

COMPLIANCE
REVIEW LETTER

June 3, 2021

York Planning Board
DeCarlo Brown, Land Use Planner
Town of York
186 York Street
York, Maine 03909

Application: Small Cell Wireless Facility — New Cingular Wireless PCS, LLC (AT&T)
Long Beach Ave. Right-Of-Way in the vicinity #265 (NEAR Tax Map 36 Lot 96)

Wireless Communications Facility Application

Review Status: New Application

Board members and Mr. Brown,

The following information has been provided for preliminary and final plan review:

1. Application Form dated 4/18/2022.
2. Cover letter/Narrative: *RE: Application of a New Cingular Wireless PCS, LLC (d/b/a AT&T) for Site Plan Approval – Small Wireless Facility on s Replacement Utility Pole Located near 265 Long Beach Avenue, York, Maine.* Prepared by Brown Rudnick, LLP, April 18, 2022. Contains submittal information, including FCC license, photographs and waiver requests.
3. Plans entitled: *AT&T SITE ID: CRAN_RCTB_YORK_06, 265 LONG BEACH AVE., YORK, ME 03909.* Prepared by Centerline Communications, REV. Date 1/12/2021.
4. Emissions Report entitled: *Re: Installation of a proposed AT&T Mobility "Small Cell" personal wireless services facility to be located on a pole in York, ME.* Prepared by Donald L. Haes, Jr., CHP, Radiation Safety Specialist, March 30, 2021.
5. Structural Report: Structural Analysis Report, AT&T Site ID: *cran_rctb_york_06, Pole Number: 915, 265 Long Beach Avenue, York, ME 03909.* Prepared by Centerline Communications, Date 1/11/2021.

With review of the above information and the Town's Wireless Communications Facilities ordinance and the Site Plan and Subdivision regulations, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The proposal is to add a small cell wireless facility on a replacement utility pole (existing guypole) owned by Central Main Power and located within the public Right Of Way for Long Beach Avenue. The proposed facility is a small pole-mounted equipment cabinet (36" x 23" x 22") and a pole top antenna (25" x 10" dia.). The applicant is seeking approval for the new facility as permitted under the Town's Wireless Communications Facilities Ordinance.

REVIEW SUMMARY/HIGHLIGHTS

The application is before the Planning Board as required by the Wireless Communications Facility Ordinance (Sec. 1.4). The following is a summary of the review comments:

1. The application was before the Board in August of last year and approved. The facility was never constructed/installed, and the approval lapsed.
2. The application appears to be complete per Sec. 1.8.D.
3. The applicant has addressed in writing conformance with applicable application and review standards. Sec. 1.8 and 1.9, respectively.
4. An approval should be conditioned with approval by the Board of Selectmen.

COMPLETENESS REVIEW

The applicant has addressed in writing each of the application submittal requirements of Section 1.8.D of the Wireless Communications Facility Ordinance (WCF). More information was requested and received to elaborate on conformance with 1.8.D.5. The proposal does not appear to warrant site plan review, as anticipated by Sec. 1.8 Approval Process, that might be needed for larger WCFs. The applicant has submitted, at my suggestion, a waiver request for Site Plan Review. **The application appears to be complete.**

COMPLIANCE WITH THE TOWN'S ORDINANCES

1. The proposed WCF is exempt from review under the Zoning Ordinance, per Sec. 18.11 of the Zoning Ordinance. Given the limited scale of the proposal and that the location is on a utility pole in a Street ROW and not a parcel of land, the Site Plan review standards don't appear to be applicable.
2. To fully comply with Section 1.9.C Placement on Municipal Property (public right of way), the Board of Selectmen is required to approve a lease agreement with the Town. The Board may want to consider a condition of approval to this effect.

3. The proposed pole-mounted small cell wireless facility appears to generally meet the applicable standards of the WCF ordinance. There are two suggested conditions of approval that will clarify and ensure compliance with Sec. 1.9.I and 1.9.J.

WAIVER REQUESTS

The applicant has provided a list of waiver requests and provides a rationale for each. They all seem to be reasonable requests considering the limited scale of the proposal.

1. Section 1.9.H Fencing.
2. Site Plan Review; Site Plan and Subdivision Regulations.

CONCLUSION

The application submitted is substantially complete with consideration of the review comments provided. After accepting the application and with consideration of a discussion with the applicant and their presentation, comments above, public testimony, the Board may determine if it wants to consider granting approval. If so, it should provide approval of the Wireless Communication Facilities application with consideration of the following suggested conditions:

Prior to signing the Findings of Fact:

1. All outstanding fees shall be paid to the Town;
2. The Structural Analysis Report shall be revised to certify compliance with ANSI EIA/TIA Standard 222 entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" or current revisions or versions and submitted to the Code Enforcement Office;
3. A signed statement certifying the WCF complies with all the FCC regulations, as outlined in Sec. 1.9.J shall be submitted to the Planning Department; and

Prior to the issuance of a building permit by the Code Enforcement Office:

4. The Board of Selectmen shall review and approve a lease agreement between the applicant and the Town.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo