

St. George Planning Board Meeting

7PM at Town Office and via Zoom

August 22, 2023

Minutes

The Planning Board meeting was called to order at 7:00pm. Planning Board Members present were CEO Terry Brackett, Chair Anne Cox, Richard Moskowitz, Michael B. Jordan, Alison Briggs, Wendy Carr and Elaine Taylor. Jane Brown Josh McCullough was also present.

Quorum:

A quorum was present. Anne Cogger was absent, and Elaine Taylor was elevated to a regular member.

Adjustments to the Agenda

There were no adjustments to the agenda.

Minutes

Taylor moved to approve the 86 Patten Pt. Rd. July 24, 2023 Site Visit Minutes, as corrected, seconded by Moskowitz, and by a unanimous vote, the minutes were approved.

Jordan moved to approve the 86 Patten Pt. Rd. July 25, 2023 Public Hearing Minutes, as written, seconded by Moskowitz, and by a unanimous vote, the minutes were approved.

Brown moved to approve the July 25, 2023 Planning Board Meeting Minutes, as corrected, seconded by Moskowitz, and by a unanimous vote, the minutes were approved.

Public Comments

There were no public comments.

Site Plan Review Maine RSA #1, a subsidiary of US Cellular Construct Cell Tower 125 Wallston Rd., Map 215 – Lot 29

Chair Cox

What updates do you have to tell us?

Mr. McCullough

We can start off with this updated fall zone letter. There's a sentence added at the end that states this is not beyond the manufacturer's recommended height and is updated with a stamp. We have both of these from the FAA.

Jordan

Is that the italicized part of the last paragraph?

Mr. McCullough

It is the second half of the last sentence, "Therefore, the recommended height of this tower is 250 feet."

Briggs

The only question I have is on the application that references 250 feet. The letter that you just handed out from February 13th references a 259 foot tower, the FAA document from April 3, 2023, states 259, the Fish and Wildlife document shows 254 and the Sabre letter shows 245.

Mr. McCullough

I think the FAA is filed at a slightly higher height just in case there are any foundation issues. I know sometimes for towers above 199 feet, lighting is required. We propose 194 feet towers when we submit to the FAA at 199 so just in case there is any difference with the foundation, there is a little wiggle room there.

Chair Cox

I wonder if the wiggle room should be built into the application.

Mr. McCullough

Yes, it is on the application. That's correct.

Chair Cox

I don't know.

Briggs

It's on the application.

Chair Cox

Yes, it is on the application at 250 feet.

Mr. McCullough

Yes. That is the top of steel height. There's an additional four feet for a lightning rod but that is not technically part of the tower.

Chair Cox

So, part of what you're saying is for the new foundation, the truth is on the ground, we won't know the difference between 250 feet and 254 feet, but in terms of a fall possibility, even though they say they expect it to buckle.

Moskowitz

Is it correct to say that this steel structure itself is 250 feet but the foundation or a pier that it rests on that may increase the net height?

Mr. McCullough

Yes, that is correct.

Jordan

That is not what you're proposing.

Mr. McCullough

We are. The 254 feet is what we are proposing.

Jordan

Are you supposed to add anything underneath it to make it taller?

Mr. McCullough

The foundation information is provided to us after the equipment for the tower is ordered.

Chair Cox

We currently don't know if the foundation will need to be five feet high.

Mr. McCullough

Yes.

Chair Cox

So that would have something to do with the collapse radius I'd imagine.

Jordan

If all the neighbors have consented on the basis that it is 250 feet, and it's 259 feet...

Mr. McCullough

The physical tower though is still 250 feet.

Jordan

But if it is sitting up five feet farther than that.

Mr. McCullough

It is technically not part of the tower.

Jordan

But if it falls, that is another four feet that it could fall that the neighbors have not consented to.

Mr. McCullough

I could get an updated fall zone letter from them.

Jordan

I think we need that.

Chair Cox

I would think so even though it seems fairly minor.

Mr. McCullough

We could also get a letter that the tower could collapse in a smaller radius than 250 feet.

Brackett

The tower is 250 feet tall, and the base is not going to collapse.

Jordan

If the top of the tower is higher than 250 feet, it could collapse further away.

Brackett

It will still fall within 250 feet because the base is going to stay right where it is.

Briggs

I am trying to understand what this tower is going to look like when totally built. It is 278 feet above sea level because that area of the town is a little bit above sea level. I just want to understand the difference between the different figures in the extra papers you gave us.

Chair Cox

The one place where it might have a bearing would be if it were a little higher, it would be a little bit more visible from a few different places.

Mr. McCullough

Yes, potentially.

Chair Cox

Let's move on. What else do you have for us?

Mr. McCullough

We have both FAA letters here to show that the FAA was contacted and determined there was no hazard to air navigation.

We have proof that we have contacted the Fish and Wildlife Service. On the last page, there is a nice illustration to show that this is not affecting any threatened or endangered species. It is a little further off from where our site is located.

Jordan

It's not going to hurt the salmon.

Chair Cox

In this photograph, where the red triangle is on the left, is that where the bats are?

Mr. McCullough

Yes, that is my understanding. I don't know if it specifically the bats. I know there were a couple of species listed here. If we go on the endangered species list, these are all the endangered species that are in the area for my understanding.

Chair Cox

Yes, salmon, bats and monarchs.

Mr. McCullough

It could be the monarchs. It could be the bats. I'm not sure exactly which one it is.

Briggs

Probably not the salmon.

Mr. McCullough

I think that's a safe bet.

On the top of this page, it says based on the answers provided the proposed action is consistent with the determination that it may affect but is not likely to adversely affect.

Jordan

That is what I was looking for. I think what we have is the determination that it is not likely to adversely affect. I see that they did this back in April.

Mr. McCullough

There are three hundred pages in this report. I took this section to show the Fish and Wildlife Service was contacted, but there's a lot more.

We do have that letter from the US Cellular RF engineer to show the difference in coverage between a 220 feet and a 250 feet tower, I believe, and that was to answer your question whether a lower height would not satisfy the same coverage objective. I received a question; would a lower height provide the same coverage and that's just to show that the coverage does improve with the height of the tower being 250 feet. There are two maps on the next two pages to show the difference in coverage.

The next things are in the construction drawings, but I can show you here that the overhead power was switched to underground. We have the proposed underground utility run, and we also have the notes showing the underground area.

Chair Cox

All the utilities out there will be underground, not as the original set we received shows.

Mr. McCullough

Here is the note about the galvanized finish and where the lights would be located on the tower.

Jordan

How high is the lower one?

Mr. McCullough

That is a good question. I'm not sure of that.

Jordan

The whole thing is 250 feet so it's got to be (Inaudible).

Mr. McCullough

It's definitely up there.

Jordan

Not low enough to disturb neighbors.

Mr. McCullough

There's some other information on the lighting system here. It is my understanding that during the daytime this white strobe light would be going off, and then at night, the red lights would be illuminated and pulsating. In Rockland on New County Highway I believe, it looks like there is a mill or something like that. They have a sign with the blast zone. That structure looks like it's lit up with the same type of lighting because that structure must be over 199 feet, so it'd be very similar to what that is.

Moskowitz

Is there a backup generator.

Mr. McCullough

There is no backup generator. It has backup batteries and the only noise that would come from the batteries is a little fan so there would be pretty much no noise at all.

Moskowitz

Is it a trickle charge?

Mr. McCullough

I'm not sure how they're charged, I just know that they're there.

Moskowitz

Solar?

Mr. McCullough

There's something that powers them for sure. Maybe they're switched out like a battery pack that gets switched out. I'm not sure.

Chair Cox

I would be willing to bet that when the power is on, they get charged.

Moskowitz

It's a trickle charge.

Jordan

When the electricity goes out, at least in my house, because I get my phone and internet through a cable company, those go out also. One time that didn't happen but just about every other time. Then I can't get my phone to pick up the Central Maine power website or anything else so I'm assuming that the electricity goes out on the tower.

Moskowitz

Normally I can get cell phone service. The last time we had an outage, about three weeks or so ago, the cell phone tower went out because I couldn't even do a hotspot.

Chair Cox

The idea would be that you'd have to have enough battery power.

Mr. McCullough

Yes. At least enough for someone to get out there and address the problem or the power to be turned back on or whatever the issue is.

Brown

I see emergency lights on.

Jordan

Verizon couldn't explain to me why.

Chair Cox

What would be most important would be the safety of having the lights flashing. Our inconvenience is our inconvenience. Did you figure out any way to show the seasonal variations.

Mr. McCullough

That was one thing that I was not able to do. I contacted the company, and they told me the only way for them to do that is to wait for the seasons to change and take the photos then.

Jordan

I went through the list of open items. I think you've covered them all. At least all the ones I could find. Terry, you have these revised plans.

Chair Cox

I guess we have two things before us. One is that we'll need to have a public hearing on this, and the other is that at some point we'll have to accept the application as complete. We have often waited to officially accept as complete until after the public hearing because something may surface at the public hearing. We can look at our ordinance and see what we require. I appreciate the work you've done. It feels like you have met what we wanted.

Mr. McCullough

There was one more thing I forgot to include. I did send Terry an updated copy of the application to change the use from "storage" to "storage and telecom", and then I clarified that Maine RSA #1 is a subsidiary of US Cellular.

Cox

We received that.

Jordan

Near the bottom of the revised application, the use is used to describe whether it is year-round or seasonal. We can just fix that on the application itself. It is year-round storage now and it will be year-round for the proposed.

Chair Cox

I had one question related to that when I was looking at the tower section. On page 116, section 911 is about abandonment of use. It says a tower not used for eighteen consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner within six months after receipt. The property owner?

Chair Cox

That is what the old ordinance said that we just adopted entirely.

Jordan

What section?

Cox

Section 1911.

Briggs

I saw a federal regulation somewhere that says if it is abandoned, the cell tower owner has to dismantle it.

Mr. McCullough

In our agreement with Todd, the property owner, whenever we are done using it, we will remove the tower and other equipment from his property.

Brackett

What does that mean?

Mr. McCullough

Whenever US Cellular decides to decommission.

Brackett

I'm not sure. I can try to pull it up right now. I believe it is whenever they no longer need the tower.

Jordan

I would say it ceases to be used when it is not sending a signal.

Briggs

Because it is not just US Cellular that is going to use it.

Mr. McCullough

Correct, there's going to be additional carriers on that.

Chair Cox

If there were additional carriers, are we going to be seeing competition? Across the street, there is another tower. Is US Cellular going to lure carriers or providers over to this tower so that one is not being used?

Mr. McCullough

US Cellular is obviously a cellular carrier. That's something that may be a tower company that mainly gets their money from additional colocators being on the tower. That's something that they may do. This tower was for US Cellular's use and if anyone else wants to colocate on it, they're not going to bar them, but I don't imagine them trying to steal carriers from other towers.

Jordan

If you put the Verizon antenna on there a little higher than it is now, maybe I could get cell service.

Chair Cox

Do we have the information we need? Do we feel like we can accept this application as complete now or do we want to wait until after a public hearing to see if there is anything that surfaces?

Jordan

(Inaudible). We have to hold a public hearing no later than 35 days after we determine the application to be complete (Inaudible). I do not think that stops us from differing the determination. After we hold a public hearing, we have 35 days to make a decision but if we hold a public hearing and decide we need more information because there's something out there, I don't want to hold this up. This is complicated enough. This is not our usual everyday site plan.

Chair Cox

Then let's set a time for a public hearing. I believe that the timing of this should be such that we can get that into the newspaper, because people need to know about it.

Chair Cox

Terry, if we get it in the paper, what would be the soonest we would be able to do something?

Brackett

Let's assume that they could get it in by Friday. The holiday shouldn't affect that.

Jordan

Friday, September 1st.

Brackett

That is assuming they accept it because of the holiday.

Chair Cox

They probably will publish the paper on September 1st.

Brackett

I am assuming that the people that do that (Inaudible). If I can get it in by August 25th, then it should come out in the paper on August 31st, and you could have the public hearing on September 12th.

Chair Cox

Would that work for folks having the public hearing on September 12th. Then we would go into our meeting after that when we would deal with the results of the hearing and decide whether or not we have everything. Let's plan for 7:00p.m. and then we will immediately go to the regular Planning Board meeting after that.

Adjournment

On a motion by Moskowitz, seconded by Brown, the Board decided by a unanimous vote to adjourn the meeting and at 7:48 p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine