

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

June 19, 2019

7:00 p.m. Town Hall

Present: Josef Chalot, Chair James Huebener
 Daniel Bodenski Carol Anne Jordan
 Peter Curry Andrew Gilbert
 Jonathan Sahrbeck

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Chalot called the meeting to order and asked for the approval of the minutes of May 21, 2019. The minutes were approved as presented, 7-0.

NEW BUSINESS

AT&T/11 Avon Rd site plan amendment - AT&T is requesting site plan amendments to 11 Avon Rd to install antennas on the water tower and ground support equipment, Sec. 19-9, Site Plan Completeness.

Mr. Chalot asked Ms. O'Meara to comment on an email they have received which raised the issue of whether this is a non-conforming lot and needs a variance from the Zoning Board.

Ms. O'Meara said there is already a Verizon antenna and prior to the Planning Board granting approval for that, there was a significant amount of litigation regarding the Zoning Board of Appeals decision. That whole issue of whether or not this is an alternative tower structure was already litigated. The issues of a non conforming lot have already been decided and you are looking at antennas being added to a site that has already been approved for telecommunications.

Ted Small, counsel for the applicant, described the project. They propose to add new antennas to the existing water tower that will close some communications gaps in existing coverage. This project will be part of AT&T's first net infrastructure which would provide first responders with exclusive coverage in an emergency.

There will be a small new pad installed, 18ft X 17 ft. in size, which will not cause any erosion. The lighting has been removed from the proposal. Any additional noise will have a fence and a sound barrier. The generator will only

come on when there is a loss of power for over 6-8 hours. When the batteries are recharged it will shut off. He also noted that the generator will only come on during a power outage and there will be other generators coming on in the area.

Mr. Chalot opened the public comment period. No one came forth to speak, so the public comment period was closed.

Mr. Curry asked if this will serve any of the new 5G communications.

Kristen LeDuc said 5G and first net will be included in this site.

Sohail Usmani said this will support 5G.

Mr. Gilbert asked if they can deem this complete without more information about the noise levels.

Ms. O'Meara said it is up to the Board to decide if it's complete, but completeness does not necessarily mean that the standards have been met. She quoted the standards for the noise levels.

There was more discussion around the noise levels and Ms. Jordan said they need to decide if they have enough information to move this forward.

Mr. Bodenski asked if they test the generator on a regular basis.

Ms. LeDuc said they will test it monthly and try to synchronize that to not overlap with the Verizon's testing schedule.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of AT&T to install antennas on the water tower located at 11 Avon Rd be deemed complete.

Mr. Huebener seconded the motion and it passed, 7-0.

Ms. Jordan said they would like more detail on the noise in the final submission.

Mr. Sahrbeck asked if they have maximized the buffers they could put around the generator.

Ms. LeDuc said when the generator is in, they will do everything they need to do to comply with the ordinance.

Mr. Sahrbeck said he would like them to maximize the buffering.

There was further discussion of the noise from generators and suggestions on mitigating the noise.

Ms. O'Meara reminded the applicant that the standard is to measure the noise at the property line, not proximity to neighbors.

Ms. Jordan asked if the site will be functional with your proposal to remove the light from the plan.

Ms. LeDuc said the people who service the site will all have flashlights.

Mr. Usmani showed coverage maps of current coverage and what the coverage will be after this project. He also said the terrain map shows that there are areas where the coverage cannot reach. The water tower is not high enough to provide reliable coverage to the areas to the south.

Mr. Huebener said he would have expected more improvement in coverage.

Ms. O'Meara asked if the inability to improve coverage to the south is just due to topography or is it also a consequence of how you have chosen to place/aim your antennas on the water tower.

Mr. Usmani said it is due to the height of the water tower and that the terrain dips and rises.

The board scheduled a site walk for July 24 at 5:30 p.m.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that the application of AT&T to install antennas on the water tower located at 11 Avon Rd be tabled to the July 16, 2019 meeting of the Planning Board at which time a public hearing will be held.

Ms. Jordan seconded the motion and it was approved, 7-0.

The Board voted 7-0 to adjourn at 7:50 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary