

St. George Planning Board Meeting

7PM at Town Office and via Zoom

July 25, 2023

Minutes

The Planning Board meeting was called to order at 7:02pm. Planning Board Members present were CEO Terry Brackett, Chair Anne Cox, Anne Cogger, Richard Moskowitz, Michael B. Jordan, Alison Briggs, Wendy Carr and Elaine Taylor. Also present were Kaylyn Thorner and Josh McCullough, Joseph Baum.

Quorum:

A quorum was present. Jane Brown was absent, and Alison Briggs was elevated to a regular member.

Conflict of Interest:

There were no conflicts of interest.

Adjustments to the Agenda

Date for Next Meeting was added to the agenda.

Freedom of Access Act Training was added to the agenda.

The review of the 86 Patten Point Rd. Site Visit Minutes was removed from the agenda.

Minutes

Jordan moved to approve the June 11, 2023 Planning Board Meeting Minutes, as corrected, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Jordan moved to approve the June 17, 2023 724 Wallston Rd. Site Visit Minutes, as written, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Public Comment

There were no public comments.

Kaylyn Thornal - Seasonal Ramp and Float – 724 Wallston Rd., Map 224 – Lot 026

Chair Cox

We have your application. The process is that we will decide if the application is complete and then we will evaluate it against our ordinances. Are we missing anything?

Briggs

When I was looking at the minutes from the onsite inspection where it says the only aspect of the structure that is not temporary are the posts. Are the posts on the land above the high watermark?

Kaylyn Thornal

Yes.

On a motion by Jordan, seconded by Moskowitz, the Board found, by a unanimous vote, that the application was complete, and the motion carried.

Chair Cox

As I said before, we have not really dealt with temporary docks. We tend to deal with piers that are permanent. Just as a follow up, I did ask the DEP why they have nothing to say about temporary structures. They said they do not have jurisdiction over temporary structures as a) the department requires permitting for activities adjacent to natural resources, b) activities are designed as any soil or vegetation displacement, or changes to a permanent structure within 75 feet of the resource, and c) a permanent structure is defined as being in place for more than seven months. He did not know why but that is the law and laws can be changed but that is the law right now.

Moskowitz

Is there any delineation between, say in this case, the posts which are permanent as opposed to the rest of the structure? How much would be considered permanent if 50% is permanent and 50% is temporary? Where is the line drawn?

Jordan

The line is drawn at the high-water mark. If anything goes beyond the high-water mark, and is there for more than seven months, it is permanent. Nothing will stay beyond the high-water mark for more than seven months. Only the posts will remain in the off season, and they are above that watermark. I think that is the rule.

Chair Cox

I think so. There are two areas in our ordinance that we would look at. 15 C of the Shoreland Zoning Ordinance, which deals with piers, docks and wharfs. In this case, because we don't have DEP weighing in, we have in Section 16 D, nine different things that we should pay attention to, so I thought we should

go to that because, as we go through things, I personally understand, you are there in the mud and you want to be able to get to the water. I have a few concerns because Watts Cove is a high waterfowl habitat and wildlife habitat and where are you putting this is a worn down area, but you have some eelgrass growing there that is really important for the whole ecosystem. The question is how do we accommodate preserving what is helping preserve your land by holding the land? How do we preserve that and try to help you get to the water.

Moskowitz

It looks like folks walk back and forth in that area to get access to water (Inaudible) and the eelgrass is impacted by that traffic. A ramp over that would better protect it.

Chair Cox

I agree and there are some things as we get into it that we might look at. We have looked at considerations of having slats rather than solids to allow light to get through. That seems like an important consideration, and we also have seen NRPA applications for floats that have grounded out at low tide, for skids to lift them up, so they are not sinking in the mud and limits the surface area that goes on the mud. We might talk about putting both a ramp, which will be in the mud a lot, and the float on some skids with some slabs on it.

Kaylyn Thornal

I don't think that the ramp will be in the mud the way that it's designed. I think that the only thing that would touch the Earth is the float.

