



Town of Bar Harbor Planning Department Staff Report

Case:
SP-10-04

Meeting Date:
November 3, 2010
Planning Board Meeting – Completeness Review
December 15, 2010
Planning Board Meeting – Completeness Review

Applicant:
AT&T Mobility
550 Cochituate Road
Framingham, MA 01701

Project Location:
134 Kitteridge Brook Road
Map 235, Lot 031

Application:
Application to construct wireless communication facility.

Project Description:
AT&T Mobility proposes to construct a 125' tall monopine wireless communication facility in the Town Hill Rural zone. The wireless facility would be located on leased property measuring 100x100' in size. Access to the tower would be provided via a 1,000 foot long road. Accessory structures associated with the tower would be located within a 50x50 foot chain link fenced compound. The proposed facility would be 125 feet tall and designed to resemble an eastern white pine tree in order to camouflage its appearance.

The project parcel is located in the Town Hill Rural district. A wireless communication facility is an allowed use in this district according to Appendix C, Table of Permitted Uses in Land Use Ordinance.

Staff Update for December 15, 2010 Planning Board Meeting:

Completeness:

On November 4, 2010 Staff prepared a memo to the applicant outlining each of the items requested by the Board in order to provide a complete application. The applicant submitted many of these requested documents and information on December 8, 2010. Staff has reviewed the applicant's December 8, 2010 submittal and notes that the Board may wish to request additional information regarding the following:

- Section 125-68(B)(8) – The Planning Board requested the applicant provide a thorough analysis of the wetland area adjacent to the access road, and describe the status of this wetland under state and local regulations. In response to this request, it appears the applicant has provided a stormwater report which details the culvert sizing information for the portion of the road that would traverse the wetland. While this information is useful, staff found no detailed explanation of the wetland, and its status as regulated hydrologic feature. As mentioned in the previous staff report, it appears this wetland may overlap onto the adjacent property owner's parcel. The Board may wish to request further explanation of this wetland, given the unique hydrologic features that surround the area including Kitteridge Brook and Pine Heath.
- Section 125-67(LL) & 125-69(T)(8)(f)&(g) – The applicant has contacted the State Historic Preservation Office and is working with Acadia National Park to determine if the tower would be visible from any sensitive viewshed. The visual impact study should be amended to include this information once the follow up balloon test is completed. It should also be noted that at the December 8th Neighborhood Meeting, several residents requested that the visual impact analysis address the view of the tower from the neighboring private residences. Staff notes that the applicant has not yet supplied an amended visual impact analysis due to the poor weather conditions which arose at the November 19th balloon test. The Board may wish to request that the visual impact analysis include views from neighboring property owner's residences. This information could serve to inform further camouflaging aspects of the application.
- Section 125-67(NN) – The applicant should supply official verification from the Maine Natural Areas Program and the Maine Department of Inland Fisheries and Wildlife that construction of the project would not impact any “natural features of interest.” Staff notes that the applicant supplied information stating that no impact would occur. However, official letters from each of these departments is required to comply with this standard.
- Section 125-69(T)(8)(a) and (k) – The ordinance requires a report be prepared which outlines the technical reasons for the tower, the capacity of the tower, and a written description of how the tower fits into the applicants communications network. The applicant has supplied a revised RF report; however this revision does not appear to include the information requested at the last Completeness Review hearing. On November 3rd, the Board requested the applicant describe any coverage gaps which could occur if the proposed tower were not operating,

but the others in Pretty Marsh, Southwest Harbor, and along Route 3 were operational. The updated report also does not describe the impact relocating the tower to a different position on the proposed property might have on the signal strength in meeting the coverage gap noted in the RF report. The Board may wish to again request this information be provided. Additionally, a future coverage map detailing the prospective needs for future towers/antennas at the head of the island, Indian Point, and McFarland Hill areas would be useful for a complete understanding of coverage needs.

- Section 125-69(T)(8)(i) – The applicant should provide a planting plan demonstrating that the tower, equipment shelter, and other appurtenant facilities will be adequately screened from neighboring property owners view.
- Section 125-66(K) – The applicant should consult with the Deputy Assessor to determine if the site will require an E-911 address.
- 125-66(S) – The Board may wish to request the applicant provide greater detail regarding lighting at the site including an isometric foot-candle distribution diagram.

Waivers Proposed:

The applicant has prepared a list of waivers under Tab 12 of the project application. Staff recommends the Board request the following items be submitted for Completeness review:

- 9T, 9U, and 9V – The applicant should supply official verification from the Maine Natural Areas Program and the Maine Department of Inland Fisheries and Wildlife that construction of the project would not impact any “natural features of interest.” Staff notes that the applicant supplied information available on the internet in the application; however official letters from each of these departments is required to comply with this standard.
- 125-66(S) – The applicant should provide greater detail regarding lighting at the site including an isometric foot-candle distribution diagram.

Staff recommends that all other requested waivers be granted.

Compliance Review:

Staff has reviewed the application and noted the following conflicts thus far:

- Section 125-67(G)(3)(A) – The width of the proposed access drive is 16 feet. However, the ordinance states that the minimum width should be at least 18 feet for a “private right of way.” The Board is empowered to grant a modification of standard given the limited use associated with this proposal.

Staff and the Board will continue compliance review as this project continues.

General Staff Comments:

Staff facilitated a neighborhood meeting on December 8th and is currently in the process of assembling comments made at this meeting for the Board to consider. Neighboring

residents have requested that the applicant stake the location of lease area. They have also requested that they be alerted prior to the next balloon test. The Board may wish to request that the applicant stake the site conduct the follow up balloon test at the same time so as to limit repeat visits.

Staff Recommendation:

Staff recommends the Board resolve the Completeness/Waiver requests.