

Minutes
Town of Waldoboro
Planning Board Meeting
November 13, 2019

Roll Call

The meeting was called to order by chairman Scott Simpson at 6:06 p.m. in the conference room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Johnny Kosnow and Jim Russo. Planning and Development Director Max Johnstone was present. A quorum was present throughout. There was no audience except reporter Alexander Violo from the Lincoln County News.

1. Minutes of October 23, 2019

On motion of Boardman/Russo, Planning Board members voted unanimously to accept the October 23 Planning Board minutes as distributed.

2. Citizen Comments – none

3. New Business

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

At its October 23 meeting about the wireless telecommunications tower at 2600 Atlantic Highway, the Planning Board asked Jack Andrews, Zoning Manager at Empire Telecom/ AT&T Wireless, to provide information about the existing tower: whether it is lighted now; whether any changes in lighting will be needed after the new antennas are installed; the location of the tower relative to the lot boundaries; and the setback distance from Route 1. Andrews has answered three of the questions: the tower is not lighted; it will not need to be lighted after the proposed antennas are installed; and it is located 300' from Route 1.

A letter from Andrews to Johnstone dated Oct. 1, 2019, states that the applicant has reduced the planned height to 199'. The tower is not currently lighted. Empire Telecom has revised its application, and now seeks approval to install three additional antennas and related radio equipment, the tops of which will not exceed 199' above grade, on the existing tower, and which will not require lighting. Andrews also seeks approval to install a generator on a proposed equipment pad within the existing compound.

The application summary sheet prepared by Johnstone for today's meeting states that AT&T currently has three panel antennas on the existing tower. The current application is to install three additional antennas at the same elevation, with two radio units mounted behind each new antenna, for a total of six new RRUs, three new surge arrestors mounted behind the antennas, and a new 15 kw diesel generator 72" x 30" x 50" installed on AT&T's leased 4' x 6' base pad.

Chairman Simpson said that according to the discussion at the October 23 Planning Board meeting, the local Planning Board is required to accept the proposed height increase. The understanding of the Board is that so long as the tower and antennas are below 200', lighting is not required.

Background, from October 23, 2019 discussion of Empire Telecom's application: Waldoboro's current ordinance has a maximum height limit of 195' for towers. The existing tower is 195' tall. The location, 2600 Atlantic Highway, is in the Route One Commercial A land use district. Andrews has stated 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. Addition of the proposed new antennas at 199' will not substantially increase the height of the tower, and

must therefore to be permitted. Andrews says that the improvements are similar to what was approved by the Planning Board in July, 2019. At the October 23 Planning Board meeting 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. The current height limit for towers in Waldoboro is 195'. Federal law supersedes local statutes. Simpson said at the Oct. 23 meeting that this means that the Waldoboro Planning Board does not have any flexibility, and must approve the request for Empire Telecom to place three antennas, the tops of which will not exceed 199', on the existing 195' unlighted tower.

At the Oct. 23 meeting 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. (Andrews says the tower is located 300' from Route 1, without specifying whether this distance is to the edge of the highway right-of-way or to the edge of the pavement. He has not said how far the tower is from the edge of the property line.) Johnstone provided Planning Board members a GIS map showing the structure 308' from the edge of Route 1 but not the property line.

VOTE: On motion of Russo/Boardman, Planning Board members voted 5 - 0 to approve Empire Telecom's revised application to install three additional unlighted antennas and related radio equipment, the tops of which shall not exceed 199' above grade, on the existing 195' unlighted tower at 2600 Atlantic Highway, conditional upon all other federal and State regulations for the tower being met.

4. Old Business – none
5. Comments from Planning Board Members – none
6. Procedure for Storm Cancellations

Johnstone said that if the Town Office is closed on account of bad weather, the Planning Board meeting scheduled for that evening is also cancelled/postponed. If the Town Office is open but weather is doubtful, he will telephone Planning Board members by noon or 3 p.m. on the day of the meeting, to cancel or confirm the meeting.

7. Next Meeting: Wednesday, Dec. 11, 6:00 p.m.

(Note that there is no second meeting in November.)

Agenda items may include the East Ridge Mobile Home Park adult park requirement, and an amendment to the Ice Pond subdivision. There will be only one Planning Board meeting in December.

Adjournment: The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Susan S. R. Alexander