Chair Cox

You don't think that the ramp at high tide will go down?

Kaylyn Thornal

I don't think so.

Jordan

Will it float?

Kaylyn Thornal

Correct.

Cogger

It looks like they were butted in. It wasn't like the ramp was on top of the dock.

Kaylyn Thornal

I think it will be attached to the top part on a hinge from the edge.

Cogger

I would think it might still get into the earth and eelgrass.

Chair Cox

Rather than slides.

Cogger

A lot of docks slide over and have wheels.

Kaylyn Thornal

They have posts underneath and will fluctuate with the tide at high tide but stay stationary. However, in this case, the ramp moves back and forth on the tide, and the highest point is going to be at my land and will just move with the water. It's not going to go very far. It's roughly four feet deep out there.

Cogger

I am thinking about where it goes with the dock.

Kaylyn Thornal

Right, but the dock is going to be about two and a half feet deep.

Chair Cox

Will the ramp be above that?

Kaylyn Thornal

Correct. It will be at the upper part of it and should not hit the mud. The only part that would hit the mud would be the actual float.

Jordan

I want to point out that the minutes we just approved for the site visit state that the float will not sit directly on the rocks.

Kaylyn Thornal

Correct

Jordan

There are skids and slats.

Chair Cox

As currently proposed, a 16' by 8' foot float is going to be larger than the clearing of rocks that are there.

Kaylyn Thornal

That's probably correct. I think they're about eight to ten feet.

Jordan

I thought we were told that nothing would extend beyond those rocks.

Kaylyn Thornal

Nothing is going to extend beyond those rocks.

Chair Cox

To the sides.

Kaylyn Thornal

It shouldn't be too much. The length of the dock is going to be 16' by 8' so it should fit in between the cracks.

You are doing it the long way out. That would be the longest because I was just planning for my kayak.

Chair Cox

Let me ask Terry, with his experience in construction, about the photograph you have given us of a similar structure on a pond or lake, but not a tidal location.

Kaylyn Thornal

I'm not positive which one you're looking at, but I did research tidal docks. I'm not sure.

Chair Cox

It looked like cattails. Terry, in your experience with construction, do you see any problem with the plan regarding how it is going to function with the tides coming in?

Brackett

I am not sure there were skids under that. She should make sure to put skids or legs under it that sit on the flats to keep the bottom of the floatation off the mud flats.

Kaylyn Thornal

Because I'm not familiar with skids, could you describe them?

Brackett

Generally, they're 4' by 4' or 4' by 6'.

Chair Cox

They would just be runners underneath.

Kaylyn Thornal

I see. The float would sit on top of the skid.

Brackett

The skids would be bolted under that floatation.

Kaylyn Thornal

That's not a problem. I can include that.

Brackett

If you do approve this, she will need to get in touch with the Army Corps and the Indian tribes regarding permitting.

Chair Cox

Even though this is clearly not in navigable waters?

Brackett

Yes, because they are looking at permitting all floats now.

Kaylyn Thornal

Even though it won't be permanent?

Brackett

That's correct.

Chair Cox

All floats pretty much are temporary or seasonal. Terry can help you get in touch with the tribes.

Brackett

I will get you that number.

15C of the Shoreland Zoning Ordinance, Piers, Docks, Wharfs Bridges

The Board made the following findings of fact:

1. **No more than one pier, dock or wharf is allowed on a single lot.** On a motion by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that only one pier is proposed.
2. **Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that the shore part of the access observed at the site visit is suitable.
3. **The location shall not interfere with existing developed or natural beach areas.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that there are no beach areas present.
4. **The facility shall be located so as to minimize adverse effects on fisheries.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that the area is small, and does not affect clamming as the construction will occur over an area of rock and therefore found minimal adverse effects regarding nearby fisheries.
5. **The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that based on observation the structure is no bigger than necessary, is consistent with the surrounding areas, and does not have to meet the six feet width requirement as it is in tidal waters.
6. **No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that no structures exist, and no new structures are proposed.
7. **New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that the pier is in tidal water.
8. **No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be**

converted to residential dwelling units in any district. On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that no such structures exist, and no new structures are proposed.

- 9. Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that no such structures exist, and no new structures are proposed.
- 10. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.** On a motion by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that there is no vegetation is proposed to be removed.

16 D of the Shoreland Zoning Ordinance, Procedure for Administering Permits

The Board made the following findings of fact:

- 1. Will maintain safe and healthful conditions.** On a motion by Briggs, seconded by Cogger, the Board found by a unanimous vote that based on what we saw during the site visit, it doesn't appear it will cause any unsafe or unhealthful conditions.
- 2. Will not result in water pollution, erosion, or sedimentation to surface waters.** On a motion by Cogger, seconded by Jordan, the Board found by a unanimous vote that because pressure treated wood will not be used and skids will be attached to the floats.
- 3. Will adequately provide for the disposal of all wastewater.** On a motion by Briggs, seconded by Cogger, the Board found by a unanimous vote that no wastewater will be generated.
- 4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat.** On a motion by Moskowitz, seconded by Briggs, the Board found by a unanimous vote that because of its location and the agreement to attach skids as well as slats on the ramps rather than a solid surface which will allow light to pass through, there will be no effect on the wildlife habitat.
- 5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.** On a motion by Jordan, seconded by Briggs, the Board found by a 4-1 vote that there will be no effect.

6. Will protect archaeological and historic resources as designated in the comprehensive plan. On a motion by Moskowitz, seconded by Briggs, the Board found by a unanimous vote that the standard has been met with a condition placed of a positive approval from the Army Corps of Engineers and the tribes.

7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District. On a motion by Briggs, seconded by Cogger, the Board found by a unanimous vote that the project is in a marine residential district.

8. Will avoid problems associated with flood plain development and use. On a motion by Cogger, seconded by Moskowitz, the Board found by a unanimous vote that it is not in a flood plain.

9. Is in conformance with the provisions of Section 15, Land Use Standards. On a motion by Moskowitz, seconded by Briggs, the Board found by a unanimous vote that the project is in conformance with the provisions of Section 15, with a condition placed of approval of the Army Corps of Engineers and that the slats and skids issue is addressed.

On a motion by Moskowitz, seconded by Briggs, based on the foregoing findings of fact, the Planning Board concluded by a 4-0 vote with 1 abstention, that each of the requirements of section 15C and 16D of the Shoreland Zoning Ordinance either has been satisfied or is not applicable and therefore the application was approved, with the conditions placed in 16D number 6 and 9.

Joseph Baum – Attach Seasonal Ramp and Float to an Existing Earthen Pier – 86 Patten Point Rd., Map 234 - Lot 17

Joseph Baum

I had my lawyer working on putting the three properties legally all on the same deed and he was working on it and read this warranty deed from 2011 and feels it's already been done. He said it should be the same deed. He said this is the same deed that the town would have. He feels they have been combined legally.

Brackett

If his lawyer says they have been combined, then they are fine. Somewhere I saw that it had been combined for tax purposes only.

Joseph Baum

I wanted them combined into one tax bill and maybe that was taken as...

Brackett

If you have a deed that says they are all combined, then it is fine.

Joseph Baum

I've read it three or four times and I can't make much sense of it. He said he read it once or twice. He started working on putting it together and then came across this and he said he finally figured out that it is legal and all three are mentioned in there. Different town maps have different lot numbers. It's kind of confusing. That reference has lot 12 and 13.

Chair Cox

As opposed to 17, 18 and 19.

Jordan

That is the plan of Shore Lots (Inaudible)

Joseph Baum

Which actually was in 1950.

Jordan

And apparently was recorded in the Registry of Deeds.

Joseph Baum

Which is what I also used for the Army Corps of Engineers to prove that the wharf was there before 1968. It's mentioned in 1950.

Jordan

I do not think we can figure that out.

Chair Cox

I do not think it is going to have bearing. We can proceed, presuming that this will be figured out.

Joseph Baum

Maybe a town lawyer. Do you have an opinion if there is such a thing?

Cogger

Would your lawyer sign off on it?

Joseph Baum

Oh, yes.

Brackett

Who is your attorney?

Joseph Baum

Paul Harrell of Newcomb and Harrell.

Briggs

So, your attorney would prepare a letter indicating that upon review of that warranty deed, it is his opinion that the three parcels...

Joseph Baum

I'm sure he would.

Chair Cox

We should have that letter.

Jordan

Let's do it that way and it should refer specifically to the parcel numbers on the tax map: 18, 19 and 20.

Joseph Baum

On this one it's 11, 12 and 13.

Briggs

His letter could say that the parcels referred to as 11, 12 and 13 coincide with the tax map, 17, 18 and 19. He will know what to say.

Joseph Baum

I didn't think to ask him that. I thought somebody from the town might be able to read it and come up with the same thing that he did.

Chair Cox

We will let him do the work. Is there anything anything more that we need such as DEP approval?

Brackett

DEP is not involved.

Cogger

He is still waiting to hear from the Army Corps of Engineers.

On a motion by Hewlett, seconded by Brown, the Board found by a unanimous vote that the application be accepted as complete with the condition placed of approval by the Army Corps of Engineers.

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1. **No more than one pier, dock or wharf is allowed on a single lot.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that only one pier is proposed.
2. **Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that based on our observation a permanent structure will not be erected.
3. **The location shall not interfere with existing developed or natural beach areas.** On a motion made by Jordan, seconded by Briggs, the Board found by a unanimous vote that there are no beach areas present.
4. **The facility shall be located so as to minimize adverse effects on fisheries.** On a motion made by Jordan, seconded by Cogger, the Board found by a unanimous vote that there will be no interference with the lobstering industry.
5. **The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.** On a motion made by Jordan, seconded by Moskowitz, the Board found by a unanimous vote that the previous ramp is only slightly smaller, and the waters are shallow, requiring the need to dock further out.
6. **No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that no structures exist, and no new structures are proposed.
7. **New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that the pier is in tidal water.
8. **No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.** On a motion by Jordan, seconded

by Cogger, the Board found by a unanimous vote that no such structures exist, and no new structures are proposed.

9. Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that no such structures exist, and no new structures are proposed.

10. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board. On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that there is no vegetation is proposed to be removed.

On a motion by Jordan, seconded by Briggs, the Board found by a unanimous vote to approve the application with the conditional requirements of Army Corps of Engineering Approval and a letter from his lawyer affirming that indeed, the lots have been combined legally.

Joseph Baum

I am just leaving on vacation, but I think the Army Corps of Engineers is going to take a while.

Chair Cox

I think you will have some time.

Chair Cox

When you get those things, be in touch with Terry.

Maine RSA #1 Erect Cell Towers – Todd Watts, 125 Wallston Rd., Map 215-Lot 29

Chair Cox

Mr. McCullough, we have received quite a bit of information from you. Why don't you tell us about it.

Mr. McCullough

US Cellular is looking to build a new tower on Todd Watts' property at 125 Wallston Road I believe. This tower would help pretty much everyone, both US Cellular and the community, which improves coverage to everyone. I have a list of ways this could benefit you. One of the most significant benefits of new cell towers is improved cellular coverage and network reliability in the area. This means that

residents, visitors and businesses tenants have better access to voice calls, text messages, text messages and mobile data ensuring they stay connected in real time. New cell towers greatly enhance emergency services such as police, fire departments and medical personnel during emergencies or natural disasters, reliable communications for coordinating responses and assuring public safety. Tenants Harbor is a beautiful coastal community that attracts tourists from all over. With better cell coverage, tourists will be more likely to visit and stay longer as they can share their experiences on social media, access navigation apps and stay in touch with family and friends.

Chair Cox

that's PR.

Chair Cox

At some level the benefits are minor compared to what we are looking at.

Chair Cox

This is a time to ask questions and my guess is that we will probably decide we want to do a site visit and a public hearing because the public really needs to know about something like this and be able to weigh in. At this first meeting we are going to ask questions and find out any information that we feel we are going to need.

Briggs

On the application, it says the proposed - the present use of storage, there are storage structures on there, and it says the proposed use is storage.

Mr. McCullough

I do not believe though the use of the property was changing just based on the telecommunications tower replacement.

Brackett

Todd has a large storage building and quite a bit of equipment there on that site and this is in toward the marsh.

Jordan

The proposed use should reflect the telecommunications tower.

Brackett

It should probably be "storage/tower".

Chair Cox

Exactly, because that's the whole reason we have this application.

Jordan

I have a couple of other questions about the people who are involved or the companies that are involved in this. The applicant's name shows RSA.

Mr. McCullough

Yes. That is a subsidiary of US Cellular.

Jordan

There is something in here that refers to US Cellular authorized SmartLink. Who is SmartLink?

Mr. McCullough

That is RSV. I work for the SmartLink group, I don't work for US Cellular. We are a vendor and were hired to do the site acquisition.

Briggs

Maine RSV number one; you said that is a subsidiary of US Cellular. Is that a Maine Corporation?

Mr. McCullough

Yes, I believe so.

Briggs

Maine RSA #1, Inc. or LLC?

Mr. McCullough

I think it is Maine RSA #1, Inc.

Jordan

Maybe we can add "a subsidiary of US Cellular" for clarity.

Cogger

It says it has been built to withstand up to 110 mph winds.

Mr. McCullough

Yes.

Cogger

What is a fall zone?

Mr. McCullough

It is the radius that the tower will collapse within, in an event that a strong storm or anything happened. It would be designed to collapse either at the height or in a smaller footprint than the height.

Cogger

Is this the fall zone?

Mr. McCullough

No, that would be the photo simulations. There should have been a bunch of different photos at different locations. That is a map of where all those photos were taken. They floated a balloon at the height of the tower to see all those different locations and how this affects things.

Jordan

You can see it from two places. The Town Office parking lot and maybe somewhere near the school.

Jordan

It's a 250 foot tower and the way it would fall will not be any more than 250 feet?

Mr. McCullough

Yes, that was to satisfy the setback requirements of 110%. That's just to illustrate that the tower will collapse in a smaller footprint than that 110%.

Jordan

It's about 250 feet from two property lines.

Mr. McCullough

It is 252 feet. (inaudible)

Cogger

Would there be debris flying? Have you ever seen that?

Mr. McCullough

I have not, I do not believe so. I just know that they're designed to kind of fold in half.

Moskowitz

So, your organization is not involved in construction, just the acquisition?

Mr. McCullough

Yes. This is the last stop for me and then US Cellular handles the rest.

Moskowitz

Can you talk about failure rates on towers like this?

Mr. McCullough

I do not have any information. I could reach out to US Cellular and have this information provided to you.

Brackett

There are a lot of towers in the state, and I have not heard of any of them falling.

Chair Cox

We currently have nearby a cellular tower. Why is that one not acceptable to put US Cellular on? IS US Cellular on the existing tower?

Mr. McCullough

Yes.

Chair Cox

Why did they want to build a new one.

Mr. McCullough

I believe it is just to give them more control with advancements in technology over the coming years.

Cogger

For greater access?

Mr. McCullough

You don't own the tower. It could be another antenna at a certain height that could block you from being able to add additional equipment.

Cogger

Do they own the other tower?

Mr. McCullough

No.

Chair Cox

Is that tower 250 feet?

Mr. McCullough

I'm not sure of the exact size of that thing. It's around the same size. I can get you that information.

Briggs

How far away is the nearest residence from where the tower is going to be built?

Mr. McCullough

I believe the neighboring properties I requested permission from were Justin Long and William Morris.

Brackett

This map shows where the properties are located.

Chair Cox

It is 579 feet from the nearest residents.

Cogger

It is accessed from Wallston Rd.?

Mr. McCullough

Yes.

Cogger

How long is that road?

Mr. McCullough

I believe it's 1100 feet.

Chair Cox

Is part of the electricity buried?

Mr. McCullough

Yes, it looks like it's overhead until we get to the access road and then it's underground.

Jordan

Why not run it underground all the way?

Mr. McCullough

I'm not exactly sure but I can definitely find out for you.

Brackett

It could be trees there.

Moskowitz

In this original packet, was there a picture from the transfer station?

Chair Cox

In photo number four, you can see circled with red, there is limited visibility. With the simulation, it looks like it is part of an extension of the transfer station, so very close. It looks like it is visible from two high points.

Cogger

Is US Cellular the owner?

Mr. McCullough

Yes.

Moskowitz

Did US Cellular do the initial assessment of the location.

Mr. McCullough

They issued a search area but this project was handed off to me halfway from another vendor, so I was not responsible for all the location placements.

Chair Cox

So, it is not that the existing tower is too short, it is that US Cellular wants its own in my mind.

Mr. McCullough

Yes.

Cogger

Do all providers want their own? Are we going to have twenty different towers? I am just curious.

Mr. McCullough

I cannot speak to that.

Briggs

You are not exclusive to US Cellular.

Mr. McCullough

Yes, but the projects I worked on are only US Cellular.

Briggs

But your company?

Mr. McCullough

They work with every communication carrier pretty much and every tower company.

Moskowitz

Is one of the drivers 4G versus 5G?

Mr. McCullough

Yes. 5G is mentioned in this letter.

Moskowitz

Is US Cellular locked into 4G on the existing tower?

Mr. McCullough

I'm not aware of what equipment is on the existing tower.

Briggs

Could you find that out?

Mr. McCullough

Yes.

Jordan

I've read that 5G does not go very far. To build out a 5G network, you have got to have a lot of hot spots closer to a lot of houses. It does not work with a single tower. This might be to amplify their 4G capabilities although the letters seem to suggest that they were not actually doing it.

Mr. McCullough

According to this letter, low band 5G will be proposed on this facility and then in the future it is expected that the mid band 5G and the high band 5G would be added on.

Jordan

They use that to send it out to their closer things and then the ones that people use have to be within a thousand feet.

Chair Cox

Are you saying that people are going to want to pepper the town with 250-foot towers?

Jordan

No. They are smaller things like telephone polls. I would like to go through a few requirements in our ordinance. We may need more information. We have a requirement that the towers are maintained with a galvanized steel finish, non-reflective surface. I do not see anything about that in the specifications.

Mr. McCullough

Terry was missing some information about the footprint. I believe once the actual tower is ordered, Sabre, the manufacturer, sends another set of drawings with all the information for the tower that we are proposing.

Jordan

Another requirement is that towers cannot display signage except safety. I did not see any signage.

Mr. McCullough

I'm not aware of any.

Jordan

Will there be lighting on the towers?

Mr. McCullough

Yes, there will. Anything over 200 feet, I believe, requires lighting.

Jordan

Is that an FAA requirement?

Mr. McCullough

Yes.

Cogger

Is that only on the top of the tower?

Mr. McCullough

I think there are multiple lights on the tower but I'm not sure.

Cogger

It sounds like the tower is going to be bathed in light.

Mr. McCullough

No. There are flashing, red lights, so no planes run into it.

Moskowitz

Does Section 1905 regarding electrical transmission lines require those electrical lines to be underground?

Jordan

Apparently, that is a requirement.

Mr. McCullough

That can be addressed for sure.

Briggs

It says here, there shall be lighting when required by the FAA or at the discretion of the Planning Board. Can we get more information about what lighting is proposed and how far that lighting will be visible to residents. I am not concerned about aircraft. I am concerned about light pollution caused by a constant flashing light. People do not want to go outside at night and see flashing lights.

Mr. McCullough

Based on the location, there are few places where the tower will be visible.

Chair Cox

Let me tell you something about the visibility. There are a lot of deciduous trees. It is not visible right now but in the winter, it will probably be visible, because the leaves will be gone.

Briggs

Can you do a simulation with the actual trees that would show seasonal changes to the vegetation?

Chair Cox

All the trees will lose their leaves in some areas. I don't know where the balloon was, but my guess is, it would be in this area and we might see it.

Mr. McCullough

I can reach out to the company to see if that is possible.

Cogger

For a lot of our businesses, we have them shield their lights, so it does not bother the neighbors.

Chair Cox

I think we will probably have a conflict. Even though it says the lighting is at the discretion of the Planning Board, I don't think the Planning Board can say we do not want any lights here, if it is an FAA requirement.

Cogger

I'm wondering what they mean by low.

Chair Cox

It would be very helpful to have these photographs seasonally adjusted to scale out just where that balloon would be because I think it will be visible in more places and that is going to be important to know.

Elaine Taylor

Does US Cellular use a standard tower? I think there is one in South Thomaston.

Mr. McCullough

The tower over here is a monopole with the antennas on top and this is a self-support tower so there are three legs with the antennas on top.

Cogger

Will other companies rent space on this tower?

Mr. McCullough

Yes.

Chair Cox

So, this is being put up to be in competition with the existing tower.

Moskowitz

In this case, US Cellular does not pay rent and becomes a landlord.

Chair Cox

The net effect would be that it would increase our cell coverage.

Jordan

Another requirement is that the tower will not have an adverse effect on endangered or threatened species of migratory birds as determined through consultation with The Maine Field Office of The United States Fish and Wildlife Service. The ordinance does not say who is supposed to have the consultation, but I guess that is an element of something that should be in the application. I would like to approach them to see if there are any endangered or threatened species in this area.

Mr. McCullough

Yes. I know we do receive a National Environmental Protection Agency (NEPA) report for the tower so that information may be in there.

Moskowitz

Have you seen our ordinances.

Mr. McCullough

Yes.

Moskowitz

Is there a backup generator for the tower?

Mr. McCullough

I'm not 100% sure but I believe so.

Moskowitz

It would be nice to have information on the decibels of noise generated and what it is going to be powered by.

Briggs

Why is the height of the tower fixed at this height by US Cellular? Does it have to be 250 feet?

Mr. McCullough

That is decided by the US Cellular Frequency engineers.

Briggs

Would a tower of 200 feet or 175 feet provide just as much of whatever it is US Cellular wants in terms of 5G and 4G?

Mr. McCullough

I can ask that question to US Cellular and see what the response would be? I am not sure.

Briggs

Is there a shorter tower that would do just as good a job and are they just asking for 250 feet because that is something that is typically asked for?

Moskowitz

There are diminishing returns. How much do you lose for every 10 feet or 25 feet of height? Would Port Clyde be happier with 300 feet, if they got better service.

Jordan

We have a provision that says towers have to comply with FAA regulations and evidence of compliance or non-compliance will be submitted with the application. I don't know what kind of information you can give us about compliance regulations. Maybe tell me a little bit about the FAA process.

Mr. McCullough

I know that we submit the height that we are proposing to the FAA, and I believe they have to approve it. That is something that US Cellular handles. I'm not involved in any of the regulatory parts.

Jordan

Just to satisfy this requirement, I think we should have a letter of compliance from the FAA.

Mr. McCullough

Yes. We should have an FAA letter.

Chair Cox

Do we need to do a site visit and wade through the woods right now and see where the access road is. Is there a way to get in there.

Mr. McCullough

I was at the property today. Once we get to the tree line, that is as far as you can go without trekking through the woods. On this drawing, where the road is highlighted, is where we need to start clearing out trees and things like that. I think the A&E firm marked off the path on the compound where it's being placed. You should be able to find the location but there are going to be trees.

Chair Cox

I'm not sure we would learn anything. We might decide not to do a site visit and go right to a public hearing.

Moskowitz

Is there a topographical map?

Mr. McCullough

I believe there are some topographical markings on some of these pages here.

Chair Cox

So, we have some questions for you. We've given you some homework.

Jordan

I think we need to see that before we can approve the application.

Chair Cox

Yes, I think we need to see that and then once we decide the application is complete, we call a public hearing.

Mr. McCullough

Just to confirm, we need the FAA letter, the contact with the Fish and Wildlife Service, the photo simulation with the seasonal change, information on lighting, information on the power being run underground, noise levels, what is powering the backup, information on the justification of the height, what equipment exists on the existing tower US Cellular is using, and what can be done on the new tower that couldn't be done on the previous tower to make sure the application is complete.

Cogger

If the tower is no longer effective, are they responsible for taking it down?

Mr. McCullough

Yes, they are, and it is in the agreement with the property owner.

Jordan

It is in our ordinance as well.

Chair Cox

Our next meeting will not be on a Tuesday, but on Thursday, August 10th. It could be a later meeting. The next meeting would be Tuesday, August 22nd.

Briggs

I have one more question to add to your list. Under Section 1904 Tower Height, it says that the applicant shall provide evidence the proposed tower height does not exceed the height recommended by the manufacturer of the system. Who is the manufacturer?

Mr. McCullough

I believe that is Sabre Towers.

Briggs

You need to provide the evidence that the height does not exceed their recommendation for that particular system. There must be different systems. It's probably not going to be a big issue for them.

Mr. McCullough

Would that letter from the manufacturer satisfy that requirement?

Chair Cox

Alison, you weren't at the meeting last night. This did not get into everybody's packet. It was handed out last night.

Briggs

So, your position would be that this letter dated May 10, 2023 is the evidence that you are going to submit that the proposed tower height does not exceed the height recommended by the manufacturer of the system. Is that right?

Mr. McCullough

Unless that doesn't satisfy the requirements.

Chair Cox

Michael, will, you look at this letter?

Jordan

Sabre is described as the manufacturer. The letter says they are the designer. Do they also build it?

Mr. McCullough

No. They do not build it.

Briggs

They are not the manufacturer?

Mr. McCullough

They don't assemble the tower. The sections of the tower are ordered from them, I believe, and then it is assembled at the site.

Chair Cox

But they build the sections.

Mr. McCullough

Yes, they provide the sections.

Briggs

They are the manufacturer of the sections of the tower.

Chair Cox

They are the correct ones. It's talking about the height of it.

Briggs

My concern is whether this letter is actually evidence that it doesn't exceed the height recommended.

Mr. McCullough

I can double check.

Chair Cox

Let Terry know when you're ready to meet again.

Mr. McCullough

I can make one of the two meeting dates for sure.

Chair Cox

All right. Well, thank you so much.

Date for Next Meeting

Chair Cox

As we have noted our next meeting is going to be Thursday. August 10th, not Tuesday.

Freedom of Access Act Training

Chair Cox

We need to make sure that we have all attended and filed with the Town that we have attended a Freedom of Access Act workshop, and I believe most people here have done the MMA training. What we are talking about is the MMA Planning Board training.

Jordan

Is there a timeline on that?

Chair Cox

We have four months.

Jordan

I went to one three years ago.

Chair Cox

I don't think it expires. You must attend once.

Carr

It is only for the new full-time members who were just sworn in. You don't have to attend the workshop. There is training only. You just read it and fill out a certificate. You don't have to take a test.

Chair Cox

I will send everybody that link so they can do it.

Adjournment

On a motion by Moskowitz, seconded by Cogger, the Board decided by a unanimous vote to adjourn the meeting and at 8:36 p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine