

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: July 16, 2019
SUBJECT: AT&T Antennas Site Plan Amendment

Introduction

AT&T is requesting site plan amendments to add antennas to the water tower (an "alternative tower structure") located at 11 Avon Rd. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Board should begin by having the applicant summarize any changes to the project plans.
- The Board should then open the public hearing which 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.

1. Utilization of the Site

The antennas will be installed on the existing water tower. The ground support structures will be installed within the fenced portion of the site. The existing naturally vegetated portion of the site is not proposed to be altered.

2. Traffic Access and Parking

- a. Adequacy of Road System- The applicant has estimated that 1-2 trips per month will be made to the site by maintenance technicians.
- b. Access into the Site- Existing access points will be used.
- c. Internal Vehicular Circulation-The existing circulation pattern will not be changed by this project

d. Parking Layout and Design- The site currently has a graveled area of sufficient size to accommodate 2+ vehicles. Verizon currently has a set of antennas on the water tower which also are serviced by maintenance technicians approximately 1-2 times a month. It is unlikely that service will occur at the same time, but in that event, the existing gravel area should be able to accommodate those vehicles temporarily.

3. Pedestrian Circulation

No change is proposed.

4. Stormwater Management

The applicant will be adding a 136 sq. ft. concrete pad, which will shed a miniscule amount of additional stormwater (too small to register as a change using existing stormwater modeling software). The boundary of the site, except for the driveway, has a naturally vegetated buffer which should allow stormwater to infiltrate into the ground.

5. Erosion Control

The applicant has provided an Erosion Control Plan for the site.

6. Utilities

The only utilities proposed for the site are installation of a new 200 amp electrical service to an existing multi meter bank. No water supply, sewage disposal or other solid waste disposal is proposed.

7. Shoreland Relationship

The property is not located in the Shoreland Overlay Performance District.

8. Landscaping and Buffering

At the site visit, the Planning Board and the applicant discussed possible additional fencing to be installed. Specifically, the Planning Board discussed adding fencing to reduce noise levels along the northeast property line. Installation of a 5'-6' high wood stockade fence located from the northerly termination of the split rail fence to the northeast corner of the chain link fence was discussed if the combined noise levels of all generators on the site exceed 45-55 decibels at the property line during

emergency operations. The Planning Board may want to consider a condition of approval that captures this option.

There is also a dead existing evergreen tree adjacent to the driveway which would improve buffering if it were replaced.

9. Exterior Lighting

The applicant has stated that no exterior lighting will be installed.

10. Signs

Except for safety signage required by federal law, no signage will be installed.

11. Noise

The applicant will be providing additional information regarding noise levels with all generators on the site in operation during emergencies. The Planning Board would like the applicant to maximize noise suppression efforts, while also recognizing that, except for maintenance, the generator will only operate during emergencies lasting longer than 6-8 hours, when battery life has been depleted.

12. Storage of Materials

No exterior storage of materials is proposed.

13. Technical and Financial Capacity

The Town Manager has commented that the applicant has sufficient financial capacity. The applicant is operating similar telecommunication facilities.

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

Under Sec. 19-3-2 (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)

The applicant is proposing to install antennas on an "alternative tower structure," the Portland Water District Water tower located on Avon Rd. The Zoning Ordinance provides the following definition:

Alternative Tower Structure: Mounting structures, such as, but not limited to, clock towers, bell steeples, utility and light poles, and water towers, that conceal the presence of antennas or towers and which are used primarily for purposes other than to support an antenna. (Effective April 15, 2000)

Because the definition includes "conceals the presence of antennas or towers," the Planning Board should consider making a finding that the application conceals the antennas.

Below is a summary of the project's compliance with the Tower and Antenna Performance Standards.

a. Colocation

The applicant may want to add a note 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. This approach should effectively "conceal" the telecommunication equipment.

c. Buffers

No disturbance to the existing vegetated buffer is proposed.

d. Lighting

No lighting is proposed.

e. Structural

Plans S-1 and S-2 include structural specifications.

f. Security

The site currently includes an 8' high security fence and locked gate around the base of the tower.

g. Advertising

No signage 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 for the proposed improvements.

Motion for the Board to Consider

Findings of Fact

1. AT&T is requesting site plan amendments to add antennas to the water tower (an "alternative tower structure") located at 11 Avon Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. The plan for the development (reflects/does not reflect) the natural capabilities of the site to support development.

3. Access to the development (will/will not) be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site (will/will not) be safe. Parking (will/will not) be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan does not provide for a system of pedestrian ways within the development because the site is not open to pedestrians due to federal safety rules.
5. The plan (does/does not) provide for adequate collection and discharge of stormwater.
6. The development (will/will not) cause soil erosion, based on the erosion control plans submitted by the applicant.
7. The development site will not be provided with potable water because the use of the site as a telecommunications facility does not require water.
8. The development will not be provided sewage disposal because the use of the site as a telecommunications facility does not require sanitary waste disposal.
9. The development (will/will not) be provided with access to electrical utilities.
10. The development (will/will not) locate, store or discharge materials harmful to surface or ground waters.
11. The development will not provide for on site disposal of solid wastes because the use of the site as a telecommunications facility does not require solid waste storage as any waste generated will be immediately removed from the site.
12. The development (will/will not) adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
14. The development (will/will not) provide for adequate exterior lighting without excessive illumination.

15. The development (will/will not) provide a vegetative buffer throughout and around the site and screening as needed.
16. The development (will/will not) substantially increase noise levels and cause human discomfort.
17. The use of shrouds and color coordinated cabling (conceals/does not conceal) the antennas.
18. The applicant (will/will not) will obstruct co-location by other providers, subject to adding a note to plan C-1 as required by this approval.
19. The proposed antennas (will/will not) blend into the surrounding environment through the use of color and camouflaging architectural treatment.
20. The existing vegetation (will/will not) provide a buffer and minimize visual impact.
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 8' high fence 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 at 11 Avon Rd on Monday, June 24, 2019 beginning at 5:30 pm.
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 AT&T to add antennas to the water tower (an "alternative tower structure") located at 11 Avon Rd be approved, subject to the following conditions:

1. That the applicant install a 5'-6' high solid wood fence located from the northerly termination of the split rail fence to the northeast corner of the chain link fence if the combined noise level for all generators on the site exceed 45 dbh between 10 pm and 7 am or 55 dbh between 7 am and 10 pm at the property line. The plans shall be amended to show the location of the fence and labeled optional as defined above;
2. That the dead tree adjacent to the access drive be replaced with a new evergreen tree;
3. That a note be added to the site plan C-1 that the applicant will not interfere with the colocation opportunities of other providers, in accordance with FCC regulations;
4. That a note be added to the site plan that all equipment will be removed after 12 months of cessation of use and that a performance guarantee be provided to cover the costs of removal;
5. 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.