

MINUTES  
TOWN OF TOPSHAM  
PLANNING BOARD MEETING  
NOVEMBER 18, 2008, 7:00 P.M.

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MEMBERS PRESENT: Don Spann, Chairman  
Ron Bisson  
Tim Dunham  
Stephen Mathieu  
Don Russell

MEMBERS ABSENT: Paul Bennett and Nora Wilson

STAFF PRESENT: Richard Roedner, Planning Director; Rod Melanson, Natural  
Resource Planner/Assistant Town Planner

A meeting of the Topsham, Maine Planning Board was held on November 18, 2008 at the Municipal Building at 100 Main Street, Topsham, Maine. Chairman Spann called the meeting to order at 7:00.

1. **ROLL CALL**

The recording secretary conducted the roll call and noted all were present except Paul Bennett and Nora Wilson, who had been excused.

2. **MINUTES FROM THE NOVEMBER 4, 2008 MEETING**

Motion was made by Don Russell, seconded by Don Spann, and it was

VOTED

To accept the minutes of the November 4, 2008 meeting as written.

4-0 with 1 abstention.

3. **STREET ACCEPTANCE: GEORGE SARGENT HAS SUBMITTED A  
PROPOSED STREET ACCEPTANCE FOR ALPHONSE DRIVE.**

Memo was in file from Rod Melanson dated November 14, 2008 explaining that Mr. Sargent is seeking approval from the Board to accept Alphonse Drive as a public road and to then have this item placed on the Town Meeting Warrant (March/May) by the Board of Selectmen.

Mr. Sargent told the Board that he had the engineering done, and that the road had been built to Town Standards. Memo is on file from the current Public Works Director Robert Pontau stating that the test pits were done and to the best of his knowledge the road was constructed to Town Standards. Mr. Sargent had completed the road under the direction of the prior Public Works Director Wes Thames.

Motion was made by Mr. Mathieu, seconded by Mr. Russell and it was unanimously

VOTED

To send this item with an "ought to pass" recommendation to the Board of Selectmen for placement on the Town Meeting Warrant.

4. **SKETCH SITE PLAN - MARINER TOWER II, LC, HAS SUBMITTED A PROPOSED ESSENTIAL SERVICE FACILITY ON MAPLE STREET EXTENSION, TAX MAP U01, AND LOT 109.**

Chris Ciolfi, Chief Development Officer with Mariner Tower, reviewed a revised sketch plan for a proposed 125-foot wireless communications tower with an accompanying equipment area off of Maple Street in the Heights neighborhood, near the District Water Tower. The property is owned by the Farr Family. The Farr home is actually on Oak Street but fronts on Maple Street Extension. The boundaries of their property was depicted on the sketch plan by dark dotted lines. Maple Street is not an accepted Town way and Mr. Ciolfi said he had researched the title back to 1892. The Noyes Family had access to Maple Street at that time, so the Farr Family also has access as their successors. A lease has been negotiated between Mariner tower II, LC and the Farris.

Mr. Ciolfi said the plan is to come down Maple Street Extension onto an existing woods road. The woods road then turns towards the Farr house. The road will be turned more to the center of the wood lot. The compound itself is approximately 75-foot square and will consist of 2x4 wood construction. It will sit within an area of 100' x 100'. The road is approximately 400 feet long. The condition of the woods road will be improved as part of the construction.

Mr. Ciolfi also reviewed a grading plan. He said the grades are very gradual in this area and actually go up higher beyond the site to the west, where the District water tower is situated. The plan including stormwater management and erosion control.

Mr. Ciolfi said he approached the Water District in March and talked with Alan Fraser who told him the District had no interest in allowing the equipment to be placed on the water tower.

Originally the applicant requested a waiver of Section 225-60.3.C.(1), as they were proposing a 125-foot tower in the anticipation that they will have multiple users. They

only have one user at this time. During the meeting Mr. Ciolfi asked to rescind the height waiver.

The applicant also requested a waiver from the landscaping standards within the site plan but at the meeting, also requested to rescind that waiver.

Engineering studies prepared by T-Mobile were displayed. One study showed the extent of their existing signal coverage in the area and another study showed what their improved signal will be using the proposed tower.

Board member Mathieu said the plans displayed seemed very different from the last time Mr. Ciolfi was before the Board with the River Road Tower. He said it seems only one carrier's inability to reach an area is being addressed. The last presentation for the River Road addressed several services from all the carriers. Mr. Ciolfi said this tower will be for multiple carriers and he will demonstrate why the proposed location is the best fit.

The Board requested that the applicant demonstrate the need for the transmission tower and asked to see a drawing that shows the location and extent of all towers in the Brunswick-Topsham vicinity.

Rod Melanson said he has spoken with Alan Fraser and thought Mr. Fraser was now willing to discuss the issue with Mr. Ciolfi. Mr. Ciolfi agreed to meet again with Mr. Fraser but said he did not like the fact that his company has spent hundred of dollars looking elsewhere because of the Water Districts prior refusal.

Don Russell reminded the Board that this was simply a Sketch Plan before the Planning Board where the Board can provide guidance on what should talk place. Don said the Ordinance is designed to try to collocate - to keep the antennas in hiding as much as possible to protect neighborhoods. He added, if you can strike a deal with the Water District that is your business and you should have some kind of written agreement that will be binding and the Board should see the agreement. There may be other buildings in Town, Churches, Steeples, etc. you could also look at.

There was a discussion of Ordinance Section 225-60.3.D (Collocation requirements) and the Board stressed the importance of 225-60.3.A.5 under the "Purposes Section, question was raised if there were any other tall structures on which the antennae could be placed, i.e., the District Water Tower.

Mr. Russell expressed concern that the applicant was talking about leasing a 100' x 100' lot rather than a conforming lot on which to place the tower. He said the code clearly states that a conforming lot is required. A conforming lot is as area consisting of 20,000 square feet. The Ordinance also talks about fall distance of 125 percent. Don said if you are talking about putting up a 125-foot tower, you are going to have a fall distance of 156 feet both ways, so you are going to need a lot of 312 feet square. If you have a conforming lot, then you have to be serviced by a road that is at least 50-feet wide in right-of-way. Mr. Russell said he did not know the status of the Maple Street Extension.

Mr. Russell said there appeared to be quite a few hurdles to be met which have not been clearly shown in the presentation.

Rod Melanson said one of the more important aspects that should be talked about is the visual analysis to be conducted. Not only does it look at the visual impact of the cell tower but also how does the cell tower fit into the landscaping at the site. Mr. Melanson said Mariner will have to be reviewed by the Maine Historic Preservation Commission.

Mr. Ciolfi told the Board that Mariner has received a letter dated September 24, 2008 from Curt Mahoney, Deputy State Historic Preservation Officer of the State of Maine stating that the proposed tower will have no adverse affect on the historic properties as defined by Section 106. Letter of approval is also in file from the Federal Aviation Administration.

Mr. Ciolfi said he believes the location proposed is the right location but agreed to provide more details as requested by the Board in accordance with the ordinance. He suggested to do a ballooning of the area with appropriate abutters to be notified.

Board member Dunham inquired if there is a Road Maintenance Agreement on Maple Street. Mr. Dunham was of the opinion that there was an agreement among the four residents on Maple Street. Mr. Ciolfi did not know if there is a maintenance agreement, but said he will inquire.

No action was taken as this was only a sketch plan review.

5. **NATURAL AREAS PLAN - TO RECEIVE COMMENTS ON THE NATURAL AREAS PLAN.**

Rod Melanson, Natural Resource Planner/Assistant Town Planner, narrated a presentation of the Natural Areas Plan. The plan is in draft form and the committee is seeking comments from the Planning Board. Mr. Melanson said the plan will guide planning for the protection of natural resources throughout Topsham. When completed, the plan will be proposed as an amendment to the Town's Comprehensive Plan.

Members of the Natural Areas Plan Committee include Jim Byrne, Ed Caron, Dana Cary, Christopher Dwinal, Gary Fogg, Gerry LaRoche, Patricia Maloney and Steve Pelletier.

Mr. Melanson explained the methodology behind the prioritization of significant natural areas and the strategies that are offered to protect those areas. List of Maps was reviewed and topics included Vision and Coals, Topsham Natural Areas Plan goals, Inventory Maps, Analysis of Natural Resource Values, Community Values, Focus areas, Existing Conditions and Regulations and Natural Areas Conservation Recommendations and Strategies.

No action was taken on the Plan except to thank Mr. Melanson for his presentation and to say that the Committee did an excellent job. The only concern expressed was if there was adequate outreach to large land owners. There were no comments from members of the public. People were urged to contact Mr. Melanson, or any member of the Committee if they have any thoughts or suggestions to offer.

### **OLD BUSINESS**

There was no old business to address.

### **NEW BUSINESS**

#### **LETTER OF RESIGNATION**

Chairman Spann informed the Board that he had received a Letter of Resignation from Board Member Paul Bennett. The letter will be turned over to the Board of Selectmen for acceptance. Chairman Spann thanked Mr. Bennett for his contribution to the Board.

#### **DEAD-END ROAD DISCUSSION**

Under New Business, there was a discussion about dead-end roads and the way the ordinance has been interpreted. As a means of clarification, motion was made by Don Russell and seconded by Don Spann and it was unanimously

#### **VOTED**

That Section 191-6.C.1 interpretation of the Ordinance will be that no dead-end road will exceed 1,000 feet in distance from a public through road. Dead end roads less than 1,000 feet may be waived by the Planning Board if the road meets the requirements of 191-6 B and C and that 191-D interpretation will be: in no case shall more than 20 residents or lots be constructed or created on a dead-end road, included in the calculations of 20 residents or lots would be any dead-end segments intersecting with a dead-end road. It is further moved that 191-20 will not be used by the Planning Board to authorize the waiver of 191-6 A, B, C or D.

It was also unanimously agreed that the above motion applies from this date (11//18/08) forward for any new applications regarding subdivisions or amendments to subdivisions that is not currently before the Planning Board, until such time the Town has approved any amendments to the provisions found in 191-6 Dead-End Roads.

### **ADJOURN**

It was moved, seconded, and unanimously VOTED to adjourn and the Board moved into a Workshop Session.

**WORKSHOP**

Miscellaneous Zoning Changes  
Dead Ends  
Digital Signs  
Remote Control Airplanes

Respectfully submitted,



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Pat Williams, Recording Secretary