

TOWN OF OTISFIELD PUBLIC HEARINGS
JUNE 11, 2015 7:00PM

1. Budget Hearing
2. Proposed "Town of Otisfield Building Ordinance" Changes
3. Proposed "Definitions for the Town Otisfield's Ordinances" Update
4. Proposed "Wireless Telecommunications Facilities Ordinance" Appeal Change
5. Proposed "Wireless Telecommunications Facilities Ordinance" Update Changes

#1 Budget hearing began at 7:05, ending at 8:07.

#2 Town of Otisfield Building Ordinance changes.

Hearing opened at 8:10. Planning Board members present; D. Hyer, S. Brett, D. McVety, B. Damon, K. Turino. K. Turino gave a detailed description on setback changes and reasons for the changes. No questions. Hearing closed at 8:14pm.

#3 Definitions for the Town of Otisfield's Ordinances. Board of Selectmen present; H. Ferguson, L. Adler, R. Micklon. H. Ferguson gave an overall detailed description of changes. Questions/comments:

Kristin Roy questioned definition of "abutter" and asked if only the Telecommunications Ordinance has definitions. H. Ferguson answered that as of now, yes, changes will come to the other ordinances as they are individually reviewed. K. Roy referenced superior court in regard to abutter definition. H. Ferguson informed K. Roy of the time allotted for questions.

John Poto – asked for clarity on the 1000' abutter notification. Where does the 1000' begin- at the chain link fence or the tower? Please listen to tape for full dialogue. R. Micklon clarified for J. Poto. D. McVety further clarified the Planning Board's role in notifying abutters.

K. Roy continues in same vein, reiterating previously stated comments.

Jim Howard asks what the current definition of abutter is. R. Micklon explains definition changes of the word. L. Adler stated that a 2 year effort went in to these definition changes.

Jeff Jacobs stated that he was frustrated and upset on the lack of a cell tower in our town.

Richard Merk asked if all this discussion was simply for clarification. BOS answered yes just to clarify definitions on the Telecommunications Ordinance. He then stated could we please move on.

#4 Wireless Telecommunications Ordinance Appeals Change.

Present; Board of Selectmen

H. Ferguson explains the reasoning that went into the removal of the local appeals process for appeals in regard to the Telecommunications Ordinance. He mentioned the time spent on last appeal (11 months) and money spent by the town. Please listen to tape for full dialogue. R. Micklon further explained that this appeal change is only for the Telecommunications Ordinance, not for zoning issues. Only for the TC Ordinance, you would appeal directly to the Superior Court. Local Appeals boards usually cannot handle that level of appeal,

i.e.: geographic information, etc. it needs to go where there is legal expertise. L. Adler stated that the BOS would have supported the Appeals Boards' decision (and Planning Board) no matter which way it (the decision) went.

-2-

Discussion continued with J. Poto, he stated he thinks this removal of local appeal process is just a "knee jerk" reaction because of what happened in 2012. R. Micklon further reiterates that "low level" appeals will be kept with our Appeals Board. H. Ferguson reminded everyone that this change will have to be approved at town Meeting and they can vote it up or down. J. Vaillancourt commented that even going directly to the superior Court will still cost the town money, also talked about the need for a one-time appeal process.

J. Howard thought the town should cover the cost of the first appeal filing to the superior court for residents.

H. Ferguson replied that it was not that simple and that each appeal process could take 4-5 months.

R. Micklon further added that the town's legal counsel would still be needed on a first appeal.

K. Roy reads an email sent to MMA from H. Ferguson inquiring if other towns have dissolved the local Appeals Boards' processes in regard to their TC ordinances.

Z. Vlaun stated that she does not agree with this process of elimination, this appeals process raises a red flag to her.

#5 Wireless Telecommunications Ordinances proposed changes. Committee members present; K. Turino, L. Adler, N. Lindquist, D. Olson, S. Brett, J. Zilinsky

Joe Zilinsky gave a detailed timeline of the ordinance committees' work on their efforts to update the Wireless Telecommunications Ordinance. He began by stating that he started on the committee in 2013 after the "baggage" and "appeals exhaustion" was over, and has learned a lot. He spoke very eloquently for 15 minutes. He noted that the committee worked on the TC Ordinance for two years. The ordinance was reviewed line by line and started from scratch. He gave the time line of committee meetings and what was covered and discussed at each meeting and the format each meeting took. The draft ordinance was given to the BOS on January 15, 2015. Please listen to tape for full dialogue.

Lee Dazzler questioned page 10, section 5 paragraph c, asked if the word "if" should be removed from the ordinance. *"IF requested by the Planning Board a balloon test meeting standard...."* J. Zilinsky stated that the Planning Board would recommend a balloon test if they felt it was needed. Lee recommended the benefits of having a cell tower on municipal land, and asked if the Town of Otisfield had land appropriate for that use. K. Turino explained the protocol if a tower was to be on municipal property, and that municipal land would be definitely considered for added revenue if appropriate.

J. Zilinsky explains "hierarchy of locations" and co-location benefits.

Joanie Jacobs talked about two towers in one town, how regulated by FCC and urges co-location.

L. Adler stated that the tower height can be increased by the Code Enforcement Officer if needed.

K. Roy brought up broadband and RF emissions, L. Adler stated that the ordinance cannot be amended on the floor here tonight. The whole process would have to begin again. Joe reminded K. Roy that they had discussed emissions early on at a meeting she attended.

Diana Arcadiapone brought up municipal land use again for a tower location. L. Adler explained restrictions. R. Micklon discussed town owned property, then pointed out locations on R. St. John's map. Explained how town owned locations couldn't compete with privately owned location due to land topography.

J. Poto commented on the great job the Ordinance Committee did and encouraged everyone to vote this new ordinance in.

Z. Vlaun was concerned about health of her son with the emissions, asked if we could keep everyone informed and be pro-active in our monitoring.

J. Zilinsky stated that monitoring of a cell tower was above our pay grade. Pixie Williams discussed emissions, stated that cell phones were much more dangerous, and asked if we do environmental study for rare and endangered species at prospective tower locations. K. Turino stated yes we do.

Please listen to tape for full dialogue.

Public Hearings ended at 9:44

Respectfully submitted,

Anne Pastore

TAFT 07.20.15