

**Town of Cape Elizabeth
Ordinance Committee Minutes**

February 9, 2022, 2022

6:30 p.m.

Remote

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Members Present: Penny Jordan, Chair
Caitlin Jordan
Gretchen Noonan

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order at 6:30 p.m.

Minutes

The minutes of the January 26, 2022 meeting were approved 3-0.

Wima

Chair Jordan asked for public comment on the Wima study and no one wanted to comment.

Chair Jordan welcomed consultant Steve Webster and said his materials prepared for the meeting were fabulous. She has questions about the January 22nd memo, such as the height of suggested monopoles.

Mr. Webster said the height varied from 50' -120'. They are a single pole, resembling a fat flagpole. Most of the existing towers in the town are lattice towers.

Chair Jordan asked what was most difficult about the study. Mr. Webster explained that most of the study is engineering. He is proposing small cell nodes and the goal is to produce as much coverage as possible. In order to make deployment economically viable, cells are deployed to obtain the greatest number of subscribers with the fewest sites. Tree cover is getting in the way of meeting the coverage objectives. As more sites are added to compensate, costs will increase. He noted the page in his memo that estimates number of people served by each proposed cell, ranging from 1,151 -1. He noted the poor coverage between Ocean House Rd to Shore Rd, on both sides of Mitchell Rd.

Ms. O'Meara added that she has asked for maps comparing existing coverage with proposed coverage and Mr. Webster turned these around in less than 2 days. To review, dark green is good coverage, and yellow is poor.

Mr. Webster reviewed the coverage shown on the maps. There are a few locations, such as at Fort Williams and the school campus, where a modest monopole can be installed. For the remaining areas, he is proposing cells installed on utility poles. He prefers using drop poles, which have an open top. There are locations where he had to use standard poles, like along Eastman Rd. He did not propose coverage improvements in undeveloped wooded areas. For example, the gun club is lightly covered. In addition, in neighborhoods with buried utilities, it is harder to fit into the aesthetics. You will need to install a pole, and then the fiber needs to be run underground.

The committee discussed how extensive the coverage should be. For example, Cole Field Rd coverage could be extended with an additional cell and would improve service to 12 homes.

Chair Jordan said that the design should be for ideal service and then we can back off that. Councilor Noonan agreed. Mr. Webster said he would add more cell sites.

Councilor Noonan, from an emergency response services perspective, thinks that some outdoor coverage is needed. For example, coverage in Winnick Woods is needed if a trail user calls for help. Mr. Webster clarified that the areas shown in yellow are outside the coverage margin but should still work outdoors.

He was shocked with the number of sites needed to provide coverage due to the trees. The committee agreed to increase coverage at the east end of Stonegate, edge of Hobstone. The committee reviewed the Oakhurst neighborhood. Mr. Webster noted that fiber will be more expensive to install underground.

Ms. O'Meara asked if the BA District on Shore Rd should have better coverage and the committee agreed.

Mr. Webster noted that the Town Center has good coverage. Coverage at the school will be improved with a monopole to be installed in the area of parking lot at about 80' high.

Chair Jordan asked about lower microband coverage? Mr. Webster explained the lack of band availability in the lower ranges, which is more powerful. There is more availability of band in the higher ranges, so he is designing to that.

Chair Jordan asked how we move to costs? Ms. O'Meara said that could be a supplemental RFP based on the design. The town will need to subsidize. Equity should be considered, and the location of more modest households with more compact areas may align. Mr. Webster offered to work on some preliminary costs, although it is beyond what he is contractually committed to do.

Mr. Webster recommended Tilson as a great company, which is local, to install coverage. He worked on a similar project in Rochester, NY and Tilson did all the installation. They are also experienced in dealing with utilities and government.

Chair Jordan noted funding available. Mr. Webster observed that broadband funding is super complex, and the town will need to talk to the state broadband office.

The committee agreed to increase coverage proposed in Shore Acres and Broad Cove. Coverage at Two Lights State Park is in the yellow range, and was considered acceptable. Mr. Webster said the Sprague Corporation land is frustrating, with very few homes. Chair Jordan said he should show sites to create coverage there, and then it will be their decision if they install.

Mr. Webster will be in the area the week of April 18th, and available for a presentation. He is also willing to do some work on cost estimates. Ms. O'Meara said the committee may want to consider a tiered implementation, where number of people served is a factor. Mr. Webster will return at the next Ordinance Committee meeting.

Food Trucks

No one wanted to offer public comment.

The committee began review of the draft amendments, with no changes to page 1.

Councilor Noonan wants the community group sponsor to apply to town land. We should also try to allow some food truck activity for businesses without the community group requirement. Councilor Caitlin Jordan agreed. She supports allowing a business to have the number of food trucks they want without limit on private property and rely on a business model to limit them. Chair Jordan supports a limit of 6-8.

The committee discussed limits on private property. For example, Chair Jordan does not want to see a line of food trucks on Shore Rd. Councilor Noonan suggested a total number of days limit for food trucks.

Chair Jordan suggested 15 days a year. She wants to allow food trucks in the Town Center, Gull Crest, in businesses and not impact neighborhoods.

Councilor Caitlin Jordan doesn't like the 15 day limit because someone wanting the 16th day loses out. The committee reviewed the information from the town attorney covered at the last meeting where the town council needs standards upon which to issue permits.

Councilor Noonan supports a limit of 15 days on private property. On town land, each community group gets 15 days. Chair Jordan said there should be no number of days limit on town land, but rather a limit on number of days per group per the permit.

Councilor Caitlin Jordan asked about special events? The committee noted the opportunity for special events to be treated as an accessory use, dependent on the context. The committee asked about the number of trucks for an accessory use and it depends on whether the special event remains an accessory use.

The committee discussed the number of food trucks to be allowed at one time on town properties. The list was reviewed with numbers assigned. Staff will update the draft to include a town property list with food truck limits. She will also ask for the town attorney to review as the draft seems close to final.

Technical Amendments

Chair Jordan asked for public comment.

Jamie Garvin, 76 Oakhurst Rd- He wanted to note that a consideration for food trucks at the Little League fields is that those fields also have snack shacks that raise funds. In reference to the Technical amendments, he supports an exclusion for wood storage racks. He referenced his email. He has photos to show existing conditions in his neighborhood.

Julie Armstrong, 32 Lawson Rd - She is opposed to the nonconforming amendment, Sec. 19-4-3. This is a significant change and the code enforcement officer is bound to apply the Zoning Ordinance and cannot create policy. The Shoreland Performance Overlay District is supposed to protect visual access and promote conformities, so this is not applicable in the Shoreland zone. She referenced her email.

The committee began review of the Technical amendments starting with page 11.

Councilor Noonan confirmed that the shoreland zoning height definition is to comply with state requirements. It can be more restrictive.

On page 12, Chair Jordan noted Mr. Garvin's comments, and that this section is where the earlier Planning Board version would be added. Councilor Caitlin Jordan supports the wood storage exemption as you can have a wood pile on the property without a setback. The committee agreed to flag this item for further review.

The committee continued its review without change until Sec. 19-4-3, when Chair Jordan said a longer conversation is needed in light of Mrs. Armstrong's comments.

The committee completed the review and agreed to return to the wood storage shelter and nonconforming amendment at the next meeting. Chair Jordan encouraged Mrs. Armstrong to send her notes to the committee.

Mr. Garvin asked if the 5' setback change applies to accessory structures generally. He still supports an exemption for wood storage structures.

Next meeting

The next meeting will be held on March 23rd, beginning at 6:30 p.m. The meeting adjourned at 8:50 p.m.