

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

February 22, 2016

7:00 p.m. Town Hall

Present: Peter Curry, Chair
Josef Chalat
Carol Anne Jordan
Jonathan Sahrbeck
Henry Steinberg

Absent: Elaine Falender and Victoria Volent

Also present was Maureen O'Meara, Town Planner.

Mr. Curry opened the meeting and called for approval of the minutes of the September 15, 2015 meeting. The minutes were approved as presented, 4-0, (1 abstained)

NEW BUSINESS

Verizon Wireless Water Tank Antennas Site Plan - Verizon Wireless is requesting Site Plan Review to install antennas on the water tank and a 10' x 16' concrete pad supporting equipment cabinets and a generator located at 11 Avon Rd(U12-12), Sec. 19-9, Site Plan Completeness.

Mr. Sahrbeck said that he knows Mr. Darling, who has written a comment on this matter. He feels he can be objective and has no conflict of interest. The Board agreed.

Scott Anderson is here with Chip Fredette. They work on local permitting for Verizon wireless cell phone installations in the State of Maine. He presented the project for Verizon.

He projected a plan showing the basic components of the plan. There are three sets of antennas that are mounted to the top railing of the tank. Access is via the existing gravel driveway. Instead of the prior proposal of an equipment shelter, they are shifting to mounting cabinets on concrete slabs outside of any structure. The benefits of this are that the equipment is smaller, there are now small fans associated with each of the equipment cabinets. As a result, the sound impacts have been reduced.

He showed another plan of the proposal. The backup generator will be in a sound dampening enclosure. It will only be run in a power outage. The platform has 4 posts in the corners and on top of that is a roof to protect it from falling ice. The lights on site

are down directional and motion activated. The fence will remain the same and they will plant evergreen trees for a screen.

Mr. Anderson then went through a list of the requirements and their responses to them. He also said they included a sound assessment of both the fans and the generator. He said the generator will only operated when the power is out. They have presented a set of specs on the lighting plan.

They have asked for a waiver of the soils survey because there is to be no sub surface wastewater and the impact of the concrete pad is minimal.

Photos have been provided, and a sound report provided by the abutters has been addressed. Mr. Anderson said that their own sound report concludes that they comply with the standards.

He addressed the soils survey waiver and said that the Portland Water District (PWD) is doing a lead remediation under the supervision of the DEP. They feel that the issue is between the PWD and the DEP and is not a responsibility of Verizon. He can get a status report on how that is proceeding.

Mr. Steinberg said that since the tower is empty, why not put all the equipment inside the tower?

Mr. Anderson said there would be structural reasons and the structure is steel, so there will be condensation and environmental issues inside that would be very bad for the electronics inside the cabinets. He also said they have put up a fence and trees to screen the equipment.

Mr. Sahrbeck said the stockade fence is 8 ft. high, but no height is given for the ice shield.

Mr. Anderson said the ice shield is 10.5 ft. high.

Mr. Sahrbeck asked if painting over the tower is part of the lead paint remediation.

Mr. Anderson said this will be an improvement, and they will fully comply with the final DEP regulation.

Mr. Curry confirmed that the generator will be powered by diesel, and was told that the storage of that diesel will be part of the same enclosure, so no separate tank will be there.

Mr. Curry opened the public comment period.

Pavel Darling of 9 Avon Road is concerned about the lead because he has 2 small children. He would like a baseline soil study to know where we are starting from. He would like to know what is going to happen and when it is going to happen. He'd like to know how and when this lead paint, that is so close to his house, is going to be dealt with. As for the generator, he understands there is also a propane version of that generator that is actually quieter than the diesel.

Brad Kauffman of 1 Avon Road would like to see additional visual evidence about the antennas and the shroud. The photo simulation that has been provided is from the perspective of Avon Road. Trundy Road is a much more heavily travelled road. He would like to see the shroud face on from Trundy Road. He wants to see a photo of what a real shroud looks like. And he wants to see what one looks like after some time has passed to get an idea of what it will look like in the future. As far as the noise is concerned, the report that Mr. Ambrose provided questioned whether the equipment will meet the required level at the boundary of the project.

Anthony Armstrong of 32 Lawson Road said there are two big elements that haven't been discussed . One is the responsibility of the PWD. They are responsible for painting the tank. The PWD should be a party of this application. Two is that we all know that AT&T is coming forward with application. They have a lease. There is no coordination as required by the zoning ordinance.

He also wanted to say that there is a tower in Old Orchard Beach that has the equipment inside the water tank. He does not think the photo simulation shows from different places, but it needs to do so.

Sarah MacColl of 4 Avon Road said she would like a recognition that this site is an abutter to a Land Trust easement. She wants her land to hold its value and she also wants the Land Trust land to hold its value for all the people of Cape Elizabeth.

There was no further comment, the public comment period was closed.

Mr. Anderson said they had focused on the requirements of the ordinance to be sure the application was complete. He does not think that the PWD is part of this process. They will try to collect as much information about that as they can and provide it, but it is not a part of this application. We will try to get you all the information requested. AT&T is also not a part of this application. They were involved early on, but are no longer involved. We have designed a project that will be small and quiet.

Ms. Jordan said she agrees that the PWD is not his issue, but the plan needs to acknowledge that the PWD needs to do something. Acknowledgement of that is needed so that if soil needs to be removed for the concrete pad, the contractor knows there is lead in that soil. There is also the issue of the painting. The report said there will be dust in the air from the painting. We need assurance that the DEP is onboard with this.

Mr. Anderson said before any construction occurs there will be a meeting with the landlord to be sure of what has been done that they need to know about. We will be sure to coordinate these issues.

Chip Fredette said that before they even leased the property they did an assessment of the property. They all know that if it is an old water tank it will have lead on it. Every painting contractor knows that every old water tank has lead paint on it. Dealing with this is business as usual for us. We cannot paint the tank, but we are not putting a brush on the tank.

Mr. Sahrbeck is concerned that you are asking us to waive one of the guidelines of the ordinance, the soil.

In response to a question asked by the Board, Ms. O'Meara said lead is not something we deal with. It is dealt with at the State level. There is a soil analysis from 2014 and a response from the DEP in the materials submitted by Mr. Darling. That soil testing is much more detailed than what would be received from a medium intensity soil survey.

Mr. Chalot said we could deal with this as a condition of approval.

Mr. Sahrbeck wants a site walk before completeness.

Ms. Jordan is not in agreement with that.

A site walk is scheduled for Saturday February 27, 2016 at 7:30 am.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Verizon Wireless for Site Plan Review to install wireless antennas on the existing water tower located at 11 Avon Rd, and to construct a 10' x 16' concrete pad at the base of the tower to support equipment cabinets and a generator be deemed complete.

Mr. Chalot seconded the motion and it was passed 3-2 (Sahrbeck, Steinberg).

There was a further discussion of what more information the Board wants from the applicant

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Verizon Wireless for Site Plan Review to install wireless antennas on the existing water tower located at 11 Avon Rd, and to construct a 10' x 16' concrete pad at the base of the tower to support equipment cabinets and a generator be tabled to the regular March 15, 2016 Planning Board meeting, at which time a public hearing will be held.

Mr. Chalot seconded and the motion was approved 5-0.

There was no public comment so the comment period was closed.

Mr. Chalot then nominated Mr. Curry as Chair of the Planning Board for 2016. Mr. Sahrbeck seconded and he was elected unanimously. Mr. Curry then nominated Ms. Jordan as vice-chair Mr. Sahrbeck seconded and she was elected unanimously.

The Board voted unanimously to adjourn at 8:25 pm.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary