

D-R-A-F-T
Town of Rockport Planning Board
Wednesday, October 9, 2013 – 5:30 P.M.
Rockport Opera House Downstairs Meeting Room
Meeting Televised on Channel 22

Board Present: Chair John Alexander, Tony Bates, Terrie MacKenzie, Thomas Murphy, James Ostheimer, and John Viehman

Board Absent: Sarah Price

Staff Present: Planning and Community Development Director Bill Najpauer, Videographer Tom Goodwin, and Recording Secretary Deborah Sealey

Chair John Alexander called the meeting to order at 5:37 P.M. and reviewed the agenda.

I. Old Business: None

II. New Business

Site Review Application from Verizon Wireless (Represented by Kelly Boden from Verrill Dana LLP) to construct a 195-foot high lattice tower adjacent to the existing tower at the top of Ragged Mountain, Map 37, Lot 120, and located in District 908, Rural and District 915, Mirror Lake and Grassy Pond Watershed Overlay District.

Kelly Boden of Verrill Dana LLP and Andrew Pearsall of Verizon Wireless represented the applicant. Ms. Boden said Verizon was upgrading its system for LTE and 4G applications. The existing tower on Ragged Mountain would not support these needs, so Verizon proposed a new tower and bump out for the fence. The new tower would expand coverage and provide faster service.

Ms. Boden said the tower components would be delivered to the site by helicopter. Once the tower was in place, existing access rights would be utilized for monthly maintenance visits by a technician. There would be no water or sewer nor lights on the tower.

Tony Bates questioned why the application indicated this would be a replacement tower. Ms. Boden explained that this would be a replacement tower for Verizon's purposes, but the old tower would not be removed.

Mr. Viehman provided the board with photographs he took when visiting the site. Planning Director Najpauer said these would become part of the record.

The board determined that all elements required by Section 1300 were included in the plan. Mr. Murphy noted that the board's copies of the plan did not provide the 1" = 40' dimensions required. Mr. Najpauer said the town's copy did meet that criteria, but board members' received reduced-size copies. Because it was often difficult to see details on smaller plans, Mr. Murphy wanted the Ordinance Review Committee to address the fact that the ordinance did not require full-size copies for board members.

Chair Alexander read aloud the applicant's written statement.

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, that we have a written statement, waive the requirement for 1" = 40' for all of our copies, and the application is complete.
Carried 6-0-0

Chair Alexander read the titles of Section 1305 (Performance Standards). No questions were raised. Section 1000 (Landscaping) was reviewed and the board determined that no landscaping was required.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, to waive review of landscaping.
Carried 6-0-0

Sections 901 and 906: Mr. Viehman asked if it were really necessary to erect a second structure and whether the existing tower could be removed. Mr. Pearsall said the old tower could not handle Verizon's new equipment, but he believed landowner Charles Foote III was trying to move the existing tenants onto the new tower. Mr. Pearsall said the old tower would have to come down sometime, but perhaps not for twenty years. Ms. Boden noted that the applicant had no say in the removal of the old tower since it did not belong to Verizon. The new tower was designed to handle additional tenants at rates comparable to those of the current tower. Mr. Pearsall stated that Mr. Foote, rather than Verizon, would be the owner of the new tower. Ms. Boden noted that any prospective co-locator would have to come before the Planning Board.

Under Section 800, Tony Bates asked for more information about the surety bond. Mr. Najpauer explained this was required for eventual removal of the tower. Verizon had requested that the amount of the bond be determined at the time the permit was issued by the Code Office.

ACTION: Thomas Murphy made a motion, seconded by Tony Bates, that the Planning Office work with the applicant to set the amount of the surety bond for removal of the tower before the building permit is issued.
Carried 6-0-0

Ms. MacKenzie read from Section 801 concerning erosion in the watershed and asked about an erosion and sediment plan. Ms. Boden and Mr. Najpauer said this was not required since the disturbance would be less than 1,000 sq. ft.

The Chair invited public comment.

Sharon Osbourne asked how many antennas would be available for the use of other companies. Mr. Pearsall replied that the 180' lattice could easily accommodate seven co-locating carriers; due to the tower's location, a company could even successfully locate at the 80' level.

Gerald Brooks asked if the tower could accommodate 4G. Mr. Pearsall said it could. The current tower, built in the 1950's before cell phones existed, was outdated. Mr. Brooks said it would be up to the owner to remove that tower because there had been no surety bond required at the time it was erected.

Public comment closed.

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, to approve the Site Review Application from Verizon Wireless (represented by Kelly Boden from Verrill Dana LLP) to construct a 195-foot high lattice tower adjacent to the existing tower at the top of Ragged Mountain, Map 37, Lot 120, and located in District 908, Rural and District 915, Mirror Lake and Grassy Pond Watershed Overlay District, with the condition that the amount of the surety bond be set with the Planning Office before the permit is granted.
Carried 6-0-0

III. Other Business

Mr. Viehman asked if the town was stuck with the old tower. Mr. Najpauer replied that the town could take action if the tower were unsafe. Ms. MacKenzie said the Ordinance Review Committee should look at removal of both communications and wind towers.

IV. Approval of Minutes

ACTION: Thomas Murphy made a motion, seconded by Terri MacKenzie, to accept the minutes of the Planning Board meeting of Wednesday, September 11, 2013, without changes.
Carried 5-0-1 (John Alexander abstained)

V. Adjournment

The meeting adjourned at 6:30 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary