

MINUTES  
Planning Board  
September 13, 2010  
7:00 PM

Members Present: William Horton, Chair; David Fowler, Donna Hovey, Lynne Potter and James Macklin

Staff Present: Elwin Thorpe – Code Enforcement Officer; James Seymour – Planning Board Consultant and Sandy Fredricks – Secretary.

Members Absent: Frank Braman (alternate)

Public Present: Theresa Cosgrove, Linda Horton, Kay Lawson, Steve Linne, Barry Hobbins, Esq.; Lew Wetzel, Erika Frank, Esq.; Bob Gashlin and Kevin Breur

7:00 P.M.

Dave calls the meeting to order and states that since Bill is sitting in the audience, the first order of business is to elect an Acting Chair.

Donna nominates Dave as Acting Chair.

Lynne seconds the nomination.

No further nominations are made and Dave calls for a vote.

All in favor? 4 yes – 0 no

Minutes from June 14, 2010

Donna moves to approve the Minutes of June 14, 2010 as written.

Lynne seconds the motion.

Any discussion? None.

All in favor? 4 yes – 0 no

Dave states the next order of business is the cell tower and asks Jim Seymour where we left off at the last meeting.

Jim Seymour states that it is his feeling since the application has not been accepted as yet, issued had been sent to Natalie Burns for legal opinion and there was additional information needed from AT&T which they have submitted. He continues Natalie sent a response indicating she didn't feel this needed to be considered as an amendment to an approved plan.

Dave states that is how he read it as well. Donna states she read Natalie's letter that way also, but there were Minutes from May 13, 2002 for Bill's subdivision stating any variation is subject to approval by planning board. Donna continues by asking if that changes things. Dave states he would think

it would have to be on the plan, more than just in the Minutes. Jim Seymour agrees.

Elwin states that the Subdivision by JAD or whoever is null and void as they didn't do anything with it. Further, Elwin states that we need to address the issue in our Zoning Ordinance that there needs to be something to the Registry when an approval is null and void.

Discussions continue among Board members regarding the issue of the subdivision and the fact that the applicant has a ground lease which is not changing the actual lot lines of the family subdivision.

Barry Hobbins, Esq. introduces himself to the Board and audience. He also introduces Bob Gashlin as the person who actually goes out and finds the locations for AT&T and can explain why this site was chosen and answer any specific questions. Barry further states they also have Kevin Breur with them this evening and Mr. Breur is a radio frequency engineer.

Mr. Hobbins continues that as the Board had requested they have contacted other tower owners and looked for alternate structures upon which to locate and have found no viable locations and have submitted that information to the Board. In furtherance of this, Mr. Hobbins stated that the WGME tower which is 3.7 miles from the searched area, was tested by the AT&T people by going out and the frequencies interfered with each other and therefore it is not a viable site.

Dave states that it seems when the ordinance was written, it was for different technology. Mr. Hobbins agrees that it was for analog technology and now we have 3G and the ordinances have not kept up with the changes in the technology. Mr. Hobbins also states that AT&T is currently located on the other three towers in the area.

Dave questions what is on the lower right corner of the drawing. Mr. Gashlin states that is in the area of Egypt Road in Raymond.

Discussions continue among those present about technology and coverages.

Erika Frank states she has questions, but is uncertain of where to jump in. She continues that the Board has determined the applicant has sufficient right, title and interest. Further Ms. Burns' letter states it is not a voided subdivision. Mr. Hobbins states that is not an issue for the Planning Board and he and Ms. Frank discuss the cites of Ms. Burns' letter and Maine State laws.

Bill Horton asks how much of a difference would there be if they tower were moved 900' to the East. Barry asks who the landowner of that property is. Bill

states he will talk about that later. Barry states they have a signed Lease with the landowner and believes they can meet all the requirements. Bob states he believes Fred Huntress owns the property Bill referred to and they had approached Mr. Huntress who was not willing to lease to them. Bill states that is not the owner.

Dave states the Board is obligated to pursue the application before them, but until they do a site walk he will reserve further opinion.

Jim Seymour states the Board should move forward with the procedures and then make decisions of what else is required.

Dave states given what he has read, he is prepared to discuss some motions.

Barry states he would like to review the Table of Contents of Exhibits #1-27 which was forward by email today. I informed the Board that is the sheet I presented to them this evening. Barry reads the Table of Contents and the Board follows along and confirm the Exhibits. Barry states that he believes much of the contents of Jim Seymour's Memo would be answered by a site walk.

Donna moves to accept the application as complete.

Lynne seconds.

Any discussion? Jim Macklin states he has a question on Exhibit 25, Construction Cost Breakdown. This is discussed and Jim Macklin states it is now clear to him.

All in favor? 4 yes – 0 no

Dave states the next process is to determine whether or not the Board finds they have met the requirement of co-location.

Donna moves that the applicant has demonstrated and submitted evident that they meet the criteria outlined in §8.1.a and are not required to co-located and may proceed to follow the process and requirements of a new Tower facility as contained in §8.8.1.a.

Lynne seconds.

Any discussion? None.

All in favor? 4 yes – 0 no

Dave states he would like to quickly go over each item for the approval process under §8.8.

- 1.0 Established and permitted
- 2.0 Evidence submitted they are duly licensed
- 3.0 Written approvals from State and Federal agencies but not limited to FAA & FCC have been submitted

- 4.0 Inventory of existing Facilities has been included
- 5.0 Identification of other telecommunications on the site is not applicable as this is a rural site and no other opportunities for co-location exist on the site.
- 6.0 Details of all existing structures and features are referenced to the submitted site plans.
- 7.0 The applicant has paid all application fees required at this time.

Bob Gashlin states that at the last meeting the Board had raised questions about the possibility of extending the monopole to 180' rather than the 150' after construction. He states he checked into this and has found that it is not possible to extend the height of this particular type of tower after construction, they are not designed that way.

Dave asks if this is the right height. Bob states they wanted to address the visibility impact under the ordinance, and that is why it is proposed at 150'.

Mr. Gashlin asks Kevin Breur if there is an advantage to AT&T to extend higher than the 150'. Mr. Breur states that they would not want to go higher because it would caused headaches to other users of the frequencies.

Dave states he only asked about height for co-location purposes in the future, if that doesn't work for that reason then no purpose to have it higher.

Jim Seymour points out that they need to look at the bottom of Page e of his Memo, §8.8.1.a, Requirements for New Towers.

The Board reviews as follows:

- 1.0 okay
- 2.0 okay
- 3.0 okay
- 4.0 Jim Seymour states there is no stamped statement of drawing from the engineer. This needs to be provided. The Board concurs
- 5.0 Okay
- 6.0 The Board still needs to see specific financial statement for the site.

Dave states the Board needs to see that AT&T has allocated funding for this specific site not just they have the financial capability.

Mr. Hobbins states they will have to provide a bond or escrow for breakdown or abandonment. Dave asks if we wouldn't refer that issue to the Board of Selectmen to set the bond amount. Mr. Hobbins states that usually is an item that is dealt with by the CEO and/or Planner making a recommendation to the Board of Selectmen for the bond amount.

Jim Seymour states that our ordinance requires something showing that AT&T has set aside a certain amount for this particular project in Casco.

Dave states he would like to see a letter from AT&T stating they are funding this particular project as well as the posting of a bond.

Jim Seymour again states that they need to provide the allocation of funds letter. Mr. Hobbins states this could be a condition of approval.

Bob Gashlin asks if the Board is asking for two bonds and Mr. Hobbins explains that is not what the Board has asked and further explained that the Allocation of Funds letter is something they are looking for now while the bond is needed after approval. Dave stated the allocation of funds letter is typically done at this stage in the process.

Jim Seymour states that on Page 111 of the Ordinance, under Planning Review Guidelines, “6) Proof of financial capacity to build, maintain, and remove the proposed tower must be submitted” and we are just looking for site specific financing.

7.0 okay

8.0 The applicant acknowledges that the natural vegetation will be the buffer, however, no “no cut” lines are shown on the plans and the Board may want “no cut” zones or lines shown on the plans.

Mr. Hobbins states that is an issues which may best be decided after a site walk. The Board agrees.

9.0 okay

10.0 An engineer’s stamp is needed on the drawings of the tower base and the Board may wish to have the engineered structural calculation provided to assure adequate structural capabilities in wind or icing conditions as there are only standard figures supplied on the tower foundation plans. Dave states he would like to see the stamp by the engineer as he is concerned about the icing issue.

11.0 Jim Seymour states there was a balloon test done and it shown on the exhibits but it is very difficult to see on the plan. The Board discusses if they would like to see a balloon test done at the time of the site walk and concur that it should be done at that time.

Linda Horton asks if there is some distance requirement for the photographs as it will be viewed differently from different locations. Jim Seymour states that the ordinance has the following language “11) An analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility.

Consideration shall be given to views from roads, public areas, private residences, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC”.

Discussions continue among those present regarding the visual impacts.

Discussions turn back to the balloon testing at the site walk. Jim Seymour asks what the existing tree canopy is, however, answer was not clear. He continued that with the monopole, once it is there, it is there and the visual changes. Jim Macklin asked how wide the balloon is that they use for testing. Bob Gashlin states it is 4’ to 5’ wide.

Linda Horton states she hopes that the Board will take the time of year into consideration of the visual impacts as well. Jim Seymour that goes back to the whole buffer issue.

Jim Macklin states the plans call for AT&T’s panels to be at 147’ and asks what would be the next useable level. Bob Gashlin states antenna may be located at 10’ intervals, so it would be 137’ and then 127’. Discussions take place between Jim Macklin and Kevin Breur regarding frequencies and locations. There is room for two co-locators on the monopole.

Jim Seymour states that is why it may be a good idea to have the tree canopy shown on C7 to show for co-location.

Dave asks if there is any opportunity for local public emergency or community utilization of this tower. Mr. Hobbins states yes, at no cost.

Jim Seymour states they may proceed with the new tower application and all that is left is final approval and that is why he is recommending the site walk. Jim takes the Board through the Site Plan Requirement review:

- A. Preservation of Landscaping – to be determined after site walk
- B. Relation of Proposed Buildings to the Environment – this is basically the same container type structure as other facilities; however, he did have concerns with the diesel generators and other noise from outdoor commercial air conditions/coolers.
- C. Vehicular Access – concerns are turn-arounds, elevations, drainage capabilities, winter maintenance of the road. The Board can look at the road layouts at the site walk.
- D. Parking and Circulation – There may be concerns such as fuel deliveries or emergency vehicles as well as winter maintenance.

- E. Surface Water Drainage – The new report shows minor increase in stormwater and Jim states he believes they have done what they can to slow it down.
- F. Utilities – Concern here is they may have to blast which may impact upon the abutters.
- G. Advertising Features – There will be no signs other than those on the gate.
- H. Special Features – Nothing other than the visuals of the generators and noise resulting from them.
- I. Exterior Lighting – Jim states he doesn't see any lighting issues.
- J. Emergency Vehicle Access – The Board may need a letter from the Fire Chief about a lock box or combinations and how the emergency vehicles will get around. Consideration of winter weather needs to be part of this review.
- K. Landscaping – This can be viewed at the site walk.
- L. Environmental Considerations – Jim states, again, it is his suggestion they fuel the generators with propane rather than diesel to protect from spills. Fencing needs to be addressed here as well.

Jim Seymour states that prior to the Board holding any pertinent discussions of the above matters, they need to conduct a site walk.

Erika Frank states that she takes issue with the site of the lot under §8.8.1 Space Requirements of the ordinance. A lot is required to be 2 acres and yet this lease is for 10,000 s.f. Further, she continues, set backs are to be 100% of the height of the Tower, in this case 150' from sidelines and this lot will not meet those requirements.

Bob Gashlin states they did have to create separate lots for the other towers located in town. Dave asks if those were before the ordinance requirements. Elwin states no, the Red Mill one was fairly recent.

The Board determines they need to have further input from Natalie Burns regarding the ground lease issue if it constitutes creation of a lot as well as space requirements and set back issues. Dave asks how many sections are in the tower. He is informed there are 3 sections that make up the tower.

The Board members discuss dates for a site walk and concur everyone is available on Saturday, September 18<sup>th</sup>, 2010 at 8:00 a.m.

Donna moves that we continue this matter at the next regular meeting of the Board.

Lynne seconds.

Any discussion? None.

All in favor? 4 yes – 0 no

Bill Horton returns to the table and resumes duties as Chair of the Board.

Camp Sunshine has submitted an application for Site Plan approval for a revision to the existing site to permit an addition to their volunteer housing by constructing three (3) new buildings for a total of ten (10) additional dwelling units. The property affected is known as Map 1A, Lot 3-1 and is located at 35 Acadia Road.

Matt Hoidal, Executive Director of Camp Sunshine, introduces himself to the Board. He also introduces Dave Kamila and Patrick Clark who are assisting Camp Sunshine with their application.

Mr. Hoidal gives the Board and those present a brief synopsis of what Camp Sunshine is all about and how they operate. Mr. Hoidal states that they are before the Board with some degree of urgency as they need to start the project in November so they may be finished prior to next season's opening due to the sensitivity to particulates in the air by many of their campers. Mr. Hoidal states that their purpose for the planned project is not to increase the number of persons they can accommodate but to provide more comfortable and spacious areas for those they currently accommodate. He then turns the presentation of the application over to Dave Kamila.

Mr. Kamila begins by stating he worked with an architect as well as Mr. Clark, who is a drainage expert and present tonight, to prepare this application and present it to the Board.

He continues that while Camp Sunshine and Point Sebago are two separate and distinct entities, from a DEP standpoint they are joined at the hip so to speak.

He directs the Board's attention to the Site Plan map and explains the maps in detail to those present. Further, Camp Sunshine negotiated with Point Sebago for a conveyance of additional property to allow this project to work. As a result of this conveyance Camp Sunshine's application is meeting the 25' setback requirement and points out the existing rental units on the Point Sebago property. Camp Sunshine proposes to push the tree line back and there will only be 6300 s.f. of impervious area. Continuing, he states they are going through DEP permitting process and that is currently pending. There will be no additional parking or utilities with the addition of these buildings. Drainage will be going to an infiltration system which is already done on the property and they do not believe there will be any water run off from this project. In conversations with DEP they have agreed that they will consider this type of system as non-impact.

Mr. Kamila continues that the existing septic system has more capacity than they are using and will be sufficient for the addition. The design capacity of the

system was only hit once and as Matt stated there will be no increase in the number of people, the addition is to provide more comfortable space for those who currently use the volunteer units. There will be no lighting other than on the walkways and driveways. They plans call for utilization of reinforced turf that can be driven over but does not constitute impervious surface and therefore they are not creating any new impervious areas. The maintenance crews will drive on these areas for maintenance purposes. The application meets all the zoning requirements and they are 500' from the lake, they have plenty of frontage and by acquiring the additional property they have corrected some of the prior non-conforming issues.

Dave asks if this will not created additional people, where were the people who will fill these units before. Mr. Kamila states they have been in the existing volunteer units, however, this will just move them around.

Matt Hoidal states there are only so many bodies they want around because it becomes too large. They want to keep the program numbers down and they do this purposely as they keep the number of families at 30 although they can accommodate 40 families. He explains how they set up the housing.

Donna asks what would preclude them from having more bodies on the campus and asks if the Board knows what the density was originally.

Jim Seymour asks if it is determined on the number of people or the capacity of the units.

No one present knows the answer to Donna's question on original density and Mr. Kamila states it goes back to Matt's statements of keeping the number of families at 30 that keeps the number of bodies the same.

Dave Kamila continues to explain the septic system and that the type of soils are very good and helpful to the septic system. Further, he continues they are keeping flow records. You can see they are basically tracking all water usage and disposal. He understands the Boards' concern and they can provide the records and will keep track going forward. They will be happy to submit them as a condition of approval to Elwin. With the records they keep, if they hit capacity or overflow capacity they will know immediately and can address the problem.

Donna states there should be some safeguards built in because they could increase that capacity and you did go over already. Dave Kamila explains that it was one day that that occurred and further explains that this is not something happening on a regular basis. Elwin explains that they have installed a very expensive system and if they habitually over flooded it, they would have a very, very expensive replacement project and they don't want that.

Dave Kamila explains that the criteria for testing effluent shows they are approximately one-half of what is permitted for contaminants in effluent. That makes the system function better by not having as many contaminants.

Discussions continue at great length regarding the septic system's capacity, efficiency, number of beds and pumps as well as discussion regarding Mr. Kamila's on-site meeting with DEP representatives. The Board, however, is awaiting copies of DEP determinations and will review same when applicant has received them.

Dave asks if the campus can be utilized year round. Matt Hoidal states it can; they do utilize the facility some long weekends. Currently Camp Sunshine is open 125 days per year and the maximum would be 150 days per year which provides adequate down time for the septic system.

Bill asks the architect to explain the access to the upper areas such as the exterior stairs. He explains the layout of the stairways as well as the buildings. Donna asks if there are elevators to the second floor. There are not. The only elevator is in the main building. Donna states she is looking at emergency access; Bill states he is too.

Pat Troy states she is concerned about handicapped access that if she were someone who wished to volunteer at Camp Sunshine but could not use stairs due to a disability, they are barring her from volunteering. Mr. Hoidal explains there are handicapped units as well as the elevator in the main building and there is access to the second floor from the parking lot via a ramp.

Discussions regarding emergency and handicapped access as well as stair layouts continue at length among those present.

Bill asks about the sprinkler system in the new buildings. Mr. Kamila states the existing units are fully sprinkled and they will be extended into the new buildings. Jim Seymour asks if this will require an additional tank. Mr. Kamila states he does not know, it would be part of the build design. Jim Seymour asks if the hook up for the Fire Department outside is sufficient. Again, Mr. Kamila not sure. Jim Seymour asks if the Fire Department would require additional access. It is believed that the reinforced turf is sufficient for weight of the fire trucks. Bill asks if the Fire Marshall has seen the plans as yet. Mr. Kamila states they have.

Dave Kamila states that the fire access is currently through the driveways and parking areas. He met with the Fire Chief and Elwin in Elwin's office and the Fire Chief was not requiring anything further.

Bill asks if it is staked out on the field if the Board were to go look. Mr. Kamila states it is not, but it could be.

Jim Seymour asks for a little background on the stormwater. Patrick Clark states they have filed for an amendment to the stormwater permit, but they have had no reply as yet. He has spoken with representatives of DEP however.

Patrick states he has been associated with the Camp Sunshine projects for about 15 years. The existing site is approximately 15 acres and there has never been a detention pond on this site. This will be a low impact project and therefore they will not need to create any ponds. The quality of the runoff is the main concern. Flooding has never been an issue, their phosphorus is about 50%.

Jim Seymour states his concern is the pipe system and asks if it goes directly to Sebago Lake. Mr. Clark explains there is a drip system around the building and explains how this system functions. Jim Seymour questions the affects a 25 year storm would have upon this system; Mr. Clark states it would not have a notable impact, although there may be a small amount of runoff not usually seen.

Jim Seymour asks where the rental units at Point Sebago get their water from and if they have wells? Elwin and Dave Kamila state there are no individual wells there. Dave Kamila points out that there is also a natural flow toward the lake for any possible runoff.

Lynne moves to accept the application.

Dave seconds.

Any discussion? None.

All in favor? 5 yes – 0 no

Jim Seymour asks the Board if they would like to schedule a site walk. The Board agrees to do a site walk on Saturday, September 18, 2010 at 10:00 a.m. after the tower site walk. Dave Kamila asks if the Board would like the corners staked. Board states yes.

Donna states she is unavailable for the October 13<sup>th</sup> meeting. Lynne states she is also unavailable. Bill states he also is not available on the 13 of October. The Board discusses possible dates to meet in October in light of not having a quorum available on the 13<sup>th</sup>. It is determined everyone can meet on Wednesday, October 6<sup>th</sup>, and the secretary will make the proper notifications.

Donna moves to carry this item to the next meeting on October 6<sup>th</sup>, 2010.

Lynne seconds.

Any discussion? None.

All in favor? 5 yes – 0 no

Steve Linne from Blacksmiths Winery states he will be as brief as possible and thanks the Board for taking time to discuss some possible options for him to explore regarding the winery.

Steve states as he believes the Board members know, he owns Blacksmiths Winery on Route 302 and Quaker Ridge Road. Presently the property is zoned as a Village District which greatly restricts his expansion options. He said like most other towns the winery is considered a commercial use, yet unlike many other towns, Casco did not restrict the location of the winery to an unsightly industrial type commercial zone.

He continues being in a Village zone and classified as a retail use, he is only permitted 2000 s.f. on the first floor and cannot have any retail area in the rest of the property. Currently, he leases a warehouse from Red Mill and that lease expires in December 2011. At this time, while he is not looking to terminate leasing that space, with the untimely death of Kermit, he is uncertain if entering into a new lease will be an option and has started to look at some alternatives. He is producing a new product, Hard Cider, which is a totally different product and like beer it has a lower cost to produce than wine but needs to be able to produce it in a much greater volume. In that regard, to meet his production goals, he needs to install 20,000 gallon tanks.

Steve asks the Board to keep in mind he is looking at a 5-year plan to accomplish all of his goals. He would like to be able to get in and dig the hill down and make it a one-way circular drive with parking. He would like to put a new building in the back corner of the lot as the production facility and storage.

Dave asks if the new building would be retail space. Steve stated it would not. He continues that he tried to present the argument that it would be agricultural, but that didn't fly. If you look at the commercial zone requirements there are uses that don't require Planning Board approval; however, he states he has no problem having to obtain Planning Board approval, he just needs an avenue that lets him get that far, and there is nothing that allows that for him in the village zone and if a winery was a permitted use in the village zone it could work.

Elwin states in order to accomplish this we need to look at the zoning ordinance and change some wording or look at changing the zoning for this property.

Elwin asks Steve how much he is planning to expand. Steve states it would be approximately 20%.

Donna asks whatever happened to that portion of Quaker Ridge Road being closed. Steve states the last he understood unless there was agreement of the entire Town there would be no closing of any of those 3 roadways onto 302.

Jim Seymour states that perhaps this could be a Contract Zone.

Bill asks if Steve owns all of this property. Steve states he does except for a very small piece owned by Brady and he hasn't decided to sell yet.

Steve asks what a Contract Zone is and what does he need to do. Elwin explains how Contract Zoning works and how it could be utilized in this particular instance.

Steve states he is looking into donating the actual Blacksmith Shop building to the Historical Society to move and preserve it.

Jim Seymour asks about odors. Steve states CO<sub>2</sub> is a part of the fermentation process, but he has had no problems in the 10 years he has been there.

Dave asks if this would be sufficient based on the system. Steve reiterates that he is not intending to abandon the site at Red Mill, so he is really only look at expanding for production.

Bill asks how tall the tanks are. Steve explains they are built to order and specification, they can be any size you wish.

Steve asks if the Zoning Ordinance is available online. The secretary informs him it is on the Town website under Planning & Zoning tab.

The Board addresses the secretary's memo regarding the 2011 schedule of meeting dates. The only Monday meeting that needs to be changed is October as it again falls on Columbus Day Monday. The Board all agree to set the October 2011 meeting for Wednesday, October 12, 2011.

Donna moves to adjourn.

Lynne seconds.

Any discussion? None.

All in favor? 5 yes – 0 no