

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD MEETING

JANUARY 20, 2004

7 P.M.,

TOWN HALL

Present: John Ciraldo, Chair
Dave Griffin
Barbara Schenkel
Peter Cotter
Andy Charles
David Sherman
Peter Hatem

Also present was Maureen O'Meara, Town Planner.

Mr. Ciraldo opened the meeting by reviewing correspondence. The first item on the agenda was to approve the minutes from the previous meeting. Mr. Ciraldo verified with the board acceptance to table approval until the February meeting.

NEW BUSINESS

Mr. Ciraldo asked Ms. O'Meara if she would give a brief overview prior to the proposal for the Tower Overlay Districts Zoning Amendments.

Ms. O'Meara stated that the Planning Board provides advice to the Town Council for the zone change, and with any zoning change there must be a public hearing. The proposal is to create 2 new Tower Overlay Districts, which are the only place commercial towers may be erected. She gave an overview of the Telecommunications Act and what the Town may and may not act on. Ms. O'Meara reviewed current tower placement and coverage. The Sprague Corporation, located in southern Cape Elizabeth, was determined to be the optimal site as it is sparsely populated and would be well managed by the Corporation. The actual location of a tower has yet to be determined, however it will be in the area of the intersection of Bowery Beach, Fowler and Charles E. Jordan roads. Ms. O'Meara said the Chief of Police would speak concerning the needs of communication and would address the proposed Tower Overlay District of Fort Williams.

Mr. Ciraldo asked that representatives of U.S. Cellular and the Police Chief speak to the issue prior to the public hearing.

Mr. Ed Shaw, Site Acquisition Specialist from LCC International, hired by US Cellular Corporation. Mr. Shaw stated that the two existing towers located on Strout Lane do not provide coverage for the entire town. Mr. Shaw said that they had an in-house RF (radio frequency) Specialist create maps that would simulate coverage by showing placement of different towers. These maps displayed a deficiency in coverage in the southern part of town. These maps also showed that a new tower in the proposed area would provide

coverage to most of southern Cape Elizabeth that is not currently served. Mr. Shaw and his associates also created another map showing the needs of Fort Williams, which will be addressed by the Chief of Police.

Mr. Sherman asked if a site at Fort Williams would complete the coverage for that area.

Mr. Shaw stated yes. He and the RF engineer were able to determine that a height of 100-130ft should surpass the tree line for coverage.

Mr. Ciraldo asked what is involved with building a tower.

Mr. Shaw described the three types of towers. A lattice tower is a self-supporting, 3 legged tower without wires. A guyed tower has wires that go down into the ground and tie into an anchor. Both of these are on Mr. Strout's property. The third type is a monopole tower, which has a lot of characteristics of the guyed tower without the wires being tied to the ground. The antennas are on top of the tower and the wires from those run inside the pole to the ground where they are housed either on a slab on an exterior weather protected cabinet or a prefab building, such as the one proposed which will be 12' x 16' or 12' x 20". Mr. Shaw stated that a minimum of 10ft. vertical separation is needed between the different antennas. The Sprague tower would be 180ft. high. This would enable several cellular carriers as well as public safety to locate on the same tower.

Mr. Ciraldo asked if the tower and building were fenced.

Mr. Shaw stated that fencing would only be used to prohibit the public from hurting themselves or damaging equipment.

Mr. Griffin asked what type of pole would be at Fort Williams.

Mr. Shaw said a monopole and would be approximately 130ft.

Mr. Sherman asked if there were any buildings the pole could be hidden into like the lighthouse.

Mr. Shaw stated that since the lighthouse was involved, and is owned by the U.S. Government, it would take too long to work through the federal process. They did look at other buildings in the park, however, there aren't any that are over the tree line to provide coverage.

Mr. Ciraldo asked about utilizing a flagpole as a tower.

Mr. Shaw stated that 1-2 carriers could utilize that type of tower, but multiple flagpoles would be needed to accommodate all providers and public safety

Mrs. Schenkel asked Mr. Shaw if he would describe the stealth technology and if there could be a flagpole on the area where people fly kites as it is elevated.

Mr. Shaw stated that the pole is made with material that doesn't hinder outgoing or incoming signals. The problem is that you have to be able to put the antennas where the pole is wide enough which would begin at 90ft. and then the second carrier would have to be at 80ft. and so on. This is an issue because of the tree line, which is increased in the summer. Also with flagpoles, you would need a building beside it to house the equipment.

Mr. Ciraldo asked if there were any more questions. Hearing none he asked Chief Williams to the podium.

Chief Williams introduced himself and outlined public safety concerns. The portable radios are only 5watt radios that transmit to the repeater and then go to the station. Due to the topography of Cape Elizabeth, transmission is intermittent in the Two Lights area, Broad Cove area, Sprague/Ram Island Farm area, and Fort Williams. There are also intermittent problems from Lawson Road to the South Portland line. The Sprague tower would eliminate a majority of the issues in southern part of the Town. The big issues in Fort Williams are the high numbers of people there due to Beach to Beacon Race, Family Fun Day, and other events that take place. It becomes a security issue when there is a confrontation with an unfriendly person or persons. It may not be feasible to run to the vehicle to use the radio and ask for assistance. A tower at Fort Williams would not only assist officers there, but the coastal area from Lawson Rd to So. Portland.

Mr. Ciraldo asked if there could be any technology at the Fort that would assist the officers.

Chief Williams stated the only thing that he was aware of were cell phones, which do not work. The other option is a landline, in which the officer would still need to leave the situation at hand.

Mr. Sherman asked how many times there was a need for such assistance.

Chief Williams stated he did not have that number at hand, however, the Fort is not secure at night and any time an officer responds to a call, this creates an officer safety issue.

Mrs. Schenkel asked if there was an increase in incidences at the Fort.

Chief Williams said yes, and it is cyclical.

Mr. Griffin asked if the WET Team uses 5-watt radios as well.

Chief Williams stated yes, that Public Safety encompasses Fire, Rescue, Police, and the WET Team.

Mr. Charles asked if a repeater would work at Fort Williams.

Chief Williams stated yes. He also said that a Tower is the optimum for the money spent.

Mr. Hatem asked what happens if the repeater goes down.

Chief Williams stated there's a direct system but it really cuts their coverage down.

Mr. Ciraldo thanked the Chief and opened the Public Hearing.

Henry Adams, 3 Todd Rd, has a portable phone and it won't work. He would like to see a Tower in Fort Williams so he would have use of it.

Scott Irving, 27 Crescent View Ave, asked if there were commitments from any other carriers and would the signal carry over the water as well as land.

Mr. Ciraldo asked that Mr. Shaw answer all questions after everyone has spoken.

Joe Cotter, 11 Running Tide Rd, said that in 1998-99 the decision was made not to approach the state regarding possible antenna installation in Two Lights Park and wondered if the Town would reconsider.

Ms. O'Meara stated that it wasn't that the Town wouldn't talk to the State, but that when they were first approached for the tower the carrier was looking for a place that was ready and it would take some time to get a tower approved on State land.

Mr. Cotter stated that it might be a good idea to start communications with the State for the future.

Mr. Herb Strout, 14 Strout Road, stated that the maps shown were artificially generated maps. He thinks that if someone did a demonstration with a cell phone, they would find there are not the problems that are stated. Mr. Strout is willing to do this at his own expense.

Greg Davis, 235 Bowery Beach Rd, wants to know if the exact location of the new tower has been identified.

Mr. Ciraldo stated that would be addressed at the closing of the public hearing.

Mr. Strout wanted to add that the chance of the repeater failing beyond 15 minutes is essentially non-existent.

Mr. Ciraldo closed the public hearing and asked Mr. Shaw if he could address the questions asked.

Mr. Shaw said he was not sure but is willing to get commitments from other carriers. Mr. Shaw said he would be working with the Spragues during the next few days to specify a location to take to the Town Council.

Ms. O'Meara stated that she received a letter requesting the tower be pushed into the tree line. The modeling the applicant has did reflect that.

Prekash Suman, LLC Engineers, stated there would be some residual coverage over the water.

Mr. Ciraldo asked Ms. O'Meara what the Board's options for recommendation.

Ms. O'Meara stated that the Board legitimately had enough information on the location of the tower in southern Cape Elizabeth for a recommendation to the Council, however the Council would need items more defined on a map before acceptance.

Mr. Ciraldo said he appreciated the safety issues along shoreline, however he cannot recommend or visualize a steel tower in the Fort. He would like to explore every alternative that could solve all or some of the issues. He would consider a Sprague tower and would like to see it placed in the tree line.

Mr. Griffin supports an overlay district in Fort Williams, due to safety, as well as a tower on the Sprague land.

Mr. Cotter stated that he would vote yes on recommending both districts. He cannot, however, visualize a tower in the middle of the park but maybe by the old firehouse. He also believes that technology will catch up to service the entire town.

Mr. Charles asked Ms. O'Meara that, if there were to be a Tower Overlay District created at either location, is there any condition that could be placed on the overlay district to limit the height of the tower.

Ms. O'Meara stated no.

Mr. Cotter said that, if the district is created, then they could put limit restrictions on height in the Fort or work with applicant, as part of Site Plan Review.

Mr. Charles said he would be comfortable recommending the Tower Overlay District at the Sprague site, and would want more information before recommending the Fort.

Mrs. Schenkel also wanted to remind the board that two citizens had written letters stating their opposition to the Tower Overlay District at Fort Williams. She is concerned that by recommending the Overlay District in Fort Williams, it negates people to look at other alternatives. Mrs. Schenkel supports the Sprague area as long as it would be unobtrusive.

Mr. Ciraldo wanted to confirm options that both or either items could be approved/disapproved or tabled until another workshop.

Ms. O'Meara confirmed that.

Mr. Charles proceeded to make the following motion for the board to consider:

BE IT ORDERED that, based on the plans, materials and facts presented, the Planning Board recommends to the Town Council the proposal to create a Tower Overlay District located in the area of Bowery Beach Rd/ Fowler Rd/ Charles E. Jordan Rd.

The Planning Board also recommended that the specific location be finalized before the Town Council takes final action to consider approval of the rezoning.

Mr. Hatem seconded and the motion carried 7 in favor and 0 opposed.

Mr. Charles proceeded to make the following motion for the board to consider:

BE IT ORDERED that, based on the plans, materials and facts presented, the Planning Board tables to the February meeting the proposal to create a Tower Overlay District at Fort Williams Park.

Mrs. Schenkel seconded the motion and carried 6 in favor, 1 opposed.

Mr. Ciraldo stated the next item would be to elect officers.

Mr. Charles nominated Mr. Ciraldo as Chair for that year.

All members were in favor.

Mr. Hatem nominated Mr. Sherman as Vice Chair.

Mrs. Schenkel seconded and was carried 7 in favor, 0 opposed.

Mr. Ciraldo wanted to thank Mr. Charles on behalf of the Board for his great service to the town, offered great insight and interest and wished him the best of luck.

Mr. Charles motioned to adjourn and carried 7 in favor, 0 opposed.

Meeting adjourned at 8:40p.m.

Respectfully Submitted,
Laurie Palanza

