



CITY OF GARDINER

PLANNING BOARD

Gardiner Planning Board
City of Gardiner, Maine

February 10, 2009
Regular Meeting 6:00 PM

ROLL CALL

Present: Pat Hart Judith A. Dorsey Deborah Willis
Pamela Mitchel James Montell Ronald Condon

Absent: Edward Lawrence

Also Present: David Cichowski, Code Enforcement Officer
Dorothy Morang, Planning Board Recording Secretary
William Najpauer, Contracted Planner

Glenn Keisberg James Hoyt Seth McGee
Joe Grant Scott Karlberg Dan Laflin
Paul Gray David Dineen Jr.

1.) Call the Meeting to order.

Chair, Pat Hart called the meeting to order at 6:04 PM and welcomed everyone.

2.) Roll call taken.

Chair Hart asked the newest member of the Board, Ronald Condon if he had been appointed and sworn in yet. He said that he had been formally appointed at the City Council meeting in January but hadn't been sworn in yet. She suggested that he remain on the Board and participate in the discussion, but not vote. The Board members, including Mr. Condon agreed.

3.) **January 13, 2009 Minutes.**

Pam Mitchel noted that on page 3, 3-face should be 3-phase. Deborah Willis said that she was not at that meeting as listed.

Pamela Mitchel made a motion that we accept the January 13, 2009 Meeting Minutes as amended. Judy Dorsey seconded the motion.

Vote: 4 in favor. 0 opposed. 1 abstention (Deborah Willis was not at the meeting)

Motion passed.

Chair Hart went over the schedule for this meeting.

4.) **Public Hearing and Minor Site Plan Review**

A public hearing and review of a Minor Site Plan Application from Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., Brian S. Grossman, Agent who is seeking approval to co-locate a wireless communications facility on and next to an existing water tank, including antennas, coaxial cables and radio communication equipment cabinets. The property, owned by the Gardiner Water District, is located at 347 Highland Av, City Tax Map 26, Lot 6 is within the High Density Residential (HDR) Zoning District.

James Hoyt, representing Omnipoint, introduced himself and Glenn Keisberg, a radio frequency engineer. He went over the plan for a wireless communications facility on the Gardiner Water District's water tower on Highland Avenue. Chair Hart introduced Paul Gray from the Gardiner Water District who was in the audience.

James Hoyt said that the company is building out its base from Bangor to Portland to try to fill in gaps in coverage. He described the plans and equipment to be installed. He said that it will have minimal visual impact because the bay station equipment will be fenced in and be behind the water tank. The antenna will be flush-mount to the tank. Glenn Keisberg showed a map that identifies the location of the existing coverage and the proposed coverage. He noted that part of T-Mobile's plan is to lessen the roaming charges. The new proposal will enhance coverage to include most of the Gardiner area and areas on the turnpike that are not covered currently. Judy noted that the map shows an area south that wouldn't be covered by this proposal – she asked if this antenna was placed on a tower further south, would it give coverage to this other area. Glenn said that they put it where they did to give coverage to the turnpike. Judy asked if another carrier could co-locate. James said yes – they don't have exclusive rights. There could be 1 – 2 more carriers.

Chair Hart went over the procedure for the meeting and noted that it is being recorded.

Chair Hart asked what the item noted “dog house” on the plan was. James Hoyt said it was where underground cables come up. Judy asked if this antenna could cause interference with the new digital TV. Glenn said no, it was a different frequency band.

6:21 PM Public Hearing

David Dineen Jr., an abutter, shared his concerns. He owns land around the tower. He is concerned about the height. He asked if they had looked at other existing towers, including one on his land. James Hoyt said that they have looked at them and they determined that this is the best fit to cover the gaps. The property is high and looks down towards downtown and the turnpike. David asked what the final elevation will be. Glenn said that it isn't just the height – as the land drops away, it helps the signal. David asked how many more will there be in the future.

Judy asked if they knew that the other tower that David mentioned existed. James said that they had spoken with the site acquisition person who maps all of them and identifies which ones work the best. This one best filled the gap and so they asked the Gardiner Water District if they could place the antenna there. They needed seamless coverage. The higher up it is sometimes helps with the terrain features, but doesn't send the signal out any further. Higher up sometimes leaves a gap on the ground.

Chair Hart asked if the CEO Office got any correspondence on this. David Cichowski (CEO) said no. Paul Gray from the Gardiner Water District said that David Dineen Jr. had been in to see him about it.

6:30 PM Close Public Hearing

Chair Hart read the letter from the Gardiner Water District indicating an agreement between them and Omnipoint Communications, Inc.

Chair Hart noted that they had received a memo from Bill Najpauer, the Planning Consultant who reviewed the Application.

The Board reviewed the Application for completeness. (Section 5. H.)

Two submission requirements were missing – 5.H. 6.j. (provisions for handling all solid wastes) and 5.H.6.o. (anticipated beginning and ending dates of construction). The Applicant provided the information at the meeting. In addition, waivers have been requested for the following submission requirements: 5.H.5.c, e, f, i, l, m, and p.

Pam Mitchel made a motion that we grant the following waivers: 5.H.5. c, e, f, i, l, m, and p. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that the Application is complete. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed Section 3 of the Land Use Ordinance (Performance Standards). Bill noted that most of the standards do not apply to this Application. In his review he noted that the Application did not include a photo simulation or a surety bond for the tower. Chair Hart noted that they usually do not require a photo simulation.

Pam Mitchel made a motion that the only standard that applies to this Application is 3.BB. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

David Dineen Jr. noted that in the documents Omnipoint provided, it does not show the tower on his property, which is taller. Also, the new cement slab will be visible from his property. James Hoyt distributed an additional photo showing a 5-mile area that includes the tower on David's property.

