

**BRIDGTON PLANNING BOARD
MEETING**

Bridgton Court Room

**May 20, 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; Adam Grant, Alternate; Absent were: Fred Packard, Vice Chair; Michael Figoli; 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.

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.

Brian moved to reconvene the Public Hearing at 7:05p.m. Dee 2nd.

4 Approve / 0 Oppose

Mr. Hobbins said I submitted for the Board's consideration a photo simulation of the balloon float. There were two previous attempts to do a balloon float but due to weather a balloon test was done on April 18th. AT the request of the Board we conducted a subsequent balloon test on May 3, 2014. We did so even though we met the requirements of the Ordinance. For the balloon test we republished and re-notified the abutters. The Radio Frequency Assessment report was also submitted to the Board for consideration (see file). There was a noise assessment report done (see file). I received a submittal which was submitted by Paul Veit which I have not had an opportunity to review, therefore, I reserve the right to review and respond.

Paul Veit, abutter, said we just received submittals at the last minute which the Hio Ridge Road Neighborhood Committee ("HRRNC") has not had a chance to review. Mr. Hobbins said the Board received the submittals in the required time frame according to the Ordinance. Mr. Veit said I reviewed the application file and some of these were not included in the file. Mr. Hobbins said I did submit the necessary documents for the file. Brian said the Board has received the additional documents.

Mr. Hobbins said the balloon test for the simulation was completed April 18 9:00a.m. to 1:00p.m. and May 3 between the hours of 9:35a.m. to 2:00p.m.

Elizabeth Collard, abutter, said we went looking for the balloon between the hours of 10:00-11:30 and we did not find the balloon. Mr. Hobbins said I was present at 10:00a.m and there were numerous people present. Ms. Collard said there were other people that were searching for the balloon and they could not find it either. Mr. Hobbins said you probably just could not see the balloon because it was up.

Judy Veit, abutter, said what amount of that time would you say that the balloon was at full extension? Mr. Hobbins said the photographs that were taken were at full extension. Ms. Veit said maybe you need a different balloon because this one did not fly consistently and maybe a different color because the yellow is difficult to see.

Gary Burhite, abutter, said we stood there for maybe $\frac{3}{4}$ of an hour and it got above the trees once for maybe 5-10 seconds then it was down below the tree line.

Mr. Hobbins reviewed the photo simulations with the attendees.

Mr. Veit said the neighborhood rejects this submission as being a proper visual impact study. Section IV.C.10 of the Tower Ordinance states "a visual impact analysis prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact on properties...This analysis shall include recommendations to mitigate adverse visual impacts on such properties." There is not one single page of interpreted text, a statement regarding impact, a statement recommending adverse visual impact and there is no stamp on the photos by a landscape architect. We object to a google map image with no information on the photos. Mr. Hobbins said this was a balloon test, this is not the final product of a visual impact study. Part of the visual impact is what is discussed by the Board and the public. Our application has been deemed complete that means we have made the requisite submissions to the Board. This is for illustrative purposes only. The reality is someone is going to see the 130' monopole.

Chad Cummings, Abutter, said the balloon float represents one provider, however, how much higher will the tower go with additional carriers? Mr. Hobbins said they will be below it and future co-applicants will have to submit an application to the Planning Board for review. Mr. Veit said a co-location requires review by the Code Enforcement Officer only.

Mr. Hobbins said there are several mitigation options such as painting the pole a different color above the tree line vs. below the tree line.

Lega Metcalf, abutter & citizen, said I live in an area that will not have much visibility of the tower. It would seem to me that one of the homes very close to the tower currently is shielded from the tower but if they cut down any trees it would be a bid visual impact. Mr. Hobbins said there are certain restrictions that are imposed by the Planning Board regarding the cutting of trees. The trees are on their property so they would not be able to harvest their trees and if a storm damaged any of the trees they would be at a disadvantage.

Chuck Renneker, abutter and citizen, said you did not show any photos from Prescott Ridge which the tower would be very visible from. Mr. Hobbins said I am displaying the photos I received from the vendor. Mr. Renneker said why were not photos taken from Prescott Ridge? Mr. Hobbins said I will inquire but you asked that the photos be taken from your property and we did. From that pictures can you see it and do you have a significant visual impact? Mr. Renneker said yes, and property owners on Prescott Ridge are even more visually impacted.

Mr. Hobbins reviewed the Antenna Site FCC RF Compliance Assessment Report provided by Pinnacle Telecome Group dated May 6, 2014. (See file). Steve said of an exclusion distance does it presume for maximum exposure? Mr. Hobbins said the further away you go it is 130 times less than what the maximum allowable is and it goes down even more the further away you go.

Mr. Cummings said the proposed levels are in relation to only one provider, they will increase with additional providers? Mr. Hobbins said this application is for what we have applied for and if you want to run the calculations for four providers it might be 100 times less but it is not going to be 100%.

Ms. Veit said I have a document that the U.S. Department of Interior filed on March of 2014 and it talks about problems with the FCC, their assessments are 30 years old and the rays were not fully understood at that time. It has been dangerous for birds that are migrating. This report is at street level but what about higher rays that might impact multi story homes where they may have living spaces or bedrooms on a second story?

Dee said are the FCC Standards the only acceptable ones, industry wide? Mr. Hobbins said the FCC, Federal Communication Commission that sanctioned the rules. Dee said so we have to accept a tower if it is within the acceptable standards and they set the standards which I am concerned with. Dee said are there any other standards used besides the FCC standards? Mr. Hobbins said yes, this is a combination of

factors of the FCC, the Food and Drug Administration, ANSI standards and EPA are an accumulation of standards of the world health organization. We are not supposed to get into a discussion about health issues. Dee said I am not asking about health. Mr. Hobbins said these standards are what are used to proposed and construct a tower, if you do not meet the standards you cannot build a tower at the site. Dee said and these are the standards that are used industry wide in the United States? Mr. Hobbins said yes, these standards have been set by the FCC which was incorporated by the Telecommunication Act in 1996.

Pamela Coring, abutter and citizen, said why wasn't the amount of radiation project at 130' instead of at street level? Mr. Hobbins said if the Planning Board would like further information or if you have documentation by an expert that says anything different we will consider it.

Mr. Renneker said we are approving a tower to be sited on this land and we are also approving a co-locater on that tower what happens if there are more co-locaters in the future? Mr. Hobbins said the FCC addresses the modification, another set of antennas, if that should happen in the future. Mr. Renneker said American Tower, not AT & T, is required to provide the total impact if they have more co-locaters. This presentation is provided by AT & T and their impact. Mr. Hobbins said if the Board wants it run with more co-locaters we can do that.

Ernesto Chua, Radio Frequency Engineer with AT & T, said I did not do the calculations but the company to do that has the expertise. When you are in front of the antenna about 10' that is where the concentration is focused. With this height it was concentrated downward. Your cell phone has more energy than the tower. Mr. Hobbins said in the city of Boston how many arrays are on the top of buildings? Mr. Chua said hundreds. The attending citizens said this is not Boston. Mr. Hobbins said in the city of Portland? The attending citizens said and this is not Portland. Ms. Veit said we live in Bridgton because we like the rural area. If I am in my bedroom on the second floor, 300' from the tower, what are the arrays? Mr. Chua said it is very low. Mr. Veit said, low, but do I want to sleep night after night in the arrays of this tower, we are into green in our society and green does not say that we should radiate our bodies. Mr. Hobbins said in Wi-Fi and repeater antennas what is the closeness of those types of antennas compared to this type of antenna? Mr. Chua said the original towers that were analog emit more power compared to now.

Gregory Jones, Citizen, said towers are not the only things that emit electro-magnetic fields, things that we have throughout our home you will probably get more from.

Mr. Veit said approximately how many pages is the safety book that is located at the site? Mr. Chua said I am not sure? Mr. Veit said how thick is it? Mr. Chua said I am not sure? Mr. Veit said it is very large, and yet you are saying it is totally safe, that is what is wrong with this proposal.

Jason Merry, abutter and citizen, said if a division of a lot were to take place in the future, how close can it be to that tower? Mr. Hobbins said there is a fall-down zone which brings you out 162.5'. the closest house is approximately 300'. Mr. Veit said there is a house that is just outside of the fall zone.

Ms. Metcalf said to put a tower in an area surrounded by lots of people is unconscionable and the Ordinance is wrong. I don't believe there are health risks but the people around here should not have to live in the shadow of the tower. It is wrong to "jam it down our throats" and comparing it to Portland is wrong because there is a lot of concrete in Portland, compare it to a similar rural area. All along Route 302 there are a lot of commercial businesses that would welcome cell tower, why does it have to be right in the middle of a residential area. It does not matter what the Ordinance says.

Maggie Burhite, abutter and citizen, said the purpose of the Ordinance is to minimize impact. There at least 50 property owners and if the purpose is to minimize impact why pick an area that has the potential for the growth of future homes.

Mr. Renneker said where will future carriers be located on the tower? Mr. Hobbins said we will be at 126'. Mr. Renneker said and that is the tallest the tower will ever go? If you read the Ordinance it can go up at 25' increments to 200' for co-locators? Mr. Hobbins said if it changes it footprint from 130' it has to go back through the Planning Board process. Mr. Renneker said I have been told by Town Officials that that is not true. Steve said Section VII.A of the Tower Ordinance states "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."

Ms. Veit said it would be foolish to build a tower that you could not co-locate on because it would defeat the Ordinance which is to minimize the amount of towers, therefore, that tower needs to be able to accommodate the maximum because the Ordinance states that we should co-locate as much as possible. Steve said that is correct.

Eddie Rolfe, abutter and citizen, said there is a tower located in Conway that has condos and church built under it. Harrison has one cell tower building between the house and barn. I am 80+ years old and I am not worried about arrays. I have been on a Board in Harrison and unfortunately you have to make unpopular decisions but as the chairman of the Board said the Board needs to abide by the Ordinance. Mr. Veit said the tower in Conway is a radio tower not a cell phone tower. Mr. Hobbins said the frequencies in FM tower is similar. We co-locate on FM towers all the time. Mr. Merry said are those rays the same as the cell tower rays? Mr. Chua said they are more that is why you have a signal in your car. Mr. Merry said not signal but rays? Mr. Chua said it is less.

Adam said are all frequencies in towers similar to this tower? Mr. Chua said yes, the frequencies are similar but it is how the FCC assigned the licenses. The lower the frequency the farther the signal goes.

Chris Olsen, abutter and citizen, said is there any monitoring done after a tower is installed? Mr. Hobbins said as required by the FCC when relicensing is done it still must meet the standards.

Ms. Veit said I am told that if a tower is below 200' they are not even recognized by the FCC, they don't have to be monitored or anything? Mr. Hobbins said a 200' tower is for lighting. Ms. Veit said they do not even have to be registered. Mr. Hobbins said if you are near a flight path you have to be registered. Ms. Veit said this tower is not required to be registered with the FCC, therefore, you are not monitored by the FCC, they won't even know this tower is there. Brian said they need to license with the FCC. Ms. Veit said they may be licensed but because the tower is below 200' it is not monitored.

Mr. Jones said the FCC has a data base where you can search for towers and there are several hundred towers listed on the data base. Ms. Veit said but they are not monitored.

Mr. Hobbins reviewed the Noise Evaluation study prepared by Noise Control Engineering, LLC dated May 5, 2014. (See file)

Steve said you are proposing an 80Kw generator, how heavy will this installation load that generator, what is the AC power to the transmitter? Craig Cody, Site Acquisition Specialist with American Tower, each carrier draws about 15Kw when they are connected to the generator so this generator is designed for more than one carrier.

Brian said was the report done for the property that you are leasing? Mr. Hobbins said it is to the property line. Brian said our Ordinance says that noise has to be measures at the property line that you are

leasing. Mr. Hobbins said it says a lot. Brian said this report does not reflect the noise level at the property lines. Mr. Hobbins said as of December 21, 2013 the Maine Supreme Judicial Court handed down a ruling in a case involving the Town of Casco that a 100x100' leased parcel is not considered a lot and therefore the fall down zones are of the master lot and not of the leased area and the same proves for a noise study, it is no longer considered a lot of record, therefore it does not have to conform for subdivision purposes or site location purposes.

Brian Murphy said if a second carrier comes in do they have to put up their own air conditioning unit? Mr. Cody said it depends on the design. Mr. Murphy said the current one would reach 47 decibels but if you put a second unit would it run to 80 decibels? Steve said you can't add decibels together to get a total. Mr. Hobbins said the Planning Board can put restrictions as to when a generator can but run, it is usually 20 minutes to ½ hour, once a week or during maintenance.

Roberta Manter, a butter and citizen, said the generator would be for back-up power in case of power failure until power is restored? Mr. Hobbins said yes. Ms. Manter said then it could be any time day or night or various amounts of time. My husband is allergic to sulfa contained in diesel so are these diesel generators?

Mr. Hobbins said Mr. Cody was assigned this site by American Tower. Mr. Cody said ideally we like to locate on an existing structure but there are no existing structures in the area. There is a US Cellular tower not far away just northwest of the search ring. We send coordinates of that tower to RF for consideration and it was rejected so we had to look for the next viable location and we submit that to the Mr. Chua, RF Engineer, for consideration. Mr. Chua said once we receive a location to consider we look at the site for location and tree canopy.

Mr. Hobbins said as part of our application we submitted an Alternative Site Analysis which lists the sites that we considered. Mr. Veit said there has been no documentation showing communication between AT& T and/or US Cellular regarding the Sam Ingalls Tower. Also, because no communication has been done they did not establish a maximum height for that tower. There is also a partnership that exists between American Tower and AT & T. This partnership forces a violation of the requirements by your Ordinance for co-location because American Towers will never co-locate with US Cellular. Their previous business partnership violates the Ordinance. The Community should not suffer the consequences of a business arrangement between American Towers and AT&T. The "HRRNC" suggests that you seek advice from Bridgton's legal advisor because they will confirm that the legal partnership between American Towers and AT&T prevents co-location at

the Sam Ingalls Road. Not a single document exists that there was contact with the owners of the Sam Ingalls Road Tower. Mr. Hobbins said to Mr. Chua did you consider the Sam Ingalls Road Tower and why was it rejected? Mr. Chua said yes, the terrain was restrictive and caused an obstruction for the arrays. Mr. Cody said there are two inhering technologies, US Cellular is CDMA and they get a further propagation characteristics but they don't get as good a data transmission but they drop more calls. AT&T is GSM which means they need more cell sites in order to get the same footprint that US Cellular has.

Mr. Hobbins reviewed the Alternative Site Analysis for the record. Mr. Cody said the towers listed in the analysis are outside the search rings therefore they were rejected by RF. (See file).

Steve said what are your credentials, your technical education, Mr. Cody? Mr. Cody said I have an RF background, a Site Acquisition background and I am a jack-of-all trades in this industry.

Steve said what are your credentials Mr. Chua? Mr. Chua said I am engineer in electronics and communication.

Ms. Metcalf said who do you work for, are you impartial, are you being influenced by the applicants for the tower? Mr. Cody said I am on salary, I don't get any commissions for this? Ms. Metcalf said yes, but who do you work for? Mr. Cody said American Tower. Mr. Hobbins said Mr. Chua has been working for AT&T for New England and he is the one that runs all the calculations and follows the practice and protocol. This area has a significant gap of coverage so it is an area that needs coverage.

Joanna Veit, Abutter and Citizen, said my phone is AT&T and I have full four bars and I don't lose service until I get close to Shawnee Peak.

Mr. Veit said we have a statement from the owner of the Sam Ingalls Tower stating that expansion was approved for the site but there is no evidence that contact was made with the owner of the Sam Ingalls Tower or US Cellular.

Mr. Veit said a height study was not done for higher than 150'. The Ordinance states over and over again co-location is the optimal goal of the Ordinance. No attempt can be made because they have a legal partnership between AT&T and American Tower that actually prevents them from going to the Sam Ingalls Road Tower. Mr. Hobbins said that is incorrect, we are not going to compromise RF our FCC license just to say that we are going to go on to the American Tower. Mr. Veit said there is no evidence that you studied an expansion of the Sam Ingalls Tower. The Ordinance says you must explore this possibility

but you have not done so. Mr. Hobbins said we were asked to explore co-location and we did, we have provided candidates a-f.

Mr. Renneker said it has been stated that this tower is needed because there is a significant gap in coverage, however, it was then stated that it was a narrow gap. Mr. Hobbins said it is a significant gap in a narrow area. Mr. Renneker said that could imply 10', maybe less or maybe more.

Dee said what denotes a search ring, is it a standard measurement or does it depend on the topography? Mr. Cody said it depends on propagation characteristics from existing cell sites. Dee said so your search ring could expand or decrease based on topography? Mr. Cody said it could.

Mr. Veit said I would like to discuss the lot located at longitude west 70.772454 and latitude north 44.070218 was that within your ring of coverage? Mr. Cody said I would need to look at that on a map. Mr. Veit said did you explore this alternative? Mr. Cody said yes, I believe we did. Mr. Veit said I would like to point out in the addendum 4 of the "HRRNC" is the location of the Sam Ingalls Tower.

Steve said it has been suggested that there might be less than total objectivity in the American Tower/AT&T analysis of the co-locating sites. I am going to suggest a remedy that the Board can demand an analysis of co-location by an independent professional.

Mr. Cody said I work for Tower Resource Management which is independent of American Tower, we are an incorporated business so that does comply with what you are suggesting. Steve said I was suggesting that the Board go a step further and ask for a Professional Engineer on the report. Mr. Hobbins said all of our plans are stamped by a Professional Engineer. Steve said I did not see where an engineer confirmed that the alternative sites would not work. Mr. Hobbins said it is different than what your Ordinance requires. If you want to hire an independent consultant to look at the whole aspect you have every right to do that.

Mr. Veit said can we make sure on that analysis that an expanded tower at Sam Ingalls Road would be considered? Steve said yes but it would still have to come back. Mr. Veit said you approved that tower for co-location with additional footage. Steve said no.

Dee said I spoke with someone who said he would be willing to have a tower on his property, therefore, when you seek these things do you look at where it would be good to go and then you go to the location? Mr. Cody said yes and we send those candidates through RF for consideration. Dee said so there is nobody else willing to rent that would fulfill your requirements. Mr. Cody said when we first looked

at this there was not if we did it again today it may be a different story.

Mr. Veit said they are making it seem very technical, however, the first site rejected by where a house burnt down, the second site (the current site) seemed to be in distress. This site is in a residential neighborhood as close as possible to a home with 407' of woods behind it yet you are so close to the home (Mr. Goula's property) and the street. Mr. Hobbins said part of it is the accessibility to electricity, telephone service and ingress/egress. Mr. Veit said the Town of Bridgton has not produced a minimum distance requirement from a tower to a house which we hope to address at the referendum coming up in June. I am asking as Mr. Goula's representative to increase the setback from Mr. Goula's house and with 407' of woods it should not be difficult. Mr. Hobbins said we could not go back 407'. Mr. Veit said why not? Mr. Hobbins said I don't believe the present owner of the property would allow us to go that far back.

Mr. Renneker said this location was chosen by American Tower/AT&T because of the close proximity to the road to reduce costs they are not concerned with the values of the homes as long as they save money.

Jaclyn Steinbacher, Hio Ridge Road Citizen; Map 13 Lot 52E, said I don't know how you researched who was willing to have a tower on their property because I was never asked.

Elizabeth Collard, Carissa Drive, said I would not want it on my property but I could have suggested several other properties. Mr. Hobbins said I believe you have restrictive covenants. Ms. Collard said some do and some don't.

Mr. Veit reviewed the submittal by "HRRNC". (see file)

Ms. Collard said there are codes that require my stairs be built a certain way but there is nothing that states how far back a tower needs to be from a residence and why can't it be retroactive? Mr. Veit said we got a petition together and it is going before the voters for consideration, however, I apologized to the neighbors because I did not include a retroactive clause.

Mr. Hobbins said carriers are trying to get as low as they can to reduce visual impact. You have to mitigate the height. Steve said it can be designed for the maximum height. Brian said if the tower is built to the approved 130' can you add to it? Mr. Hobbins said we are developing the tower so we will be on the top and the co-locators will be beneath us. Brian said so this tower will not go up? Mr. Hobbins said that is a separate application. Mr. Veit said the Ordinance allows a tower to go higher. Dee said the fall zone does not allow it. Mr. Veit said the Ordinance states that an additional 25' is

allowed the engineer has not accomplished the maximum needs of co-location of the site.

Steve said what wind load is the design of the tower built to handle? Mr. Cody said 130mph. Steve said with how many antenna arrays? Mr. Cody said that structural analysis is for the AT&T equipment. If a co-locator goes on the tower they would need to do additional testing.

Ms. Collard said the Ordinance requires you to minimize the impact don't you need to plan accordingly to put as much on there as possible. Wouldn't you be maximizing the impact to put in more towers instead of planning for the additional 25'? Steve said that is a judgment we need to make.

Ms. Collard said if your objective is to have as few towers as possible to reduce impact it seems that the tower should be built to have as many additional carriers as possible. It has been said that this tower was built for this array and therefore it is not designed to have other arrays on it. The balloon should have been a large enough balloon to depict the size of the array and it should have been a color that would show up better so everyone has the optimum opportunity to see how the tower is going to impact their property. Maybe this Board could consider a Moratorium? Steve said no that can only be done by Town Meeting.

Dee moved that the Board request an independent study by a professional engineer of the location and co-location characteristics for this application.

Mr. Hobbins said I want to remind the Board of the "shot clock" of 150 days in order to approve or deny an application. You have every right to have an independent analyze all of our submissions.

Dee moved that we request the applicant submit all data for an independent review. Brian 2nd. 4 Approve / 0 Oppose

Brian said do we need to submit a time-line on it? Steve said we need to continue the hearing.

Dee moved to request a legal opinion on Section IV.B.12 as to whether or not every tower needs to be designed to allow the capability of maximum height. Adam 2nd. 4 Approve / 0 Oppose

Mr. Veit said "HRRNC" would also like to request the Board seek a legal opinion concerning children at the site and the liability involved. Mr. Hobbins said that infers that there is a health issue involved.

Hannah Veit, abutter and citizen, said who chooses the engineer?

Mr. Renneker said the "shot clock" was brought up by Mr. Hobbins, however, all the abutters were not notified and does that have any impact on the application? Mr. Hobbins said the applicant did not do anything wrong they relied on the information that was provided to them. The Town did not make reference to a recent split which is why this applicant was not notified. We sent everyone a new notice so if anyone wants to pursue that as a deficiency the Town will be involved also.

Mr. Hobbins said I would like to put this on the next agenda and by that time you should have some potential candidates to consider.

Georgiann Fleck, Deputy Town Manager, said I would like to discuss the motion that Dee made to have the applicant submit the data for an independent study and the applicant is not the one that will submit the data.

Brian moved to amend the motion. Dee 2nd. 4 Approve / 0 Oppose

Brian moved to recess the Public Hearing and reconvene on June 17, 2014 at 7:00p.m. Dee 2nd. 4 Approve / 0 Oppose

Old Business

Dead River Company

161 Portland Road; Map 9 Lot 61

Remove unused structures/install 30,000 gallon liquid propane tank

Represented by John Yates

Request to reschedule Public Hearing

Steve said we received a request to reschedule the Public Hearing.

Brian moved to reschedule the Public Hearing to Tuesday, June 24, 2014 at 7:00p.m. Adam 2nd. 4 Approve / 0 Oppose

New Business

Beaverwood Creek Estates/Christian and Lynn Olsen

Beaver Pond/off Hio Ridge Road; Map 13 Lot 60A

10 Lot Subdivision

Represented by George Sawyer, Sawyer Engineering & Surveying

Steve said Mr. Sawyer did you submit a separate application for the shoreland zoning? Mr. Sawyer said no, we submitted a subdivision application, we are in the shoreland zone which we disclosed. Steve said don't we have to consider shoreland because you are doing something out on the peninsula? Mr. Sawyer said it is a common area and we are putting a building in the shoreland zone but we don't have to do a separate application. Ms. Fleck said when you go through your

review standards you use the requirements of the Shoreland Zone Ordinance.

Dee said I would like to disclose that on May 3, 2014, the day of the site walk for the tower, the Olsen's invited me on to their property and at the time I did not know that they were applying for a subdivision. I did not learn anything that was in the property. Steve said does the Board feel there is a conflict? The Board concurred that there was not a conflict.

Mr. Sawyer said this is a 60 acre parcel located on Hio Ridge Road with frontage on Beaver Pond. The Olsen's propose to divide the parcel into nine, 1-1.5 acre size lots, plus a 2 acre common area, retaining about 45 acres with the idea that they will build a house on the 45 acre parcel for themselves. Currently there are no residential homes on the property. There is a shed and a tent platform on the property. Approximately 20 years ago a 38 lot subdivision was approved by the previous owners, then they came back and was approved for an additional 31 lots, then they came back to rescind the subdivision. The original 38 lots was approved by the DEP. The road is an existing gravel road which was constructed during the original subdivision. We have designated a building envelope on each lot approximately 1/3 of an acre each. The nine lots will have access to Beaver Pond via a common area. We are proposing to construct a small building in the common area to use for storage. The road will be constructed to Town standards but will remain a private road and we have added the non-conforming road clause to the plan. Vehicles will be able to traverse the road however a portion of it will be restricted to bicycles, walking and golf carts, no four-wheelers or motorcycles will be permitted. There is an existing pathway to the pond which will remain and that will be restricted to foot traffic only. There is no public landing on Beaver Pond. Presumably the only boats that will be put in here will be canoes and kayaks. Mr. Olsen said Beaver Pond does not allow any gas powered motors.

Steve said what is the frontage? Mr. Sawyer said about 800'

Mr. Sawyer said Glen Garland, Fire Chief, made a comment on his impact statement for a fire pond or sprinklers, therefore, each residence will be sprinkled.

Steve said what is the length of the road? Mr. Sawyer said approximately 1,100'.

Mr. Sawyer said the shaded areas are wooded buffers and will remain so for phosphorous treatment. Wetlands are shown on the plan and there are no vernal pools. Buffer areas are shown on the plan which a driveway can pass through. There is overhead power. We showed the 100 year flood which does not come in to the touch the proposed building

but it impacts it a little. There is no exact elevation because it was never completed for Beaver Pond. There is a road association planned and we included in our application assessments for road maintenance. Adam said will the remaining land be part of the road association? Mr. Sawyer said no only Natures Way. Adam said who is going to own the road? Mr. Sawyer said the Association.

Dee said there any culverts or infrastructure? Mr. Sawyer said there is a culvert at each driveway, there is no cross culvert on Natures Way. Dee said I just wanted to know if there was any infrastructure that needed to be included in the Association.

Adam said will the retained land have access to the common area? Mr. Sawyer said yes. Adam said but it won't be a part of the Association? Mr. Sawyer said no. Adam said it seems odd that the subdivision owners will have to pay to maintain the road yet the owners of the retained land won't have to pay anything. Mr. Sawyer said they are not going to use the subdivision road they have a separate road to access their property.

Brian said what are your plans for docks? Mr. Sawyer said I need to follow-up with Mr. Baker with a concept.

Steve said you are required to have 250' of frontage to comply with the common area standards. Mr. Sawyer said we have approximately 280'.

Brian said will the pathway be lit? Ms. Olsen said no, if we do anything it will be low impact solar lighting.

Steve said we received a letter from Jean McCarthy, did you receive a copy? Mr. Sawyer said yes.

Brian moved that the application is complete. Dee 2nd.
4 Approve / 0 Oppose

Brian said the covenants are marked draft. Ms. Olsen said Attorney Mike Friedman is working on the final document. Mr. Sawyer said it does not need to be a part of your approval. Brian said there should be something included in the covenants to cover regular inspection of the infrastructure.

Ms. Olsen said this will be a gated community for privacy. Brian said how will emergency vehicles access the community? Ms. Olsen said the Fire Department will have a key for access.

Mr. Merry said there is a small brook near my property, will the brook be altered in any way? Ms. Sawyer said no.

Dee moved to table further review of the application until Tuesday, May 27, 2014 at 7:00p.m. Brian 2nd. 4 Approve / 0 Oppose

Topics for Discussion

A. Shoreland Zoning News

B. Other/Miscellaneous

Dee said can we set a time-limit for the Public Hearing? I would like to discuss a limit of time for all Hearings. Ms. Fleck said I will add to your next regular meeting agenda discussion of a policy to limit time for all Public Hearings.

Brian moved to adjourn the meeting at 11:18p.m. Adam 2nd.
4 Approve / 0 Oppose

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton