

Town of Cape Elizabeth Town Council  
320 Ocean House Road  
Cape Elizabeth, ME 04107

March 1, 2018  
Hand Delivered

## **Application for Rezoning**

**Applicant:** Tower Specialists, Inc. with a mailing address of 39 Hardy Road, Falmouth, ME 04105

**Property Owner:** Doris A. Strout Trust and the Herbert Frank Strout Trust with a mailing address of 2 Hawthorne Place # 10-J, Boston, MA 02114

**Tower Overlay District Location:** 14 Strout Road – Map R05 Lot 24 and a portion of 341 Spurwink Ave Map R05, Lot 29

## **Property Description**

Enclosed is our application to the Town of Cape Elizabeth Town Council for a proposed zone change for the existing Tower Overlay District encompassing the entire parcel at 14 Strout Road, Map R05, Lot 24 as well as a small portion of Lot 29. The entire 25 +/- acre parcel is Residence A and abuts the Residence B (RB) district to the West. To the North there is a section of Resource Protection 2 (RP-2) within the RB district. To the South there is a section of Shoreland Zoning triggered by Jordan Pond as well as more RP-2 wetland within the RB district. To the East is Spurwink Avenue with a mix of RA and RB districts located on the other side of the street. The Town considers Spurwink Avenue a Rural Connector Street. The proposed tower and support equipment area are more than 400 feet from any RP-2 or Shoreland Zones

## **History**

In 1942, longtime Cape Elizabeth resident, Herb Strout, established Community Radio for home radio repair. This transitioned into TV and later 2-way radio repair for both business and emergency services. In 1953 Herb purchased a 32-acre piece of property off Spurwink Ave, now known as 14 Strout Road, to create Cape Elizabeth's first commercial tower site. This site is still vital today and will continue to be into the future. Herb's son, Paul, founded Tower Specialists, Inc. (TSI) in 1965, just after graduating from Cape High, creating the second generation entering the tower field. TSI, a Veteran owned company, specialized in tower construction for emerging technologies; first there was FM radio, then cable TV, and finally cellular telephones. Paul's son Justin became the third generation to carry on the family tradition and has been involved in tower construction for the last 25 years. Paul and Justin are currently constructing the new 180' tower that was approved as The Strout Tower Consolidation Project by the Planning Board in September of 2017.

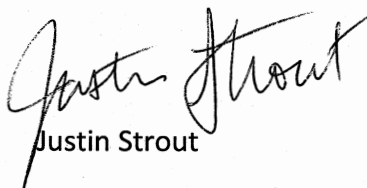
## Characteristics of the Property

Currently the site is developed with seven towers (including the one under construction now) with heights of, 68 feet, 93 feet, 104 feet, 150 feet, and three at 180 feet. There is also one residence located on the parcel along with several outbuildings, there are no proposed changes in use. The towers are used for a mix of commercial and public telecommunications services; including Federal Aviation Administration (FAA), AT&T, Verizon, T-Mobile, Sprint, US Cellular, Central Maine Power, Redzone Wireless, and other local tenants that provide essential services for the citizens of the Town. Construction of the new 180' tower will be completed soon, the process of decommissioning five of the existing seven towers has started and in the end, only two 180' towers will remain. This allows us to minimize the long-term impact on the Cape Elizabeth skyline, while installation of the new tower prior to removing all the older towers allows us to ensure uninterrupted network coverage for both public and commercial telecommunications. Four of the towers will be taken down in 2018 and removal of the fifth and final tower will be completed by the end of 2019. This will leave the site with Two 180' towers capable of supporting existing needs while allowing for all future colocation in the North-West quadrant of Town. The site at 14 Strout Road has been specifically designed with future expansion in mind, allowing for a smooth transition for anyone looking to colocate in the area.

## Zone Change Request

We respectfully request that the Town Council amend the current TOD as depicted in the included drawings. When the property was originally rezoned, we were not aware that just a portion of the parcel could be TOD, but the recent approval on the Jordan property at 19 Wells Road for Crown Castle made it clear that we are able to minimize the size. This allows for the current towers and at least one additional tower to be sited on the highest point of land Cape Elizabeth has to offer. The rest of the parcel is much lower in elevation and has no advantage or reason to be labeled as TOD. We feel that this requested zoning amendment is consistent with the Comprehensive Plan and the Zoning Ordinance as stated in Section 19-1-2.

Thank you in advance for your time, we look forward to any discussions with the Town Council, Planning Board, and any members of the public.

  
Justin Strout

LIMITED DURABLE POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that we, **Patricia L. Michaud**, with a mailing address of 2 Hawthorne Place # 10-J, Boston, MA 02114 and **Karen B. Lovell**, with a mailing address of PO Box 1179, Saco, ME 04072, in our capacities as Co-Trustees of the Herbert Frank Strout Trust, u/a dated August 30, 1974, As Amended, and as Co-Trustees of the Doris A. Strout Trust u/a dated March 10, 2010, (the "Trusts"), said Trusts being the owners of the real estate located in Cape Elizabeth, Cumberland County, Maine, located at 14 Strout Road, Cape Elizabeth, Maine, and identified in the tax assessment records of Cape Elizabeth, Maine as Map R05, Lot 24, hereby appoint **Paul J. Strout, Justin Strout and Tower Specialists, Inc.**, with a mailing address of 39 Hardy Road, Falmouth, ME 04105 as our Agents, and as Agents for the Trusts, to act on our behalf in our capacities as Trustees of the Trusts, for the following purposes:

To take any action on our behalf, in our capacities as Trustees, as is necessary or advisable related to any application submitted to the Town of Cape Elizabeth's Town Council or Planning Board seeking approval to construct cell phone towers and related equipment, or amendment of the existing Tower Overlay District on the 14 Strout Road property, and any amended or subsequent applications related to these purposes, including but not limited to: preparing and signing applications on our behalf; hiring and working with consultants, including but not limited to land use consultants and surveyors; attending municipal meetings and presenting and advocating for any and all pending permitting applications; meeting on our behalf with staff and employees of the Town of Cape Elizabeth, including but not limited to code enforcement and planning staff, and taking any and all other actions as are necessary or appropriate in connection with the 14 Strout Road cell phone tower permitting processes.

A copy of the deed dated March 10, 2010, by which Herbert F. Strout and Doris A. Strout conveyed the 14 Strout Road property to us as Trustees of the Trusts is attached to this Limited Durable Power of Attorney to substantiate our right, title and interest to that property, and our authority to delegate the actions identified in this Power of Attorney. Herbert F. Strout and Doris A. Strout were initially Co-Trustees of their Trusts, along with the two of us. Herbert F. Strout died on March 31, 2014, and Doris A. Strout died on October 26, 2014, leaving the two of us as the sole remaining Co-Trustees.

Each of the Agents may act alone, without the signature or consent of the others.

This POWER OF ATTORNEY shall become effective as of the date it is signed and shall not be affected by any disability, incapacity or incompetence of either of us, or by any lapse of time. Any action taken in good faith pursuant to the foregoing authority without actual knowledge of the death of either of us, or of revocation of this power of attorney, shall be binding upon us in my capacities as Trustees, and on the Trusts. Any person, organization, corporation, or entity ("such Person") who acts in accordance with the instructions of any of the Agents shall be held harmless by us from any loss suffered, or liability incurred, by such Person for acting in accordance with such instructions prior to receipt by such Person of actual notice of the revocation of this power of attorney.

**Notice to the Principal:** As the "Principal," you are using this power of attorney to grant power to another person (called the "Agent") to make decisions about your property and to use your property on your behalf. This power of attorney gives your Agent broad authorization to sell or otherwise dispose of your property without notice to you. Under this document, your Agent will continue to have these powers after you become incapacitated. The powers that you give your Agent are explained more fully in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5 Part 9. You have the right to revoke this power of attorney at any time as long as you are not incapacitated. If there is anything about this power of attorney that you do not understand, you should ask a lawyer to explain it to you.

**Notice to the Agent:** As the "Agent", you are given authority under this power of attorney to make decisions about the property belonging to the Principal and to dispose of the Principal's property on his behalf, in accordance with the terms of this power of attorney. This power of attorney is valid only if the Principal is of sound mind when the Principal signs it. When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the Principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. The duties are more fully explained in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5, Part 9; Title 18-B, Sections 802 to 807; and Title 18-B Chapter 9. As the Agent, you are generally not entitled to use the Principal's property for your own benefit or to make gifts to yourself or others unless the power of attorney gives you such authority. If you violate your duty under this power of attorney you may be liable for damages and may be subject to criminal prosecution. You must stop acting on behalf of the Principal if you learn of an event that terminates this power of attorney or your authority under this power of attorney. Events of termination are more fully explained in the Maine Uniform Power of Attorney Act and include, but are not limited to, revocation of your authority or of the power of attorney by the Principal, the Principal's death, or the commencement of divorce proceedings between you and the Principal. If there is anything about this power of attorney or your duties under it that you do not understand, you should ask a lawyer to explain it to you.

IN WITNESS WHEREOF, we, **Patricia L. Michaud** and **Karen B. Lovell**, in their capacities as Co-Trustees of the Herbert Frank Strout Trust and the Doris A. Strout Trust, have signed this Limited Durable Power of Attorney on the dates shown below.



**Patricia L. Michaud**  
Co-Trustee  
The Herbert Frank Strout Trust  
The Doris A. Strout Trust



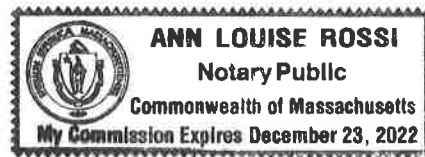
**Karen B. Lovell**  
Co-Trustee  
The Herbert Frank Strout Trust  
The Doris A. Strout Trust

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF SUFFOLK

November 28, 2017

Personally appeared the above-named **Patricia L. Michaud** and acknowledged the foregoing power of attorney to be her free act and deed, in her capacity as Co-Trustee of the Herbert Frank Strout Trust and the Doris A. Strout Trust.

*Ann Louise Rossi*



STATE OF MAINE  
COUNTY OF YORK

November 28, 2017

Personally appeared the above-named **Karen B. Lovell** and acknowledged the foregoing power of attorney to be her free act and deed, in her capacity as Co-Trustee of the Herbert Frank Strout Trust and the Doris A. Strout Trust.

*Jessica L. Pride*

Notary Public

JESSICA L. PRIDE  
NOTARY PUBLIC  
State of Maine  
My Commission Expires  
August 10, 2022

**SHORT FORM QUITCLAIM DEED WITHOUT COVENANT**

**Herbert F. Strout and Doris A. Strout** of Cape Elizabeth, Maine (collectively, "Grantors") WITHOUT CASH CONSIDERATION, grant a one-half interest in common and undivided to **Patricia L. Michaud** of Boston, MA, **Karen B. Lovell** of Portland, ME and **Herbert F. Strout** whose mailing address is 14 Strout Road, Cape Elizabeth, ME 04107 as **Trustees of the Herbert Frank Strout Trust**, u/a dated August 30, 1974, as amended, and a one-half interest in common and undivided to **Patricia L. Michaud** of Boston, MA, **Karen B. Lovell** of Portland, ME and **Doris A. Strout** whose mailing address is 14 Strout Road, Cape Elizabeth, ME 04107 as **Trustees of the Doris A. Strout Trust u/a dated March 10, 2010**. (collectively, "Grantee"), in and to, certain real property, together with any improvements thereon, located in the Town of Cape Elizabeth, Cumberland County, Maine and more particularly described on Exhibit A attached hereto and made a part hereof.

Being a portion of the premises conveyed to the Grantors by deed from Marion A. Leeman dated July 29, 1952 and recorded in the Cumberland County Registry of Deeds in Book 2094, Page 248.

WITNESS our hands and seals this 10<sup>th</sup> day of March, 2010.

WITNESS:

*Karen B. Lovell*  
Name:

*Herbert F. Strout*  
Herbert F. Strout

*to both*  
Name:

*Doris A. Strout*  
Doris A. Strout

State of Maine  
County of Cumberland, ss.

March 10, 2010

PERSONALLY APPEARED the above-named Herbert F. Strout and Doris A. Strout and acknowledged the foregoing instrument to be their free act and deed.

Before me,

*Staci Kangas*  
Name:

Notary Public / ~~Attorney at Law~~

**SEAL**

**STACI LOUISE KANGAS**  
Notary Public, Maine  
My Commission Expires July 21, 2013

## EXHIBIT A

A certain lot or parcel of land together with the buildings thereon, situated on the westerly side of Spurwink Avenue in the Town of Cape Elizabeth, County of Cumberland and State of Maine, more particularly bounded and described as follows:

Beginning at the northwesterly corner of Spurwink Avenue and land formerly of Charles F. Jordan at a stone wall; thence westerly along said stone wall by land formerly of said Charles F. Jordan seven hundred seventy-eight (778) feet, more or less, to land formerly of Nathaniel Dyer; thence southerly following aforesaid stone wall and land formerly of said Dyer, two thousand seventy-five (2,075) feet, more or less, to an iron stake in the center of brook; thence southeasterly along the center of said brook to an iron stake on the westerly side of said Spurwink Avenue; thence northerly along the westerly side of said Spurwink Avenue one thousand eight hundred fifty (1,850) feet, more or less, to the point of beginning.

Specifically included in this conveyance is the approximately 21 foot by 200 foot parcel of land as described in deed from Ruth E. Leeman and Pauline F. Postle to Marion A. Leeman dated September 25, 1945 and recorded in the said Cumberland Registry in Book 1974, Page 87.

EXCEPTING AND RESERVING from the above described premises the following parcels of land:

1. A certain lot of land conveyed by Herbert F. Strout and Doris A. Strout to Peter B. Strout, et al. by deed dated November 17, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9397, Page 32. Said lot is shown as Tax Map # R-05, Lot 29, on the 2009 Tax Maps for the Town of Cape Elizabeth.
2. A certain lot of land, being subject to a right of way 15 feet in width (said right of way being in common with others) as described in deed from Marion A. Leeman to Clifford S. Leeman dated September 25, 1945 and recorded in the said Cumberland Registry in Book 1794, Page 85. Said lot is shown as Tax Map # R-05 Lot 27, on the 2009 Tax Maps for the Town of Cape Elizabeth.
3. A certain a right of way 15 feet in width (said right of way being in common with others) as described in a deed from Marion A. Leeman to Ruth E. Leeman dated September 25, 1945 and recorded in the said Cumberland Registry in Book 1794, Page 86.
4. A certain lot of land together with a right of way 15 feet in width (said right of way being in common with others) as described in a deed from Ruth E. Leeman and Pauline F. Postle York to Henry C. Hey and Elva M. Hey dated December 20, 1946 and recorded in the said Cumberland Registry in Book 1853, Page 64. Said parcel is shown as Tax Map # R-05 Lot 23, in the 2009 Tax Maps for the Town of Cape Elizabeth.

5. A parcel of land as described in a deed from Herbert F. Strout and Doris A. Strout to Fitzpatrick Associates dated June 17, 1998 and recorded in said Cumberland Registry in Book 13914, Page 32. Said lot is shown as Tax Map # R-05, Lot 24-2, in the 2009 Tax Maps for the Town of Cape Elizabeth.
6. A parcel of land as described in a deed from Herbert F. Strout and Doris A. Strout to Fitzpatrick Associates dated June 17, 1998 and recorded in said Cumberland Registry in Book 13914, Page 34. Said lot is shown as Tax Map # R-05, Lot 24-1, in the 2009 Tax Maps for the Town of Cape Elizabeth.

The premises herein conveyed is subject to an Easement Deed conveyed to to Verizon New England, Inc. dated August 28, 2001 and recorded in said Cumberland Registry in Book 16742, Page 65.

Received  
Recorded Register of Deeds  
Mar 17 2010 02:32:21P  
Cumberland County  
Pamela E. Lovley



## Adjoining Property Owners

REBECCA WOLL  
THOMAS KROPF  
2 STROUT ROAD  
CAPE ELIZABETH, ME 04107

SAMUEL ROBINSON  
JANE MONAGHAN  
353 SPURWINK AVENUE  
CAPE ELIZABETH, ME 04107

SCOTT DOHERTY  
341 SPURWINK AVENUE  
CAPE ELIZABETH, ME 04107

DAVID TWITCHELL  
CHERYL TWITCHELL  
369 SPURWINK AVENUE  
CAPE ELIZABETH, ME 04107

NICOLAS LUDINGTON III  
1 DEER RUN ROAD  
CAPE ELIZABETH, ME 04107

JACQUELYN MURRAY  
3 DEER RUN ROAD  
CAPE ELIZABETH, ME 04107

PENELOPE JORDAN  
CAROL ANN JORDAN  
WILLIAM JORDAN  
PAM BUTTERFIELD  
21 WELLS ROAD  
CAPE ELIZABETH, ME 04107

CHRISTOPHER BOLLING  
ALISON BOLLING  
2 GREENVIEW DRIVE  
CAPE ELIZABETH, ME 04107

ANN ST JOHN GRAY  
4 GREENVIEW DRIVE  
CAPE ELIZABETH, ME 04107



# TOWN OF CAPE ELIZABETH

P.O. BOX 6260  
320 OCEAN HOUSE ROAD  
CAPE ELIZABETH, MAINE 04107-0060

MATTHEW E. STURGIS  
*Town Manager*

P: 207-799-1619

E-Mail: [matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)

Website: [www.capeelizabeth.com](http://www.capeelizabeth.com)

August 14, 2017

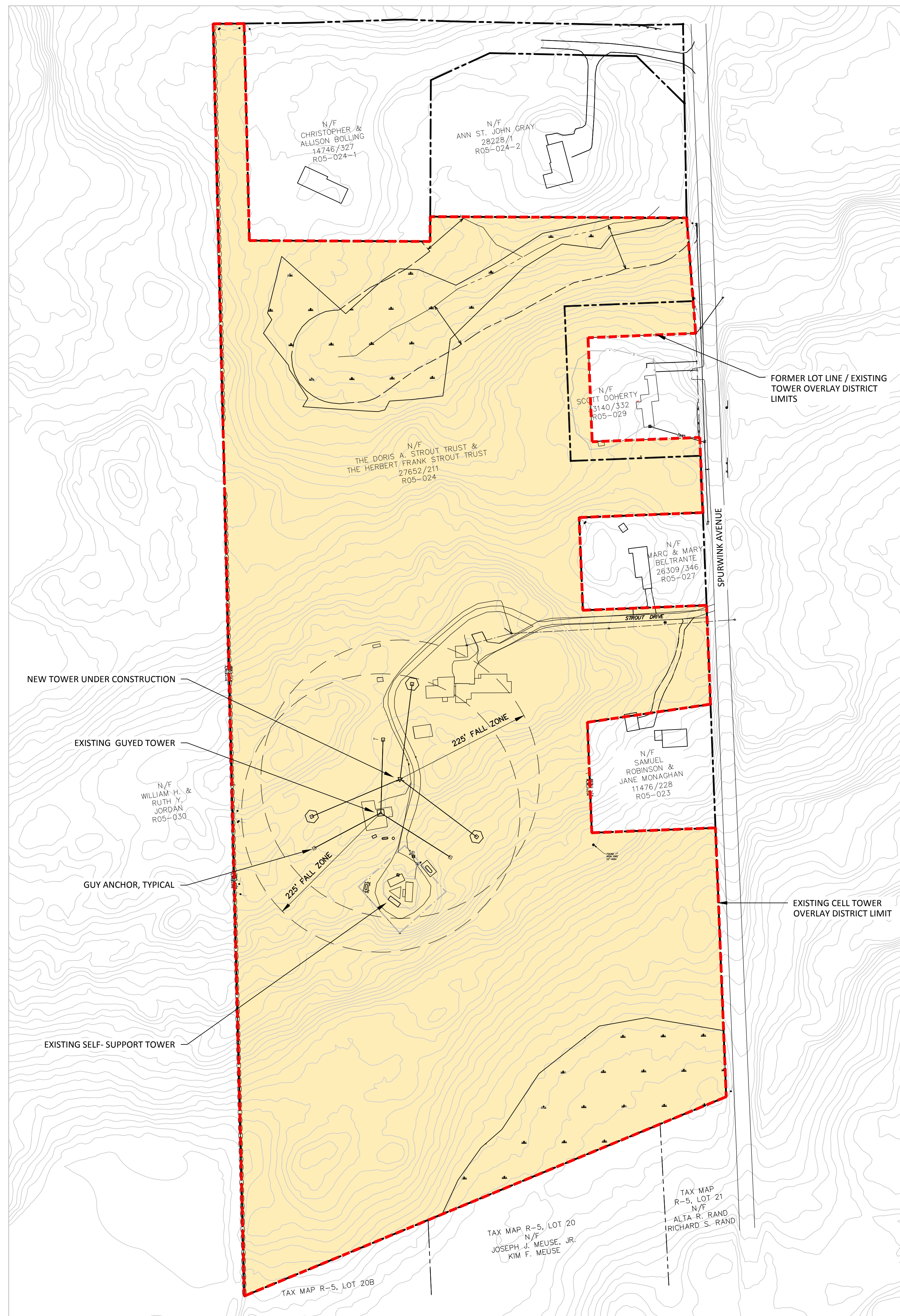
Maureen O'Meara  
Town Planner  
Town of Cape Elizabeth  
PO Box 6260  
Cape Elizabeth, ME 04107

Dear Maureen:

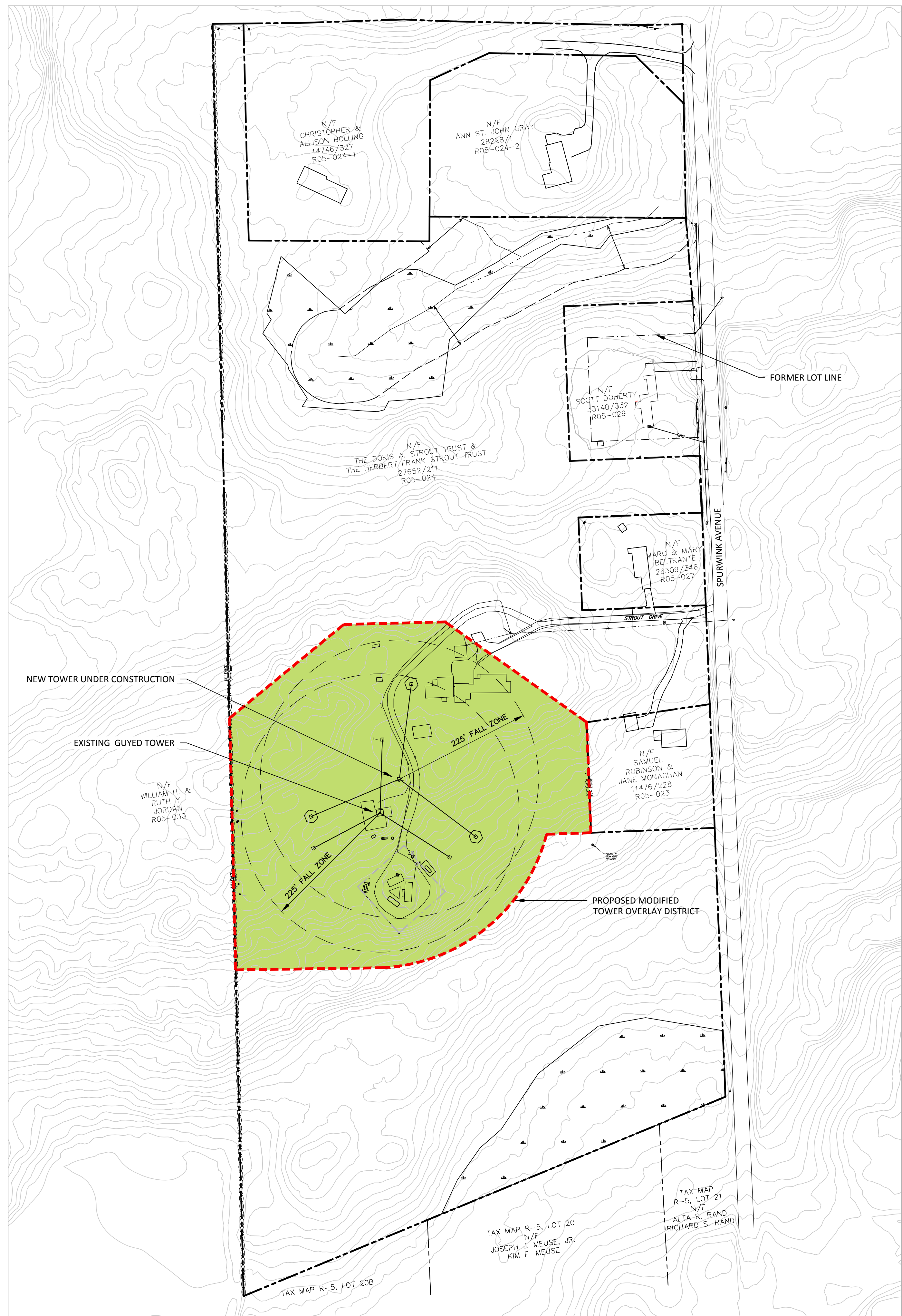
This letter is written to advise the Planning Board that I have met with Mr. Strout regarding Tower Specialists' financial capacity. Mr. Strout provided me information from his lending institution that indicates Tower Specialists has the financial capability to accomplish their project.

Best regards,

Matthew E Sturgis, CMA  
Town Manager



EXISTING TOWER OVERLAY DISTRICT



PROPOSED TOWER OVERLAY DISTRICT

Prepared By:  
**Mitchell & Associates**  
 ARCHITECTS  
 The Staples School  
 70 Center Street  
 Portland, Maine 04101 P: 207.774.4427 F: 207.874.2460  
 Owner:  
 The Doris A. Strout Trust and  
 The Herbert Frank Strout Trust  
 14 Strout Road  
 Cape Elizabeth, ME 04107  
 Co-Trustees:  
 Patricia L. Michaud and  
 Karen B. Lovell  
 Applicant:  
 Tower Specialists, Inc.  
 20 North Road  
 Falmouth, ME 04105

**STROUT PROPERTY - PROPOSED MODIFICATION TO TOWER OVERLAY DISTRICT**  
 14 Strout Road  
 Cape Elizabeth, Maine 04107

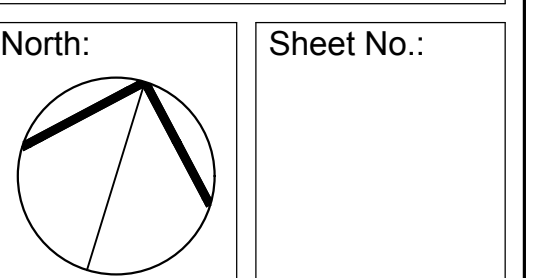
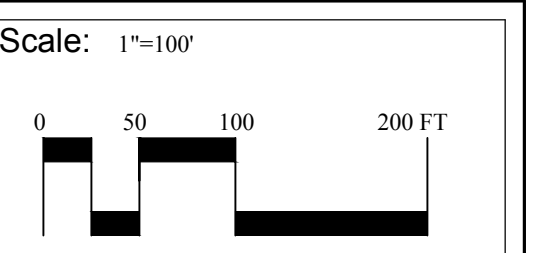
Date: FEBRUARY 28, 2018

Issued For: REVIEW

Revisions:

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Title: TOWER OVERLAY DISTRICT MODIFICATION PLAN



**EXHIBIT A**  
**Proposed Zoning Change Area**

A description of a proposed zone over a certain lot or parcel of land situated on the westerly side of, but not adjacent to, Spurwink Avenue in the Town of Cape Elizabeth, County of Cumberland, and State of Maine shown on Exhibit B – Proposed Zone Change on Strout Property by Sebago Technics, Inc. (Project number 16060) dated February 26, 2018 and being more particularly bounded and described as follows:

Beginning the northwesterly corner of land now or formerly of Samuel Robinson & Jane Monaghan as described in deed book 11476, page 228, being S 71°-43'-24" W, a distance of 201.13 feet along the northerly sideline of Robinson and Monaghan from the westerly sideline of Spurwink Avenue;

Thence S 12°-11'-36" E, along land of Robinson and Monaghan, a distance of 178.68 feet;

Thence S 78°-05'-38" W, a distance of 71.57 feet;

Thence along a non-tangential curve to the right, having a radius of 288.98 feet an arc length of 376.08 feet and having a chord of S 41°-52'34" W, 350.10 feet to a point of tangency;

Thence S 79°-09'-31" W, a distance of 228.01 feet;

Thence N 11°-18'-06" W, a distance of 407.28 feet;

Thence N 40°-40'-10" E, a distance of 238.88 feet;

Thence N 78°-32'-26" E, a distance of 163.87 feet;

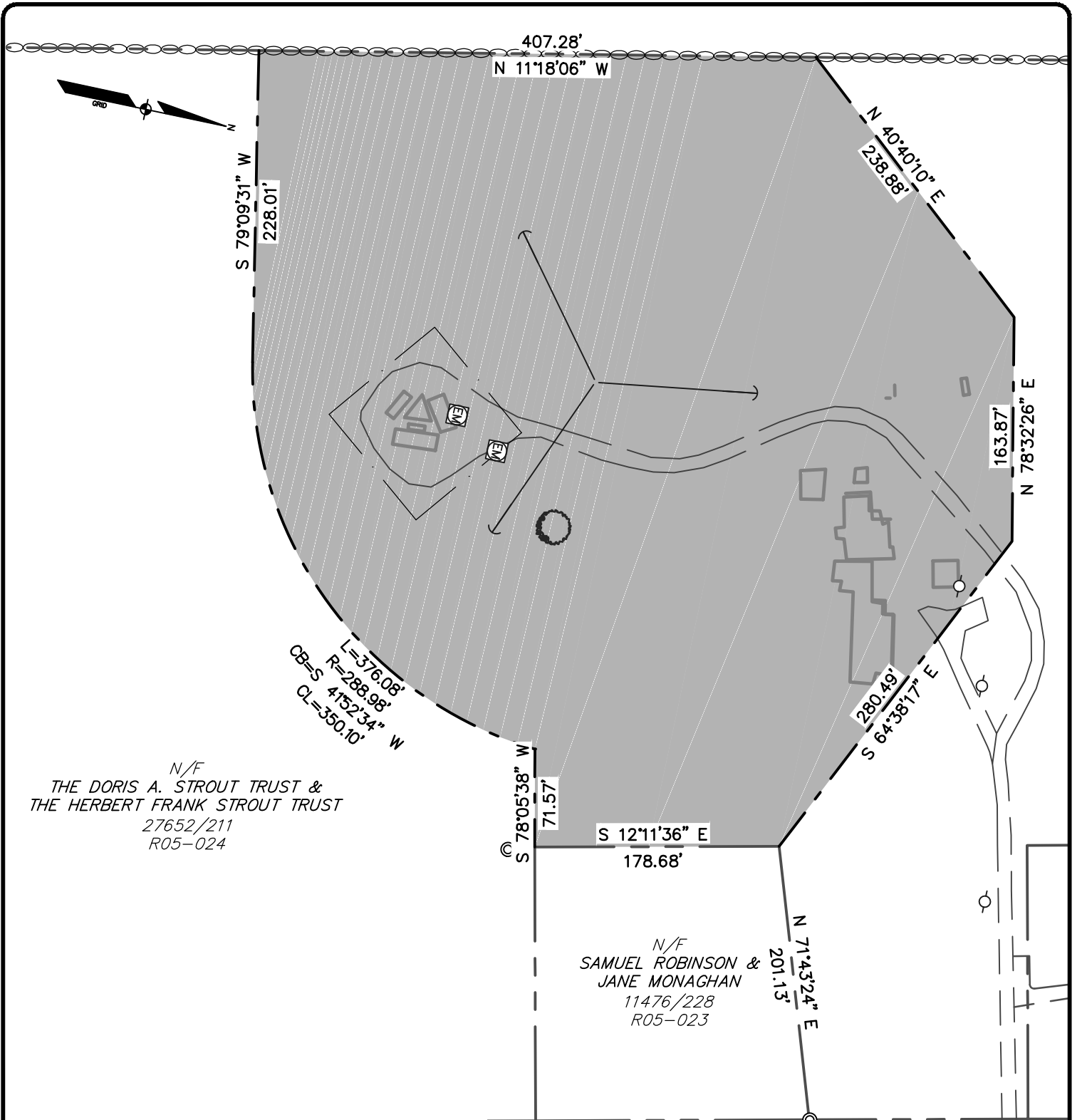
Thence S 64°-38'-17" E, a distance of 280.49 feet to the Point of Beginning.

The total area of the above-described parcel is approximately 258,712 square feet or 5.94 acres.

Meaning and intending to describe a portion of the land described in a deed to The Doris A Strout Trust & The Herbert Frank Strout Trust recorded in the Cumberland County Registry of Deeds in Book 27652, Page 211.

Bearings herein are based on Grid North.

CLQ/MWE  
February 27, 2018



## GENERAL NOTES:

1. THIS EXHIBIT IS INTENDED TO SHOW THE PROPOSED ZONE CHANGE AREA.

16060EC.dwg, TAB:Exhibit B

**SEBAGO**  
TECHNICS

WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd.  
Suite 4A  
South Portland, ME 04106  
Tel. 207-200-2100

EXHIBIT B - PROPOSED ZONE CHANGE  
ON STROUT PROPERTY

LOCATION:  
341 SPURWINK AVENUE  
CAPE ELIZABETH, MAINE

FOR:  
TOWER SPECIALISTS  
35 HARDY RD., FALMOUTH, MAINE

SCALE: 1" = 100'

DATE: 2/26/18

SHEET:  
1 OF 1



# TOWN OF CAPE ELIZABETH

ASSESSING/CODES/PLANNING  
P.O. BOX 6260  
320 OCEAN HOUSE ROAD  
CAPE ELIZABETH, MAINE 04107-0060

799-1619  
AREA CODE 207  
www.capeelizabeth.com  
maureen.omeara@capeelizabeth.org

September 22, 2017

Justin Strout  
Tower Specialists Inc.  
39 Hardy Rd  
Falmouth, Maine 04105

Re: Strout Tower Consolidation Plan

Dear Mr. Strout:

At the September 19, 2017 meeting, the Cape Elizabeth Planning Board approved the following findings of fact and motion:

## Findings of Fact

1. Tower Specialists Inc. are proposing to construct a new 180' tall telecommunications tower located at 14 Strout Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. The plan for the development is consistent with the natural capabilities of the site to support development.
3. Access to the development will be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site will be safe. Adequate provision for parking will be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The telecommunication infrastructure and operations on the site are incompatible with pedestrian access, therefore, no facilities for pedestrians are provided.
5. The plan does provide for adequate collection and discharge of stormwater.

6. The development will not cause soil erosion, based on the erosion plan submitted.
7. The telecommunications infrastructure and operations on the site do not require access to potable water.
8. The telecommunications infrastructure and operations on the site do not require sewage disposal.
9. The development will be provided with access to utilities.
10. The development will not locate, store or discharge materials harmful to surface or ground waters.
11. The telecommunications infrastructure and operations on the site do not require disposal of solid wastes.
12. The development will not adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant has demonstrated adequate technical and financial capability to complete the project.
14. The development will provide for adequate exterior lighting without excessive illumination.
15. The development will provide a vegetative buffer throughout and around the site and screening as needed.
16. The development will not substantially increase noise levels and cause human discomfort.
17. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping.
18. 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 Tower Specialists Inc. to construct a new 180' tall telecommunications tower located at 14 Strout Rd. and removal of a 180' tall tower and 4 shorter towers be approved, subject to the following conditions:

1. That the plans be revised as recommended in the Town Engineer's letter dated September 13, 2017.

2. That the entire length of the driveway have a minimum traveled way of 14' wide and be constructed with sufficient gravel base or other material satisfactory to the Town Engineer, to support town emergency vehicles.
3. That a road maintenance agreement be provided in a form acceptable to the Town Attorney, Town Fire Chief and Town Manager and signed by the applicant that requires a turnaround be maintained of adequate size and radius to accommodate town emergency vehicles and include a provision for snow plowing.
4. That the applicant must provide, after the installation of 1 generator, projected dba levels (not to exceed 45 dba) at the property line with each additional generator for the total dba level at the property line for all generators associated with the proposed 180' tower. Sound blocking fencing, staggered scheduling for "exercising" generators, and other methods shall be employed to limit dba levels at the property line to no more than 45 dba.
5. That there be no alteration of the site nor issuance of a building permit until a performance guarantee has been submitted in an amount acceptable to the Town Engineer, in a form acceptable to the Town Attorney and all acceptable to the Town Manager.
6. That there be no alteration of the site nor issuance of a building permit until the above conditions have been satisfied by submission of plans and materials to the town planner and notification by the town planner that all conditions have been met.

The site plan approval is valid for one year and will expire on September 20, 2018 if a building permit is not issued or a request to extend the approval is not forwarded to the Planning Board prior to the expiration date.

Sincerely,

Handwritten signature of Josef Chalot in blue ink, with the initials 'mzo' written below the name.

Josef Chalot  
Acting Planning Board Chair

cc: Matt Sturgis  
Ben McDougal  
Clint Swett



| Application Number: | Date Issued:     | Permit Number: | Fees:  | Payments:   | Check#: | Date Paid:        |
|---------------------|------------------|----------------|--------|-------------|---------|-------------------|
| 17-00855            | January 11, 2018 | 180323         | \$1250 | \$ 1,250.00 | Check   | December 29, 2017 |

**DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK**  
**TOWN OF CAPE ELIZABETH**

**CODE ENFORCEMENT OFFICE**

This is to certify that **JUSTIN STROUT/TOWER SPECIALISTS, INC.**

**Parcel ID: R0502400000**

**Has permission for other**

**Work Description: CONSTRUCTION OF NEW 180' COMMUNICATIONS TOWER AND SUPPORT EQUIPMENT AREA.  
!CONDITION: STRUCTURAL CERTIFICATION FROM PE PRIOR TO CO!**

Provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the statutes of Maine and of the Ordinances of the TOWN OF CAPE ELIZABETH regulating the construction, maintenance and use of buildings and structures, and with the approval granted

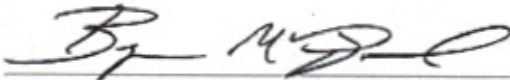
**IMPORTANT NOTICE**

Notification for inspection must be given and permission procured before any structure or part thereof is lathed or otherwise closed in, unless waiving of these requirements is indicated

**IMPORTANT NOTICE**

A certificate of occupancy must be procured by owner before this building or part thereof is occupied, unless waiving of such requirement is indicated in the space below

Signature:



Ben McDougal, Code Enforcement Officer

CONDITION:  
STRUCTURAL  
CERTIFICATION  
FROM PE PRIOR  
TO CO.

1/10/17 BTM  
APPROVED



TOWN OF CAPE ELIZABETH

RECEIVED  
DEC 29 2017  
PRINT

Phone: 207-799-1619  
Email: Benjamin.mcdougal@capeelizabeth.org

call when approved

BUILDING PERMIT APPLICATION # 180323

AP R05 LOT 24 LOT SIZE 25 acres

LOCATION \_\_\_\_\_

OWNER Herbert Frank Strout and Doris A. Strout Trusts

OWNER ADDRESS 2 Hawthorne Place #10-J, Boston, MA 02114

TELEPHONE HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL \_\_\_\_\_

APPLICANT Justin Strout on behalf of Tower Specialists, Inc.

APPLICANT ADDRESS 39 Hardy Rd, Falmouth, ME 04105

TELEPHONE WORK \_\_\_\_\_ CELL 207-797-9370 EMAIL justin@mainetower.com

CONTRACTOR Tower Specialists, Inc.

ADDRESS 39 Hardy Rd, Falmouth, ME 04105

TELEPHONE WORK 207-797-8325 CELL \_\_\_\_\_ EMAIL paul@towerspecialists.com

APPLICATION TYPE:

\_\_\_ NEW SINGLE FAMILY DWELLING \_\_\_ NEW CONDO / APARTMENT

\_\_\_ MULTI FAMILY DWELLING \_\_\_ ADDITION

\_\_\_ RELOCATION \_\_\_ NEW ACCESSORY STRUCTURE \_\_\_ REMODEL

\_\_\_ REPAIR \_\_\_ REPLACEMENT \_\_\_ POOL  OTHER (PLEASE DESCRIBE)

180' Communications Tower

WILL THE PROJECT DISTURB ONE ACRE OR MORE OF LAND AREA? \_\_\_ YES  NO

FAIR MARKET VALUE OF CONSTRUCTION COSTS \$ 125,000

PERMIT FEE \$ 1,250.00 PAID: CASH \_\_\_\_\_ CHECK # 458

Minimum fee up to \$2500.00 = \$25.00  
Over \$2500.00 = 1% of construction costs (\$10.00 per thousand)

**PROJECT DESCRIPTION:**

MAP R05 LOT 24

BRIEFLY EXPLAIN SCOPE OF WORK TO BE DONE:

Construction of new 180' Communications Tower and support equipment area.

DIMENSIONS OF PROPOSED STRUCTURE 180' tall

PROPOSED FOUNDATION TYPE:

FULL 10'  FULL 8'  4' FROST WALL  PIER  SLAB

SETBACKS

See drawings foundation type to be determined based on existing conditions

PROPOSED STRUCTURES

FRONT 225' + SIDES 225' + REAR 225' +

**BUILDING HEIGHT**

THE VERTICAL DISTANCE FROM THE AVERAGE ORIGINAL GRADE TO THE TOP OF THE HIGHEST ROOF BEAMS OF A FLAT ROOF, OR TO THE MEAN LEVEL OF THE HIGHEST GABLE OR SLOPE OF GABLE OR HIP ROOF. (MAX 35' ALLOWED)

EXISTING STRUCTURES N/A

PROPOSED STRUCTURES N/A

**FOR STRUCTURES TO BE OCCUPIED OR FOR AN INCREASE IN THE # OF BEDROOMS:**

SERVICED BY:  PRIVATE SEPTIC SYSTEM  PUBLIC SEWER

N/A

# OF EXISTING BEDROOMS \_\_\_\_\_ # OF ADDITIONAL BEDROOMS \_\_\_\_\_

NO BUILDING HEREAFTER ERECTED SHALL BE OCCUPIED OR USED, IN WHOLE OR IN PART, UNTIL A CERTIFICATE OF OCCUPANCY SHALL HAVE BEEN ISSUED BY THE CODE ENFORCEMENT OFFICER

APPROVED PLANS MUST BE RETAINED ON JOB ALONG WITH PERMIT UNTIL FINAL INSPECTION HAS BEEN MADE.

MINIMUM OF THREE INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK. PLEASE SCHEDULE INSPECTIONS WITH THE CEO SECRETARY. 1. FOUNDATIONS (FOOTINGS, WALLS, DRAINAGE, WATER PLUG) 2. FRAMING (PRIOR TO COVERING STRUCTURAL MEMBERS) 3. FINAL INSPECTION BEFORE OCCUPANCY.

WHERE APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.

THIS PERMIT APPLICATION DOES NOT PRECLUDE THE APPLICANT(S) FROM MEETING APPLICABLE STATE AND FEDERAL RULES.

THIS PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION IS NOT STARTED WITHIN SIX MONTHS OF PERMIT ISSUE DATE.

BY TYPING MY NAME BELOW I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE NAMED PROPERTY, OR THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS THEIR AGENT. I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION. IN ADDITION, IF THIS PERMIT IS ISSUED, I CERTIFY THAT THE CODE OFFICIAL OR HIS REPRESENTATIVE SHALL HAVE THE AUTHORITY TO ENTER ALL AREAS COVERED BY SUCH PERMIT AT ANY REASONABLE HOUR FOR THE PURPOSES OF INSPECTING SAID WORK.

PRINTED NAME Justin Strait OWNER / AUTHORIZED AGENT

SIGNED Justin Strait DATE 12/29/17  
OWNER / AUTHORIZED AGENT



**Town of Cape Elizabeth Maine**  
 320 Ocean House Road  
 Cape Elizabeth, ME 04107

**DEMOLITION PERMIT**

|                                  |   |                           |                             |                          |                                       |
|----------------------------------|---|---------------------------|-----------------------------|--------------------------|---------------------------------------|
| <b>Application#:</b><br>18-00047 | <b>Date Issued:</b><br>January 30, 2018 | <b>Permit#:</b><br>180363 | <b>Fee Paid:</b><br>\$50.00 | <b>Paid By:</b><br>Check | <b>Date Paid:</b><br>January 26, 2018 |
|----------------------------------|---|---------------------------|-----------------------------|--------------------------|---------------------------------------|

|   |                            |                         |
|---|----------------------------|-------------------------|
| <b>Property Location:</b> 14 STROUT ROAD, Cape Elizabeth ME 04107 | <b>For Office Use Only</b> |                         |
|   | <b>District:</b> _____     | <b>Size of Lot:</b> 0   |
|   | <b>Flood Zone:</b> _____   | <b>Shoreland:</b> _____ |

|  |  |
|--|--|
| <b>Owner's Name(s):</b> STROUT HERBERT FRANK & DORIS TRUST, MICHAUD PATRICIA LOVELL KAREN B TR | <b>Owner's Address:</b> 2 HAWTHORNE PL 10J BOSTON MA 02114 |
| <b>Owner's Phone:</b> (617) 951-7709   | <b>Cell Phone:</b> _____                                   |

|   |   |
|---|---|
| <b>Applicant's Name:</b> JUSTIN STROUT/TOWER SPECIALISTS, INC | <b>Applicant's Address:</b> 39 HARDY RD FALMOUTH, ME04105 |
| <b>Applicant's Phone:</b> (207) 797-9370                      | <b>Cell Phone:</b> _____                                  |

|   |  |
|---|--|
| <b>Demolition Contractor's Name:</b> TOWER SPECIALISTS, INC | <b>Contractor's Address:</b> 39 HARDY RD FALMOUTH ME 04105 |
| <b>Contractor's Phone:</b> (207) 797-8325                   |  |

**Project Description:** REMOVAL OF 4 TOWERS OF VARIOUS HEIGHTS. ALL STEEL ABOVE GROUND COMPONENTS WILL BE REMOVED. NO ASBESTOS RELATED MATERIALS INVOLVED.

|  |                                      |
|--|--------------------------------------|
| <b>Expected Start Date:</b> 2018-01-31 | <b>Expected End Date:</b> 2018-09-01 |
|--|--------------------------------------|

Is the property located in a Northern Utilities natural gas service area?  Yes  No

If yes, a signed statement from them must accompany this application stating that no active natural gas lines are running into or next to the structure to be demolished. They may be reached at 207-541-2533, by fax at 207-797-3793, or by email at bellmare@unitl.com.

Maine law requires that buildings be inspected for asbestos and that asbestos-containing materials be removed from any building prior to demolition. Demolition means the tearing down or intentional burning of a building or part of a building. This includes any institution, commercial, public, industrial, or residential building. An asbestos firm licensed by the Maine Department of Environmental Protection must perform inspection and/or removal of more than 3 square feet or 3 linear feet of asbestos-containing materials.

Has the building been inspected by DEP licensed asbestos consultant?  Yes  No

If yes, please supply a copy of the consultant report.

|  |                                    |
|--|------------------------------------|
| <b>Asbestos Consultant's Name:</b> _____ | <b>Consultant's Address:</b> _____ |
| <b>Consultant's Phone:</b> _____         |                                    |

If asbestos was found, has a 10-day notification been sent to DEP?  Yes  No  Not Applicable

If yes, please supply a copy of that notification with this application.

Has the asbestos (if any) been removed by a DEP licensed asbestos contractor?  Yes  No  Not Applicable

|  |                                    |
|--|------------------------------------|
| <b>Asbestos Abatement Contractor's Name:</b> _____ | <b>Contractor's Address:</b> _____ |
| <b>Contractor's Phone:</b> _____                   |                                    |

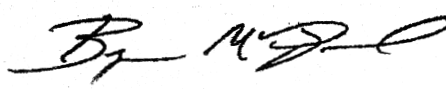
Permit Fee: \$50

**A copy of this form will be forwarded to the ME DEP Asbestos/Lead Unit. They may be reached at 207-287-2651, or by fax at 207-287-7826.**

**THIS PERMIT APPLICATION DOES NOT PRECLUDE THE APPLICANT FROM MEETING APPLICABLE STATE AND FEDERAL RULES.**

**BY TYPING MY NAME BELOW I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE NAMED PROPERTY, OR THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS THEIR AGENT. I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION. IN ADDITION, IF THIS PERMIT IS ISSUED, I CERTIFY THAT THE CODE OFFICIAL OR HIS REPRESENTATIVE SHALL HAVE THE AUTHORITY TO ENTER ALL AREAS COVERED BY SUCH PERMIT AT ANY REASONABLE HOUR FOR THE PURPOSE OF INSPECTING SAID WORK.**

**Signed:** JUSTIN STROUT **Date:** 1/26/2018

Approved by: 

**Benjamin McDougal, Code Enforcement Officer** **Date:** 1/30/18

1/30/18 BTM  
APPROVED



RECEIVED  
JAN 26 2018

TOWN OF CAPE ELIZABETH

Code Enforcement Office  
P.O. Box 6260  
320 Ocean House Road  
Cape Elizabeth, Maine 04107-0060

FEE: \$50.00  
PAID CASH \_\_\_\_\_  
PAID CHECK# 20537

Phone: 207-799-1619  
Email: Benjamin.mcdougal@capeelizabeth.org

180363

APPLICATION FOR DEMOLITION PERMIT # \_\_\_\_\_

MAP R05 LOT 24 LOT SIZE 25 +/- acres

LOCATION 14 Strout Road

OWNER Herbert + Doris Strout Trusts % Patricia Michau

OWNER ADDRESS 2 Hawthorne Place #10J, Boston, MA 02114

TELEPHONE HOME \_\_\_\_\_ WORK 617-951-7709

APPLICANT Justin Strout / Tower Specialists, Inc.

APPLICANT ADDRESS 39 Hardy Rd Falmouth, ME 04105 TELEPHONE 207-797-9370

DEMOLITION CONTRACTOR Tower Specialists, Inc.

ADDRESS 39 Hardy Rd, Falmouth, ME 04105 TELEPHONE 207-797-8325

PROJECT DESCRIPTION:

Removal of 4 towers of various heights.  
All steel above ground components will be  
removed. No Asbestos related materials involved.

EXPECTED START DATE ~~1/31/18~~ 1/31/18 EXPECTED END DATE 9/1/18

Is the property located in a Northern Utilities natural gas service area? (See attached list)  yes  
 no.

If yes a signed statement from them must accompany this application stating that no active natural gas lines are running into or next to the structure to be demolished. They may be reached at 207-541-2533, by fax at 797-3793, or by email at bellemare@unitl.com

Maine law requires that buildings be inspected for asbestos and that asbestos-containing materials be removed from any building prior to demolition. Demolition means the tearing down or intentional burning of a building or part of a building. This includes any institutional, commercial, public, industrial, or

*residential* building. An asbestos firm licensed by the Maine Department of Environmental Protection must perform inspection and/or removal of more than 3 square feet or 3 linear feet of asbestos-containing materials.

Has the building been inspected by a DEP licensed asbestos consultant? \_\_\_ Yes  no

If yes, please supply a copy of the consultants report

Name of asbestos consultant \_\_\_\_\_

Address \_\_\_\_\_ Tel # \_\_\_\_\_

If asbestos was found, has a 10-day notification been sent to DEP? \_\_\_ Yes \_\_\_ no

If yes, please supply a copy of that notification with this application

Has the asbestos (if any) been removed by a DEP licensed asbestos contractor? \_\_\_ Yes \_\_\_ no

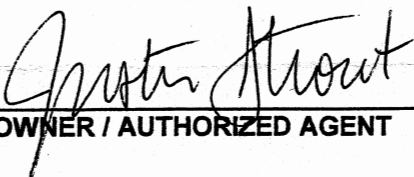
Name of asbestos abatement contractor \_\_\_\_\_

Address \_\_\_\_\_ Tel# \_\_\_\_\_

**A copy of this form will be forwarded to the ME DEP Asbestos/Lead Unit. They can be reached at 287-2651 Fax 287-7826**

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SIGNED  PRINTED NAME Justin Strout DATE 1/26/18  
OWNER / AUTHORIZED AGENT