James Montell asked if this antenna is like the one in the church steeple on Church St. Chair Hart said yes.

The Board reviewed all of the requirements in Section 3.BB.

Pam Mitchel made a motion that we have all of the requirements in 3.BB., including the additional FCC map. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Ron Condon asked if the facility's end use will be transmitting signals. Debbie Willis said yes. They are not building a new tower. It's already there.

David Dineen Jr. asked if this was opening the door to other carriers to add on to this tank and does it mean more slabs. Chair Hart said if others come, they would have to come before the Planning Board for review.

Glenn Keisberg said that there has to be a separation both vertically and horizontally on the tower to co-locate so they might be able to add 1 or 2 at most.

James Hoyt said that they could put some green screening slats in the fencing to help screen the equipment and would supplement it with shrubbery. They will coordinate this with the Gardiner Water District. Paul Gray said that they will work something out.

Chair Hart asked if the placement of the pads meet the setbacks. It was noted that the Zoning District is actually Residential Growth, requiring a setback of 15' and not High Density Residential as indicated in the Application. James Hoyt said that they can move the pads to meet the 15' setback requirement.

Pam Mitchel made a motion that Performance Standard 3.BB.4. has been met with the condition that the Applicant provides appropriate screening of the concrete pad and cabinets that meets the approval of the Gardiner Water District and the Code Enforcement Officer. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Performance Standard 3.BB. has been met with the condition that the Applicant provides appropriate screening of the concrete pad and cabinets that meets the approval of the Gardiner Water District and the Code Enforcement Officer. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed the Review Criteria in Section 5.Q., beginning with Review Criteria 3.

Pam Mitchel made a motion to accept Review Criteria 3 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 4 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 5 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 6 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 7 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 8 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 9 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 10 as written by the Applicant. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 11 as written. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 12 as written. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 13 as written. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 14 as written. Judy Dorsey seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 15 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 16 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 17 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 18 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 19 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 20 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 21 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 2) that the Application meets the provisions of all applicable regulations and ordinances of the City and meets the intent of the Comprehensive Plan, as amended with the condition that the concrete pads and cabinets be moved to meet the 15' setback requirement. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 1) that this Application meets all of the requirements of the district in which it is to be located and other pertinent requirements of this ordinance, including the performance standards of Section 3 with the condition that the pads be moved to meet the 15' setback requirement. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we approve this Application with the condition that the Applicant provides vegetative screening that meets the approval of the Gardiner Water District and the Code Enforcement Office and that the pads are moved to meet the 15' setback requirement. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

7:58 PM Break

8:03 PM Meeting reconvenes

5.) Public Hearing and Minor Site Plan Review

A public hearing and review of a Minor Site Plan Application from Wingate Landscape Co., Joe Grant, Agent, who is seeking approval to construct a retail and office building and greenhouse workspace. The property, owned by McGee Properties, LLC, is located at 921 Brunswick Av, City Tax Map 11, Lot 16 is within the Planned Development (PD) Zoning District.

Joe Grant introduced himself and gave an overview of his proposal. He said that they would like to construct an office/retail building and a greenhouse. He distributed copies of the MDOT permit and directed the Planning Board to the newest plan, which had to be modified because of the MDOT requirement to move the entrance. He asked the Board members to disregard the previously submitted request for a waiver to increase the width of the driveway as it will be within the allowed width of 30'. The hours of operation will be from 7:00 AM – 6:00 PM and most of the business will be from March through December. They might expand in the future depending upon business. There will be lighting above the two entrances of the building and to light the sign.

Judy noted that there are only 4 parking spaces designated for the employees and the employee count is listed as 5 – 8 employees. Joe said that some of the employees work out on the various sites and if they needed more parking, there is plenty of land out back. Bill noted that the number of spaces on the new plan is 16 and well within guidelines.

Pam asked if the current location in Hallowell will close. Joe said it is a possibility in the future.

8:10 PM Public Hearing (no comments)

Chair Hart asked if the Code Enforcement Office had received any comments. David said no.

8:10 PM Public Hearing closed.

The Board reviewed the Application for completeness.

Section 5.H.5.j. – David will get a copy of the Google Earth map of the area to show the natural features of the property.

Pam Mitchel made a motion that the Application is complete with the condition that the Applicant provides a copy of the Google Earth image of the entire lot to show the natural features of the lot. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed Section 3 (Performance Standards) and determined that only A, C, F, L, O, P, S, X, and Y apply to this Application.

Pam Mitchel made a motion that the following Performance Standards apply to this Application: A, C, F, L, O, P, S, X and Y. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard A has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard C has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard F has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard L has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard O has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard P has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard S has been met with the condition that the Applicant puts landscape timbers to show the location and angle of the parking stalls. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard X has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Standard Y has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed the Review Criteria in Section 5.H. beginning with Review Criteria 3.

Pam Mitchel made a motion to accept Review Criteria 3 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 4 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 5 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 6 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 7 as written by the Applicant. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 8 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 9 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 10 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 11 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 12 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 13 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 14 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 15 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 16 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 17 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 18 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 19 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 20 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 21 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 2) that the Application meets the provisions of all applicable regulations and ordinances of the City, and meets the intent of the Comprehensive Plan, as amended. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 1) that the Application conforms to the district in which it is located and to all other pertinent requirements. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that the Application is approved with the condition that the Applicant place landscaping timbers in the parking areas to show location and angle of parking and a reminder to submit a Google Earth image to be placed in the file. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

OTHER

None

6.) ADJOURN

Pam Mitchel made a motion to adjourn. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Meeting adjourned at 9:02 PM