

**BRIDGTON PLANNING BOARD
MEETING**

Bridgton Court Room

**June 17, 2014
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Dee Miller; Brian Thomas; Michael Figoli; Adam Grant, Alternate. Absent were: Fred Packard, Vice Chair; Alternate Position (Vacant)

The Pledge of Allegiance

Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary.

Steve appointed Adam Grant, Alternate, to act in the capacity of absent regular member.

Brian moved to end the meeting at 10:00p.m. Michael 2nd.
5 Approve / 0 Oppose

PUBLIC HEARING

**New Cingular Wireless PCS, LLC (dba AT&T Mobility LLC) and
American Towers, LLC
214 Hio Ridge Road; Map 13 Lot 53B
130' Tower w/antennas and equipment shelter on leased land
Represented by Barry J. Hobbins, P.A.**

Legal Opinions

- a. Maine Municipal Association
 - Code Enforcement Issuance of Building Permits
 - Tower Height
 - b. Drummond Woodsum
 - Recently Adopted Ordinances
2. Third Party Review Information

Mr. Hobbins said I have provided a revision of the proposed site plan which moves the project back 50' from the original location.

Steve said the three substantive outstanding issues including the effectiveness of other potential sites and/or the ability to co-locate on an existing site, on the June 20th we said would endeavor to find a third party to review the calculations and the survey that led to this site. Section 7 of the Tower Ordinance says full impact will be assessed by a landscape architect and given the approval of this site the ability to allow co-locators. We have a letter from George Goula who reprises a well-drawn map of the area.

Steve said for this meeting I would like to restrict comments to new information only.

Steve said we were going to find an agreeable third party engineer and we have a list of several names for consideration. We had suggestions for an IDK Communications, Ransom Engineers with Terry DeWan - landscape architects, Malone and McBroom and Wright Pierce Engineers. Does the applicant have any comment on these engineers?

Mr. Hobbins said with respect to their qualifications I thought we would receive more applications of those who had experience with siting wireless telecommunication facilities. I know the chair of the Board would like to find someone with an engineer's stamp but you are not going to find anyone in the wireless business like that because they do not have people on staff but go out and retain those that have a professional background in what they need.

Steve said what about the qualifications of IDK? Anne Krieg, Economic Development Director, said they have a good reputation and in terms of trying to find someone that can do radio frequency (rf) work the other companies I contacted have a conflict but IDK did not have a conflict.

Paul Viet, abutter and citizen, said in reviewing the list of third party engineers we thought that IDK would have the most ability to determine the rf which we feel is most important.

Brian said could we look at hiring two firms, one to look at co-location and one to look at landscaping? Steve said yes.

Ms. Krieg said typically the process is staff works with the applicant to set up an escrow account, the contract is with the Town.

Brian moved to direct staff to work with the applicant to set up an escrow account and coordinate the services of IDK and Ransom Engineering. Michael 2nd.

Michael said is there a budget? Ms. Krieg said we work with the applicant and the proposed firms to set up a reasonable amount for escrow.

Brian said what is the average time frame? Ms. Krieg said you probably won't have anything for at least 30 days.

Steve called for a vote to the motion. 5 Approve / 0 Oppose

Paul Viet said the Neighborhood Committee would like to submit a map to IDK through the Board (See attached). Mr. Viet said there is a straight shot down Route 302, when we first received the application it was stated to improve the coverage westerly down Route 302. Sam Ingalls is a straight shot down Route 302. When you at the proposed site and you look westerly down Route 302 there are two mountains. We are under the impression that signals go straight not bend around

mountains. Steve said that is one of the reasons for the third party review. Mr. Viet said can you make sure that they examine a topography map. Michael said they will have resources that exceed a topography map.

George Goula, Abutter and Citizen, said I have an AT&T mobility phone. I tracked coverage from Portland to Bridgton and I pulled five bars to Shawnee Peak where it dropped to four. At the Little Mountain Store it dropped to 2 bars and about one mile past the Little Mountain Store it bounced between 2-3 bars. I am concerned with fire and response of the fire department. Most fires at towers are a result of maintenance.

Steve said Section V of the Tower Ordinance review procedures states the Board shall approve or approve with conditions or deny an application within 90 days after review begins or within another time limit as it may be mutually agreed to by the Board and the Applicant. Therefore, I would like to ask the applicant about extending the 90 days. Mr. Hobbins said your Ordinance does not allow an effective review by limiting ongoing deliberations within 90 days. I am going to hold you to the 150 days.

Michael moved to extend the 90 days to 150 days known as the shot clock period no later than August 26, 2014. Brian 2nd. 5 Approve / 0 Oppose

Steve said your application is for a 130' tower and that tower is designed structurally to support 130'. Mr. Hobbins said the tower is built for co-location. Steve said but what if another carrier comes along and wants to take advantage by applying to the Board for the additional 25'. Mr. Hobbins said our application is for 130' not 190' and our tower has been designed and the footprint supports the 130'. You might have an issue in the future because of the 750' setback that was just approved at your Town Meeting.

Steve said we have a legal opinion from Dick Spencer, the Town legal representative and from Maine Municipal Association (see attached). If you go beyond the scope of our application and request that we somehow promote anything beyond a 130' tower we are not going to do it, it is beyond the scope of your Ordinance. Steve said Maine Municipal states that the Ordinance likely intends that the tower be designed for the maximum height that would be feasible in its proposed location even if it is not built to that height. Mr. Hobbins said that is contrary to your visual impact of a taller tower.

Mr. Viet said it has nothing to do with building a bigger tower it states in the Tower Ordinance "being able to satisfy the needs of maximum permitted co-location at the site." It simply means that you need to have a fall zone large enough to accommodate a taller tower.

Mr. Olsen said it was determined at a previous meeting that the tower could not go any higher because of the fall zone but now he want to move it back 50' which allows the tower to increase in height.

Mr. Hobbins said you can't have it both ways, we tried to accommodate by moving it back 50'. The opposition does not want a tower at all in the area. Dee said the neighborhood is contending that the Planning Board has not followed the Ordinance, however, I think the tower supports co-location but below the 130'. The Ordinance does not state who is supposed to add the additional height.

Ms. Viet said we have used the guidelines of the Ordinance to determine if the tower is in compliance and according to your Ordinance it is not.

Dee said even though the tower has been moved back 50' that still doesn't give you the 125% for the fall zone. The conditions that have been mentioned such as the need for a shorter tower, the lack of the proper fall space, would not allow this tower, we can't require them to build a tower that is 200' the applicant should as it is given to us and I think it meets the legal opinion. We may want to clarify the language in the future. The Ordinance says may not shall and there is a big difference between the two. Steve said we should review this language at our next meeting for clarification.

Adam said is the monopole designed to be used to 126' only? Mr. Hobbins said yes. Adam said it is not structurally designed to go higher? Mr. Hobbins said I would not say that, companies can be very creative. Dee said this particular application supports the application and the fall zone does not support a higher tower.

Elizabeth Collard, said if you put your tower lower would you get the reception you need? Mr. Hobbins said the rf engineer believes that the tower at 126' meets the coverage area we need. Ms. Collard said if you need 130' to meet the coverage you need there is no way an additional carrier is going to want to go lower because it would not be adequate to meet the coverage they need if you can't. Your Ordinance requires you to plan for as few towers as possible and as low as possible, isn't that your job? Mr. Viet said yes, the Tower Ordinance states support co-location and minimize the number of towers.

Mr. Viet said the neighborhood committee would like to bring to the Board's attention a concern for fire safety. Also, there are three telecommunication people on your Board. We have asked for numerous studies including a home evaluation study which was denied by you. There are items regarding the application that the Board should be looking into and you have not including fire safety. We have had conversation with Glen Garland, Fire Chief, and the height of the tower and response time if there were to be an emergency. The fire

department responded that they would not be able to do anything at all within 25'. When you refer to the internet fire safety issues are abundant when it comes to towers. At 500' they would be able to deploy their men and offer a substantial response. The neighborhood feels that this Board has been watching over the rights of AT&T and we are not so sure that you are watching over the rights of the neighborhood. We demand a safe distance for a full deploy of the fire department. For the first time in Bridgton you are going to put in the Town of Bridgton a structure closer to any home than has ever been put in Bridgton. There are so many other places that this tower could go.

Mr. Goula said how many batteries are associated with the generator, by federal law you have to file how many batteries are going to be on site and I have not seen anywhere where that has been done. Mr. Hobbins said we have not had a chance to get to those details. The Towers are not built to fall out they are built to fall within themselves. There are more safety hazards in your home than involved with this tower. The location of this tower does not allow for a full fire truck to be in between the tower and the home. Mr. Garland said conditions such as weather and other variables have an impact on how we can fight a fire. There is a reportable quantity of batteries on site that must be reported. Steve said can you submit those numbers for our next meeting? Mr. Garland said yes. Michael said the generator they will have on site will have only one battery.

Dee said is there a site survey that shows a layout of a turning radius for the fire department equipment? Mr. Garland said when I reviewed the application I looked at access into the site, the base of the tower and the facilities associated with the tower and I determined that it is adequate.

Steve said what would burn if you had a fire at the tower? More than likely it would be a ground cover fire because of the wooded type area around the facility.

Michael said some of the fires associated with cell towers has been the welding that is done to strengthen them. The process has since been improved with the requirement of between 35 and 50,000 gallons of water when anything is done. We would never put anyone in the Town of Bridgton at risk for fire. We have a couple members on this Board that worked really hard on a Committee on an Ordinance to improve fire safety for the citizens in Bridgton.

Mr. Viet said I am involved in a ministry and my Board members have informed me that if the tower goes in they will not allow children to come to my home/business. Normally I would go to Economic Development and work with them but Anne Krieg, Bridgton's Economic Development Director has two jobs and must remain neutral so who do I go to? Steve said The Town Manager or the Bridgton Board of Selectmen.

Steve said what would be a reasonable response from the third party engineers? Ms. Krieg said we can do a follow-up at your next regular meeting. Steve said at that time we can discuss time-frame for the report and vote on the co-location issue. Mr. Viet said do you mean the Sam Ingalls Tower? Steve said no, the strength of the tower and if our Ordinance requires 200' or the 130' is sufficient.

Brian moved to recess the meeting to July 1, 2014 at 7:00p.m. to discuss the two items. Michael 2nd. 5 Approve / 0 Oppose

Old Business

**Beaverwood Creek Estates/Christian and Lynn Olsen
Beaver Pond/off Hio Ridge Road; Map 13 Lot 60A
10 Lot Subdivision
Withdrawal of Application
Represented by George Sawyer, Sawyer Engineering & Surveying**

Steve said we have received a letter from George Sawyer, agent for the Olsen's, that they are withdrawing the application (copy attached).

New Business - None

Topics for Discussion

Brian said we have a memo (see attached) from Ms. Fleck stating that **Criterion Development** implied that they were going to be included on the agenda for June 24, 2014. The Board concurred to keep Criterion Development on the agenda for July 1, 2014 to continue review of the application and not include it on the agenda for June 24th.

Dee moved to adjourn the meeting at 9:10p.m. Brian 2nd.
5 Approve / 0 Oppose

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton