

Town of Buxton
Application for a Conditional Use

Map 4 Lot 18 District(s) R Lot Size 3 YC Deed Book P25 Page _____
Current Use Vacant land Proposed Use TOWER
Name of Applicant(s) Town of Buxton
Mailing Address 185 Portland Rd City/Town Buxton Zip 04093
Telephone Number Days 207-712-5705 Evenings SAME
Name of Owner if Different Mark Blor
Name, Address & Phone Number to whom all correspondence shall be sent Town of Buxton

Location of Property: Please describe how to find the property.
Mary Jane Rd to Bunting Hill Road last lot on Right at top of hill

Is ANY PART OF THE PROPERTY WITHIN the 100-YEAR FLOOD PLAIN as shown on the Flood Insurance Rate Maps of Buxton? _____ Yes _____ No

IS APPROVAL FROM OTHER LOCAL, STATE OR FEDERAL AGENCIES REQUIRED?
_____ Yes _____ No If Yes, Please indicate agency names.

IF construction of a SUBSURFACE WASTE WATER DISPOSAL SYSTEM IS PROPOSED a copy of the site evaluation and a copy of the plumbing permit MUST be submitted with this application.
Type of SEWAGE DISPOSAL None
WATERSOURCE of property None

Does the use involve TRANSPORTATION, STORAGE, GENERATION OR DISPOSAL OF HAZARDOUS MATERIALS? (gas, oil, fuels etc.) _____ Yes _____ No

Propane Generator

This application must include the following to be considered complete:

1. A SKETCH PLAN of the property which clearly shows the location of the proposed structures, driveways, parking areas, wastewater disposal areas, water supplies, outdoor lighting, signs and other improvements **MUST BE SUBMITTED WITH THIS APPLICATION**. Please show dimensions of all structures, distances from property lines as well as distances to abutting structures, wells and wastewater disposal areas. Unless Specifically waived by the Planning Board this information is required.

2. On a separate sheet LIST THE NAMES AND ADDRESSES OF ABUTTING PROPERTY OWNERS (including those on the opposite side of the Road directly across from the property under review.)

3. Answers to all questions in Section 8.2.B, Article 10 and if applicable 8.2.A and Article 11, MUST BE RECEIVED WITH THIS APPLICATION along with any other information you feel will assist the Planning Board in determining whether the standards in the Buxton Zoning Ordinance have been met.

4. Ten (10) copies of exhibits must be submitted with the completed application to start the process. If the applicant does not supply them, there will be a .10 per copy charge on the final billing.

5. Application fee of \$300.00 paid to the "Town of Buxton".

I certify the information contained in this application and its supplements are true and correct.

Signed Mark Bui Date 9/18/2023

Received by _____ Date _____

Fee Received \$ _____ Check # _____ Cash _____ Date _____

Fee Received by _____ Conditional Use Scheduled to be heard on _____ at the Buxton Municipal Building on the Portland Road. The meetings start at 7:00 p.m. and are generally held the 2nd and 4th Monday of the month. All information and applications need to be in the office by noon one (1) week prior to the meeting.

8.2.B. The applicant shall present adequate evidence, where appropriate, in order for the Planning Board to find that:

8.2.B.1. The proposed use will not adversely affect the value of adjacent properties. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent properties as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

The proposed tower will not adversely affect the value of adjacent properties. There will be no noise other than a generator on power outages. There will be no vibrations, fumes, odor dust or glare generated by this radio tower.

8.2.B.2. Access to the site from existing and proposed roads is safe and adequate. The proposed use will not cause or aggravate undue traffic congestion.

Access to the site is over the existing Bunting Hill Road, off Mary Jane Road, which is a private road. There are two houses on this road currently. Other than during construction there will be very little traffic generated by having the radio tower. During the construction phase of the project there will be vehicles to and from the site. Upon completion of the facility there will be minimal traffic for general maintenance and emergency maintenance.

8.2.B.3. Any proposed development is in conformance with all flood hazard protection regulations as outlined in Article 14.

This property is not in the flood zone.

8.2.B.4. Adequate provision for the disposal of all wastewater and solid waste has been made.

During construction there will be a portable toilet onsite. This will be an unmanned site. There will be no wastewater or solid waste generated at this location.

8.2.B.5. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

There will be no hazardous materials at this location.

8.2.B.6. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed.

The base of the tower will be the only ground disturbance. We intend to leave the area in its natural state as much as possible.

8.2.B.7. An erosion and sedimentation control plan has been prepared by a qualified professional source.

During the construction phase we intend to follow best management practices for erosion and sedimentation control. Either stump grindings, or silt fencing installed properly. It will be maintained throughout the duration of the construction phase and will remain until any disturbed ground has been stabilized.

8.2.B.8. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.

The site will be unmanned. There will be no facilities requiring water. The tower should not create any added fire danger.

8.2.B.9. That all performance standards in this Ordinance, applicable to the proposed use will be met.

We intend to meet all the standards of the ordinance.

Article 10:

10.1 Access to Lots:

Access to the site will be over the existing private road known as Bunting Hill Road. This is the third lot but not the third dwelling. This section states Any access road serving three or more dwelling units shall meet the road acceptance regulation of article 12 of this ordinance. There are two dwellings using this road as access. This radio tower doesn't change that.

10.2 Dust and Fumes

The radio tower will not create dust, fumes, vapors or gases.

10.3 Erosion Control

We intend to use best management practices through the construction phase, to minimize erosion. We will keep the duration of exposure of disturbed soil to a practical minimum. We will use erosion control mulch for exposed areas during construction until any required revegetation is established. The area of construction will be limited to the base of the tower, and maintenance shed.

10.4 Explosive Materials

There will be no flammable or explosive liquids, solids or gases. There will be an above ground propane tank for the generator.

10.5 Construction in Flood Hazard Areas

This property is not in the flood zone.

10.6 Noise

Other than the construction phase and intermittent generator use, there will be no noise generated by this project. We will be mindful of the neighbors during construction phases. There only noise that will be generated is an emergency generator during power outages.

10.7

Off-Street Parking and Loading

Other than the driveway into the site there will be no need for parking spaces. There won't be regular traffic going to the tower. Only for maintenance or to keep the entrance cleared of snow for emergency access.

10.8 Preservation of Landscape

We want the site to remain in its natural state. We will minimize the visual impact of the tower to abutters.

10.9 Refuse Disposal

There will be no solid or liquid wastes generated by the tower. Any solid waste during construction will be removed by the contractor.

10.10 Setbacks and Screening

The tower will be setback a minimum of 125% (150 feet) of its height from all property lines. The tower is 120 feet tall.

We intend to leave all the trees except in the immediate area of the tower.

10.11 Signs

There will be no signs.

10.12 Soil Suitability

There will be no need for a septic system associated with this tower.

10.13 Storm Water Management

The surface water run-off from this property will be unchanged as a result of this tower. Other than the base of the tower and the driveway into the site the lot will remain unchanged.

10.14 Water Quality

This project will not produce any discharge liquids, gases, or solid materials that would be toxic to the groundwater. This project is not over an aquifer. This project will have no impact on water quality.

10.15 Archaeological/ Historical Sites

This project is not within any archaeological or historical sites. The Comprehensive plan lists the archeological sites in Buxton to be along the Saco River. The plan also lists four historical buildings that are listed on the National Register of Historical places. The Brewster House and First Congregational Church, both at Tory Hill. The Town Powder House and Elden's Store both at Buxton Center. Other potential buildings that would be possible for the National Register are 11 buildings on the Buxton side of Salmon Falls, the Bonny Eagle hydropower project was found eligible for the National Register. Nothing is mentioned in the Comp plan regarding this area on Buntings Hill being of archaeological or Historical significance.

10.16 Lighting

This tower will not be lit. It isn't high enough to require lighting.

10.17 Fire Protection

We have consulted with the local fire chief, and this project doesn't not require any special fire protection.

Article 11.25 Wireless Telecommunications Facility

A. The applicant shall evaluate the use of co-location and shall demonstrate that they cannot provide adequate communication service utilizing existing facilities.

There is a tower on Route 22. Kermit Beaulieu from RCM reviewed the potential for the town to collocate the radio equipment. The site on Bunting Hill Road location is 125' higher in elevation than the Rte 22 site. The location of the Bunting site provides better immediate coverage to the Western portion of the town. Areas North of Rt. 112 would have lesser coverage using the Rt. 22 site, when compared to the Bunting Hill Site. Email dated 9/18/23 attached.

B. The maximum height of any facility shall not exceed 199 feet. The height of an antenna should be included in the total height limitation as allowed for a facility.

The proposed tower is 120 feet and will not exceed the maximum height allowed.

C. The facility shall be setback from all property lines a minimum of 125% of the height of the facility.

It will be setback a minimum of 150 feet from all property lines. The tower is 120 tall. 125% of that height is 150 feet.

D. The lot the facility will be constructed on must be a conforming lot in the district it is located in.

The lot is 3 acres in the Residential zoning district and that meets the minimum requirements. The land use table requires that a tower is not permitted in the Residential district except as a conditional use on municipally owned lots larger than 20 acres. The town applied to the Board of Appeals for a variance and on September 5, 2023, a variance was granted to 3 acres for this purpose.

E. A visual impact analysis shall be prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact to properties located within 500 feet and 2,500 feet of the proposed facility. This analysis will include recommendations to mitigate the adverse impacts on such properties. The Planning Board reserves the right to determine the color of the facility based on the visual impact survey recommendations.

The proposed facility will be located more than 500 feet off Mary Jane Road and is greater than 350 feet from the closest house. We propose there will be very little visual impact at 500' or 2500'. Pictures of the area looking towards the tower site are provided. Pictures of other towers with similar tree conditions are provided.

F. The tower shall not be lighted unless mandated by the Federal Aviation Administration or other applicable State and Federal requirements.

The tower is not proposed to be lighted. It is not required the FAA at 120 feet.

G. The tower shall be constructed to the current Electronic Industries Association/ Telecommunications Industries Association EIA/TIA 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

The tower is a radio tower. It is not intended to be constructed as a typical cell tower. It will be designed to meet the current EIA/TIA 222 Standards.

H. A security fence of not less than eight feet in height from the finished grade shall be provided around the facility, and any accessory structures.

There tower compound will be fenced in with a fence of not less than eight feet.

I. The construction of a Wireless Telecommunications facility shall be considered complete upon the issuance of a Certificate of Occupancy. The facility must be activated no later than twelve months after receipt of the Certificate of Occupancy. The owner shall notify the Code Enforcement Officer on an annual basis regarding the status of the use of the facility no later than thirty (30) days following the anniversary of the Conditional Use approval.

Wireless Telecommunications facilities that have remained unused for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

The facility tower, any associated buildings used only for sheltering communications equipment and any fencing or other appurtenances desired by the landowner shall be removed following inactivity over a period longer than twelve months. Upon written notification the Code Enforcement Officer may grant approval to the owner to leave such structures in place with the expectation that use, and operation will resume in the subsequent twelve-month period, with one twelve-month extension allowed. (Amended 6/13/09)

The town intends for this tower to be used to aid in emergency communications. We can't envision that its use will go abandoned for any period of time. The town will comply with this section.

J. Prior to approval the applicant shall submit a "performance guarantee"(see Town of Buxton Zoning Ordinance, Section 8. 4) acceptable to the Town of Buxton in an amount and form acceptable to the Board of Selectmen sufficient to pay for the cost of the complete removal of the facility and site re-vegetation. The guarantee shall be made available to the Town upon finding, including adequate written notice to the applicant, that the facilities have not been used for a twelve-month period. If the owner fails to show that the facility is in active operation, the owner shall have 60 days to remove the facility.

If the facility is not removed within this time period, the Town of Buxton may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable and to return the site to its pre-construction condition, including removal of roads and re-establishment of vegetation if so desired by the landowner. The owner of

the facility may apply to the Town for release of the surety when the facility and related equipment are removed to the satisfaction of the Code Enforcement Officer. (amended 6/13/09)

We respectfully request a waiver from this requirement. This tower will be owned by the town. If there comes a time that it goes abandoned for a period exceeding 12 months, the town agrees to have it removed. The purpose of a performance guarantee is if the applicant doesn't remove the tower, the town must remove it. This will be our responsibility because it is town owned.

K. Notwithstanding the foregoing, Wireless Telecommunications Facilities are a permitted use under the following conditions:

The placement of antennas and associated equipment onto an existing structure may be allowed when they are designed to be incorporated into the architecture of new or existing buildings or into the fabric of other man-made or natural structures or features so as to be inconspicuous when viewed from any point not on the host property.

Abutter's List

MAP 4 LOT 18 MARY JANE RD to BUTTING HILL RD.

✓ Name JOSHUA M. MEADE Map 4 Lot 13C
36 MARY JANE RD.

✓ Name DONNA M. ANDERSON Map 4 Lot 13D
602 MARY JANE RD.

✓ Name INDEPENDENT PROPERTIES, LLC Map 4 Lot 13E
40 ROWE RD. % Kyle Cabrett

✓ Name KAYLYNN R. FRAZIER Map 4 Lot 18-25
35 MARY JANE RD.

✓ Name William H. E. Richards, Sr. Map 4 Lot 18-26
17 MARY JANE RD.

Abutter's List

MAP 4 LOT 18 MARY JANE RD to BUNTING HILL RD.

✓ Name TIM HUTCHINSON
89 M.J. RD.

Map 4 Lot 18-15

✓ Name KRISTOPHER WHITE
116 BUNTING HILL

Map 4 Lot 18-24

✓ Name LUCILLE M. WOODS
90 MARY JANE RD.

Map 4 Lot 14

✓ Name JASON C. ROWE
74 MARY JANE RD.

Map 4 Lot 13-1

✓ Name RUSTY A. ROWE
70 MARY JANE RD.

Map 4 Lot 13-2

Abutter's List

MAP 4 LOT 18 MARY JANE RD to BUTTING HILL RD

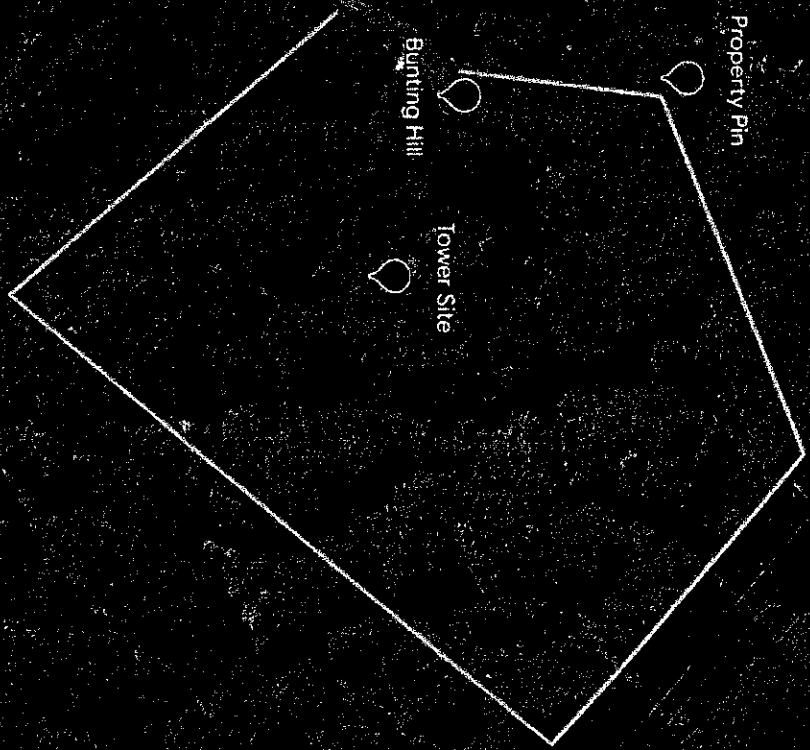
✓ Name Rob LANG Map 3 Lot 56
563 LONG PLAINS Rd

✓ Name HAROLD SMITH Map 3 Lot 55
553 LONG PLAINS Rd.

✓ Name BRUCE BYRNES Map 3 Lot 50
1215 LONG PLAINS

Name _____ Map _____ Lot _____

Name _____ Map _____ Lot _____



2005-11-18
1000

512' 30"
56' 00"

EXISTING CONDITIONS
OF LAND IN
BUXTON, MAINE
FOR
RICHARD B. EMERY

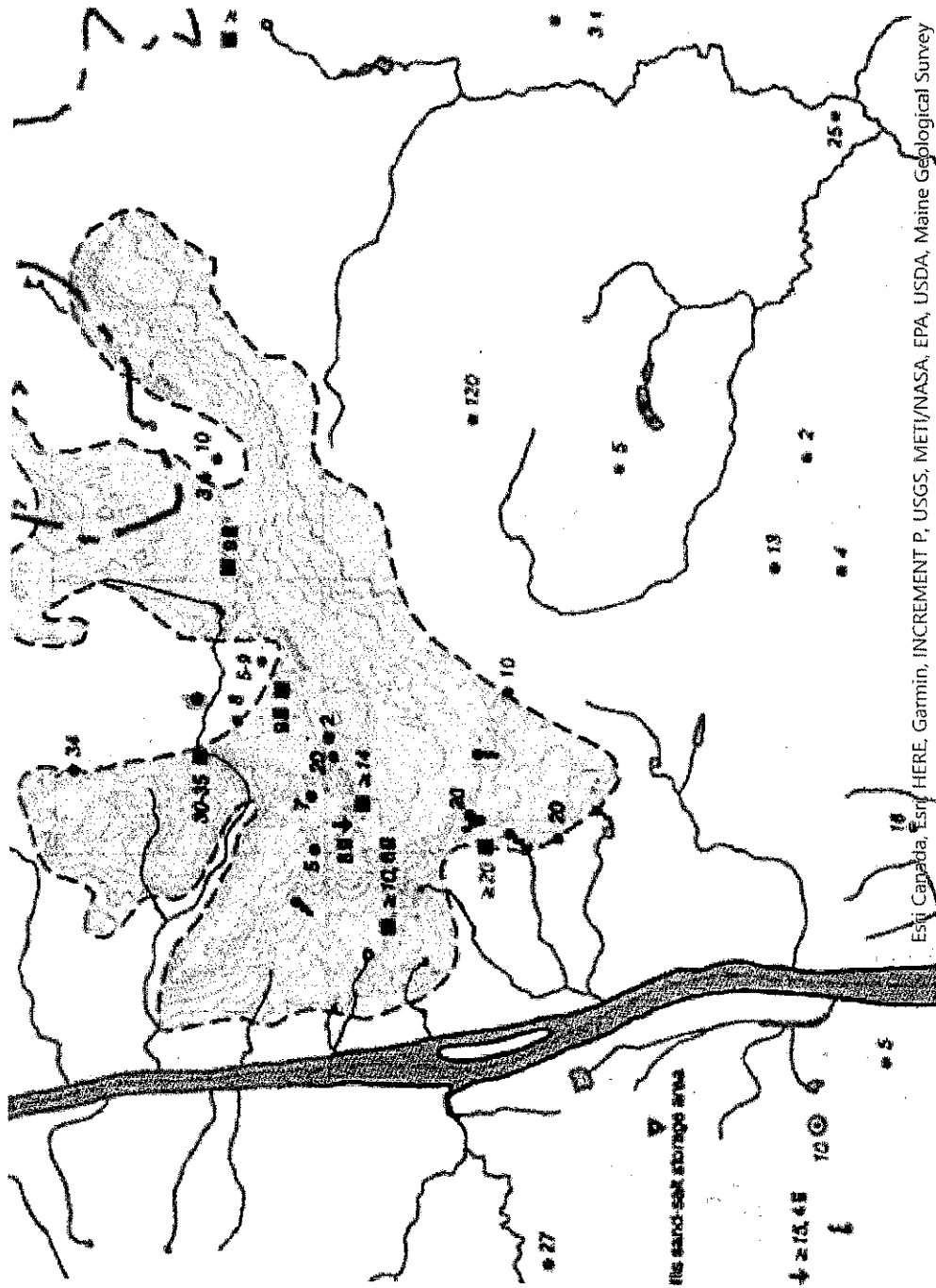
SCALE: 1" = 100'

243' A/E
150' C
180' F
180' G

315' 00"
300' 00"
300' 00"

13146.57





HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, Maine Geological Survey
 Estu Capada, Esrr

Angela Michie

From: selectmen2
Sent: Monday, September 18, 2023 4:04 PM
To: Angela Michie
Subject: Fwd: Radio Tower Information
Attachments: Rt22MonoPole.pdf

[Get Outlook for iOS](#)

From: Kermit Beaulieu <kbeaulieu@rcm2way.com>
Sent: Monday, September 18, 2023 2:49:57 PM
To: selectmen2 <selectmen2@buxton.me.us>
Cc: Mac McKnight <mmcknight@rcm2way.com>
Subject: Radio Tower Information

Mark,

Based on data filed with the FCC this existing structure is roughly 200' above the ground level. Using the shadow line, the bottom array is at roughly 165'. This would allow for Antenna mounting at no more than 135' for microwave and system receive antenna and 105' for the system transmit antenna.

Radio system antennas must have about 20' of separation (tip to base), this project is using dipole type antennas. The new tower location is roughly 125' higher in elevation than the Rt. 22 site. Furthermore, the location of the Bunting site provides better immediate coverage to the Western portion of the town. Areas North of Rt. 112 would have lesser coverage using the Rt. 22 site, when compared to the Bunting Hill site.

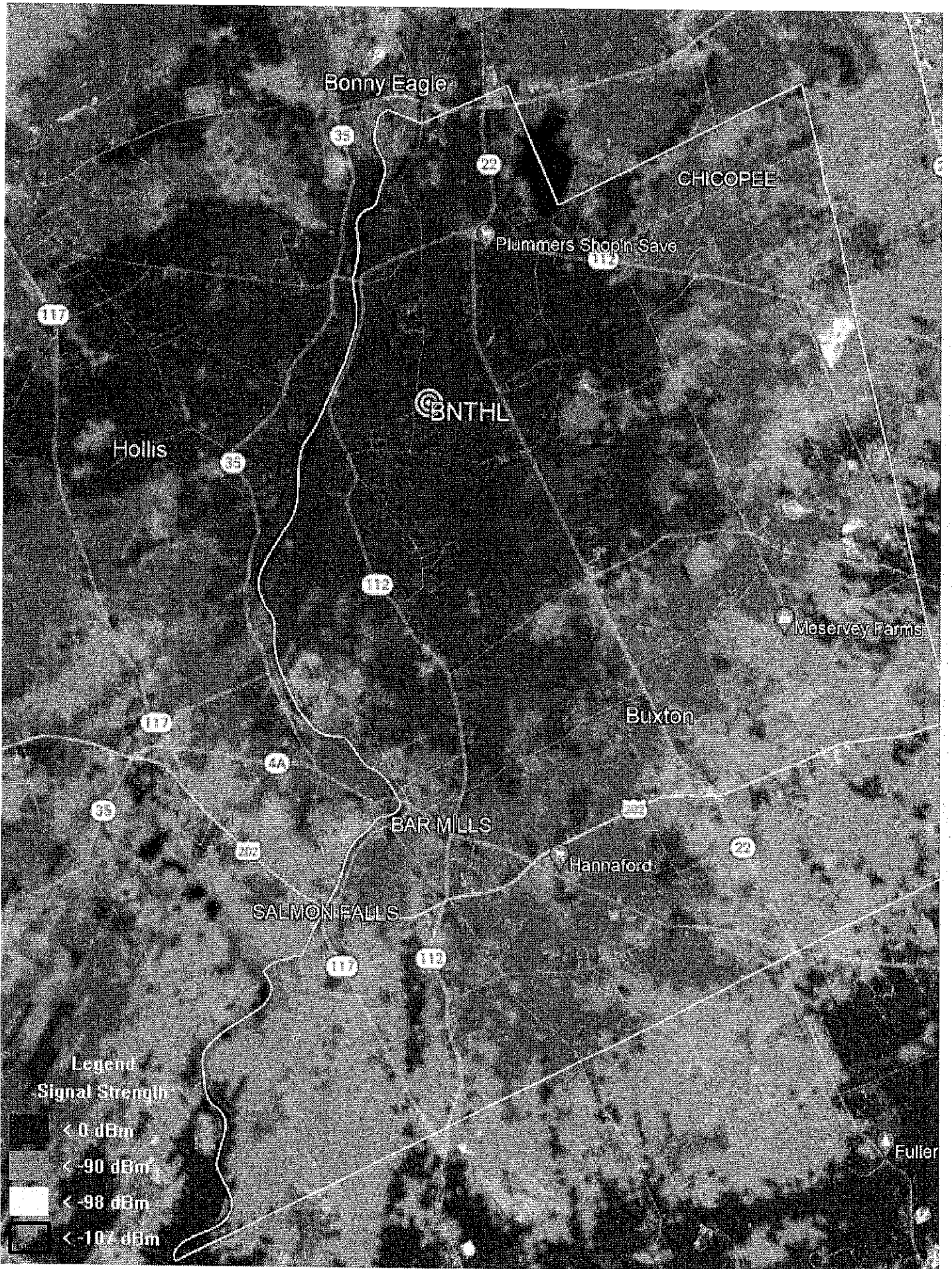
All the above being said and assuming that the town could lease from the existing site, system "turn-up" could be done much quicker if not site was to be built. If this was done, the coverage would be less than the coverage using the agreed upon locations and the microwave paths would need to be reengineered. A quick path analysis shows that connectivity from the Rt. 22 monopole to the PSB (Public Safety Building) may be difficult.

Attached is the structure information for the existing site we spoke about today, elevations on the license are listed in meters. Below is the information you asked for: Bunting site coverages vs. The existing cellular site off of Rt 22. Any additional engineering or analysis of sites would be considered billable from this point forward.

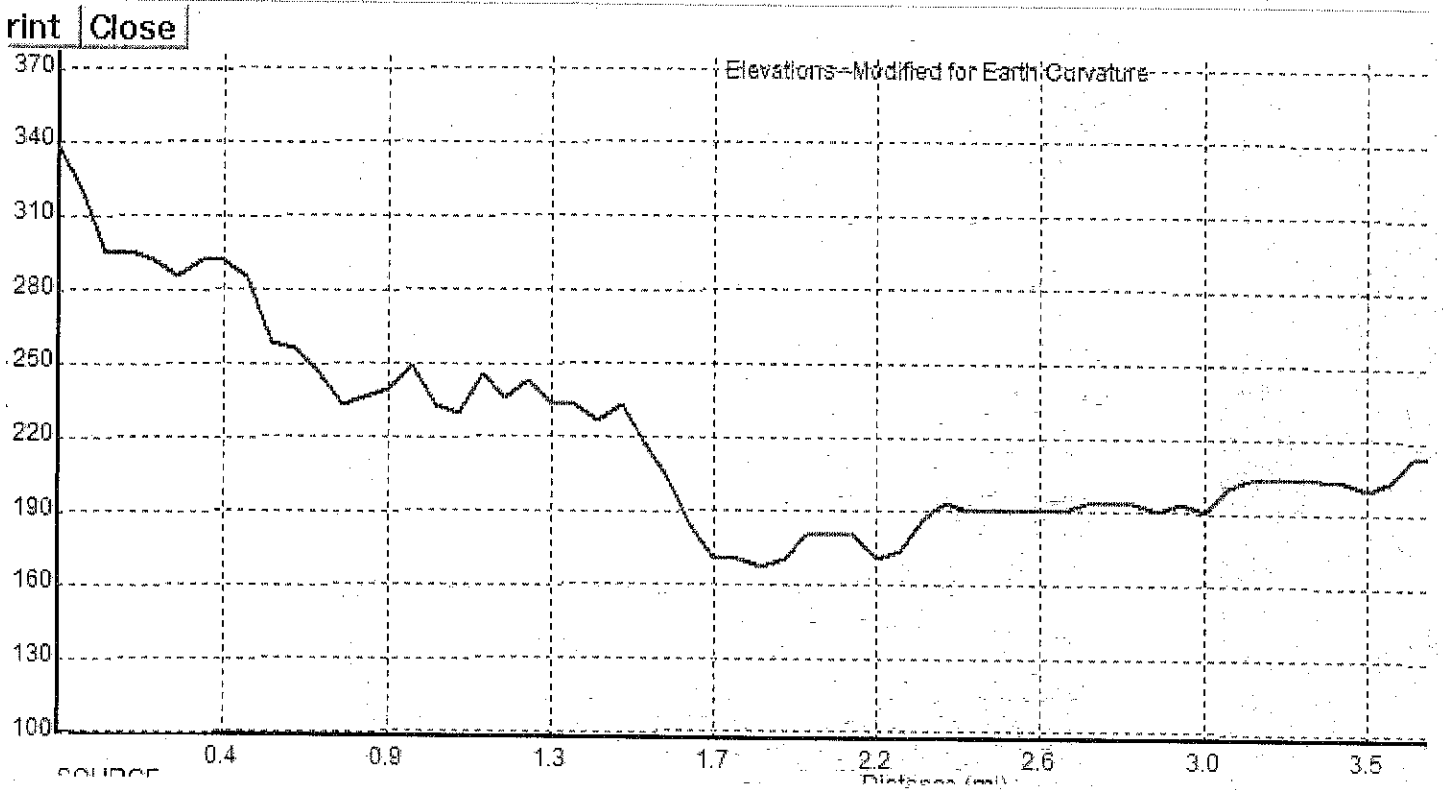


The following maps show estimated coverages, based on TSB88 losses.
Red would be considered "Hot" very clear signal with minimal static or issue
Orange would be considered "Very Good" possibly some minor loss of words or static
Yellow would be considered "Usable" consistent static, words may need to be repeated often
Both maps use the same scale.

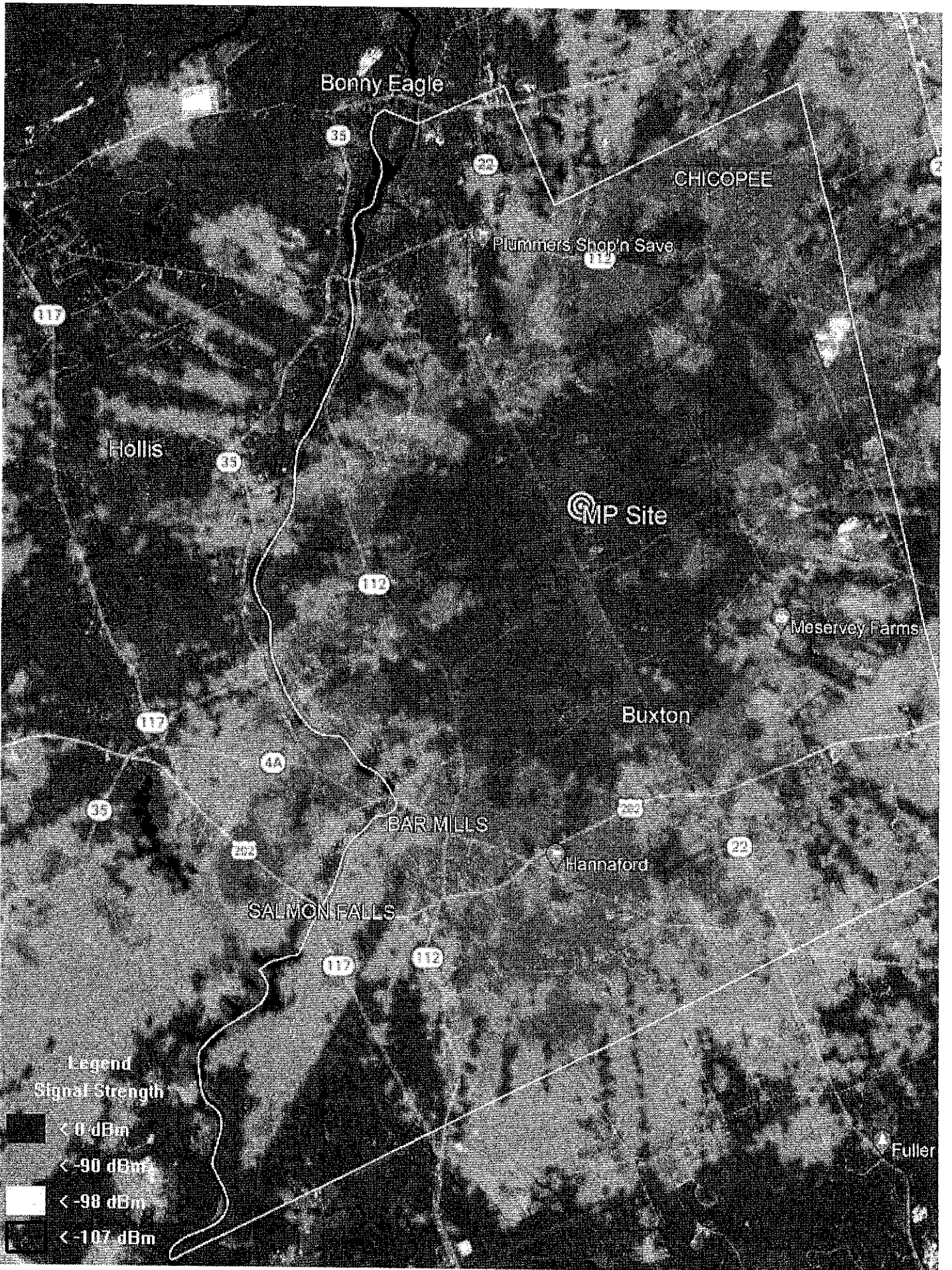
System coverage, portable radio, Bunting Hill Site:



