

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** Planning Board

**FROM:** Matthew Nazar, Director of Development Services  
and Betsy Poulin, Assistant Planner

**DATE:** October 4, 2016

**RE:** RedZone Wireless - 49 Shaw Road

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**SUMMARY OF REQUEST**

**Request:** The request is for a Minor Development review as per section 300-405 and 300-603.E. The applicant proposes co-location of broadband internet service antennas on an existing 190 foot tall monopole tower.

**Owner:** Dale & Kimberley Plummer

**Applicant:** RedZone Wireless

**Location:** 49 Shaw Road

**Zoning:** Rural Ponds District (RPDS)

**Tax Map Number:** Map 11, Lot 146

**Existing Land Use:** Wireless municipal or public utilities and communication facilities (permitted)

**Proposed Land Use:** Wireless municipal or public utilities and communication facilities (permitted)

**Acreage:** 47 Acres

## SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Development Review Application Form
2. Tower Sub-Lease Agreement
3. Site Plans

### Areas of Concern

1. None.

### Waivers

1. The applicant has requested waivers for information for the plan submission including: (n) drainage and erosion control; (p) topography, 2 foot contours; (s) proposed public or common areas; (t) boundary survey and associated information; (u) traffic controls, off-street parking and facilities; (v) proposed fire protection plans or needs; (w) landscaping and buffering; (x) outdoor lighting plan; (y) freshwater wetland; and (z) river, stream or brook. Staff recommends supporting these waivers as the changes to the site are solely within the fenced area and on the monopole.
2. The applicant has requested waivers for all written project narrative information except for item 10. Conformity with City ordinances and plans. The staff review reviews project narrative requirements and staff recommends supporting this waiver request.
3. The applicant has requested waivers for three of the application material submission requirements; Stormwater Report, Traffic Report and Full-sized plans. Staff supports these waiver requests as stormwater and traffic reports are not necessary due to the minimal impacts of the project. Full-sized plans have been submitted with the building permit application.

### Staff Review

**The Bureau of Engineering** does not have any additional concerns.

**The Bureau of Code Enforcement** does not have any additional concerns.

**The Bureau of Planning** does not have any additional concerns.

**The Fire Department** does not have any additional concerns.

**The Greater Augusta Utility District** does not have any additional concerns.

## Lot Characteristics

*Minimum Lot Size* – 10,000 SF for commercial towers. The leased area from the 2011 Planning Board approvals meets this standard.

*Minimum Setback* – 45 Feet. The existing pole meets this standard.

## CRITERIA FOR REVIEW OF A MINOR DEVELOPMENT (Section 300-405 of the LUO; includes Section 300-603.E Conditional Use Review)

### Neighborhood compatibility (Section 300-603.E(1) of the LUO)

- a) *Land Use/Visual Integrity:*
  - [1] *Land Uses:* Vacant land surrounds the tower. Residential and commercial properties are along Eastern Avenue, to the south of the tower.
  - [2] *Architectural Design:* The tower and fence around the base are already on the property.
  - [3] *Scale, Bulk, Building Height:* The 190 foot tower already exists.
  - [4] *Identity, Historical Character:* The tower is located in a wooded area.
  - [5] *Disposition and Orientation:* The tower exists, no significant change proposed.
  - [6] *Visual Integrity:* The tower exists and additional antenna and ground mounted equipment will not significantly change the aesthetics.
- b) *Privacy:* No change proposed.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal will not have a detrimental effect on the value of adjacent properties.

*Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.*

### Plans and Policies (Section 300-603.E(2) of the LUO)

The proposal is in accordance with the adopted elements of the 1988 Growth Management Plan.

*Staff recommends that the Board finds the proposal is in accordance with the 1988 Growth Management Plan.*

### Traffic Pattern, Flow and Volume (Section 300-603.E(3) of the LUO)

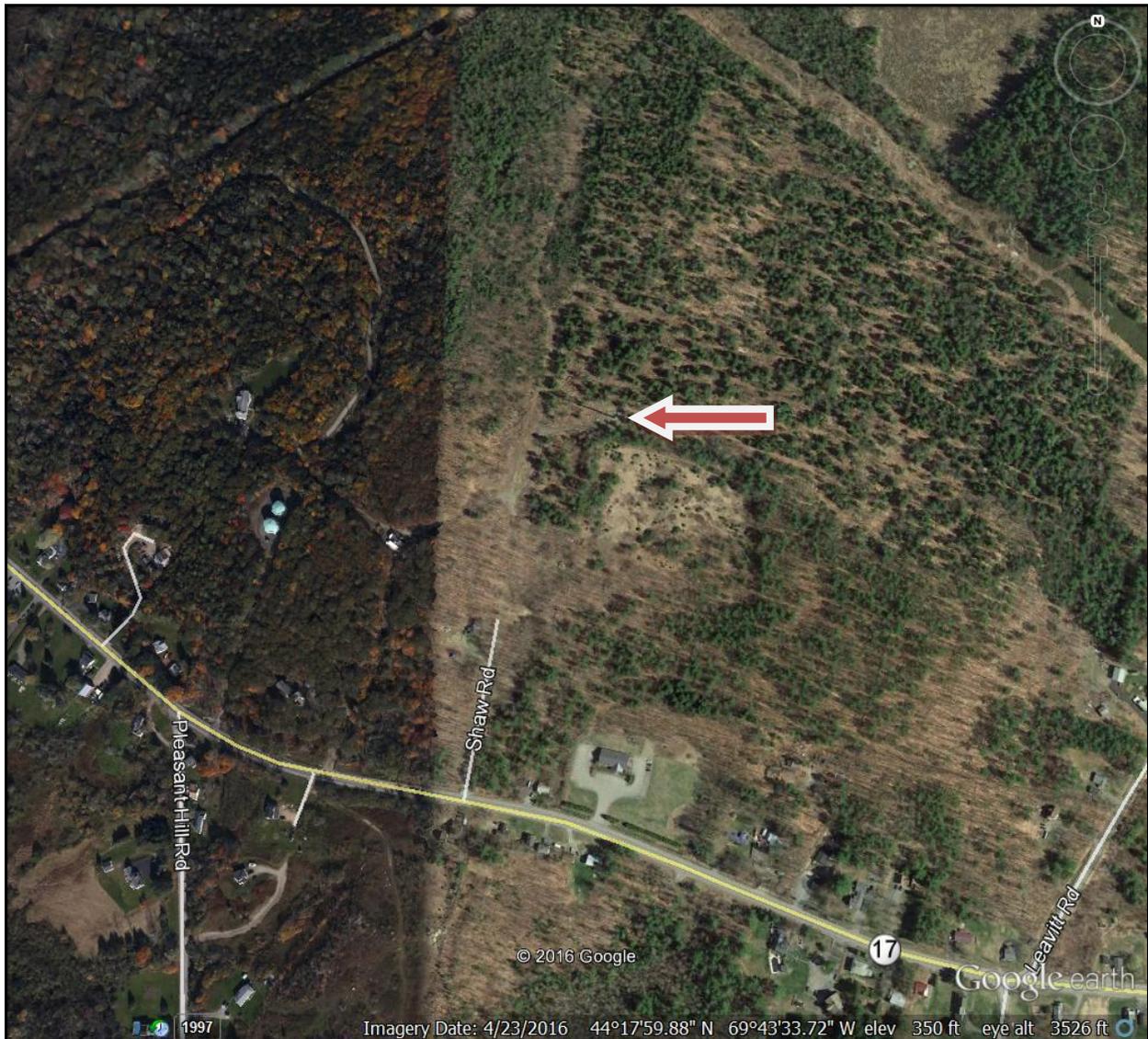
- a) *Additional Traffic:* Minimal site access will occur, no significant change is proposed.
- b) *Safe Access:* No change.
- c) *Emergency:* The proposal provides access for emergency services.
- d) *Movement/Parking:* No changes are proposed to the existing site access.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Public Facilities.

**Public Facilities (Section 300-603.E(4) of the LUO**

- a) *Water Supply:* Not applicable.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* Not applicable.
- c) *Electricity/Telephone:* The site has electric power.
- d) *Storm Drainage:* No changes are proposed to affect storm drainage.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Public Facilities.



*Tower location identified with arrow.*

**Resource Protection and Environment (Section 300-603.E(5) of the LUO)**

- a) *Sensitive Areas*: No sensitive areas will be impacted.
- b) *Air Quality*: The proposal complies with air quality standards.
- c) *Water Quality*: The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste*: Not applicable.
- e) *Shoreland/Wetland Districts*: The proposal is not in the Shoreland Zone. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Resource Protection and Environment



*Base of Tower, looking east from access drive.*

**Performance Standards (Section 300-603.E(6) of the LUO)**

- a) *Performance and Dimensional Standards*: The proposal complies with all performance and dimensional standards.
- b) *Noise*: Noise is not expected to be an issue. No generator is proposed.
- c) *Glare/Heat*: No excessive heat or glare is proposed.

- d) *Exterior Lighting*: No lighting is proposed.
- e) *Screening*: No change proposed.
- f) *Signs*: No signage is proposed.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Performance Standards.

#### **Financial and Technical Ability (Section 300-603.E(7) of the LUO)**

The applicant has a Tower Sub-Lease Agreement to maintain their antenna on the tower.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.



*Bufferyard to the south of fenced area.*

#### **Pollution (Section 300-404.B(1) of the LUO)**

- a) *Floodplain*: The project is not in the 100 year floodplain.
- b) *Ability of Soils to support waste disposal*: Not applicable.
- c) *Slopes effect on effluents*: Not applicable.
- d) *Streams for disposal of effluents*: No streams in the vicinity.
- e) *Applicable health and water resources rules*: The proposal complies with water quality standards.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding pollution.

**Sufficient Water (Section 300-404.B(2) of the LUO)**

Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding sufficient water.

**Municipal Water Supply (Section 300-404.B(3) of the LUO)**

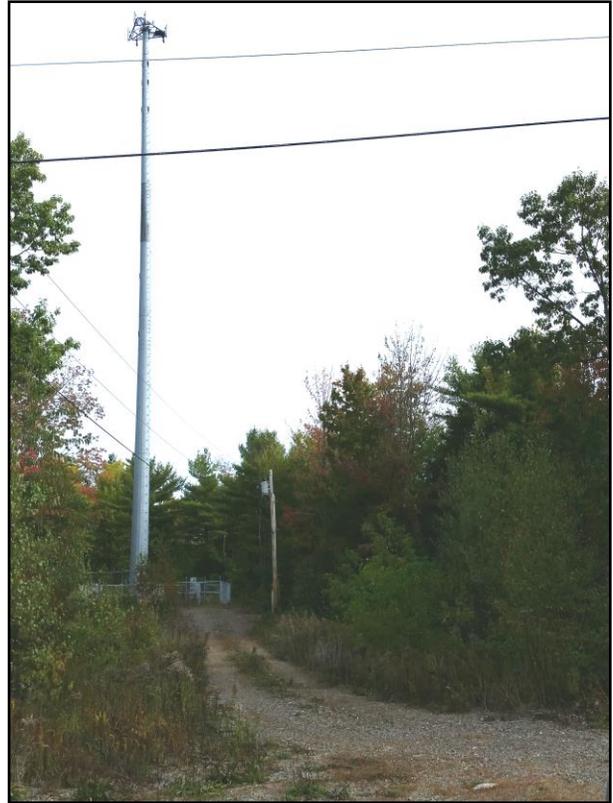
Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding municipal water supply.

**Soil Erosion (Section 300-404.B(4) of the LUO)**

See comments above about stormwater.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding soil erosion.



**Highway or Public Road Congestion (Section 300-404.B(5) of the LUO)**

No significant change in traffic volume is proposed.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding highway or public road congestion.

**Sewage Waste and Municipal Solid Waste Disposal (Sections 300-404.B(6) and 300-404.B(7) of the LUO)**

No sewage or solid waste will be generated. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding sewage waste and municipal solid waste disposal.

**Aesthetic, Cultural, and Natural Values (Section 300-404.B(8) of the LUO)**

No undue adverse effect on aesthetic, cultural or natural values is expected.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Aesthetic, Cultural and Natural Values.

**Conformity with City Ordinances and Plans (Section 300-404.B(9) of the LUO)**

The proposal conforms with city ordinances and plans, except as noted in other sections of this review.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding city ordinances and plans.

**Financial and Technical Ability (Section 300-404.B(10) of the LUO)**

See the Financial and Technical Ability section above.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding financial and technical ability.

**Surface Waters; Outstanding River Segments (Section 300-404.B(11) of the LUO)**

This proposal is not in proximity to any surface waters or outstanding river segments.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding surface waters; outstanding river segments.

**Ground Water (Section 300-404.B(12) of the LUO)**

The proposal is not expected to adversely affect ground water.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding ground water.

**Flood Areas (Section 300-404.B(13) of the LUO)**

The proposal is not in the 100 year floodplain.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding flood areas.

**Freshwater Wetlands (Section 300-404.B(14) of the LUO)**

See comments in the Public Facilities section above.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding freshwater wetlands.

**River, Stream, or Brook (Section 300-404.B(15) of the LUO)**

There is no river stream or brook on or immediately adjacent to the project site.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding rivers, streams, or brooks.

**Stormwater (Section 300-404.B(16) of the LUO)**

See the Public Facilities section.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding stormwater.

**Access to Direct Sunlight (Section 300-404.B(17) of the LUO)**

The proposal will not block access to direct sunlight to any structures utilizing solar energy.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding direct sunlight.

**Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 300-404.B(18) of the LUO)**

The project is not regulated by the Site Location of Development Act. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding Title 38 M.R.S.A/ Section 484, Chapters 371 and 373-377.

**Spaghetti-Lots Prohibited (Section 300-404.B(19) of the LUO)**

A subdivision is not proposed. Not applicable.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding spaghetti-lots.

**Outdoor Lighting (Section 300-404.B(20) of the LUO)**

See the Performance Standards section.

Staff recommends that the Board finds the proposed use is in compliance with the ordinance regarding outdoor lighting.