

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: March 10, 2016
SUBJECT: Verizon Antennas/Concrete Pad Site Plan

Introduction

Verizon Wireless is requesting 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. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Board should begin by having the applicant summarize changes to last month's project submission.
- The Board should then hold a public hearing that has been scheduled for this evening.
- At the close of the public hearing, the Board may begin discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

Site Plan Review Standards

Below is a summary of application compliance with the Site Plan standards, Sec. 19-9-5. The Town Engineer's comments are attached.

A. Utilization of the Site

Most of the site is forested with the tower and support facilities located near the center of the property. The proposal locates the antennas on the water tower and the concrete pad at the base of the tower, both within the developed portion of the site.

B. Traffic Access and Parking

1. Adequacy of Road System- The project will general minimal trips, which the adjacent roadway system has adequate capacity to support.

2. Access into the Site- The existing driveway access will be used. The Board may want to consider better defining access to the site with a defined driveway of a width not to exceed 24'. If the Planning Board would like revisions to site access, a revised plan should be submitted to the Planning Board for review.
3. Internal Vehicular Circulation-The existing circulation pattern will not be changed.
4. Parking Layout and Design- The existing parking layout will not be changed by this project. An undefined gravel area provides access and space for parking. If the Planning Board considers access management improvements, better definition of parking spaces may also be appropriate.

C. Pedestrian Circulation

No change is proposed.

D. Stormwater Management

Impervious surface will be increased with the 10' x 16' concrete pad. This area is too small to measure any meaningful increase in stormwater and the surrounding forested area provides a buffer for absorbing stormwater. The Town Engineer supports this approach in his letter dated 2/10/2016.

E. Erosion Control

Minimal disturbance of soil is proposed and best management practices will be used to avoid erosion.

F. Water Supply

The project does not require a water source.

G. Sewage Disposal

No sanitary wastewater will be produced by the project.

H. Utilities

New power and telecommunication will be extended from an existing pole and installed underground to the concrete pad.

I. Water Quality Protection

No discharge of noxious chemicals is proposed.

The site owner, Portland Water District, is working with the Maine Department of Protection to remediate lead detected on the site. The applicant has added note 7 to plane C-1 to avoid conflicts between Verizon installation and the soil remediation plan.

J. Wastes

No solid waste will be generated by the project.

K. Shoreland Relationship

The property is not located in the Shoreland Zone.

L. Technical and Financial Capacity

The applicant has provided documentation of financial and technical capability.

M. Exterior Lighting

No new lighting will be installed.

N. Landscaping and Buffering

Some trimming of existing tree branches that extend over the fenced area will be done to facilitate painting of the tower and general maintenance.

At the site walk, a board member questioned the appropriateness of adding buffering at the access point. At this time, the access is an undefined gravel area approximately 48' in width at the street access. A typical access driveway may be 24' in width, with parking spaces measuring 9' x 18'. The Board may want to discuss access management at the entrance to the site and better define the gravel area with landscaping.

O. Noise

The applicant has submitted supplemental materials indicating that the fan and scheduled operation of the generator will not exceed maximum noise levels. Operation of the generator at night may exceed 45 dbh, but

the operation would only occur during power outages, which may not be regulated by the site plan noise provision.

P. Storage of Materials

No exterior storage of materials is proposed.

Sec. 19-8-12, Tower and Antenna Performance Standards

Under Sec. 19-3-3 (C), the Code Enforcement Officer may issue a building permit to install a commercial wireless antenna on an alternative tower structure. (A Superior Court decision has deemed the water tower an alternative tower structure.) The Code Enforcement Officer has referred this application to the Planning Board because he has determined that concealment of the antennas is not complete.

No installation of a commercial wireless telecommunication antenna on an alternative tower structure shall occur until after the issuance of a Building Permit by the Code Enforcement Officer in accordance with Sec. 19-3-3, except that the Code Enforcement Officer may refer the antenna installation application to the Planning Board for review under Sec. 19-9, Site Plan Review and Sec. 19-8-12, Tower and Antenna Performance Standards, if the antenna concealment is not complete. (Effective April 15, 2000)

Below is a summary of the application's possible compliance with the Performance Standards.

a. Colocation

The applicant has added a note (#5) to plan C-1 that the applicant will not interfere with colocation opportunities of other providers, in accordance with FCC regulations.

b. Color

The applicant has proposed to install fiberglass shrouds and cabling to match the color of the water tower, which will be painted by the owner Portland Water District.

c. Buffers

Existing vegetation wraps around most of the site. At the access area, the applicant is proposing to plant 10 arborvitae. The Planning Board may want to consider narrowing the access driveway from the existing 48' wide to a more modest 20' - 24'. A narrower driveway framed with plantings will reduce the visibility of the site from the adjacent neighborhood. The reduced driveway width should be as narrow as possible to maximize buffering but also wide enough to provide access for installation and maintenance equipment.

d. Lighting

No lighting is proposed.

e. Structural

Sheet GN-1 and S-1 specifies structural requirements. The Planning Board may want to add a condition that references EIA (Electronics Industries Association) standards. The applicant has also provided information describing why they do not want to install equipment inside the water tower.

f. Security

The site includes an existing security fence with a locked gate. The existing fence may not be 8' in height. The Planning Board may want to decide if the existing fence is adequate or if an 8' high fence should be installed.

g. Advertising

No advertising is proposed.

h. Non-interference

The applicant holds a license from the Federal Communications Commission (FCC) that regulates overlapping and interfering frequencies.

i. Abandonment

The Planning Board may want to discuss a condition that requires removal of equipment after 12 months of cessation of operation.

j. Performance Guarantee

The Planning Board may want to require a performance guarantee to cover proposed improvements and removal costs if operations cease.

Motion for the Board to Consider

Findings of Fact

1. Verizon Wireless is proposing 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 an generator, which requires review under Sec. 19-9, Site Plan Regulations and Sec. 19-8-12, Tower and Antenna Performance Standards.
2. The location of the antennas and supporting equipment (are/are not) located within the developed portion of the site.
3. There (is/is not) adequate capacity in the existing road system to accommodate the small amount of traffic generated by the project. Access into the site, internal vehicular circulation and parking accommodations (are/are not) safe and convenient, [with access management improvements].
4. A system of pedestrian ways is not appropriate for the proposed use and therefore is not provided.
5. Adequate provision for stormwater (has/has not) been provided by minimizing the increase in impervious surface and preserving the surrounding vegetation to retain stormwater on the site.
6. Erosion control on the site (is/is not) adequate by minimizing disturbed soils, and complying with Maine's Erosion and Sedimentation Control Law when soils are disturbed.
7. The proposed project does not require a water supply.
8. The proposed project does not require sanitary waste disposal.
9. The project (has/has not) been provided with adequate electrical and telecommunication service.
10. The project includes provisions to (prevent/allow) discharge of materials harmful to human health or the environment. The owner Portland Water

District has an agreement with the Maine Department of Environmental Protection for remediation of lead on the site.

11. The project (will/will not) general solid, hazardous or special wastes.
12. The project is not located in the Shoreland Performance Overlay District.
13. The applicant (has/has not) demonstrated the financial and technical capability to complete the project.
14. The project (will/will not) provide adequate safety lighting but not excessive lighting.
15. The project (does/does not) comply with the noise standard. The operation of a generator at night during a power outage (is/is not) an emergency and not a continuous, regular or frequent or intermittent sound regulated by the Site Plan Review noise standard.
16. No outside storage of materials is proposed.
17. The applicant (has/has not) demonstrated, by adding note #5 to plan C-1, that it will obstruct co-location by other providers.
18. The proposed antennas (will/will not) blend into the surrounding environment through the use of color and camouflaging architectural treatment.
19. The existing vegetation and proposed plantings (will/will not) provide a buffer and minimize visual impact.
20. No lighting is proposed.
21. The new antennas and ground supporting pad and equipment (are/are not) designed in conformance with structural standards.
22. The facility is surrounded by an existing fence, which is less than 8' in height but in existence prior to this application, that (provides/does not provide) adequate security.
23. No advertising is proposed on the site.

24. Based on the license issued by the Federal Communications Commission (FCC), the equipment (will/will not) interfere with existing telecommunication within the service area.
25. The applicant (has/has not) agreed to remove equipment after no more than 12 months of cessation of use.
26. The applicant (shall/shall not) be required to post a performance guarantee for the proposed improvements on the site.
27. The Planning Board conducted a site walk of the site located at 11 Avon Rd on Saturday, February 27, 2016 beginning at 7:30 am.
28. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-8-12, Tower and Antenna Performance Standards.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Verizon Wireless is requesting 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 approved, subject to the following conditions:

1. That a note be added to the plans that the installation shall be done in accordance with the current standards of the Electronics Industries Association (EIA) *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*;
2. That a performance guarantee in an amount to cover the proposed improvements to the site [and the cost of removal of the equipment after 12 months of cessation of use];
3. That a fence be installed that is a minimum of 8' high around the tower.
4. That there be no issuance of a building permit or alteration of the site until the plans have been revised to satisfy the above conditions and submitted to the town planner.