

Minutes

Saco Planning Board
January 6, 2015

Members Present: Neil Schuster, chairman; Deb McKenney, Donna Bailey, Rene Ittenbach. Bob Hamblen, City Planner. Richard Lambert, Code Enforcement Director. Absent: Marty Devlin, Don Girouard.

Regular Meeting
5:15 p.m.

1. Election of Chairman and Vice-Chairman: per Section 4-34.C(6) of Saco City Code, a Chairperson and Vice Chairperson shall be elected by the Board.
Motion by Ittenbach that Neil Schuster be named chairman for calendar year 2015 and that Don Girouard be named vice chairman for 2015, seconded by Bailey, and so voted, 4-0.
2. Minutes of Dec. 17, 2014 – **motion by McKenney to accept the minutes as presented, seconded by Bailey, and so voted, 4-0.**
3. Public Hearing: site plan review of a proposed Wireless Telecommunication Facility at 650 Main Street. Applicant is L&M Properties, Inc. Tax Map 42, Lot 9-1. Zoned B-2b and contract zone.
Hamblen: This proposal would result in the construction of a 130' tall Wireless Telecommunications Facility (WTF) monopole tower on a parcel currently undeveloped. But, the parcel is without frontage on a City street, so prior to development, it would have to be combined with the abutting parcel at 644 Main Street in order to become conforming. The applicant is aware of the situation, and willing to combine the two.

The proposed cell tower is not an allowed use in the B-2b zone. Recognizing this, the applicant sought and received approval for a contract zone which allows the tower to be constructed (approved by Council 9/15/14; copy attached). The project is subject to site plan review, and to Sec. 728 – a performance standard specific to cell towers.

Note that Sec. 728.B of the Ordinance states that WTFs shall be considered a Conditional Use. We posed this question to CEO Dick Lambert: "This cell tower obtained a contract zone, and is now subject to site plan review. Would you suggest that the contract zone approval overrides the conditional use requirement?" Dick's reply: "In my untrained legal opinion, I would venture to say yes. A Contract Zoning Amendment would re-designate the parcel into a new zone where this use would be permitted." The City Attorney has agreed. Jim Seymour, P.E., Sebago Technics, is the project engineer, and Peter Cooke is representing AT&T.

Ittenbach: I move to waive submission items 1104-1.2.9, 1104-1.2.16, and 1104-1.2.18 in that the project is of such a nature as to make the information unnecessary, seconded by McKenney, and so voted, 4-0.

Bailey: I move to find the application for site plan review to be complete, seconded by Ittenbach, and so voted, 4-0.

Hamblen: Section 728.B – a single waiver is requested, for item 728.B.6.c, landscaping plan. Otherwise, it is complete. Suggested motions:

McKenney: I move to waive submission item 728.B.6.c in that the project is of such a nature as to make the information unnecessary, seconded by Bailey, and so voted, 4-0.

Ittenbach: I move to find the application for review of a Wireless Telecommunication Facility to be complete, seconded by Bailey, and so voted, 4-0.

Seymour: Mr. Foster is willing to combine the two lots; a draft deed to that effect has been submitted. The plan shows the 65 foot and 105% falldown zones. **Cooke:** the switch from analog to digital means that now capacity is the issue. Filling in the gaps has become the goal. **Seymour:** a balloon test has been done, and photos submitted. A note has been added to the plan re: City space on the tower. Towers have been built adjacent to structures, such as the South Portland Fire Dept. We're open to a condition of approval re: design of the tower and potential tower failure. A vehicle turnaround is shown on plan. Clearing will be limited to what's needed: 100' x 100'. **Cooke:** a 12' x 16' shelter, with a genset on a covered porch, facing away from houses will house electronics. The generator will register 68dB at a distance of 7 meters. This typical site will support about a 1.5 mile radius.

Ittenbach: who will maintain the tower? **Cooke:** Foster is the owner and will maintain the tower, ATT will have a maintenance tech on site about a day a month. **Seymour:** some towns require an inspection of a tower every two years. If Foster defaults on the lease, ATT will pursue that. **Schuster:** Dick, are you okay with the status of the two-family? **Lambert:** we have other avenues if there is no follow through on the current commitment. **Seymour:** do you issue a CO prior to operation of the tower? **Lambert:** yes. **Cooke:** we expect a summer time frame for construction. **Bailey:** Sec. 728 aims to minimize impacts of a tower. Would a stealth design be desirable to limit visual impacts? **Seymour:** we've left as much buffer as possible. Artificial branches can blow off and break. **Cooke:** either way, you know it's a tower. **Bailey:** you notice a tower, and they're ugly. I would like to see camouflage. **Seymour:** the top is not lit, and we've tried to minimize height and obtrusiveness. **Ittenbach:** an ordinance update may be in order re: falldown zones and structural failure.

McKenney: moves to open the public hearing, seconded by Bailey, and so voted, 4-0. Schuster notes that the neighborhood has been quiet about this proposal. **Bailey: moves to close the public hearing, seconded by Ittenbach, and so voted, 4-0.**

Bailey: the tower doesn't comply with Sec. 728.C.5; the applicant should make an effort to blend the tower in visually with its surroundings.

Ittenbach: I move that the Board grant approval under the provisions of the Saco Zoning Ordinance for the site plan for a Wireless Telecommunication Facility on the parcel at 644 Portland Road based on the Findings of Fact and Conditions of Approval dated January 6, 2014, pending a structural analysis of the tower by FST and findings that the tower would indeed collapse on itself rather than fall full length in the event of a failure, that the two lots be combined into one, and that all code issues with the existing two-family dwelling identified by the Code Office be addressed, seconded by McKenney, and so voted, 3-1 (Bailey).

Meeting was adjourned at 6:45 p.m.

Submitted by,

Bob Hamblen, City Planner