



**Raymond Planning Board
Public Hearing
MINUTES***

October 20, 2010

✧Approved with Changes

Attendance: Chairman Patrick Clark, Robert O'Neill (left at 8:48pm), Sam Gifford, and Greg Foster.

Absent: William Priest and Bruce Sanford

Staff: Hugh Coxe, Town Planner; Chris Hanson, Code Enforcement Officer; Chris Vaniotis, Town Attorney, and Danielle Loring, Recording Secretary.

Applicant: Dick Trafton, Applicant's Attorney; Bob Gashlin, KJK Wireless; and Dan Goulet, C² Systems.

Others: David Baker, Deb Baker, Sandy Crowell, Will Haskell, Charles Leavitt, Peter Leavitt, Kathleen Plummer, John Rand, Bill Roma, and Dave Thompson.

1) Call to order: Chairman Patrick Clark called the public hearing to order at 7:13pm and a quorum was declared.

2) Public Hearing on a proposed conditional rezoning of property located at 19 Farm Road, Raymond, Maine to allow for a wireless communication facility.

Hugh Coxe opened the public hearing by reviewing the history of the project. The applicant is Maine RSA on behalf of US Cellular. (This entity will be referred to as USC as a whole). They were asking to put a 125 foot wireless communication facility tower at 19 Farm Road, which is at an elevation of 680 feet. The application was first received in August of 2009 and went before the Planning Board in December of 2009. At that time, the Planning Board notified the applicant that they would have to deny the application, due to current zoning, so it was tabled to ask for conditional rezoning.

The current standards for a wireless communication facility are: it be no higher than 75 feet, without co-locators, and at an elevation no higher than 680 feet. Conditional rezoning is for instances that are different than properties around it. In the proposed conditional rezoning agreement, it would amend the land use map ✧for the parcel and the tower would not be subject to height and location constraints and any changes to the original construction would have to go before the Planning Board. The reasoning for having to go to the lengths of a conditional rezoning request is because the 600 feet in elevation and the 125 feet with co-locators are waiver requests that the Planning Board cannot grant. No changes will need to be made to the whole ordinance, because the use is acceptable in this zone but changes are only relative to this parcel.

Dick Trafton, applicant's attorney, continued by explaining USC's methodology. He said that USC initially conducted the RF report themselves but then hired C² Systems to do it. They reported that all existing cell tower sites were not compatible with what they were trying to achieve and found that the location on Farm Road to be the best fit. He wanted it made clear, that they were permitted to put a cell tower in that zone, but the tower cannot be above 600 feet of elevation and the 125 feet in height, which would be needed to be over the tree line.

Bob Gashlin, KJK Wireless, presented the proposed site plans for the project. He explained that an access road was going to be built coming off Farm Road and going fun along an existing field to avoid clear cutting trees. He showed a diagram of the compound which would be a 50'x50' fenced area. He explained that a survey of the trees was done and it showed that height varied from 70-79' . The tower was going to be a monopole and surrounding houses would be about 1300 feet from the pole.

Mr. Clark wanted to know about the length of the access road and Mr. Gashlin responded that it would be twelve feet wide and 1800 feet long. Mr. O'Neill then asked about lighting and Mr. Gashlin explained that there would be no light on the pole; that the only light that would be a 100 watt lightbulb with a motion sensor on the outside of the building, and he felt that it would not be visible to the surrounding homes. Mr. Clark wanted to know if they had co-locators planning on occupying the tower and Mr. Gashlin replied they were open to other carriers locating as well but did not have set plans at this time.

At this time, Mr. Clark opened the forum to public comment. Sandy Crowell, Raymond Hill Road, asked what the average tree height was, to which he responded 69 feet. Ms. Crowell did not feel that the plans were an accurate depiction of what the tower would look like because at 125 feet the tower would be almost twice the height of the average canopy. Mr. Trafton explained that the plans were from the perspective of someone standing on the ground, not a cross section comparison.

Kathleen Plummer, 147 Raymond Hill Road, explained that she found in other states that monopoles had be created that looked like trees (aka monopines) and wanted to know if this was a consideration. Mr. Trafton explained that to their knowledge that there were no such poles in Maine and that USC did not recommend these poles because they were not as stable in cross winds. Ms. Plummer then expressed her concern for the development of the project. Mr. Trafton explained that contract with Raymond would only allow for the tower to be 125 feet and they would not be able to expand it further. David Thompson, 9 Peppercorn Way, wanted it known that there was a monopine in existence in Limington. Both Mr. Trafton and Mr. Gashlin said that they did not have any knowledge of a tower of that type in Maine.

Charles Leavitt, 14 Leavitt Road and a Selectmen, asked if the height difference between the tree canopy and the top of the tower was forty feet, therefore relative to a four story building and Mr. Gashlin agreed.

At this time, the forum was returned to the applicant and Dan Goulet, C² Systems, and he described the limitations that were created by Raymond's topography and how USC was attempting to overcome that to remain compliant with their FCC licensing. The purpose of adding the proposed tower would be to strengthen signal and reduce, if not eliminate, noise caused by surrounding towers. He explained why the existing towers did not meet USC's needs. The WGME tower had limited power to the top of the tower because of the current power station; this tower adds 7% of coverage but does not eliminate noise from other carriers. The tower on Black Cat Mountain has topography limitations and adds 13% but mostly to wooded areas, not along roads.

Bill Roma, 141 Raymond Hill Road, wanted to know what the added coverage would be if proposed tower were created. Mr. Goulet responded that it was around 26-7%. Mr. Roma then asked if there was going to be saving the Town money by adding the emergency services to this tower. Mr. Goulet said that emergency

service were going to be provided to the Town through whips. Mr. Trafton came forward and said that there were no requirements for the Town to use the tower. Bruce Tupper, Valley Road and Assistant Fire Chief, commented on the Town's use of the tower. He stated that the Fire Rescue Service had to overcome the same obstacles as USC, such as topography and noise. Right now the gaps in radio cover created unsafe areas for responders. There have been improvements made at smaller sites but this has not increased the person to person contact significantly. If this site were approved, it would add approximately 100 feet of elevation in coverage and it is costly to add these services on to the existing Black Cat or WGME tower.

Peter Leavitt, Leavitt Road and Zoning Board member, presented the information that he found on cell towers. He found that the industry was heading toward smaller cell towers and he felt that USC could get the same coverage using a few shorter towers. He also felt that the Town could invest in satellite phones for these areas where there were gaps. Mr. Goulet responded that shorter towers were for more urban areas and were usually placed on top of two-story buildings. USC would not want to use that style because there would be less able to handle the capacity. Mr. Leavitt rebutted by stating that the direction that technology is headed in is more efficient, such as twelve foot towers on telephone poles, and Raymond permits towers in areas where they are allowed. He feels that they are asking for a taller tower due to revenue gains from co-locators.

Will Haskell, 3 Valley Road, felt that there had not been an explanation as to how allowing this tower would fit into the Comprehensive Plan. He specifically wanted to know why the whole 108 acre parcel was being rezoned, and not just the 50'x50' compound; what raw land had then considered, rather than existing structures; how many people in Raymond were actually USC subscribers; and, why were they creating a new road rather than finding a closer access point. Mr. Coxe responded that the proposed warrant did include the comprehensive plan in the fact that it sought to relieve the tax burden and improve emergency coverage. He also commented that if the conditional rezoning were applied to the whole parcel then only one tower was allowed, whereas if it were the just the compound than additional towers could go on other areas of the parcel where they were permitted. Mr. Trafton also responded that it met the standards of the Comprehensive Plan by promoting growth and providing community service by meeting the needs of the public. Mr. Gashlin spoke to the issue of location by stating that USC wanted a site that was not redundant to peripheral sites and all other legal spots were blocked by topography because they were too low.

John Rand, 20 Dryad Woods Road, spoke about his concern for what the proposal meant for the Open Space Plan and what a cell tower would do to the scenery that parts of Raymond were known for. He felt that conditional rezoning for rural parts should be more scrutinized. He also requested that the applicant submit a computer generated model of the tower at the actual site. Mr. Clark wanted to remind the public that things, such as road construction, had not been considered because there was not an official review of the application. That if they were to submit an application it would then be expected to meet all standards defined by Town Ordinances and the agreement with USC.

David Baker, 23 Valley Road, is concerned with the visual effect that a tower would have on the area and feels that the public needs to consider why these places are protected because matters like these are a slippery slope.

Peter Leavitt, wanted to point out that the Wireless Communication Facility Ordinance is referred to in the Comprehensive Plan in terms of protecting scenic areas. Charles Leavitt added to that by stating that he felt the parts of the Comprehensive Plan that were chosen were selective because all of the areas that the applicant had spoke of refer to growth existing in the commercial zone. He also mentioned that the Conditional Rezoning section of the Land Use Ordinance refers to changes being consistent with the Comprehensive Plan. He wanted to remind the public that the Town was able to reduce taxes without having the tower. Chris Vaniotis, Town attorney, responded by stating that the information that he reviewed was only for legal formality. Making sure that the official plans for the cell tower actually met the

standards of the future plans for Raymond was up to the Planning Board and the residents of the Town. Mr. Clark added that when reviewing the preliminary pieces of the application, the Planning Board only took into consideration the ordinances that it affected.

Deb Baker, 23 Valley Road, had many questions for the Planning Board about the procedure in which people were notified and the actual purpose of the public hearing. She also had questions about the relationship between the Town and the applicant. Mr. Coxe responded that he was first approached by Mr. Gashlin in 2008 , but did not hear from him again until the application arrived in August of 2009. Mrs. Baker was concerned as to whether there was a need for the tower and the fact that it was going on private property because she felt that it was loss of revenue for the Town.

Michael Ginty, 106 Valley Road, wanted the applicant to place balloons at the site, at the height of the proposed tower, so that Raymond residents could see the visual impact. Mr. Clark responded that the applicant was not required to do so until there was a formal application calling for a site walk.

Charles Leavitt mentioned that the percentage of increase only went from around 60% to around 80% and he felt that this was not a significant change. He also noticed that there was a discrepancy in the values that reported in their first report for May of 2010 to the one that they were presenting at this meeting. Mr. Goulet responded that the difference in values was the result of discovering that one of their existing towers had been placed at the wrong coordinates in the previous report. By fixing the coordinates it increased their percentage of coverage by around 5%. He also pointed out that even though the percentage of increase did not seem significant, that USC's interests were not to cover minimally inhabited areas. The only interest that USC has is increasing coverage for as many people living in populated or along traveled areas.

Mr. Clark closed the forum to further comment. At the current moment, they did not have a quorum so they were unable to vote on the matter.

MOTION: Sam Gifford Motioned to adjourn. Seconded by Greg Foster.

VOTE: UNANIMOUS APPROVAL – 3/0

Chairman Patrick Clark adjourned the meeting at 9:28pm