

SEARSPORT PLANNING BOARD MEETING

December 12, 2022

UNION HALL / TOWN OFFICE

6:00pm

Members Present

George Kerper, Chair
Keith Ritchie
Peter Newell
Norris Staples

Staff

Randy Hall, CEO
Janine Laveway, Board Secretary

Members of the Public Present

Allen Kinney, Abutter
Gordon Smith, Attorney for applicant
Sean Mahoney, Verizon Wireless
Matt Curley, Nexium (Architectual Design and Civil Engineering plan)
Solheil Usmani C-Squared (Radio Frequency Report)

1. Call To Order

George Kerper, Chair called the meeting to order at 6:01pm

2. Roll Call

Chair Kerper called the roll call: Travis Otis, absent. No alternates present

3. Adjustments to the Agenda

Review and approve the minutes from the October 12, 2022 meeting.

Motion: Keith Ritchie to accept the minutes. Second: Peter Newell Vote 4-0-0

4. Acceptance of the Agenda

Motion: Keith Ritchie to accept the agenda as amended. Second: Peter Newell Vote 4-0-0

5. Review of Application from Verizon Wireless to build a wireless telecommunications facility consisting of a 190 foot mono pole tower inside a 50 x 50 fenced compound with equipment, cabinets, back up power generator on a 12x15 concrete pad with an ice canopy at 70 Brock Road. Map 2, Lot 69 in a mixed residential zone in Searsport, Maine. Everything was submitted with the exception of 1-C Soil Conditions. A waiver was requested because it is not applicable. Items 1F, 1J, 1N, 1Q, 2E, 2G and 2 J are also not applicable.

Motion: Peter Newell made the motion that the application is complete. Second: Keith Ritchie. Vote 4-0-0

Chair Kerper opened the public hearing at 6:15 pm with the following statement:

The Code Enforcement Officer, Fire Chief, Waste Water Division Superintendent, Road Commissioner, Public Safety Director and Police Chief all had no objections to the location. The application fee of \$1,100.00 has been paid. Towers of up to 195 feet in height are allowed in the mixed residential zone and require planning board review. In the PWSF ordinance on page 6, subsection N- Balloon test and subsection R – professional services, the general consensus of the planning board is that they saw no reason to ask for either due to the need for improved service for Searsport residents at that location. The tower will be unlit at night.

Chair Kerper opened the public hearing at 6:15 pm

Attorney Smith gave a brief statement outlining the application.

Board Members were given a chance to ask questions. There were none at this time.

Public Comment:

Abutter Allen Kinney asked for a copy of the application and stated he has questions. He was invited to the table to sit next to code enforcement officer Randy Hall and to share his copy of the application. He questioned the location of the access road, utility easement, ownership of the poles and lines and their maintenance and location of the tower facility itself including pole placement and fall zone. His primary concerns are ownership of the power lines and location of the road. Attorney Smith answered all of his questions in detail.

Public Hearing was closed at 6:25 pm

PERSONAL WIRELESS SERVICES FACILITES ORDINANCE

Page 2 Section 3: Dimensional and Location Standards including section E page 1 of the application.

- A. Height: Motion: Peter Newell motioned the standard has been met. Second: Keith Ritchie. Vote 4-0-0
- B. Reconstruction of Nonconforming PWSF: Motion: Keith Ritchie made the motion the standard does not apply. Second: Peter Newell Vote 4-0-0
- C. Setbacks: Keith Ritchie motioned t the standard has been met. Second: Peter Newell Vote 4-0-0
- D. Fall Zone for Ground Mounts: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- E. Fall Zone Mounts: Peter Newell motioned the standard does not apply. Second: Keith Ritchie. Vote 4-0-0

Page 2 Section 4: Performance and Design Standards

- A. Visibility: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- B. Color: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- C. Equipment Shelters: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- D1. Lighting: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- D2. Signage: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- D3. Security: Keith Ritchie motioned the standard has been met. Second: Norris Staples. Vote 4-0-0
- E. Historic Buildings: Keith Ritchie motioned the standard does not apply. Second: Peter Newell Vote 4-0-0
- F. Driveways: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- G. Antenna Types: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- H. Mounts: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- I. Hazardous Waste: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- J. Noise: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- K. Radio Frequency Radiation (RFR) Standards: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- L. Federal and State Requirements: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- M. Building Code – Safety Standards: CEO Randy Hall stated that all building codes have been met. Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- N. Balloon Test: Peter Newell motioned the standard does not apply. Second: Keith Ritchie Vote 4-0-0
- O. Migrating Bird Protection: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- P. Agreement with the Town: Keith Ritchie motioned the standard has been met with the condition that Verizon Wireless meet with Town Manager James Gillway or his designee to address any concerns. Second: Peter Newell Vote 4-0-0
- Q. Alternative Tower Sites: Peter Newell motioned the standard does not apply. Second: Keith Ritchie Vote 4-0-0
- R. Professional Services: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- S. Average Tree Canopy Height (ATCH): Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0

Page 6 Section 5 Conditions of Approval

- A. Maintenance: This is a statement and does not require a vote.

- B. Monitoring: Attorney Smith questioned the intent of this provision in regards to the advanced notice and the fairness to the land owner. He requested the town modify this provision. The request is for Verizon Wireless to be given priority to make any necessary changes, repairs and/or monitoring before the town manager or his designee enter the property. Chair Kerper stated that this section will be removed from the ordinance in the future. Keith Ritchie motioned this standard does not apply as written. Second: Norris Staples Vote 4-0-0
- C. Certificate of Insurance: This is a statement and does not require a vote.
- D. Security for Removal: Keith Ritchie motioned this standard does not apply. Second: Peter Newell Vote 4-0-0
- E. Antenna Installation: This is a statement and does not require a vote.

Page 11 Section 8

- A. Written Report from Forestry or Environmental Consultant regarding tree height: Keith Ritchie motioned this standard has been met. Second: Norris Staples Vote 4-0-0
- B. Commitment from duly licensed carrier to utilize the tower: Keith Ritchie motioned this standard has been met. Second: Peter Newell Vote 4-0-0
- C. Written approval from all State and Federal Agencies: Peter Newell motioned this standard has been met. Second: Norris Staples Vote 4-0-0
- D. Inventory: Peter Newell motioned this standard has been met. Second: Keith Ritchie Vote 4-0-0
- E. Identification of any other PWSF's existing or proposed on site. Peter Newell motioned this standard has been met. Second: Keith Ritchie Vote 4-0-0
- F. Accessory Structures: Keith Ritchie motioned this standard has been met. Second: Peter Newell Vote 4-0-0
Attorney Smith spoke regarding the order of G and H being reversed. H has to be met prior to completing G.
- G. Notifications: Keith Ritchie motioned this standard has been met. Second: Norris Staples Vote 4-0-0
- H. Evidence of Accommodation on existing structures: Keith Ritchie motioned this standard has been met. Second: Norris Staples Vote 4-0-0
- I. Evidence the proposed PWSF can not be accommodated on existing structures: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- J. Registered Professional Engineer Report: Peter Newell motioned that this standard has been met. Second: Keith Ritchie Vote 4-0-0
- K. Alternative Site for multiple shorter poles: Peter Newell motioned this standard does not apply. Second: Norris Staples Vote 4-0-0
- L. Letter of intent: Keith Ritchie motioned this standard has been met. Second: Peter Newell Vote 4-0-0
- M. Proof of financial capacity: Peter Newell motioned this standard has been met. Second: Keith Ritchie Vote 4-0-0
- N. Photographs of proposed site: Keith Ritchie motioned this standard has been met. Second: Peter Newell Vote 4-0-0
- O. Landscaping: Keith Ritchie motioned this standard has been met with the stipulation that tree cutting will be done only as needed. Keith Ritchie motioned that this standard has been met. Second: Peter Newell Vote 4-0-0
- P. Elevation Drawings: Peter Newell motioned this standard has been met. Second: Keith Ritchie Vote 4-0-0
- Q. Tower Base and Attachment: Keith Ritchie motioned the standard has been met with the requirement of CEO approval of final plans prior to construction. Second: Peter Newell Vote 4-0-0
- R. Analysis of Visual Impact: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- S. Written Proof of FCC approval: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- T. Written Proof of NEPA approval: Attorney Smith stated the federal NEPA process is currently ongoing. Peter Newell motioned the standard has been met with the condition the NEPA analysis is provided to CEO prior to the beginning of construction. Second: Keith Ritchie Vote 4-0-0
- U. Proof of CMI/HIC service in Waldo County: Keith Ritchie motioned the standard does not apply. Second: Peter Newell Vote 4-0-0

LAND USE ORDINANCE

- A1. Danger: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- A2. Vibration: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- A3. Wastes: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- A4. Noise: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- A5. Lighting: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- A6. Odor Nuisance: Peter Newell motioned the standard does not apply. Second: Keith Ritchie Vote 4-0-0

B. Specific Performance Standards: The only standards that apply are #7 Towers, #10 Facilities and #11 Activities. 7 and 10 have already been met. 11- Activities Requiring Site Plan Review: George Kerper motioned that standards 7 and 10 have been met and 11 needs to be addressed. Second: Peter Newell Vote 4-0-0

G. Positive Findings Required: Keith Ritchie motioned all standards have been met. Second: Peter Newell Vote 4-0-0

SITE PLAN REVIEW ORDINANCE

Page 7 Section 6 Standards of Approval

- 1. Preserve and Enhance the Landscape: Keith Ritchie motioned this standard has been met. Second: Peter Newell Vote 4-0-0
- 2. Relationship of the Proposed Buildings to the Environment: Peter Newell motioned this standard has been met. Second: Keith Ritchie Vote 4-0-0
- 3. Vehicle Access: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- 4. Parking and Circulation: Keith Ritchie motioned the standard is not applicable. Second: Peter Newell Vote 4-0-0
- 5. Surface Water Drainage: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- 6. Existing Utilities: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- 7. Advertising Features: Keith Ritchie motioned the standard does not apply. Second: Peter Newell Vote 4-0-0
- 8. Special Features of the Development: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- 9. Exterior Lighting: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- 10. Emergency Vehicle Access: Attorney Smith stated there will be a lock box on the access gate for emergency access. Keith Ritchie motioned the standard has been met. with Second: Peter Newell Vote 4-0-0
- 11. Municipal Services: Keith Ritchie motioned the standard does not apply. Second: Peter Newell Vote 4-0-0
- 12. Water Pollution: Peter Newell motioned the standard has been met. Second: Keith Ritchie Vote 4-0-0
- 13. On Site Water Supply: Keith Ritchie motioned the standard does not apply. Second: Peter Newell Vote 4-0-0
- 14. Soil Erosion: Keith Ritchie motioned the standard has been met. Second: Peter Newell Vote 4-0-0
- 15. Septage Disposal: Peter Newell motioned the standard does not apply. Second: Keith Ritchie Vote 4-0-0
- 16. Adverse Effect: Keith Ritchie motioned the standard has been met. Second: Peter Newell. Vote 4-0-0
- 17. Financial Capacity: Keith Ritchie motioned the standard has been met. Second: Norris Staples Vote 4-0-0
- 18. Air Quality: Peter Newell motioned the standard does not apply. Second: Keith Ritchie Vote 4-0-0.

George Kerper motioned that all the applicable standards of the Personal Wireless Services Facilities Ordinance, Land Use Ordinance and Site Plan Review Ordinance have been met with three conditions. The conditions are as follows: Antenna Type, Agreement with the Town and Tower Base Details. Second: Keith Ritchie Vote 4-0-0

Application was signed by the Planning Board at 7:50 pm

6. Other Business

There was no other business

7. Code Enforcement Officer's Report

CEO Randy Hall detailed an issue with an existing subdivision and the potential sale of property on Big Dog Lane. A 5 acre parcel was surveyed off and subsequently changed owners several times over the past 16 years. The subdivision

plot map was never updated to reflect the 5 acre piece that now belongs to Bertwell Whitten.(Map 3 Lot 52A 5 A). The attorney for the proposed buyers of Tax Map 3 Lot 52-A 5 contacted Randy stating that they will not release whatever it is that they need to do for the new buyers until the Town states that the subdivision was amended. The town did not amend it but it has been amended by someone approximately 16 years ago. The attorney is willing to do up a new plot plan, provide it to the town and register it in the registry of deeds. It is a State requirement that any time a change is made to a recorded subdivision, the change has to be recorded at the Registry of Deeds as well. The original subdivision and plot plan in 2001 was done correctly. The 5 acre lot that was divided off (Map 3, Lot 52A 5A) was not done correctly with the town's approval of the separation out of the original subdivision and subsequent update of the plot plan. Randy Hall's recommendation to both the seller and the buyer that they draw up a revision to the plot plan and provide it to him so he can present it to the planning board for consideration. Norris Staples stated that a corrected recordable plot plan with a detailed description be provided to the planning board. Randy Hall will relay the boards decision to the realtor.

8. Public Comment

There was no public comment

9. Adjourn Meeting

Keith Ritchie made the motion to adjourn at 8:06 pm. Second Peter Newell Vote 4-0-0

Respectfully Submitted



Janine F. Laveway
Board Secretary

