

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD DECEMBER 11, 2008

Present: Chairman Todd R. Hoffman, Julie Fernee, Shaun DeWolf, Barry Chase, Scott Strynar and Lawrence Huntley, CEO.

Absent: Dennis Hartigan and Mark Cahoon

Also Present: Lovir Vitali (Mariner Tower), Chris Ciolfi (Mariner Tower), Alfred Bennett, Stephanie Bennett, Brad Jones, Troy White (Omni Point Communications), Brian Grossman (Omni Point Communications), Richard Brady (Windguys USA, LLC), Jeff Goodman (Windguys USA, LLC).

1. Call to Order:

Chairman Todd R. Hoffman opened the Planning Board Meeting at 6:36 p.m.

Chairman Todd R. Hoffman moved Scott Strynar to full voting status.

2. Current Business:

A. Clark McDermith---Applicant proposes to construct a 42' Wind Turbine at 211 Wells Street (Map, 2 Lot59)

Lawrence Huntley, CEO receive a memo from the Town's Attorney - Windmills and Zoning Ordinance, dated December 1, 2008. (See Attachment)

Jeff Goodman discussed with the Board that the Company is called Windguys USA and we are here to obtain a Conditional Permit for a Skystream Wind Turbine at Clark McDermith business lot. The proposal is for a 42 foot Wind Turbine and it is located behind their business approximately 300 feet from Route 9 and another 300 feet from the Northern border of the property. The reason why we are here is because of the height Ordinance of 35 feet and the blade goes above that by the height Ordinance by 7 feet.

Lawrence Huntley, CEO explained if it is an essential service then it is not a problem.

Refer to: Page: 3-6, Article 3- Construction of Language and Definitions

Essential Services: the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar

accessories, but shall not include service drops or building which are necessary for furnishing of such services.

Lawrence Huntley, CEO commented that if you group that into Essential Services then the height restrictions is not applicable, but the Essential Service is a Conditional Use Permit and is allowed in that Zone as an Essential Service structure to the Zone and to the main dwelling or the commercial building that is there. The height restriction is because of residential structures.

Lawrence Huntley, CEO also discussed that if it generated enough power, it could back feed.

Jeff Goodman replied yes.

Lawrence Huntley, CEO commented that it could provide power to the grid.

Jeff Goodman replied yes.

Lawrence Huntley, CEO commented then that would be an Essential Service. But if it was used for private use only then it would not. That's the definition. In the conversation the issue was resolved.

I have received a number of phone calls from neighbors that could not attend tonight's meeting. They would like to know if this kind of a wind mill; makes any noise what's so ever.

Jeff Goodman replied that it does make noise and it is a few decibels above the ambient noise. So when it is windy out and you hear the trees blowing you will probably hear it just above the trees.

Lawrence Huntley, CEO asked if you are 300 feet from Route 9 will anyone hear anything standing on Route 9.

Jeff Goodman answered maybe if it is blowing 50 miles an hour, but in general they won't hear it.

Condition:

That it is an Essential Use with the condition that it is connected to the grid for electrical generation.

Barry Chase moved to approve a Conditional Use Permit considering that it is an Essential Use with the condition that it is connected back to the grid for electrical generation, Scott Strynar seconded a motion. Vote, 5-0

B. Mariner Tower II, LLC---Applicant proposes to construct a 150' Communications Tower at 334 Elm Street. (Map 1, Lot 28 & 30 A)

(See Attached Mariner Tower Booklet)

Chris Ciolfi explained to the Board that what we are proposing is to build a 150' tall lattice style self-supported transmission tower. The land is owned by Jim Anderson on Elm Street. What we are proposing to do is bring in a new access driveway to the right of Mr. Anderson's garage and utilized an existing crossing and improve the culvert go out into the wooded area and cut an area 100 by 100 in the woods. This is where all the activities will be contained. The gravel road will be approximately 12 feet wide. We will bring our power telephones overhead on the utility poles. There will be no water, sewer, septic or gas, just electricity and telephone. We have a setback shown here from the tower; it is 1000 feet from Mr. Anderson's front yard or along Elm Street. It is 766 feet from the closes corner of the property, southwest which is the Bennett property. It is 635 feet to the back, where the railroad tracks are and about 696 feet to the northern line, that goes at an angle and that is where the railroad tracks and the power lines stop.

Plan Sheet Number: C - 101A - Is a survey description of our access drive and our lease area.

Plan Sheet Number: C - 102 - Is more detailed, and what were proposing is to come off if Elm Street and place a culvert so it does not wear away Elm Street. There are details on how the grating and the culverts will be installed due to the small stream crossing which is not in a flood plain, but there will be a small inlands impact a 1937 square feet; a permit by rule under the 4600 square foot threshold. There it continues as a match line, the bumpy line shows the tree clearing limits; we are going to cut as few trees as possible to get our access drive and our utilities in. The continuation of the access drive and our compound area is shown on the top left. We also have the details of the silk fence and typical cross section rip-rap inlet details in our typical driveway section. We typically use a 12 foot wide gravel driveway with slopes on the plan 127-126, which is fairly flat.

There are a fair amount of wetlands on the overall property. We had a wetland scientist from Oest Associates Inc., Wetland Consultants walk the property and flag the property. We have designed the facility and we will void any wetland impacts except for the one stream crossing.

Plan Sheet Number: C - 104 - Gives you elevation view of the proposed 150' tall lattice style self-supported transmission tower. We have run initial FFA evaluation and it will not require marking and lighting of the tower under the 200 foot threshold in the distance to local airports. We not proposing any lighting as part of the facility in the future and T Mobile are not proposing any lights by their operation. If any future tenants wanted any lighting on their building for technicians after hours, it would be switch operated or the technician would have a portable light.

Plan Sheet Number: C - 105 - Is the General Condition Details. The dark arrows show the proposed flow. The white arrows show the existing flow. The biggest part of the impact is the stream crossing. There is a culvert there now but it is not in very good shape, but it will be improved.

Chris Ciolfi asked the Planning Board to refer to:

Mariner Tower II LLC booklet - Tab 5:

Page 5: the first map that shows just the green on it shows what the existing T Mobile signal coverage is in Town. The yellow dot in the center: 4PBO3O8A North Berwick indicates our proposed site is going to be.

Page 6: the map area that is pink is where the coverage will be when the facility opens.

Page 7: Points of reference *measured in decibels or sound – Examples

Page 8: Is an actual ERICSSON RBS 2106 ACOUSTICAL NOISE LEVEL CALCULATOR: Distance (ft) 50 – Distance (m) 15.24; which will be a very quiet operation: approximately 50 decibels that is equivalent to a home refrigerator.

Tab 6:

Page 1: Is a FEMA Flood Plan Map that shows it is not in a flood plain.

Page 2: Wetland Consultant review/ Wetland Delineation & Schematic Layout

Scott Strynar asked if the access would be a chained.

Chris Ciolfi answered that we usually put a chain or a cable to keep curiosity out.

Scott Strynar asked if the road is plowed in the winter.

Chris Ciolfi answered that we do not plow the road. If technicians need to get in the will snow shoe in or use a snowmobile.

Scott Strynar asked if there were fencing around the tower.

Chris Ciolfi answered yes and it is chain linked and approximately 8 feet high with barbwire on top.

Chairman Todd R. Hoffman asked the flying of a balloon.

Chris Ciolfi answered that on November 13, 2008 we had a firm go out and fly a balloon and they drove around an area and they have, ½ mile, 1 ½ mile, and 2 mile ring. They put the balloon up 150 feet, 5 foot diameter helium balloon along all public roads; they do not go on private roads or private property. There were two spots where they could find the balloon; one was across from the site and the other was down off of Knights Pond Road.

Scott Strynar asked if there are certain requirements that the Fire Department should have access to the tower.

Chris Ciolfi answered that the road would be designed to accommodate emergency vehicles, which is not planning in winter months plow. Once the tower is up and running it is serviced by pickup trucks and SUV's.

Scott Strynar commented that he did not know if it was a requirement for the Fire Department to have access to the tower.

Lawrence Huntley, CEO commented that it could be made that a condition.

Shawn DeWolf asked if for a private drive do you require 4 inch crushed gravel based A and 18 inch gravel sub base type B.

Lawrence Huntley, CEO explained that with the North Berwick Zoning Ordinance. Is that with each use on a piece of property requires forty thousand square feet in that Zone. You say you are leasing 100 by 100, you have to come up with thirty thousand.

Chris Ciolfi replied that we can, we have talked about this with Mr. Anderson and he has plenty of land to do that and we would show that as a leased area to be in conformance with that requirement.

Lawrence Huntley, CEO explained that the other issue is 150 foot frontage for each use on each piece of property.

Chris Ciolfi replied there is a couple of thousand feet of frontage.

Lawrence Huntley, CEO replied on the opposite piece of property that that is located on. There are two pieces of property; one is 30A and 28. There will be two uses on that piece of property. If he combines 28 and 30A and makes one property, now you already have two uses, so you can not have any more. You will have to pick which lot this tower is going to be located on and provide frontage and lot size on that property.

Chris Ciolfi asked even for a lease.

Lawrence Huntley, CEO replied even for a lease it is a use. Each use requires a certain amount of square footage and frontage.

Chris Ciolfi commented is what we typically do is create the frontage of the right of way.

Lawrence Huntley, CEO replied you can if you build it to Town Standards.

Chris Ciolfi commented that is no problem.

Lawrence Huntley, CEO replied that you also need to get a DOT entrance permit on Route 4.

Chairman Todd R. Hoffman opened the meeting to the public at 7:35 p.m.

Stephanie Bennett asked about crossing the pond and adding a bigger culvert.

Chris Ciolfi answered we are not changing the flow we are just making it so we can drive over it.

Stephanie Bennett asked about added telephone poles.

Chris Ciolfi answered that they would be installing their own telephone poles.

Alfred Bennett asked about the noise from the wind blowing through the lattice work.

Chris Ciolfi answered that it would be the same type of noise as wind going through the trees.

Scott Strynar asked if a no trespassing sign would be in place.

Chris Ciolfi answered that it will be fenced with a no trespassing sign at the proposed site. There are very rarely any problems with vandalism, these facilities are remote, and they don't draw a lot of attention to them.

Brad Jones asked the color of the tower.

Chris Ciolfi answered that it is natural weathering galvanized steel.

Chris Ciolfi explained that there have been question about interference with radio and televisions and they do not create any interference. If there is ever a problem such as an antenna was bad and it did cause interference there will be a sign with our name on it for emergency or contact information. People are welcome to contact us directly or through the CEO. The tenant's obligation under their FFC license is to correct any interference.

Chairman Todd R. Hoffman closed the meeting to the public at 7:55 p.m.

To be completed by Mariner Tower:

- 1. DEP approved***
- 2. 40,000 square feet available for proposed site***
- 3. Road Built to Town Standards***
- 4. Fire Chief, access to tower***
- 5. DOT entrance permit on Route 4.***

3. Preview next agenda:

Jackson Drysdale LLC

Arthur & Glandora Hall Family Trust

4. Other Business:

Reminder: Next Meeting - Article 2.7 (e) Street Design and Construction Standards Ordinance

5. Preview Previous Minutes:

The Minutes of November 20, 2008 were tabled until next meeting.

6. Adjournment:

Scott Strynar moved to adjourn at 8:00 pm, Julie Fernee seconded a motion. Vote, 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman
Julie Fernee
Shaun DeWolf
Barry Chase
Mark Cahoon
Dennis Hartigan
Scott Strynar

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Shaun DeWolf
Barry Chase
Mark Cahoon
Dennis Hartigan
Scott Strynar
CEO
Town Manager
Selectmen
Christine Dudley
ZBA
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