

**TOWN COUNCIL WORKSHOP
TRANSMISSION TOWERS**

**WEDNESDAY, SEPTEMBER 3, 2014 – 6:00 P.M.
COUNCIL CHAMBERS**

Item 1. Call to Order.

Item 2. Those Present.

Item 3. Discussion on the proposed recommendations relating to Transmission Towers.

Item 5. Adjournment.



Town of Scarborough, Maine

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To: Town Councilors
From: Dan Bacon, Planning Director
CC: Thomas Hall, Town Manager
Brian Longstaff, Zoning Administrator

Date: May 28, 2014

**Subject: Proposed Amendments to the Zoning Ordinance for Wireless Facilities
(Transmission Towers and Telecommunication Facilities)**

Over the course of the past eight to twelve months the Ordinance Committee has been exploring approaches to help enable improved wireless communication and data coverage in Town where service is currently poor. This effort has involved exploring possible town owned lands that may be well positioned to provide wireless towers to improve service; having a consultant study the coverage gaps in Town and generate a comprehensive wireless antenna site assessment report; as well as crafting amendments to our zoning ordinance to more widely allow for new wireless antenna towers and building mounted antennas to improve wireless coverage.

As a result of this process, and what is proposed for Council consideration, is a fairly comprehensive update to the Town's standards and review process for the installation of wireless transmission towers and antenna facilities that is more contemporary to today's technology and needs, while also maintaining and bolstering a local board review process help ensure towers are installed in areas and ways that aren't overly impactful to abutters and the surrounding landscape.

This memo is intended to highlight the key amendments that are proposed. They are as follows:

- **Allowing for new transmission towers (wireless towers) in areas that exhibit poor coverage – permit this use in the Rural and Farming (RF) District; Rural, Farming and Manufactured Housing District (RFM); Village Residential 4 District (VR4); and Crossroads Planned Development District (CPD)**

Using the coverage mapping done by IDK, it became clear that the area of west of the Maine Turnpike and the more rural areas along Spurwink Rd, Pleasant Hill Rd, Black Point Rd, Sawyer Rd area, and Pine Point Rd all have poor coverage. Based on review of our zoning map, these areas match up well with where the RF, RFM, VR4 and CPD all exist. So the broader zoning district change proposed is to allow transmission towers within the RF and RFM Districts, subject to Planning Board review and performance standards. This change will enable 8 out of the 11 sites recommended in the assessment report. In addition, the low density and lot sizes of 2 acres or greater in the RF Districts work well for siting a tower in a way that is less likely to crowd or

shadow neighboring properties. Further, the VR4 and CPD Districts are zones that are not heavily developed at this time and exhibit some larger lots that will enable tower installations that don't crowd existing homes and neighbors, while enabling a key coverage gap to be filled.

- **Allow taller transmission towers – permit towers up to 150 feet**

Currently towers are limited to 100 feet in height, which can limit the ability to collocate service providers and can lead to more towers to meet coverage needs. The amendments propose a maximum tower height of 150 feet to enable collocation (which we are proposing to require) and help reduce the overall number of towers necessary.

- **Require collocation of providers**

In order to reduce the overall number of towers needed to provide service from different providers, a performance standard is proposed to require new towers to provide space for the collocation of multiple providers.

- **Removal requirement for abandoned towers**

This is a longer range standard, but transmission towers may end up being obsolete in the future, so a requirement has been added that abandoned towers need to be removed after a period of time and the site restored. This is typical in most modern ordinances.

- **Allow for stealth or building mounted wireless facilities**

As another way to expand wireless service, the definition and allowance for antennas to be attached to buildings, or enclosed within them, (defined as telecommunication facilities) has been broadened and is proposed to be a special exception use to be reviewed and approved by the Board of Appeals in residential or mixed use zones and as a permitted use in commercial and industrial zones.

With these changes wireless providers should be in a position to pursue a variety of different sites in Scarborough to improve coverage and service for users, while also providing contemporary standards that promote collocation, minimize the overall number of installations, and provide thorough board review and permitting.



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To: Town Councilors & Planning Board Members
From: Dan Bacon, Planning Director
CC: Thomas Hall, Town Manager
Date: August 28, 2014

Subject: Outline of Additional Considerations for Transmission Towers and Telecommunication Facilities (Wireless towers and facilities)

On Wednesday September 3rd at 6PM the Town Council and Planning Board will be having a workshop to further consider the wireless facility initiative. As you are likely aware, the Ordinance Committee has been working on this initiative for a number of months, in addition to the recent Council and Planning Board meetings and public hearings. The matter was last considered at the Ordinance Committee meeting on August 13th at which some additional updates were presented.

This memo is being provided to the full Council and Planning Board to outline what was presented at the last Ordinance Committee meeting as well as offer a few additional ideas to provide a starting point for your discussion on Wednesday. The following bullets highlight these concepts:

Review Process

- **Consider establishing a hierarchy and stepped review process that could dictate the siting of new wireless facilities in preferred areas before considering the least preferred –**

This review process could be as follows and would need Planning Board review and agreement before an applicant for a new antenna or tower moves from one step to the other:

Step 1 – Consider collocating on existing towers

Step 2 – Consider locating a new tower in an Industrial District or the Crossroads Zone

Step 3 – Consider siting stealth wireless facilities on buildings, utility poles or other structures

Step 4 – Consider locating a new tower in the RF, RFM or VR4 Districts

Additional Performance Standards

- **Consider limiting tower height to 130 feet, but allow up to 150 feet only in special circumstances**

Given concerns about view impacts, the generally allowed tower height could be reduced to 130 feet, rather than 150 feet as currently proposed. One hundred and thirty (130) feet should allow the collocation of five carriers in most cases. That said, the

provisions could allow the Planning Board to permit up to 150 feet, but only if it is determined that the view impacts are not substantially different or greater and it enables more colocation that improves coverage and avoids an additional tower in the same area.

- **Consider allowing lesser setbacks and require no minimum lot size in industrial zones**

To encourage and more easily allow for towers in our industrial districts, and to be consistent with the siting hierarchy, the standards could be structured to maintain a setback of 100% of the tower height in these areas and allow easements to reduce that setback further, and to not require a minimum lot size. This would enable towers to more easily locate in industrial zones than in residential areas, given the character of these areas and the fact that towers may be more compatible in the industrial districts.

- **Consider requiring a much larger minimum lot size in residential / rural zones**

Given concerns about locating towers in residential neighborhoods and close to homes, and to be consistent with the hierarchy of considering residential or rural districts as a least preferred location, the standards could be updated to require a minimum of 25 acres for a new tower in the RF, RFM or VR4 Districts. Twenty-five (25) acres is a significant minimum lot/parcel size requirement and can be very effective in preventing a tower from being installed in a residential neighborhood; can provide a lot of land area to ensure a tower can be sited deep on a property that is screened and out of view of surrounding roads and any neighbors; and can more generally limit the overall number of towers in these zones.

- **Consider requiring towers to be mono-pole style**

To minimize the visual impact of new towers, in addition to adjustments to the space and bulk, requirements can be added that new towers be mono-poles and sky tone in color. Mono-poles are considered by many to be the least obtrusive and industrial looking towers and can help minimize their visibility.

- **Buffering and Vegetative Screening**

Again to help with limiting the visibility and scenic impact of new towers, additional language can be added to give the Planning Board more authority to require buffering and preservation of existing mature trees, particularly in residential / rural zones. Such provisions can give the Board the ability to require a landscape easement to ensure the buffer remains in place. The buffering requirements in the industrial district can be much less, and recognize that a tower may be sited on developed site where extensive buffering isn't as practical.

- **Consider a Guarantee to Remove Abandoned Towers**

The original proposal includes a requirement for towers that become abandoned sometime in the future to be removed. To help guarantee that a removal occurs, consideration can be given to adding a requirement for performance guarantee to cover the removal costs at the time the tower is installed.

Staff looks forward to discussing these concepts and others the Council and Planning Board have at the joint workshop next week. Thanks.

