

**Minutes
Bethel Planning Board
Draft**

**Wednesday, October 22, 2008
7:00 pm, Regular Meeting**

Town Office

Members Present: Allen Cressy, Jon Cowan, Reggie Brown, Larry Engdahl
Members Absent: Francis Dumont, Ginger Kelly
Staff Present: Vicki Rackliffe, Planning Assistant
Others Present: See sign-in sheet

Full content of the meeting is available in Windows Media Audio file format.

1. Call to Order

At 7:00 pm. Chairman Cressy called the regular meeting to order.

2. Opening Statement

Chairman Cressy made a brief opening statement.

3. Declaration of Quorum

Chairman Cressy noted that Francis Dumont and Ginger Kelly were absent. Chairman Cressy appointed all members present as voting members and declared a quorum.

4. Approval of Minutes:

Public Hearing: October 8, 2008 for Grand View Estates Phase II

Reggie Brown made the motion to approve the minutes of the Public Hearing on October 8, 2008, Jon Cowan seconded the motion: it was unanimously approved. Larry Engdahl abstained from voting as he did not attend the meeting.

Regular Meeting, October 8, 2008

Reggie Brown made the motion to approve the minutes of the regular meeting on October 8, 2008, Larry Engdahl seconded the motion; it was unanimously approved.

5. Communications: None

6. Determination of Applicability: None

7. Action on Applications

A. Sign Applications: None

Bethel Planning Board Minutes 10.22.08 (cont.)

B. Old Business

Project Name: Grand View Estates, Phase II
Applicant: Earl Tyler
Authorized Agent: Main-Land Development Consultants, Inc.
Map & Lot: Map 15, Lot 22

Bob Berry, Main-Land Development Consultants, Inc. and the applicant Earl Tyler were in attendance. Mr. Berry gave a brief overview of the new materials in board packets and mentioned a pending letter from the Bethel Fire Chief. Materials included a Storm Water Management Plan, a statement of the applicant's financial capacity, and evidence provided by Sarah Tucker in the form of a GIS map indicating that there no significant wildlife habitats will be impacted by the project.

Chairman Cressy asked for public comment for or against the project. There was none.

Chairman Cressy reviewed the status of the project; the application is complete and the applicant was granted standing, a site walk was conducted on October 1 and a public hearing on October 8, 2008, and the application and preliminary subdivision plan were approved on October 8, 2008.

He proposed that the board begin deliberation by considering the packets contents, discussing storm water management and fire protection, the two major issues facing the project, and reviewing the Final Subdivision Plan Checklist prepared by Sarah Tucker.

A copy of the Storm Water Management Plan was provided to abutters George and Barbara Bethel.

The board accepted Sarah Tucker's GIS map of the area in lieu of a letter from the IF&W regarding the project's infringement on habitats for the Findings of Fact. It is believed that the Department of IF&W use the same data to draw conclusions from.

A letter from the Bethel Fire Department regarding the utilization of fire ponds vs. the original three recommended fire protection alternatives is still outstanding.

Regarding financial capacity, a Key Bank financial statement which showed ample funds to cover the \$15,500 in construction costs estimated by Savage Contracting for the project's infrastructure was submitted. The applicant's name however, did not appear on the statement. Board members requested other more specific financial evidence be provided.

Bob Berry was asked to present the Storm Water Management Plan. He proceeded to explain the drainage plan and modifications to road profile plans. The drainage plan was tailored to address the storm water management plan and the concerns listed by the board and abutters. As shown on the USGS map, this area has a larger upstream watershed

Bethel Planning Board Minutes 10.22.08 (cont.)

flowing through the development's watershed with most but not all of the development's water draining off before the larger peak from the upstream watershed reaches the same point. Two options to address the small flow rate increase are to build ponds to detain the water and lower flow rates or remove it as quickly as possible to get ahead of the peak. The latter was opted for. To determine what affect the increases would be on downstream properties, Mr. Berry employed three watershed analysis points finding increases small enough to be considered negligible. He also discussed improvements to the existing culverts on Valley View Drive and the immediate area.

Board comments and concerns focused on the water flowing continuously to the proposed fire pond and the flow rate increases.

Mr. Berry summarized the Storm Water Management Plan for the abutters who were then asked for any final input or questions.

Seeing no further questions or comments regarding the Storm Water Management Plan, Larry Engdahl made the motion to accept the Storm Water Management Plan as presented, Reggie Brown seconded the motion; it was unanimously approved.

Regarding the Final Subdivision Plan Checklist prepared by Sarah Tucker, the outstanding items include the applicant's choice of subdivision improvement or performance guarantee, further evidence of the applicant's financial capacity, and the Fire Chief's letter regarding the fire pond. The DEP permit-by-rule application is in the project file. The Tree Growth issue is advancing accordingly.

The Planning Assistant was asked to draft the Findings of Fact and Decision for Final Plan next meeting.

Larry Engdahl made the motion to table the application, Reggie Brown seconded the motion; it was unanimously approved.

C. New Business:

1. Issuance of Building Permit in the Historic District

Project Name: Kailey House
Applicant: Gould Academy
Map & Lot: Map 25, Lot 21

Peter Rackliffe, Chief Financial Officer, Gould Academy presented the application. The Kailey House at 36 Park Street has been owned by Gould Academy since the 1970s. No major renovations have been done since that time. The project proposes tearing down the el between the main house and the barn and rebuilding it on a full basement. Proposed sketches by Scott Simons Architects and actual photos were provided. Since the main house is in disrepair, some renovations will be done to it as well. The architects make mention and are aware of Historic district considerations.

Bethel Planning Board Minutes 10.22.08 (cont.)

Chairman Cressy explained that this project is before the Planning Board because the Town Code was amended at the June 2008 Annual Meeting to include exterior alterations to residential buildings in the Historic District.

Chairman Cressy led the board through the Findings of Fact and Decision checklist of performance standards and discussion of the project.

Finding the proposed changes are visually compatible with surrounding structures, Larry Engdahl made the motion to approve the Code Enforcement Officer's issuance of a building permit for renovating the Kailey House, Reggie Brown seconded the motion; it was unanimously approved.

2. Site Plan Extension Application

Project Name: West Bethel Telecommunications Tower
Applicant: John Evans
Authorized Agent: Global Tower Partners
Location: Map 11, Lots 5 & 11

Chairman Cressy gave a summary of past Bethel Planning Board actions on the project. The Board approved the Site Plan on April 26, 2006. Included in board packets are copies of the numerous Conditions of Approval and the original Findings of Fact and Decision.

Chairman Cressy explained to the public that the Board would be entertaining input during the proceedings but emphasized that their intention is to consider Global Tower Partners' request for a Site Plan extension to complete the project not to debate the merits of previous decisions. The original approval could have been appealed within 30 days of April 26, 2008. Ordinances allow an applicant that does not commence work within 24 months of an approval date to request an extension. The Board will be reviewing the request according to stipulated Town standards.

Maureen Butler of Global Tower Partners presented the application, describing project details and summarizing past actions on the project. The 160' tower can accommodate up to six wireless service providers. Global Tower Partners is a tower developer, not a service provider, and offers its towers for lease to any wireless service provider. The plan is exactly as presented in 2006. Global Tower Partners went forward with the Site Plan Review because they had a carrier that had expressed strong interest. They were not able to commence construction when the carrier's plans changed and haven't received any interest until now.

Global Tower Partners has received an application for the site from MainePCS, a new company in Maine that will be providing GSM roaming service for AT&T and T-Mobile customers.

Reggie Brown made the motion to introduce the Collocation Application between Global Tower Partners and MainePCS into the record, Jon Cowan seconded the motion; it was unanimously approved.

Bethel Planning Board Minutes 10.22.08 (cont.)

Unicel has been recently purchased by Verizon. Unicel operates on the GSM network and Verizon the TDMA network, two distinct broadcasting frequencies. In 2009, Verizon will be switching all Unicel equipment to TDMA and not providing roaming services anymore for GSM customers. MainePCS intends to deliver those eliminated services.

Global Tower Partners currently has one tower in Gilead and a second one in the east side of Bethel. The proposed tower is sited approximately in the middle and is intended to fill a gap in coverage along Rte. 2.

MainePCS has submitted an application to Global Tower Partners to go on the site. Global Towers cannot legally lease MainePCS the site yet because their Site Plan Review approval has expired.

