

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Planning Board
DATE: June 27, 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 and wishes to shrink the area the tower overlay district 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.

Description

At the April 3rd and May 1st workshop, the Planning Board discussed a map amendment that would shrink the Tower Overlay District (TOD) located at 14 Strout Rd. The middle of the lot would be preserved as a tower overlay district, accommodating 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 worked with the applicant to revise the proposed map amendment in order to preserve some capacity for additional towers on the property.

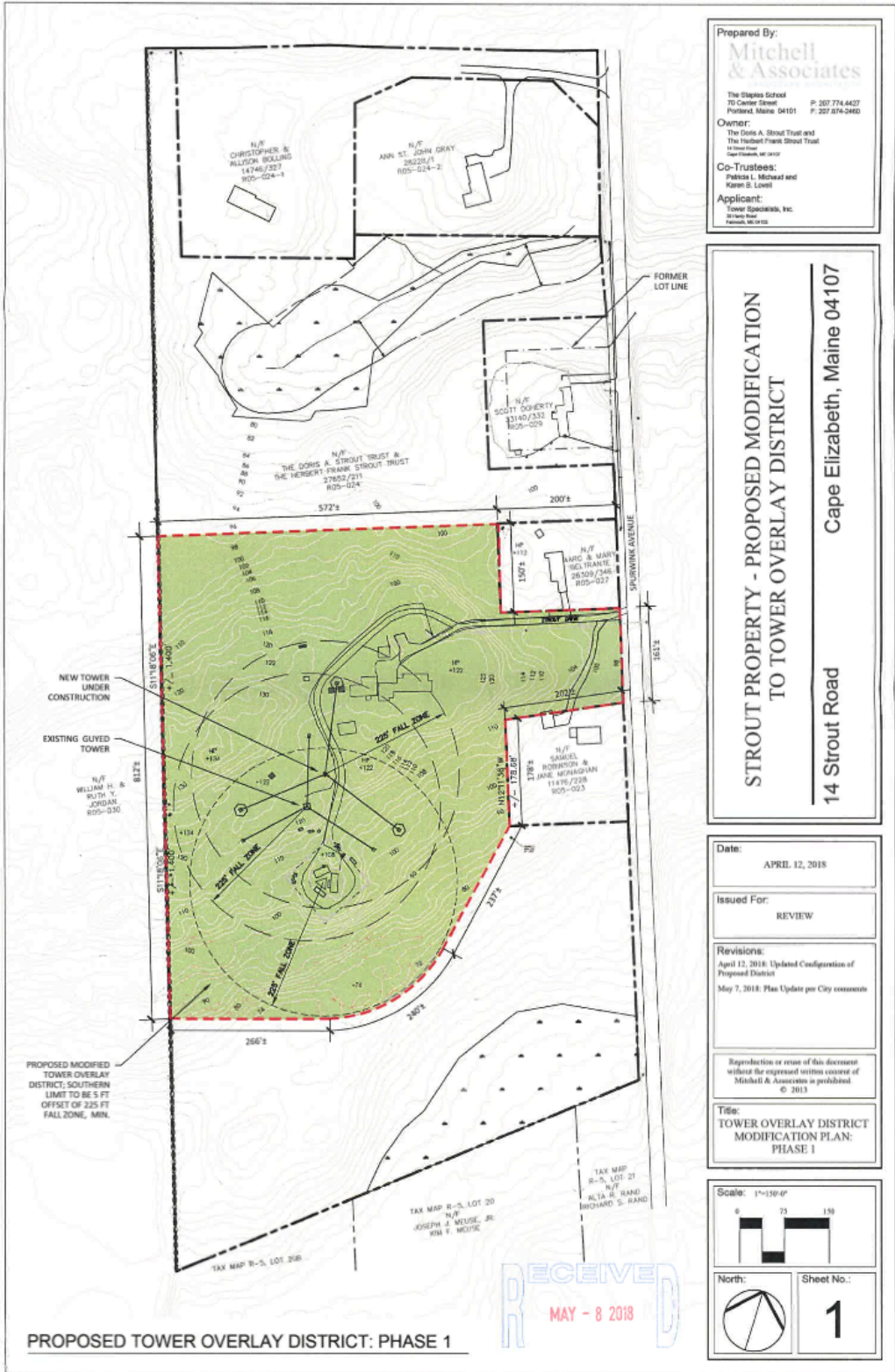
The Planning Board is recommending phasing the TOD amendments to include the fall zone of the Crowne Castle tower until it is removed. The TOD would shrink to a Phase 2 area if the Crowne Castle tower is removed by April 1, 2020. Failure to remove the tower by April 1, 2020 would lock in the Phase I 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 is proposed to be removal of the tower and written notification provided to the town.

Attached are plans showing the Phase 1 and Phase 2 TOD boundaries and Zoning Map excerpts showing the map change and revised Tower Overlay District if the amendment is approved.

Recommendation

At the June 25, 2018 meeting, following a public hearing, the Planning Board made the following recommendation:

BE IT ORDERED that, based on the plans and the facts presented, the Planning Board recommends 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 Strout Road
Cape Elizabeth, ME 04107

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

Applicant:
Tower Specialists, 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

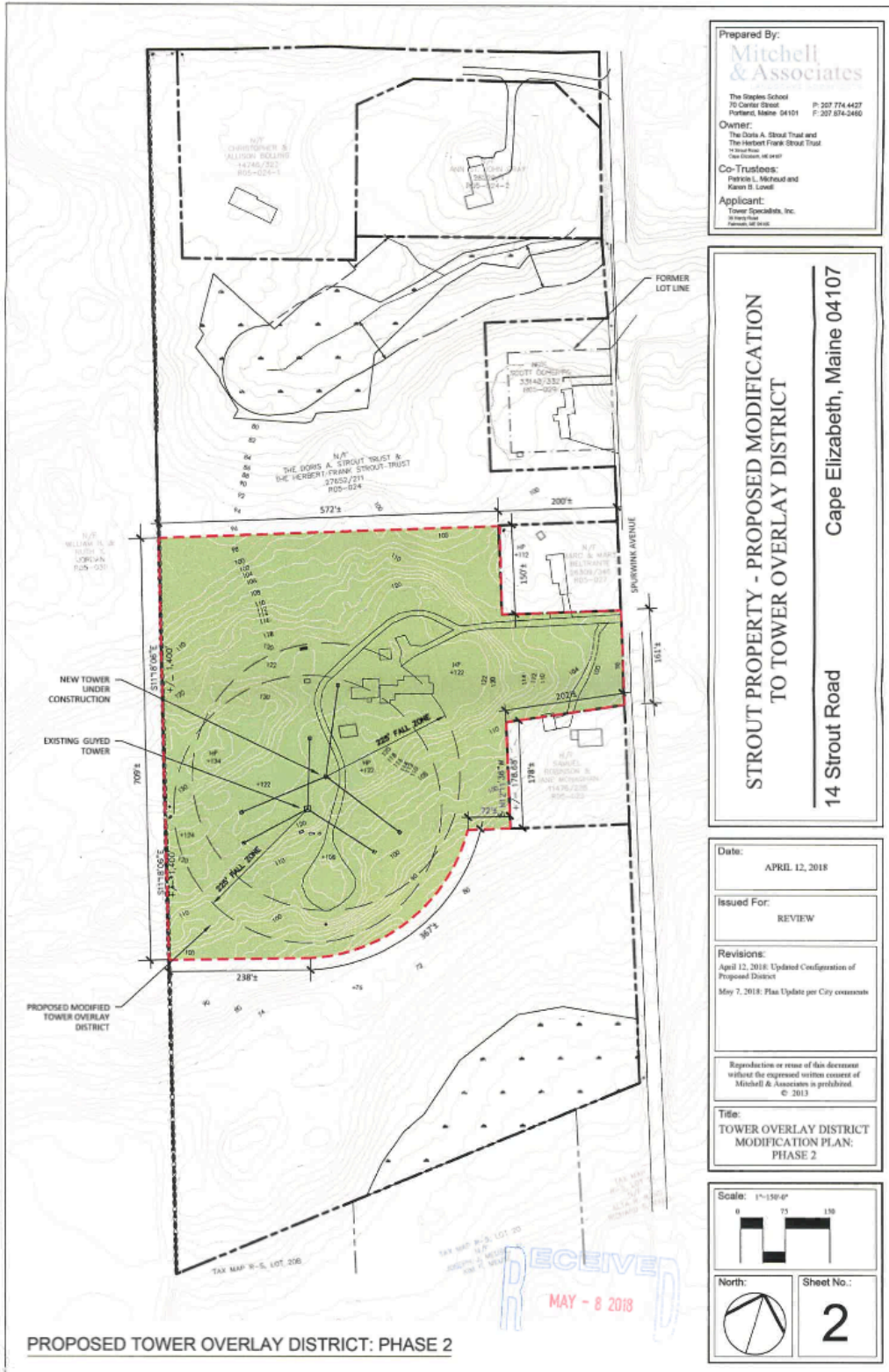
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Title:
**TOWER OVERLAY DISTRICT
MODIFICATION PLAN:
PHASE 1**

Scale: 1"=150'-0"



Sheet No.:
1



PROPOSED TOWER OVERLAY DISTRICT: PHASE 2

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Owner:
 The Dora A. Strout Trust and
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 Trustees

Co-Trustees:
 Patrick L. Mehead and
 Karen B. Lovell

Applicant:
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 100 Main Street
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**STROUT PROPERTY - PROPOSED MODIFICATION
 TO TOWER OVERLAY DISTRICT**

14 Strout Road
 Cape Elizabeth, Maine 04107

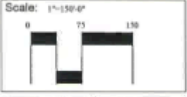
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Title:
 TOWER OVERLAY DISTRICT
 MODIFICATION PLAN:
 PHASE 2



North:

Sheet No.:
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