

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: June 25, 2018  
SUBJECT: 14 Strout Rd Tower Overlay District map amendment

### Introduction

At the March 12, 2018 meeting, the Town Council referred to the Planning Board a request by Tower Specialists Inc, representing the Strout Family, to shrink the Tower Overlay District located at 14 Strout Rd. The property owner is doing estate planning. The property owner wishes to shrink the area the tower overlay district covers on the lot in anticipation of residential development on the non-tower portions of the property. The zoning map amendment will be reviewed under Sec. 19-10-3, Zoning Map amendment.

### Procedure

- The Board has met with the applicant at two workshops and a modified map amendment has been prepared.
- The board should summarize the amendment and then open the public hearing.
- Board members may discuss the proposed amendment at any time.
- At the close of discussion, the Board should vote to recommend or not recommend the amendment to the Town Council or table the amendment to a future workshop for further review.

### Discussion

At the May 1st workshop, the Planning Board discussed a map amendment that would shrink the area of the Tower Overlay District (TOD) to exclude areas on the southern portion of the lot that, due to elevation and topography, are not desirable for telecommunication tower siting. An area on the northern end of the lot is similarly removed. The middle of the lot is preserved as a tower overlay district. The middle accommodates 2 existing plus 1-2 possible future towers. The area includes the tower setback (fall zone) for the existing Crowne Castle tower identified for removal.

The Planning Board is considering an option of phasing the TOD amendments. Phase I includes the Crowne Castle tower fall zone. The TOD would shrink to a Phase 2 area if the Crowne Castle tower is removed by April 1, 2020. Failure to remove the tower by April 1, 2020 would lock in the Phase I rezoning and any additional zoning change would require initiating a zoning amendment application. Town Attorney John Wall has commented that this approach "follows the statutory requirements and as long as the proposed amendment clearly reflects the phased aspect of its implementation, I think it should be valid." The "trigger" for Phase 2 must be clear. Staff is recommending that the

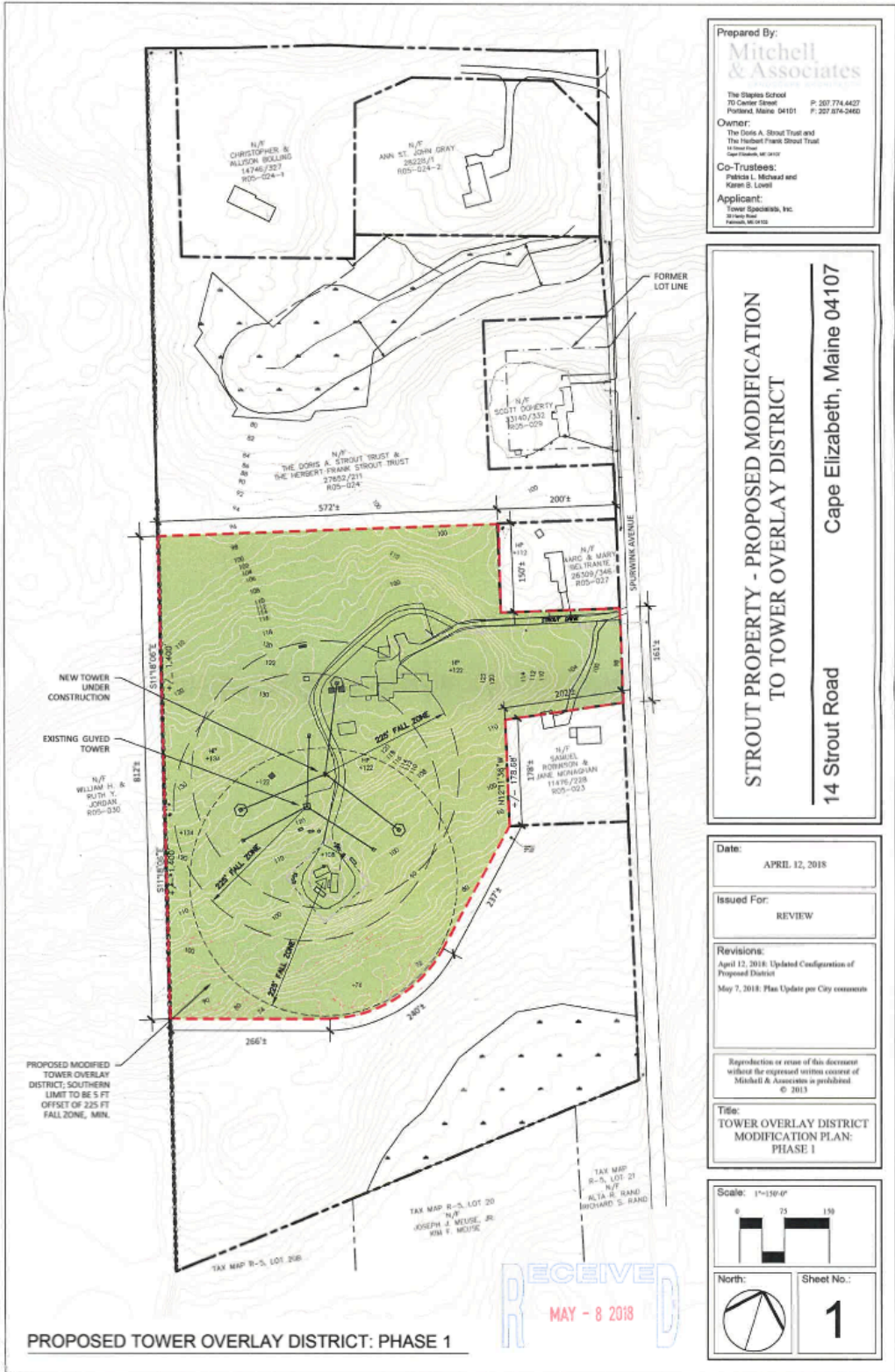
tower must be removed and the property owner must notify the town that the tower has been removed prior to April 1, 2020.

Attached are plans showing the Phase 1 and Phase 2 TOD boundaries.

Motion for the Board to Consider

BE IT ORDERED that, based on the plans and the facts presented, the Planning Board (recommends/ does not recommend) the 14 Strout Rd Tower Overlay District Zoning Amendment Phase 1 and Phase 2, with the stipulation that the Phase 2 zoning boundary will take effect after the Crowne Castle tower has been removed and not replaced and the property owner provides to the Town of Cape Elizabeth written notification confirming that the tower has been removed and not replaced no later than April 1, 2020.





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Owner:  
 The Doris A. Strout Trust and  
 The Herbert Frank Strout Trust  
 40 West Park  
 Cape Elizabeth, ME 04107

Co-Trustees:  
 Patricia L. McNeal and  
 Karen S. Lovell

Applicant:  
 Tower Specialties, Inc.  
 201 Main Street  
 Portland, ME 04102

**STROUT PROPERTY - PROPOSED MODIFICATION  
 TO TOWER OVERLAY DISTRICT**

**14 Strout Road  
 Cape Elizabeth, Maine 04107**

Date: APRIL 12, 2018

Issued For: REVIEW

Revisions:  
 April 12, 2018: Updated Configuration of  
 Proposed District  
 May 7, 2018: Plan Update per City comments

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Title:  
**TOWER OVERLAY DISTRICT  
 MODIFICATION PLAN:  
 PHASE 1**

Scale: 1"=150'-0"

North:   
 Sheet No.: **1**

**PROPOSED TOWER OVERLAY DISTRICT: PHASE 1**





