

**BRIDGTON PLANNING BOARD  
MEETING**

**Bridgton Court Room**

**April 22, 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; Fred Packard, Vice Chair; Dee Miller; Brian Thomas; Michael Figoli; Adam Grant, Alternate; Absent were: Alternate Position (Vacant)

**The Pledge of Allegiance**

Adam arrived at 7:10p.m.

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

All regular members were present therefore no alternates were appointed.

**Approval of Minutes - April 1, 2014**

**Fred moved** to approve minutes as presented. Michael 2<sup>nd</sup>.

4 Approve / 0 Oppose / 1 Abstain (Brian - not present for meeting)

**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.**

Mr. Hobbins said there was a photo simulation planned on one date with an alternate weather date, however, neither date was conducive to flying a balloon and so the photo simulations were formed on the 17<sup>th</sup> of April. If the Board is not satisfied AT & T will fly another balloon. I represent New Cingular Wireless PCS. I have just received correspondence from several individuals. There is no conspiracy from AT & T to do anything that would not be transparent. Our application was submitted and will follow the requirements of your Ordinance. I have done 175 sites throughout New England. This site was chosen by a site acquisition company which would be conducive to the overall network of AT & T Wireless. We have local sites that currently provide coverage such as the one on Shawnee Peak. This particular site would provide coverage for the Route 302 area and to provide data transfer and to communicate to the other towers. This particular site calls for a 130' monopole tower. Revised plans were submitted. Georgiann Fleck, Deputy Town manager, said are these different than what I received in the mail today? Mr. Hobbins said there is a notation of the fall-down zone being 162'6", the person that did the plans had 162'. The site will be accessed by a 30' wide easement. The compound

will be 50x50' and will be surrounded by a chain link fence and three strands of barbed wired. Within the compound will be a 130' monopole, radio electronic equipment and an emergency diesel generator. We will comply with all FAA requirements. It is highly unlikely that this site will be lit since the antennas are less than 200'. The communication facility will produce very little noise from a small cooling fan the size of a bedroom air conditioner which will be located in 11.5x20' building. The facility will not produce any dust, dirt, glare, odor, fumes, sewage, refuge, vibration or danger of explosion or fire. This particular site will be unmanned but there will be periodic visits possibility once or twice a week to assure it is working properly. This application consists of a total of 19 affidavits and description of exhibits. There are letters of authorization allowing us to proceed with the site, site plans and a lease agreement that has been redacted but it does demonstrate evidence of right title and interest. There is a list of abutters who were notified by a two tier process based on the footage from the site. There is a copy of the FCC licenses that we have. Also included in the application is specifications of the diesel generator, equipment shelter, radio frequency report, coverage maps to demonstrate need, waiver requests, structural engineering certification, site restoration plans and radio frequency affidavit and structural restoration plans. We started this process last summer and last fall I met with the Code Enforcement Officer.

Steve said after the Public Hearing the Board will deliberate.

Paul Veit, abutter, said I know you have had since last summer, however, the neighborhood has had less than a week's notice since we have received the certified letter. We are extremely disturbed by how the process has occurred and I think you should listen to the neighborhood. Steve said that is our intent.

The Board reviewed the criteria for compliance of the application using Section VII, Performance Standards/Dimensional Requirements, of the Tower Ordinance.

#### A. Height

1. Telecommunication facilities, towers, antennas and facilities shall not exceed a height of 150 feet except that where evidence of acceptable design and co-location is provided to the Planning Board, an additional 25 feet of height per each additional user is permitted, (based upon signed agreements to be filed with the Code Enforcement Officer prior to the issuance of any building permit). No telecommunications facility shall exceed a height of 200 feet.

*Lega Metcalf, Citizen, said is the application for 150' or 130'? Steve said 130'.*

*Ms. Metcalf said when I saw the balloon it appeared that the balloon was in the trees. There is not much coverage if the trees are in the way. Either the balloon was not up as high as it should have been or it is not going to serve its purpose if it is in the tree line.*

*Mr. Hobbins said the balloon was flown at 130'. The tree line is probably not more than 70-80'. Sometimes the balloon, because of weather, is suppressed and not straight up. We photo simulate a 130' picture from the height of the balloon. Ms. Metcalf said I would like to see the real thing is not simulated. Rob Baker, Code Enforcement Officer, said I took photos, there was a little wind so the balloon was taken up and down.*

## B. Setbacks

1. All telecommunication facilities, towers and wind energy systems shall be setback from the lot lines of any residential use or residential zoning district a distance equal to at least 125% of the tower height. The height used shall be the maximum design height approved for the site.

*Mr. Hobbins said the monopole towers are made to fall upon themselves, 125% of 130 is 162.5'*

*Mr. Veit said my conversation with John Harmon the past weekend and he said the property was re-divided, I don't know who owns what. There are three names on the application which I do not think matches the current land owner. I would like the Board to address who actually owns the property. Mr. Hobbins said it has not been divided this week. The application was submitted and all of the individuals, there is a whole family, and the lease is public record. I was told by Mr. Harmon, who is one of the applicants, that the tower is now only on his sister in law's property not on his. Mr. Hobbins said AT & T has a signed enforceable lease with the family members. Mr. Veit said does Mr. Harmon actually own the property at this time? Mr. Hobbins said I will try to find out but all of the individuals that have right title and interest in the parcel executed the agreement. Joann Harmon said it is in a trust with the four of us.*

2. Tower, guys and accessory facilities shall meet the minimum zoning district setback requirements.

*No comments or concerns expressed.*

3. Rotor blades on wind turbines must maintain at least twenty-four (24) feet of clearance between their lowest point and the ground.

*Steve said this section is not application to this application.*

## C. Limit of Noise Levels

1. Telecommunication facilities, towers or wind energy systems shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

*Mr. Veit said I asked the gentlemen who was doing the balloon test if we would hear the generator on our property and he said yes.*

2. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity regulated by this Ordinance

shall be as established below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four feet above the ground surface.

Sound Pressure Level Limit:  
55 dB (A) - 70 dB (A)

Mr. Hobbins said the generator is for emergency purposes only. In the case of on-going sound there will be a fan the size of a bedroom air conditioner. The specs for the generator are outlined on page 5, exhibit 11, of the application. If the Board, even though not required, would like a separate report we can request that.

Chuck Renneker, abutter, said at a previous meeting you said the generator would probably be started at least once a week, however, now you say that it will only be started during an emergency. Mr. Hobbins said if you recall we set certain hours that the generator cannot be used. There is language that can be put in the conditions of approval that state that. Mr. Renneker said the point is it will be weekly and not only during emergencies. Mr. Hobbins said we are talking about a 20 minute cycle for the test.

Mr. Veit said you have space for four companies, when the rays go up and down that tower pulling in from every direction are you telling us that our electric won't handle and the generator will not go on? Mr. Hobbins said no. Mr. Veit said the Richardson's who are in the shadow of that tower, the lady of the house is on oxygen, will we get to enjoy the fumes constantly for the five days. Are you going to assure the Planning Board that her medical bills will be covered while she is in the hospital? Mr. Hobbins said if you are going to raise health issues you violate the Telecommunications Act of 1996.

Mr. Hobbins said the constant ongoing noise will be like a bedroom air conditioner.

Steve said our responsibility is to make sure that if we approve this application that anyone within hearing distance is not disturbed by more than 70db(A) and we will have to get adequate representation from the applicant that he will meet that.

Brian Murphy, Citizen, said this building has planned one air conditioner is this for one carrier? Mr. Hobbins said yes. Mr. Murphy said if you put three more carriers there, they are going to need three more air conditioners and three more generators. Mr. Hobbins said our application is for one. Each application and every co-locator is going to have to come in and prove they meet the provisions of the Ordinance. Also, you should know that your Ordinance specifically requires co-location on a tower because it is a balancing act of do you want more towers for each individual company or do you want to co-locate them onto one structure if possible. If there is a problem where the sound goes over the limit that will need to be addressed by this Board but you can't punish the applicant when the company does what they need to do. We use a smaller generator if we need to comply with the sound requirements.

Mr. Renneker said you are representing two applicants, American Tower and AT & T. American Tower is actually leasing the land from the property owners and they in-turn are subleasing to another party so the first approval is for

American Tower to put up the structure and then sublease to the carrier? Mr. Hobbins said this application is for one carrier. Mr. Renneker said it is for two. Mr. Hobbins said no, this is for a co-location which is a joint application/venture. As far as expenses to putting the tower up there is a master arrangement between AT & T and American Tower. Mr. Renneker said is this a case where American Tower is putting up the tower and AT & T is going to lease from them, yes or no? Mr. Hobbins said they are part of it but it is an overall agreement for not just this site but other sites.

#### D. Aesthetics, Landscaping, Buffers & Fencing

1. Telecommunication facilities, towers or wind energy systems shall have a galvanized, rust resistant steel finish or be painted a neutral color which is non-reflective to conform to the surrounding environment and reduces visual obtrusiveness.

Mr. Veit said I took pictures of the site and I could not count the mobile homes that were falling apart, maybe 8-9. There are oil containers that were taken out of houses that are dumped upside down. There is another picture of a gentleman that built and invested in a home where the tower is going to be behind his house and it will be similar to the ad that I will be running in the Bridgton News. My brother is a New York City lawyer and although short notice I was able to get him up here this weekend. Mr. Hobbins said is he licensed to practice in Maine? Mr. Veit said no, he is licensed in New Jersey and New York where AT & T resides. Steve said how is this pertinent? Mr. Veit said because of what the site looks like our property values are impacted. The site is so bad I encourage everyone to go look at it. Mr. Hobbins said this is an issue for the Town not the applicant, we are only going to improve the site, we are going to improve the egress to the site to meet the public safety needs of the site. Steve said we come to terms that an applicant must remediate an already trashy site then we have to consider that. Mr. Baker said at the same day of the balloon float I took photos and it is a junkyard and we are working on a notice to the property owners and if it is not cleaned up it goes to court.

Judy Veit, Abutter and Citizen, I did not move to Maine to have a large tower in my backyard. Mr. Hobbins said we are asking for a 130' structure, the Ordinance does allow for 25' extensions for other carriers. Ms. Veit said it is above the tree line and even though you say that the health risks don't matter they do matter to me and my family. Mr. Hobbins said this facility will meet all the minimal health and radio exposure issues significant times over. The Telecommunication Act does not allow for those issues to be determined by this Board or any Board.

Pat Renneker, Citizen and Abutter, why don't we as neighbors have a choice to say we don't want the Tower without having the representative say we are going to get it whether we like it or not. Steve said the process is, you have had to petition the Board of Selectmen to change this Ordinance to put in some kind of restrictive statement and have Town Meeting enact it. We are constrained by the requirements of the Ordinance. Ms. Renneker said Maine is big, you can look someplace else, there are towers up on Pleasant Mountain yet you want to place it here.

*Mr. Veit said it says the neighborhood needs to be considered and the neighborhood does not like it.*

*Ms. Veit said if we had had adequate notice we might have considered revising the Ordinance.*

*Mr. Renneker said before an application is approved if an Ordinance is revised there may be the opportunity to apply a retroactive clause.*

2. No telecommunication facility, tower or wind energy system shall have any signage, writing or pictures that may be construed as advertising placed on it at any time.

*No comments or concerns were expressed.*

3. No flags, streamers or decorative items shall be attached to any telecommunication facility, tower or wind energy system.

*No comments or concerns were expressed.*

4. All telecommunication facilities, towers and wind energy systems, shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.

*No comments or concerns were expressed.*

5. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screenings and landscaping that will blend the telecommunication facility, tower or wind energy system to the natural setting and built environment.

*Jeff Jones, Citizen, said I have seen cell towers built to look like trees, will this tower look like that because it is being built in a residential area? Mr. Hobbins said those are some of the alternatives to visual impact.*

6. Telecommunication facilities, towers and wind energy systems shall not be artificially lighted, unless required by the FAA or other Federal or State authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and views. Evidence of compliance or non-applicability shall be submitted with the application.

*Mr. Hobbins said there will be one downward light near the entrance for safety purposes.*

7. Road access to the telecommunications facility, tower, wind energy system and/or structures shall be so located to minimum size necessary to allow safe access.

*No comments or concerns were expressed.*

8. The base of a telecommunications facility, tower or wind energy system may not be located in a wetland or floodplain.

*No comments or concerns were expressed.*

9. A security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the telecommunication facility or tower. Access to the telecommunication facility or tower shall be through a locked gate. Wind energy systems are exempt from this criteria.

*Chris Holden, Citizen, said was there a wetlands test done? Mr. Hobbins said it is a forested wetland, there are no setback requirements from a forested wetland. Mr. Baker said this site did not show up on the Shoreland Zoning Map as a wetland.*

#### E. Investigation of Existing Alternative Towers, Sites & Structures

Applicants shall identify all existing and proposed (on file in the Municipal Office) telecommunication facilities and/or towers, including their heights, located in the town and within one mile of the town boundaries. Applicants must provide evidence of the lack of antenna space on all such telecommunication facilities and/or towers, (except in cases where access is denied by tower or property owner), and shall identify other telecommunication facilities and/or tower structures and sites which have been investigated as an alternative to constructing a new telecommunication facility or tower. Applicant shall address the use of co-location and/or other alternative telecommunication facilities and/or tower structures and shall demonstrate that they cannot provide adequate communication service utilizing such existing telecommunication facilities, towers or structures.

*Mr. Renneker said I went up on the AT & T website and if you look at their coverage maps all except for the bottom of Moose Pond the coverage in this area is at least average to good. Where this tower is being proposed Hio Ridge is in the way of coverage so I raise the question as to why this tower is necessary. I have spoken with people in the area who have no issue with coverage so I am not sure what area is being served. Data coverage is actually better than voice. Brian said what service is that for, 3G, 4G or LTE? Mr. Renneker said 3G. Mr. Hobbins said this is a different frequency, the higher the frequency the more antennas you will need and closer together. There is a radio frequency report dated April 7<sup>th</sup> that does an overview and takes into consideration this location with coverage and capacity. They looked at six other sites before they settled on this location. The Pleasant Mountain site has been upgraded to LTE. The report is technical but simple, you need to have sight of the other structure in order to have a "handoff" of the signal. The overview included in the application has particulars including site search and objectives and it included Sam Ingalls Road, which I believe they rejected. Mr. Renneker said has the Sam Ingalls tower been upgraded? Mr. Hobbins said I don't know I am not doing upgrades.*

*Mr. Veit said out of the six sights you looked at you selected the one in a residential area why not a non-residential area first? Mr. Hobbins said we tried.*

*Ms. Metcalf said who were the consultants that looked at the Sam Ingalls Road? Mr. Hobbins said they were independent contractors who are not employees of AT & T.*

*Brian said is there another carrier in that area that provides that service besides AT & T? Mr. Hobbins said under the Telecommunication Act of 1996 a Board cannot discriminate one carrier against another, you cannot use the reason that one provider has coverage in an area so that one should be used.*

F. Co-Location - The applicant and owner shall allow other future wireless service carrier, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility or tower and site, unless satisfactory evidence is presented and the Planning Board concurs that technical constraints prohibit co-location. Space shall be provided at no charge to public agencies namely police, fire, ambulance, communications and Highway if requested at the time of review by the Planning Board.

*Mr. Renneker said the Board should ask the applicant to fund a study of the radio frequencies by an independent company. Mr. Hobbins said the Ordinance allows for independent consultants if you want to verify the work that has been done by AT & T.*

*Glen Garland, Fire Chief, said we have had conversation with Mr. Hobbins and we would like reserve our right if we need space in the future. Mr. Hobbins said we have no problem with that request.*

#### G. Other Requirements

1. Building Code and Safety Standards - To ensure the structural integrity of telecommunications facilities, the owner shall ensure that it is designed, constructed and maintained in conformance with application Federal, State and Local building, electrical and safety codes.

*Brian said is there a separate tank for storage of fuel for the generator? Mr. Hobbins said some are not separate but included as part of the generator. Brian said I did not see specifications within the application. Mr. Hobbins said we have not decided yet, but smaller is better. Brian said I would like specifications for type of tank.*

2. Advertising - No advertising or signage is permitted on telecommunications facilities.

*No comments or concerns were expressed.*

The Board reviewed the criteria for compliance of the application using Section VI, Review Guidelines, of the Tower Ordinance.

A. The Planning Board will be guided in its considerations by the following standards:

1. Height of proposed telecommunication facility, tower, wind energy system or other structure does not exceed that which is essential for its intended use and public safety.

*No comments or concerns were expressed.*

2. Proximity of the telecommunication facility, tower or wind energy system to residential development or zones does not create undue impact on the value or use of property(ies) in such residential areas.

*Mr. Veit said according to the studies that I have seen it will decrease property values by at least 30%, the condition of the property next to us is a disaster which will decrease our property values by an additional 20%, it will impact the Town because we have the right as property owners to file a grievance to decrease our property values. I will make sure that everyone in our area knows how to go about file a grievance with the Town.*

*Ms. Veit said can you as a Board say that it will have a negative impact our property values? Steve said that is not within this Board's jurisdiction to make that type of statement, it is up to the public to submit documentation to support that statement.*

*Mr. Renneker said wasn't there another tower proposed for Hio Ridge Road in the past? Fred said yes it was proposed to go in across the street from this location and that was when the telecommunication network was suffering so the withdrawal was financially related.*

3. Nature of uses on adjacent and nearby properties and the degree of incompatibility of the proposed construction or activity with such adjacent and nearby uses.

*Mr. Hobbins said with the improvements that will be made on that property you might find it might improve the overall value property because part of the value of property is the value of the individuals that utilize telecommunication services for occupations and distant employment. In this case we are going to improve the telecommunication services and make improvements to the roadway and the site where we are going to build the structure.*

*Mr. Veit said if someone were looking to buy a home would they consider a location in the shadow of a tower because of aesthetics and health related issues.*

*Mr. Renneker said when I looked out my window at my view what I saw was a view of the balloon in my view shed. Mr. Hobbins said have you seen the pictures? Mr. Renneker said I don't need to see photos, I saw the balloon. Mr. Hobbins said there were photo sims done from your property, 380 Hio Ridge Road, and there is not much of a view.*

*Nancy Miller said will there be additional lights due to lifefight helicopters that come in and out of that area? Mr. Hobbins said the FAA would look at flight patterns and make a determination if lights are needed.*

Mr. Garland said we have given the coordinates to lifeflight of the existing towers in Town.

4. Surrounding topography of the proposed site and the degree to which any specific topographical features render the proposed site incompatible with the purposes of this Ordinance, or require special consideration(s) as to drainage, erosion and sedimentation control.

Mr. Veit said in order for the focused microwaves of the tower to hit Pleasant Mountain it will graze the tops of houses of many of the people present this evening as well as the tree tops. Mr. Hobbins said there is no microwaves, this is low power FM signal. Mr. Veit said there is a gentlemen that lives on Frost Farm road with a pacemaker and the waves, whatever they are, will this tower impact him? The gentlemen who did the balloon test that works for the tower company said you are fine as long as you don't sit on your roof top for 10 years.

5. Surrounding tree coverage and foliage and the extent to which the proposed site or construction would disturb or diminish such coverage and foliage, or require special consideration(s) as to landscaping or buffering.

*No comments or concerns were expressed.*

6. Design of the telecommunication facility, tower, wind energy system, antenna, or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including the need for landscaping or other site improvement(s).

*No comments or concerns were expressed.*

7. The safety and utility of any proposed ingress and egress to the site.

*No comments or concerns were expressed.*

8. Availability of suitable existing telecommunication facility, towers, wind energy system and other alternative tower structures or locations as discussed in Section VII.

*No comments or concerns were expressed.*

9. Visual impacts on view sheds, ridge lines, and other impacts resulting from telecommunication facility, tower or wind energy system location, tree and foliage clearing and placement of incidental structures, power lines and access roads.

*No comments or concerns were expressed.*

10. Visual impacts on the view from any public park, natural scenic vista, historic building or major view corridor.

*No comments or concerns were expressed.*

11. That the proposed telecommunication facility, tower, dish, wind energy system be constructed in such a manner not to result in needless height, mass, and guy-wire supports with documentation having been provided and

review regarding the design capacity and/or the remaining co-location capacity of the telecommunication facility, tower, wind energy system.

*No comment or concerns were expressed.*

12. The proposed telecommunication facility, tower or wind energy system will minimize potential effects on wildlife.

*No comments or concerns were expressed.*

A. The Planning Board may use any technical and professional services necessary to assist in their review of a telecommunication facility, tower or wind energy system. Services may include but are not limited to: an analysis of shared use, an analysis of visual impact, an analysis of the structure satisfying federal and state requirements, an analysis of alternative sites, and other issues required to satisfying requirement of this section. The applicant shall be required to pay all costs involved with these professional services.

*No comments or concerns were expressed.*

B. The Code Enforcement Officer may use professional and technical services to inspect construction of an approved project. The applicant shall pay all costs incurred for these inspection services.

*No comments or concerns were expressed.*

Steve said when we close this part of the Hearing we need to schedule a date and time to deliberate. At that time we will consider new information supporting facts.

Mr. Hobbins said I would encourage the Board to engage your Town's legal counsel to outline the interface issues regarding health, co-location and discrimination so you have perimeters for a solid case, one way or another.

Steve said to Mr. Hobbins, will you be prepared for us to begin deliberation at our May 6<sup>th</sup> meeting? Mr. Hobbins said does the Board want a site walk? I would also like the Board to deem the application complete. I will have a radio frequency engineer, a site acquisition engineer present to explain why this site is essential for the overall network.

Ms. Veit said is this commercial vs. residential zone? Mr. Hobbins said there is no zoning in Bridgton. Ms. Veit said then there is no way to protect a residential neighborhood? What is this Board's duty to me as a landowner and tax payer? Steve said the book of ordinances and regulations.

Ms. Veit said Mr. Hobbins said we cannot bring up the health issue concern, are we not allowed to discuss that? Mr. Hobbins said you can't bring up something that goes beyond the acceptable limits of the

FCC, Food and Drug Administration and the Telecommunication Act anything like you say it causes cancer, you can't do that. Ms. Veit said why not? Mr. Hobbins said because it has not been acknowledged.

Anne Krieg, Economic Development Director, said for the next meeting I will outline the typical perimeters of your review for an application such as this. Also, this would be the time to consider added reviews. Mr. Hobbins said for instance we will provide a noise study. If it is requested of us we will provide it.

Carole Ayer, Citizen, read for the record a statement regarding health related issues (copy attached).

Steve read for the record correspondence received from Mr. Burhite (copy attached).

Steve read for the record correspondence received from Dr. Jim Cross (copy attached).

Dee said each company has its own type of frequency so they have to overlap, so when you are showing us the map with the dark blue shading that doesn't mean that there is not another company within that area? Mr. Hobbins said there is a significant gap. Dee said gap of any service? Mr. Hobbins said we are only talking about the AT & T network.

Steve said when cell communication was getting created the industry technology came up with CDMA (Code Division Multiple Access), TDMA (Time Division Multiple Access) and GSM (Global System for Mobile). The FCC refrained from saying use one of these systems. However, Europe said use one of these. Michael said with different modulations there are different frequency bands. Everyone wants more service.

Steve said we need to decide if we have a complete application, do we want a site walk, do we have further things that we want the applicant to submit for when we deliberate, do we want Ms. Krieg or the Town's attorney to attend the deliberation meeting and when do we want to open the deliberation? Steve said we have 90 days from when the review begins or within another time limit mutually agreeable to the Board and the applicant. The start would be April 1, 2014. Mr. Hobbins said there is the shock clock for a new site, not a co-located site, is 150 days. The shock clock can stop by mutual agreement or the applicant fails to get something done that was required.

Mr. Veit said I would like to suggest that you delay the deliberations for 60 days since we have only had four days to process.

Chad Cummings, Citizen, said I would like to ask that the balloon be flown at a time when it is more convenient for people to see such as a

Saturday so we can see the visual impact. Mr. Hobbins said our time-frame was very short for flying the balloon recently, we wanted to do that before the meeting so we chose the 14 and 15<sup>th</sup> and we ended up putting the balloon up on the 17<sup>th</sup> with photo simulation. If you want us to do another balloon and advertise it again we will. Adam said how much notice do we need for advertising the balloon flight on a Saturday? Ms. Metcalf said can't it fly for a week? Mr. Hobbins said the balloon will only stay up for about 3-4 hours, the balloon is a 6' balloon. Ms. Fleck said the Bridgton News needs the notice Friday for publication on the following Thursday. Mr. Hobbins said I am acting in good faith to re-fly the balloon because we flew the balloon on a date that was not proposed. Adam said can we be there for the site walk during the balloon flight. Ms. Fleck said I want to remind the Board that conversation and discussion is limited between the Board and Citizens during a site walk.

Ms. Veit said at the previous balloon float there was no continuous presence of the balloon, it would go up for about 20 seconds and then come down. Please give us 60 days to research and prepare for the next meeting.

Ms. Krieg said to Mr. Hobbins will there be another level of visual impact analysis? Mr. Hobbins said yes. Ms. Krieg said will you do the other analysis that superimposes into the photo of the tower because I have not seen them? Mr. Hobbins said yes, we just received them today. Ms. Krieg said the Board may want to consider a third party engineering study. Steve said the coverage? Ms. Krieg said yes.

Mr. Hobbins said one of the issues we had at the previous meeting was the fall down zone and we have since rectified that with a revised plan.

Mr. Renneker said there has been limited time for response therefore I would like to request that you take this application up at the June meeting and not the May meeting. Ms. Ayer said there are also the individuals that are just now coming back for the season the "snowbirds". Mr. Hobbins said I respect that because they are property tax payers, however, they probably don't use a lot of the school service as well as other services within the Town. There are federal laws and procedures that must be followed. We are willing to go through the process and accommodate as best we can. We know that we are not going to be able to convince you that a cell tower is going to be healthy for you but until there is proven scientific data which the Food and Drug Administration and the FCC and others have decided we follow a set of rules that are provided to us and if we meet all of that then we deserve to have our site approved.

Mr. Veit said to Fred when the question was asked "Should we wait for the snowbirds" did you emphatically say no? Fred said no I did not, I said no we need to have a reasonable amount of time.

Fred said I move the motion. Steve said there is not motion on the floor.

Dee said our next scheduled meeting is May 6, 2014 and I think we owe the people in the neighborhood time but 60 days is too much, we need to keep the application moving forward.

Ms. Fleck said the Board should leave the Public Hearing open to allow the submission of additional testimony and information.

**Brian moved that** Mr. Hobbins prepare a balloon flight for 8:30a.m. to 1:00p.m. Saturday, May 3, 2014 with an alternate date of 8:30a.m. to 1:00p.m. Saturday, May 10, 2014. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

Brian said at the previous balloon float the balloon was supposed to fly until 1:00p.m. and I arrived at noon and no one was there, they need to stay to the specified time.

**Adam moved** to have a site walk in conjunction with the time and date of the balloon float. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

Dee said the site walk is a public meeting so citizens are invited.

**Brian moved** that the application is complete. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Dee said this does not preclude other studies or evidence. Steve said correct.

**Adam moved** to schedule the application for June 3, 2014. Brian 2<sup>nd</sup>.  
Dee said that will be continuing the Public Hearing? Ms. Fleck said yes. Steve said we will recess to the Balloon flight to the meeting date. 2 Approve / 3 Oppose (The motion failed)

**Michael moved** to continue the Public Hearing on May 20, 2014. Fred 2<sup>nd</sup>.  
4 Approve / 1 Oppose (Adam)

Brian said can the noise study be completed and submitted for the May 20, 2014 meeting. Mr. Hobbins said yes.

Brian said I would like more information on the tank or tanks related to the diesel generator.

Mr. Veit said can the Board consider hiring an independent appraiser to evaluate property values? The Board concurred that they will not hire

an independent appraiser but the citizens could hire one and submit their findings for consideration.

Brian said will the additional engineers be able to attend the meeting? Mr. Hobbins said yes, we will have the radio frequency engineer and the site acquisition present.

Steve said at the end of this evening we will recess the Public Hearing until the morning of the May 3, 2014 at 8:30a.m., we hope will consist of the balloon flight, reopening the hearing and having our site walk. Adam said we will need to be there regardless of whether it flies or not. Steve said yes. If the balloon flies and everyone has seen it we will recess the Hearing until the 20<sup>th</sup> of May at which time we hope we will be able to close the Hearing and begin deliberations.

**Dee moved** to recess the Public Hearing on the AT & T/American Tower application to Saturday, May 3, 2014 at 8:30a.m. at the site.  
Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

At this time the Board took a break from 10:10p.m. to 10:20p.m.

**Vista Investments LLC  
Community Apartments & Efficiency Way Subdivision  
Off Portland Road; Map 10 Lot 10(PO)  
18 Lot Subdivision and 96 Community Apartments  
Represented by Jon Whitten, Terradyn Consultants LLC**

Mr. Whitten as a result of the previous meeting we have submitted a 10 year build out plan, a narrative, a written description of the apartments and color renderings. The total property is over 100 acres. The property shown on the color plan is approximately 60 acres in size There are two points of access from Route 302, Community Way and Sustainable Way. Both entrances have been approved by the Town for different subdivision. Community Way is an approved 400' called Commerce Way which was part of a 4 lot subdivision done in 2011 and Sustainable Way is an approved town entrance way for Eco Estates and 8 Unit Subdivision recently approved. There will be a connection between Sustainable Way and Community Way with the access road to the apartment complex. The community complex is on a parcel just over 44 acres and that supports 96 units. The 96 units will be in 8-12 unit building. The 12 units will be a combination of 2 and 1 bedroom apartments. Each building will be serviced by public water and shared septic system for each building. There will be eight septic systems for the apartment buildings plus a small septic system for the office building. There is also a proposed maintenance building to support the complex itself. We have a parking ration of 1.5 spaces for every residential units for a total of 150 parking spaces for the complex. There are various level spreaders and wooded buffers to maintain stormwater management control. We have an underdrain filter basis

which is located off Community Way and a more traditional wet pond off Sustainable Way to compensate for phosphorous on the site.

Steve said even with your BMPs you have to buy about a pound of phosphorous? Mr. Whitten said yes.

Mr. Whitten said Eco Estates plus the six commercial lots along Route 302 are under a Site Location Permit which is being reviewed by the DEP which is about a six month process.

Mr. Whitten said the majority of this project is within the Otter Pond watershed. The northern end changes direction and goes to the Long Lake watershed.

Mr. Whitten said the applicant is proposing an emergency gate to separate the apartment complex drive from Sustainable Way. Pedestrians will be able to cross between the two developments but vehicles would have to unlock the gate to pass. It is to keep the residential subdivision traffic separate from the apartment complex. Adam said who will control the gate? Mr. Lopez said the manager of the apartment but whatever the Fire Chief prefers.

Mr. Whitten said all the roads will be built to Town standards. Although there is a revision to that standard consisting of the width of the road, pavement, in some areas will be wider and add underdrain within the shoulders to lessen the overall impact of the right of way on the houses. Steve said is it the applicant's intent to ask the Town to take over the roads? Mr. Whitten said yes, the Public Works Director made comment that they did not meet the standards and would have to be maintained as private roads. Steve said you need to discuss this with Jim Kidder, Public Works Direction, in preparation of our deliberation.

Mr. Whitten said Sustainable Way will go through the property and hammerhead in an area that intersects with Efficiency Way. The hammerhead area is in a right of way that extends to the retained land.

Mr. Whitten said the subdivision will take up 8.3 acres of land and is being proposed as a cluster subdivision in which the houses will be on a shared septic system, each two lots. They are all below the engineered system of 2,000 gallons per day.

Mr. Whitten said Efficiency Way will be serviced by public water, underground utilities, shared septic systems and a series of level spreaders and wooded buffers to compensate for stormwater management. The overall project is paying a compensation fee to DEP for its phosphorous production.

Mr. Whitten said the applicant will be building homes as the lots are purchased. The applicant is also interested in building the apartment buildings.

Mr. Whitten said there will be sidewalks between the apartments, landscaping and lit for safety and solar panels on the roof for energy efficiency.

Larry Scholz, has there been any research as to how many additional children will be added to the school system when this is full? Steve said that is not an element of our questioning. Mr. Scholz said there is the possibility of adding at least 50 to 100 children to the school system in a rental environment. Mark Lopez, Developer, said the taxes that will be paid by this development will be substantial. Statistically in a 2 bedroom unit it adds .2 kids per unit to the school system.

Michael said can you add a paragraph regarding a succession plan to your schedule in case owners change? Mr. Lopez said it would be speculative. We are not planning on these units to be subsidized units which is why are planning the long term build out.

Carmen Lone, Citizen, said has there been any study as to what the impact on Town resources would be such as fire, medical services, police, etc.? Steve said some of those we can take into consideration during our deliberation.

Ms. Lone said what roads are you planning on proposing become Town roads? Mr. Whitten said Sustainable Way and Efficiency Way.

Steve said does the Board want to consider a Performance Bond? Mr. Lopez said we will not be applying for a building permit until the road was installed. Mr. Lopez said I would not have a problem coming up with a bond figure to put the top coat of pavement down. Steve said that would be beneficial.

Ms. Metcalf said given the size of the development is one road safe enough? Mr. Garland said there are proper means of egress.

Adam said have you received permission from DOT for the road access? Mr. Whitten said I believe we have. I will confirm and submit that for the next meeting.

Ms. Lone said is there an area of the development proposed for recreational use? Mr. Whitten said we have not finalized that yet but there is an area proposed for a playground approximately 40x50. Ms. Lone said will you be defining that before you receive approval? Mr. Lopez said no.

Mr. Whitten said the buildings will be sprinkled.

Mr. Scholz said will the sidewalks extend out to Route 302? Mr. Whitten said no. Mr. Lopez said I installed a sidewalk at the McDonalds property and it is not used, therefore, we have internal sidewalks for circulation within the development. Justin McIver, developer, said is there room to add the sidewalks if the need arises in the future? Mr. Whitten said yes.

Ms. Krieg said at what point in the project development will the Town be asked to accept the roads? Mr. Lopez said we will need to use our judgment. Mr. Whitten said it is not going to go to the Town before finished pavement. Steve said please submit a statement to that effect for us to consider for our deliberation.

**Brian moved** to close the Public Hearing. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

**Fred moved** to add the application to the May 6, 2014 agenda for board deliberation. Michael 2<sup>nd</sup>. 5 Approve / 0 Oppose

#### Topics for Discussion

- A. Revised Ordinance Index for your notebooks
- B. Revised Subdivision Regulations for your notebooks
- C. Maine Townsman
- D. Other/Miscellaneous

**Fred moved** to adjourn the meeting at 11:10p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton