

Minutes
Town of Waldoboro
Planning Board Meeting
October 23, 2019

Roll Call

The meeting was called to order by chairman Scott Simpson at 6:05 p.m. in the firemen's conference room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, John Kosnow and Jim Russo. Planning and Development Director Max Johnstone was present. The audience included applicant Sara Rademaker (American Unagi) and reporter Alexander Violo from the Lincoln County News. The meeting was audiotaped on Johnstone's cell phone, but not videotaped.

1. Minutes of September 11, 2019

On motion of Russo/Boardman the Board voted unanimously to approve the minutes of September 11, 2019, as amended on page 1 to correct the spelling of Board member John Kosnow's surname, and on p. 2, line 4 from the top of the page, to delete "dwelling unit size" and replace it with "square footage per dwelling unit from". The third sentence as revised should read, "He will request a decrease in the minimum square footage per dwelling unit from 5,000 s.f. to 500 s.f." It was noted that Jane Pyne, who attended the meeting, is the same person as Jane Surran Pyne, known as Surran.

2. Citizen Comments – none

3. Old Business

3. 1. Amendment to Wireless Telecommunications Tower, 2600 Atlantic Hwy. (Tax Map R13 Lot 1B) - Jack Andrews, Empire Telecom/AT&T Wireless

Andrews's firm seeks to install three additional antennas at 197' above ground on the existing tower, along with two remote radio units mounted behind each new antenna, for a total of six, and three new surge arrestors mounted behind the antennas, along with six DC power cables and two fiber runs. A new 15kw diesel generator will be installed on AT&T's leased 4' x 6' concrete pad. The proposed new antennas are 96" tall by 19.6" wide by 7.8" deep. The facility will remain unmanned, and will have no impact on traffic or parking. No lights or signs are proposed. The facility will remain in compliance with all applicable FCC regulations, including radio frequency emission requirements.

Waldoboro's current ordinance has a maximum height limit of 195' for towers. The location is in the Route One Commercial A land use district. Andrews states that local governments must approve wireless broadband facility requests for modifications and collocations of transmission equipment on an existing tower "that does not substantially change the height and structure of the tower". He cites Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which defines a "substantial height increase" as an increase of more than 10% of the height of the existing tower. He states that addition of the new antennas will extend the height of the tower by less than 10%, and ought therefore to be permitted. He says that the improvements are similar to what was approved by the Planning Board in July, 2019. Andrews submitted a four-page

“Introduction to Section 6409 of the Middle-Class Tax Relief and Job Creation Act” and a copy of a five-page public notice from the Federal Communications Commission dated January 25, 2013, offering guidance on how to interpret Section 6409(a) of this Act.

Addition of the proposed antennas would increase the height of the tower to 201’. The current height limit for towers in Waldoboro is 195’. Federal law supersedes local statutes. Simpson said this means that the Waldoboro Planning Board does not have any flexibility, and must approve the request for the height extension.

Discussion: Russo asked what led to Waldoboro setting a 195’ height limit for towers. Johnstone does not know. It was suggested to ask Andrews to confirm the physical location of the existing tower relative to the right-of-way of Atlantic Highway (Route 1), and how far the tower is from the property line.

Teleconference with Andrews: Johnstone reached Andrews by telephone. Simpson asked whether the existing tower is lighted and registered with the FAA. Andrews said he does not know whether the tower is lit now, and if not, whether the company that owns the tower already has the required permits or is in the process of getting them; but he can find out. It is the tower owner’s responsibility to put lights on, if lights are needed. Simpson said that the Planning Board could give conditional approval subject to the company’s getting all requisite approvals. Andrews said he is comfortable with that type of approval from the Planning Board. Simpson said he thinks the tower is already lit. If it is not lit, and the tower owner has the responsibility for putting lights on, there is potential for error. Andrews said that the tower owner is familiar with FAA requirements. If the tower is not lit now and requires lighting, notification to abutters will be required as part of the local approval process. Andrews said he can find out and get the answers to Johnstone this week. That would give Johnstone enough time to notify abutters in advance of the Nov. 13 Planning Board meeting.

Andrews was asked how close the existing tower is to the property line at Route 1. He said that he does not know. He was told this information should be provided. He will look for the original drawings. He was told that in future he should provide a scale on the map submitted as part of the application.

Summary: The Planning Board needs to know whether the tower at 2600 Atlantic Highway is lit now, and if it is, whether any changes in lighting are needed after the new antennas are installed. Andrews should provide specific information about current lighting and what lighting will be required after the antennas are put on. The location of the tower relative to the lot boundaries and the setback distance from Route 1 should be provided.

VOTE: On motion of Boardman/Russo, Planning Board members voted 5 - 0 to table the matter until the requested information has been provided.

3. 2 Preapplication, Subdivision at Ice Pond Rd., Fitts, Tax Map R9 Lot 16-2 (Pitcher’s Point)

The owner of Lot 2 of the Ice Pond subdivision wants to subdivide the 8.36-acre undeveloped property into three lots of two acres or more. The owners of Lot 2 are listed in the 2019 tax commitment book as Douglas and Jacqueline Fitts of Cohasset MA. Adjacent undeveloped Lot 1 of the Ice Pond Subdivision, 3.03 ac, is listed as owned by Douglas Fitts GST Exempt Trust. A new right-of-way is proposed to cross Lot 1 to provide access to the three new lots. See site plan dated

7/21/17 prepared for Fitts by Albert Frick Associates, environmental consultants, of Gorham ME. The minimum lot size is 80,000 s.f. or two acres. In the Limited Residential District, development must be set back a minimum of 100' from the water. This setback is shown on the preliminary plan. All three proposed lots would have frontage on the Medomak estuary.

Discussion: Tonight's review is a pre-application. The application cannot be on the agenda for the November 13 Planning Board meeting because today was the deadline for submission of material for that meeting. What is proposed is an amendment to an existing approved subdivision. Who is the proposed developer? When was the Ice Pond subdivision approved? Who owns it? Do abutting landowners within the Ice Pond subdivision and adjacent to it know about the plan to subdivide Lot 2? Is there any more information about the proposed size of the houses and the location of septic fields on Lot 2? The preliminary plan appears to show a number of test pits on each of the proposed new lots, and two locations for proposed subsurface wastewater disposal, one on Lot 1 and one on proposed Lot 2A.

Russo asked whether the Planning Board has an obligation to see that any subdivision of land within an existing subdivision does not materially change the rest of the subdivision and the neighborhood. He suggested checking the bylaws of the Ice Pond subdivision, if there are any. Should we contact the original owner of the Ice Pond subdivision? Does that person or entity still own any lots within the subdivision, or have all the lots been sold? Russo suggested having a neighborhood informational meeting of lot owners within Ice Pond subdivision and neighbors to the subdivision. Johnstone said he can ask abutters to let him know if there are other people who should be notified of the proposed subdivision of Lot 2 and invited to attend the neighborhood meeting.

4. New Business

4. 1. Extension of Planning Board Approval for American Unagi – Sara Rademaker, President

Rademaker said she has decided not to start construction until the spring of 2020, just beyond the end of the Planning Board's original one-year approval period. The work involves a new building and foundation, with a lot of concrete work that is costly to do in winter. She requests a one-year extension. She anticipates that the work will take 10 - 12 months. There is no change to the application other than the starting date. Boardman questioned whether this needs to come before the Planning Board, or could be handled by the Code Enforcement Officer. Johnstone said the Planning Board needs to certify that it is willing to grant a one-year extension, in order for CEO Waltz to issue the building permit next spring. VOTE: On motion of Boardman/Russo, Planning Board members voted unanimously to authorize a one-year extension for American Unagi, and signed an affidavit stating that American Unagi will have until January 9, 2021 to start construction or ask for another extension from the Planning Board.

4.2 Amendment for East Ridge Mobile Home Park, 120 Lady Slipper Lane (Tax Map R6 Lot 8E), Frederick Bess – to cease to be an “adult mobile home park”

In a letter to the Planning Board dated Sept. 20, 2019, owner Fred Bess requests that the requirement that East Ridge be an adult mobile home park be removed from the approved site plan. An adult mobile home park is required to have 80% of its occupants be 55 years old or older. Bess says that the park has reached the 20% maximum limit for residents under 55. He is getting more requests from people under 55 than from people 55 and older. He would like Planning Board

approval to remove the requirement that East Ridge be an adult mobile home park, and amend the approved site plan. The mobile home park was originally approved in 2005. Bess owns the land, and tenants rent lots from him. Bess would like to sell the mobile home park, and thinks it would sell more readily without the age restriction. The new owner could replace the age restriction if desired.

Johnstone said that Bess missed the deadline to get this item on the agenda for tonight's meeting. Johnstone has been advised by Town Manager Julie Keizer and Police Chief John Lash that Bess should be required to be present at the Planning Board meeting at which his request is discussed. Simpson asked that Planning Board members be able to see the minutes of the Planning Board meeting at which the East Ridge Mobile Home Park was approved, and all the application materials and approval materials, including any conditions on approval. Abutters and residents of the mobile home park should be notified of the meeting in advance, so that they can attend or provide input. It was suggested to hold a pre-application public meeting at the November Planning Board meeting, whether or not Bess can be present, so that residents of the mobile home park and abutters to the park can be informed, and attend or provide input. Two neighbors have already said they want to be present at the November meeting. Former Planning Board chairman Chuck Campbell lives just north of the mobile home park. It was suggested to make the formal decision about Bess's application at the December Planning Board meeting, which Bess is expected to be able to attend.

5. Next Meeting: Wednesday, November 13, 6:00 p.m.

Adjournment: The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Johnstone:

Find out whether existing tower at 2600 Atlantic Highway has lights now.

Notify abutters of planned discussion of tower at Nov. 13 Planning Board meeting.

Get more information from Jack Andrews about lighting, location of tower relative to lot boundaries, setback distance from Rt. 1 right-of-way, etc.

Find answers to questions about Ice Pond subdivision contained in two-paragraph discussion on p. 3 of these minutes.

Who should set up recommended Ice Pond neighborhood meeting? Where & when?

Notify tenants and neighbors to East Ridge Mobile Home Park of pre-application discussion at Nov. 13 Planning Board meeting; get input from these people before the Planning Board meeting at which Bess's application for East Ridge to cease being an "adult mobile home park" is acted upon.

Alexander

Correct the spelling of John Kosnow's surname in all minutes where it is wrong; give revised minutes to Johnstone for office file.

Write the name "Kosnow" 20 times. Never mis-spell it again!