

PLANNING BOARD

Town of Waterboro

Regular Meeting

October 11, 1995

Meeting called to order by Cindy Allen at 7:15 p.m.

I ROLL CALL: Present were Roland Denby, Larry Jacobsen, Everett Whitten, Dwayne Woodsome, John Roberts, Judi Carll and Chairman Cindy Allen.

II MINUTES OF PREVIOUS MEETINGS: September 13, and September 28, 1995

II COMMUNICATION AND BILLS:

1. Memo from Board of Selectmen Re: Budget Requests

Roland Denby to work on the budget for submission on November 1, 1995.

IV REPORT OF OFFICERS: None

V APPOINTMENTS:

7:00 p.m. Piscataqua Cellular Map 14 Lot 43 F&A Zone

7:30 p.m. William Coyne Map 47 Lot 126 AR Zone

7:00 p.m. Piscataqua Cellular Map 14 Lot 43 F&A Zone

Mr. Barry Hobbins attorney, representing Piscataqua Cellular, also Charles Brown of Sebago Technics and Jim Wilson Cellular One/Van Guard Cellular. Mr. Hobbins informed those present that under their license they are obligated to provide services. Part of that service is the proposed switch facility within a 240 sq. ft. building and construct a 180 ft. tower. This facility is being placed on a five acre portion of a lot that the company has a lease agreement on. Mr. Hobbins asked for a waiver of water, sewer and solid waste since this is an unmanned site. There will be someone on site three to four times a month to maintain equipment. Reference to the site information provided and placed on file. The property is currently in tree growth, the proposal is to remove no more than five acres from tree growth. They will actually be utilizing two acres. The wetland report addresses storm water run off. The site is approximately 2,000 ft. beyond the intersection of Chadbourne Ridge Road and the Buxton Road. There is currently a driveway that has been used for the wood lot, this same entrance is to be used to access the site.

The tower has been relocated since being reviewed by the Zoning Board of Appeals. They have an easement deed for the land that exceeds the five acre area being utilized for the switch station and tower to allow for fall zone of the tower. The land drops off very quickly. The site is a plateau. Erosion control will be utilized during construction. There are two wetlands described in the wetland report. Installation of silt fence along the edge of one wetland. The second wetland is on the border of property owned by Michael Guest. These wet areas are a series of pockets which eventually run off to the Northeast. The tower is designed for 100 psi wind speed.

Today, less than two percent of the population has cellular phones. In 15 years, market penetration is expected to be 95 percent. Most zoning laws and ordinances never thought of cellular towers. The projected watts of energy produced is about 100 watts that equal to a hair dryer.

The network of towers currently being used by Maine Cellular was shown to those present. It was explained that originally towers were very high. Calls are handed off to other towers which allows more calls to be handled. Currently towers are placed 15 miles apart.

This site was chosen since it works well with the central switch in Westbrook. The frequency band that is used does not get skip. Studies done show no direct hazards, health, safety, or environmental issues from the energy emitted from the tower. There should be no interruption in television, radio or CB, since they are on a different band and they are obligated by FCC to fix a problem if it exists.

What is baseline for interference? Any objectionable interference. A ham radio produces more electro magnetic. Asked if a co-location with Star Cellular was investigated. There is currently no policy for that. There will be a pre-cast building measuring 12' x 20' enclosed by a fence. Nothing on the tower will exceed 180 ft. Over 200 ft. in height F.A.A. regulations require lights.

It was asked what the proposal included? Three antenna to start with and a micro wave dish. The site is to be accessed one to two times per month. The road is not plowed by the town to the site. Cellular One would park and snowmobile in unless the board addresses concern for fire safety. The building is cement the tower steel. Some sites have propane tanks however this site will not. A portable generator could be taken to this site if needed.

Grid plan shown - the topography of this site is good. Ossipee Mountain a great location but there is no much space there. There will be 22 - 23 1/2 ft. between the legs of the tower. A study was done on the visibility of the tower from SW - NE not much of the tower will be seen from area homes, from NW - SE most of the tower will be seen. Anyone could check with other towns where they have constructed similar towers and they are a first class business.

Area coverage of this tower will be 15 to 20 mile radius. Ossipee Mountain will affect transmission some. Each company is assigned a frequency. Anything shared is a roaming charge. The fence will be an 8 ft. chain link with barbed wire at the top. One double entry gate that will be locked. Barrier gates 125 ft. from traveled way. There is an internal silent alarm to Cellular One. There will be one light over the door only.

Section 8.01 deals with height limitations increase of setback to height ratio. This calculation would push structures to 514 ft. front setback and 257 ft. from sidelines. Charlie Brown indicated that if they had to go back 500 ft. the tower would be 55 to 60 ft. below current proposed elevation which would mean the tower would have to be 260 ft. tall and would be lighted and would have a greater impact of the woodlands. Mr. Hobbins felt this section was intended as permissive in nature. They read this to be the fall zone. The tower should fall like an erector set. Mr. Hobbins believed the board has the discretion to grant less restrictive setbacks. Mr. Morin agreed that the ordinance allows for discretion.

Roland Denby questioned the proximity of this project to Starrett Pierce illegal subdivision. Charlie Brown indicated that a thorough survey was done along the southwest sideline and remnants of an old barbed wire fence and pins were found. Southeast a row of pines towards Lewis Lane. Southwest line and actual southwest of Simonds Property is very accurate.

Larry Jacobsen and Cindy Allen were in attendance at the Zoning Board of Appeals Hearing and felt that a Public Hearing was in order. Dwayne Morin recommended a Public Hearing. If there are issues raised Mr. Hobbins would provide the expertise to answer them. Screening is good on this site. If the Planning Board feels it necessary they will bring appraisers for land values.

John Roberts moved and Roland Denby seconded a motion to hold a Public Hearing at the October 26, 1995 meeting at 7:00 p.m. Vote was 6-0-0 in favor.

A site walk was scheduled for Wednesday October 18, 1995 at 5:00 - 5:15 p.m. Mr. Hobbins was informed that direct abutters should be notified of the Public Hearing. Sharon to change appointments to allow for the Public Hearing.

7:30 p.m. William Coyne Map 47 Lot 126 AR Zone

Mr. Coyne is the contractor for Mr. & Mrs. Buchalter who own a cottage on property located in the Lake Sherburne Subdivision denoted on Waterboro Property Tax Map #47, Lot #126 in the AR Zone. The project is to replace an existing deck and enclose it. The project is 101 ft. from the normal high water mark of Lake Sherburne. The deck is smaller in dimension than the main section of the house. It does not appear that the project will go closer to the side property lines as presented than the existing structure.

Stairs from deck currently go towards the water. Mr. Coyne first proposed including the stairs within the deck to be finished. The Planning Board informed Mr. Coyne that as long as the stairs were replaced in the exact footprint they could be replaced. Mr. Coyne informed the Board that there would be six windows on the pond side of the enclosed area the intended use is as a sun room there will be no plumbing.

John Roberts moved and Roland Denby seconded the motion that this be approved as presented and that the project go no larger than the existing structure and the stairs go no closer to the property lines or the normal high water mark under Section 9.03. Vote was 6-0-0 in favor.

VI OLD BUSINESS:

1. Mr. Peverill Map 29 Lot 22 AR Zone

Mr. Peverill is back before the board to finalize a project near the shoreline of Ossipee Lake off East Shore Road. Mr. Peverill is working with DEP on the project of rip rapping the existing ditch. The Planning Board went out to review a proposal to rip rap the drainage ditch from the lake to the tree (40 ft.). DEP has had Mr. Peverill place three water bars on the property. Mr. Peverill is now looking to place fabric in the ditch and rip rap as approved by a Permit-by-rule.

John Roberts moved and Everett Whitten seconded a motion approve the request and that Mr. Peverill follow DEP requirements. Vote was 5-1-0 in favor of the motion.

2. Douglas Foglio Map 19 Lot 33A V Zone

Mr. Foglio is before the board to renew a previously issued Conditional Use Permit for additions to a home located adjacent to his business on Route 202/4 in South Waterboro Village.

Proposed addition and foundation work. Mr. Foglio plan to rebuild porch, add a garage and room. New addition will be constructed 6 inches further back from the existing structure. The front wall of the existing foundation is collapsing.

John Roberts moved to re-approve with the same conditions utilized in permits issued November 14, 1990 and again January 28, 1993. Vote was 6-0-0 in favor of the motion.

3. Everett Whitten Map 5 Lot 40T AR Zone

Mr. Whitten has a new contractor for the excavation project that the Board recently approved in August of this year. The new company would like to screen and crush rocks on site. Since the original proposal did not include this issue the Code Enforcement Officer felt the Board should review the new proposal. Mr. Whitten informed the Board that he does not have a contractor however this may be something that he would like to allow. Board discussed the location and the area of extraction is off the road quite a ways. A previous gravel extraction site off Silas Brown Road was given hours for operation of Monday through Friday 7:00 a.m. to 5:00 p.m.

John Roberts moved and Dwayne Woodsome seconded a motion to allow crushing and screening with the same approval as granted Mr. Foley for hours of operation. Vote was 5-0-1 in favor of the motion.

VII NEW BUSINESS:

Dwayne Morin reviewed the new Wetland Regulations. The process is improved the Army Corp of Engineers is a bigger player than would appear since they have veto power currently. Federal wetland map of 1/2 acre or greater Army Corp controlled by a Nation Wide Permit which entailed calling, they would check the map and give you a verbal okay. A large wetland Army Corp and DEP different conditions.

DEP approval first then the corp and many times the corp would place contradictory conditions. Now is a one stop shop for 4200 sq. ft. or greater of wetland area disturbance or impact. There are Tier 1,2 3 and Individual review. Dwayne explained that a Permit by rule for under 15,000 ft. of wetland for Tier 1 with a decision to be rendered within 30 days.. Tier 2, 15,000 ft. to 40,000 ft. more strict, delineation required with a decision to be rendered within 60 days. Tier 3 is an individual review. You can call DEP and request a consultation.

Judi Carll moved and Everett Whitten to approve the minutes of 9/13/95 as written. Dwayne Woodsome questioned comments that were made at the meeting derogatory to the Selectmen, Planning Board, Code Enforcement that were not recorded in the minutes. He did not indicate specific information. Vote was 3-2-1 in favor. Dwayne Woodsome commented that the minutes would not have the Secretaries signature since he felt the minutes were not correct

Roland Denby indicated three changes were needed on the September 28, 1995 minutes, page 1 of the minutes under Virginia Hewes should read Notification is really done by means of a vote by townspeople at Annual Town Meeting where changes are voted in.

The second change is on page 2 under Roland Denby should read If zoning says it is not allowed, it's not allowed, if the Planning Board makes a ruling a person has the right to appeal the decision to the Zoning Board of Appeals.

The third change is on the last page Roland made the comment not Fred Pierce that we should nibble not gulp zoning issues - a slower operation.

Roland Denby suggested that before the Board goes to Town Meeting perhaps the board should seek the Board of Selectmen's opinion on the changes. It is nice to have the support of the Selectmen at Town Meeting.

VIII ADJOURNMENT:

Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

Cynthia Allen
Roland Denby
Everett Whitten

Judi Carll