The Board discussed various aspects of the project including the intent of the original application with regards to coverage area vs. service coverage. Ms Butler explained that all telecommunication service coverage is largely the same. Global Tower's proposal is for the tower itself which can accommodate a variety of service carriers on it. Their request for an approval extension is based on the same proposal as in 2006. The Board concluded that since Global Tower Partners was originally approved for the tower independent of the carriers that no change of use has occurred and a Site Plan Amendment is not in order. The request is to extend the time allowed to complete the project. Ms Butler stated that construction would begin in the first quarter of 2009.

Chairman Cressy read aloud Section 140-6.E of the Town Code as a reference for consideration of the extension.

Chairman Cressy recognized the abutters and interested parties present. He urged them to keep in mind the guidelines that govern the Planning Board's actions regarding this project. Their comments should relate to the identification of any significant changes to the surrounding environment or the site itself, not re-opening the application.

Members of the public that shared comments were Andrew and Sarah Glasfeld, Todd Conant, and John DeVivo. Carol Savage was also in attendance. They were not in favor of the project though they recognized the need for GSM roaming services. Their preference would be to keep the number of new towers in the area to a minimum and add carriers to the Sunday River tower array instead. Comments primarily focused on challenging the one avenue open to them, identifying any significant changes in the surrounding "environment" as the reason for initiating a new application and site plan review.

Ms Butler reiterated that the tower would still be providing the same function as originally proposed - to provide cellular service, wireless telecommunication service, to a specified area. That area has not changed. Regardless of who is broadcasting from other towers, signal dissemination is still needed over this area. The type of signal being broadcast only

Bethel Planning Board Minutes 10.22.08 (cont.)

affects whose phone can use it. Global Tower Partners is still looking at the same landscape for towers as there are no competing structures in the West Bethel area.

Adequacy of present area coverage, field strength, and upgraded existing equipment were discussed by the applicant and the public.

Board comments reflected that tower infrastructure has not changed. There is still one tower at Sunday River, one in East Bethel, and one on Swan Hill.

Chairman Cressy explained the process of the original approval including abutter notification and re-read the ordinance pertaining to granting extensions for expired approvals governing the Planning Board at this time.

Mr. Cressy further explained that public input does play an important in the Board's deliberations but the task at hand is not to consider the pros and cons of whether a tower belongs in this location but rather if the Board will grant an extension based upon the whether or not there are any significant changes to the environment. If an abutter feels there is a change of use based on the coverage offered currently, they can request a change of use hearing but that would be independent of the deliberation tonight.

Discussion continued about the tower opponents' argument that the coverage area targeted by the project is already adequately served and the feasibility of seeking professional opinions from an electrical engineer familiar with radio air coverage to back up their case. The Board would entertain those professional comments at the next meeting.

Due to the general statements under Section 140-6.E. 1 & 2, Larry Engdahl proposed that the board conduct a site walk to determine whether there have been any physical changes to the area.

Ms Butler commented that she didn't believe that when the proposal originally came before the board that they were required to affirmatively demonstrate need. Global Tower Partners is willing to provide a radio frequency engineer at the next meeting. Ms Butler contended that the need for service in that area is not germane to the project as they are proposing the tower and not the service.

Chairman Cressy summarized the discussion and proposed actions.

As suggested previously by Larry Engdahl,
Larry Engdahl made the motion to conduct a site walk on Wednesday, December 10, 2008 at 3:00 PM., Jon Cowan seconded the motion; it was unanimously approved.

Planning Board members and interested parties will meet on U.S. Rte. 2 at the Bethel Hostel.

At the next meeting, abutters and interested parties will present a technical argument as to the need for the tower. Ms Butler will return with a radio frequency engineer.

Bethel Planning Board Minutes 10.22.08 (cont.)

Ms Butler requested that the matter be tabled until the December 10, 2008 meeting as she has a conflict on the next regularly scheduled meeting on November 12, 2008.

Larry Engdahl made the motion to table the application until December 10, 2008, Jon Cowan seconded the motion; it was unanimously approved.

6. Non-Application Items:

Upcoming meetings: December 10, 2008, January 14 & 28, 2009

Allen Cressy will be absent from the November 12, 2008 meeting. Vice Chair Jon Cowan will conduct the meeting. Reggie Brown will also be absent from that meeting.

7. Adjournment:

8:50 PM

Larry Engdahl made the motion to adjourn, Reggie Brown seconded the motion; it was unanimously approved. The meeting was adjourned.

Respectfully submitted,

Vicki Rackliffe
Planning Assistant