, or combination thereof. The planning board may approve a buffer which achieves less
32 than 90 percent visual obstruction where the proposed ground facility is a building and the planning board
33 determines that the location, style, and architectural detailing of the building are visually compatible with
34 other buildings in the immediate vicinity of the site and with the character of the surrounding
35 neighborhood.

36 **Applicant Response:** *AT&T's Facility does not entail the placement of additional structures at ground*
37 *level on the Site and AT&T respectfully asserts that a vegetated buffer is not necessary in this instance.*

38 **Sec. 78-1240. – Conditional Use Standards.**

1 Before authorizing any conditional use, the planning board shall make written findings certifying that the
2 proposed use is in compliance with the specific requirements governing individual conditional use and
3 demonstrating that the proposed use meets the following standards:

4 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-
5 site.

6 **Applicant Response:** *The Facility will be unmanned and will not result in a significant increase in traffic*
7 *or other hazards to pedestrians on or off Site.*

8 (2) The proposed use will not create or increase any fire hazard.

9 **Applicant Response:** *The proposed use will not create or increase any fire hazard. AT&T's Facility will*
10 *be monitored remotely to detect malfunction.*

11 (3) The proposed use will provide adequate off-street parking and loading areas.

12 **Applicant Response:** *AT&T's Facility will be unmanned. Maintenance personnel will park in the existing*
13 *parking area on Site.*

14 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
15 water supply.

16 **Applicant Response:** *AT&T's Facility will be unmanned and will not require water or sewer services. A*
17 *passive use, AT&T's Facility will not generate smoke, odors, dust waste, glare, erosion, sedimentation,*
18 *water pollution or significant amounts of traffic.*

19 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
20 contaminants.

21 **Applicant Response:** *AT&T's Facility will not generate smoke, odors, dust waste, glare, or significant*
22 *amounts of traffic.*

23 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
24 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
25 neighboring properties.

26 **Applicant Response:** *Though operating twenty four hours a day, seven days a week, AT&T's Facility will*
27 *be unmanned and will not create a nuisance to neighboring properties. A passive use, AT&T's Facility*
28 *will not generate smoke, odors, noise in excess of applicable Town Ordinances, dust waste, glare,*
29 *erosion, sedimentation, water pollution or significant amounts of traffic.*

30 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
31 generated by the use.

32 **Applicant Response:** *AT&T's Facility will be unmanned and will not generate any solid or liquid waste.*

33 (8) The proposed use will not adversely affect the value of adjacent properties.

34 **Applicant Response:** *AT&T's Facility will not adversely impact the values of adjacent properties*
35 *because the Facility will not generate smoke, odors, noise in excess of applicable Town Ordinances, dust*
36 *waste, glare, erosion, sedimentation, water pollution or significant amounts of traffic.*

1 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
2 generation of noise and hours of operation.

3 **Applicant Response:** *AT&T's Facility, though operating twenty four hours a day, seven days a week, will*
4 *be unmanned and will not generate unreasonable amounts of noise or significant amounts of traffic.*
5 *Please refer to the Noise Study submitted herewith.*

6 (10) The applicant's proposal must include any special screening or buffering necessary to visually
7 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.

8 **Applicant Response:** *AT&T's Pole extension and antenna will be of a neutral, non-reflective color to*
9 *minimize potential visual impacts.*

10 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
11 existing topography within its location, particularly in minimizing any cut, fill, or paving intended.

12 **Applicant Response:** *There will be no change in the existing topography of the Site, nor the amount of*
13 *impervious surfaces thereon, as a result of AT&T's Facility.*

14 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria
15 in this section and to develop and thereafter maintain the proposed project or use in accordance with all
16 applicable requirements.

17 **Applicant Response:** *AT&T operates a nationwide wireless communications system that offers enhanced*
18 *features such as caller ID, voice mail, e-mail, superior call clarity, and high speed data services and has*
19 *the financial and technical capacity to develop and maintain the Facility.*

20 **MOTION:** Vice Chair David Walker mad a motion to conditionally approve the Wireless
21 Telecommunications Facility- Architectural Siting small cell antenna as a Conditional Use, located on the
22 utility pole located on Walnut Street adjacent to 116 West Grand Ave, MBL 313-1-1, in the BRD district,
23 with the following condition:

24 1. Approval is dependent upon and limited to the proposal and plans contained in the application
25 dated January 9, 2020, and all supporting documents and oral representations submitted and
26 affirmed by the applicants and its agents, and conditions, if any, imposed by the Planning Board;
27 any variation from such proposals, plans, supporting documents and representations are subject to
28 review and approval by the Planning Board, provided that de minimis variation is subject to
29 review and approval by the Town Planner. Seconded by Marianne Hubert.

30 2.

31 3. **Chair Linda Mailhot called for the vote:**

32 4.

33 5. **VOTE:**

34 6. Vice Chair Win Winch - Yes

35 7. Christopher Hitchcock - Yes

36 8. Marianne Hubert - Yes

37 9. Vice Chair David Walker - Yes

38 10. Chair Linda Mailhot - Yes

39 11.

40 12. **PASSES:**

41 13. (5-0)

42 14.

43

1 **ITEM 8**

2 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
3 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
4 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
5 **Location: ROW adjacent to 2 Bradbury St (205-19-14); Zoning: DD2**
6

7 Assistant Planner Michael Foster states that this is a new application for a Conditional Use for a Wireless
8 Telecommunications Facility- Architectural Siting. This proposed small cell antenna will be on the utility
9 pole near the corner of Bradbury Street and Milliken Street located in the ROW adjacent to 2 Bradbury
10 Street, MBL 205-19-14. As with similar small cell antenna proposals we have seen recently, this proposal
11 needs to meet Sec. 78-1307 Location and use requirements, Sec. 78-1309 Wireless telecommunications
12 facility submission requirements, Sec. 78-1311 Standards for architectural siting (AS) on existing
13 structures, and Sec. 78-1240 conditional use standards. This submittal also contained the Tower Removal
14 Bond that we had inquired about for similar proposals (under TAB #11).

15 There are a few items that planning staff wanted to point out, but we believe they are minor, and
16 shouldn't impact this from moving forward. These are in regards to the RF Report and the AT&T Small
17 Cell Site Noise Analysis. On the RF report one minor note under tab 10 in the packet submitted by the
18 applicant - on page 4, #3 coverage and capacity it references Worcester. The rest of the document
19 references Old Orchard Beach, so his appears to be a minor typo. On the noise analysis it was just noted
20 the same as with the other noise analysis that the model unit that was proposed they didn't to actually
21 measure so they are modeling it off an existing unit. But, on the last two noise analysis that were
22 submitted on the other approvals it's for the same unit that they are referencing in these other proposals
23 which we now have the sound information for which is all under the ordinance for noise level.

24 Staff recommends the determination of completion at this time.

25 **MOTION:**

26 Christopher Hitchcock made a motion for the determination of a complete application for the wireless
27 telecommunication facility, architectural siting, on the utility pole located adjacent to 2 Bradbury Street,
28 MBL 205-19-14, located in the DD-2 district. Waving the site walk.

29 A public hearing needs to be scheduled for 9 April 2020 at 6:30 PM. Seconded by Win Winch.

30 1. **Chair Linda Mailhot called for the vote:**

31 2.

32 3. **VOTE:**

33 4. Vice Chair Win Winch - Yes

34 5. Christopher Hitchcock - Yes

35 6. Marianne Hubert - Yes

36 7. Vice Chair David Walker - Yes

37 8. Chair Linda Mailhot - Yes

38 9.

39 10. **PASSES:**

40 11. (5-0)

41
42 **ITEM 9**

43 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
44 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
45 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
46 **Location: Adjacent to 23 Ryefield Dr, within Old Orchard Village (107-3-2); Zoning: R4**

1
2 Assistant Planner Michael Foster stated that this is a new application for another Conditional Use for a
3 Wireless Telecommunications Facility- Architectural Siting. This proposed small cell antenna will be on
4 the utility pole adjacent to 23 Ryefield Drive is actually in Old Orchard Village. It's not within the ROW
5 that is stated on the cover letter, but it is on private property and is correctly reflected in the conditional
6 use application. This was a typo on the cover letter. The record owner is listed as Seagate Limited
7 Partnership. The applicant has permission to use the pole as outlined in the pole attachment agreement
8 with CMP. As with the other proposal there were a couple of items we wanted to point out. It was the
9 minor typo in the FR report where it mentions Worcester. The rest of the document does reference Old
10 Orchard Beach. And the noise analysis where there was that one unit in question where they have now
11 submitted documentation showing that the unit is under the requirement for the sound ordinance.

12 Staff recommends the determination of completion be made at this time and a public hearing scheduled.
13 Site walk waived.

14 **MOTION:**
15 Marianne Hubert made a motion for the determination of a complete application for the wireless
16 telecommunication facility, architectural siting of a small cell antenna, on the utility pole located adjacent
17 to 23 Ryefield Drive, within MBL 107-3-2, located in the R-4 district. A public hearing needs to be
18 scheduled for 9 April 2020 at 6:30 PM. Seconded by Vice Chair David Walker.

- 19
20 1. *Chair Linda Mailhot called for the vote:*
21 2.
22 3. **VOTE:**
23 4. Vice Chair Win Winch - Yes
24 5. Christopher Hitchcock - Yes
25 6. Marianne Hubert - Yes
26 7. Vice Chair David Walker - Yes
27 8. Chair Linda Mailhot - Yes
28 9.
29 10. **PASSES:**
30 11. (5-0)

31
32 **ITEM 10**
33 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
34 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
35 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
36 **Location: ROW adjacent to 72 Randall Ave (322-10-7), Zoning: R**
37

38 This is a new application for a Conditional Use for a Wireless Telecommunications Facility- Architectural
39 Siting. This proposed small cell antenna will be on the utility pole located adjacent to 72 Randall Ave.
40 Items have been submitted for standards and criteria and this submittal also contains the tower removal
41 bond. The two items that we wanted to point out was the RF report referring to Worcester and the rest of
42 the document refers to Old orchard Beach, so it's a typo we presume again. And, for the noise analysis in
43 looking at the radio units, that's the same proposed units as the other proposals. We have updated noise
44 verification for that which falls under the ordinance for noise level.

1 Staff recommends termination for completeness.

2 **MOTION:**

3 Christopher Hitchcock made a motion for the determination of a complete application for the wireless
4 telecommunication facility, architectural siting of a small cell antenna, on the utility pole located adjacent
5 to 72 Randall Avenue, MBL 322-2-7, located in the R-3 district.

6 A public hearing needs to be scheduled for 9 April 2020 at 6:30 PM. Seconded by Marianne Hubert.

7

8 1. **Chair Linda Mailhot called for the vote:**

9 2.

10 3. **VOTE:**

11 4. Vice Chair Win Winch - Yes

12 5. Christopher Hitchcock - Yes

13 6. Marianne Hubert - Yes

14 7. Vice Chair David Walker - Yes

15 8. Chair Linda Mailhot - Yes

16 9.

17 10. **PASSES:**

18 11. (5-0)

19

20 **Other Business**

21

22 None

23

24 **Good and Welfare**

25

26 Vice Chair David Walker stated that we talked at our planning session about moving these to a staff
27 function. Are we going forward and is this going to be the case? Assistant Planner Michael Foster
28 responded with he has started looking at the ordinance to see how it could fall under an administrative
29 review. And we are looking at how to change that.

30

31 **ADJOURNMENT 8:23 PM**

32

33 *I, Susan Bellavance, Administrative Assistant to the Planning Board of the Town of Old Orchard*
34 *Beach, do hereby certify that the foregoing document consisting of Twenty-two (22) is a true*
35 *copy of the original minutes of the Planning Board Meeting of March 12, 2010.*

36

X

Susan Bellavance

37