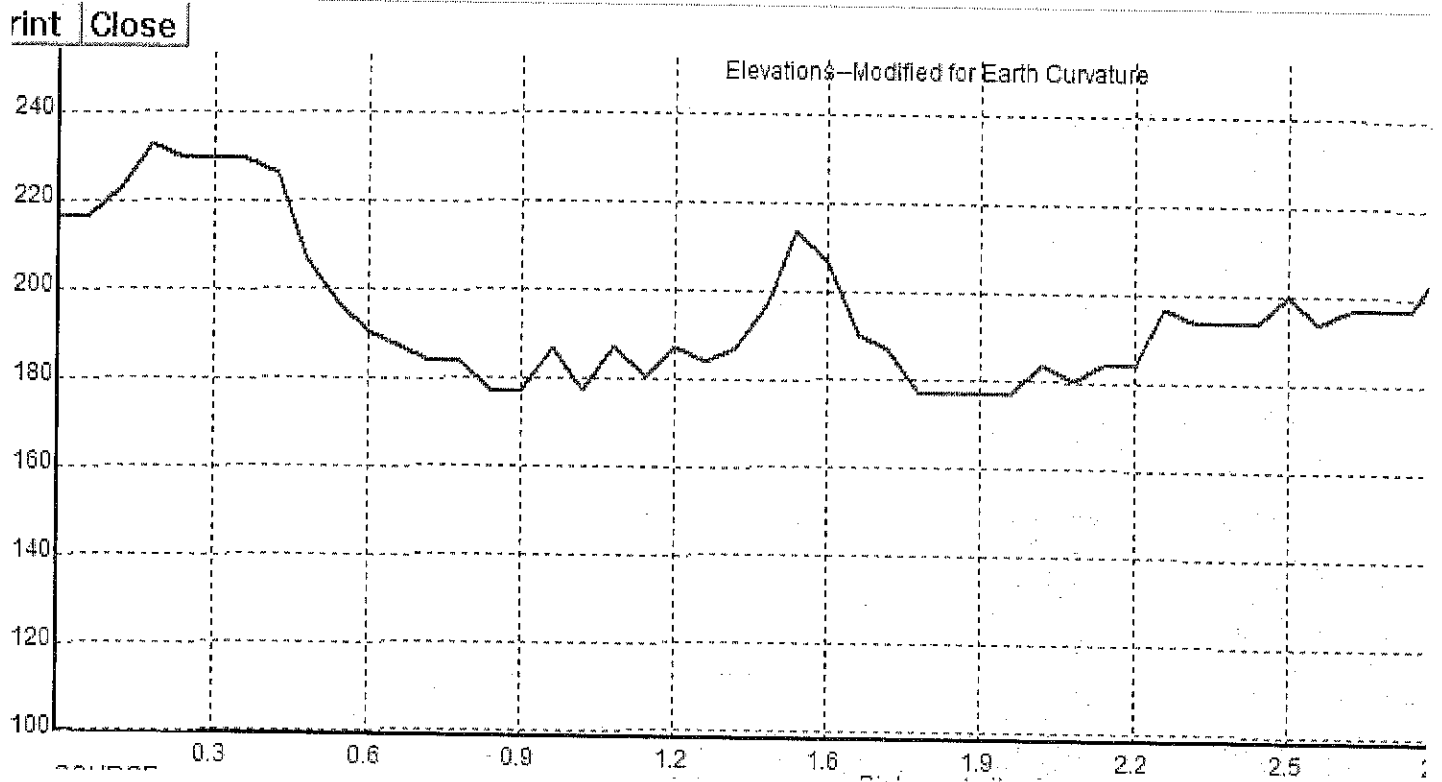
Point to point "clear" is best
Microwave from Bunting Hill:



System coverage, portable radio, existing cellular monopole:



Point to point "clear" is best
Microwave from Monopole site:



Thank you,

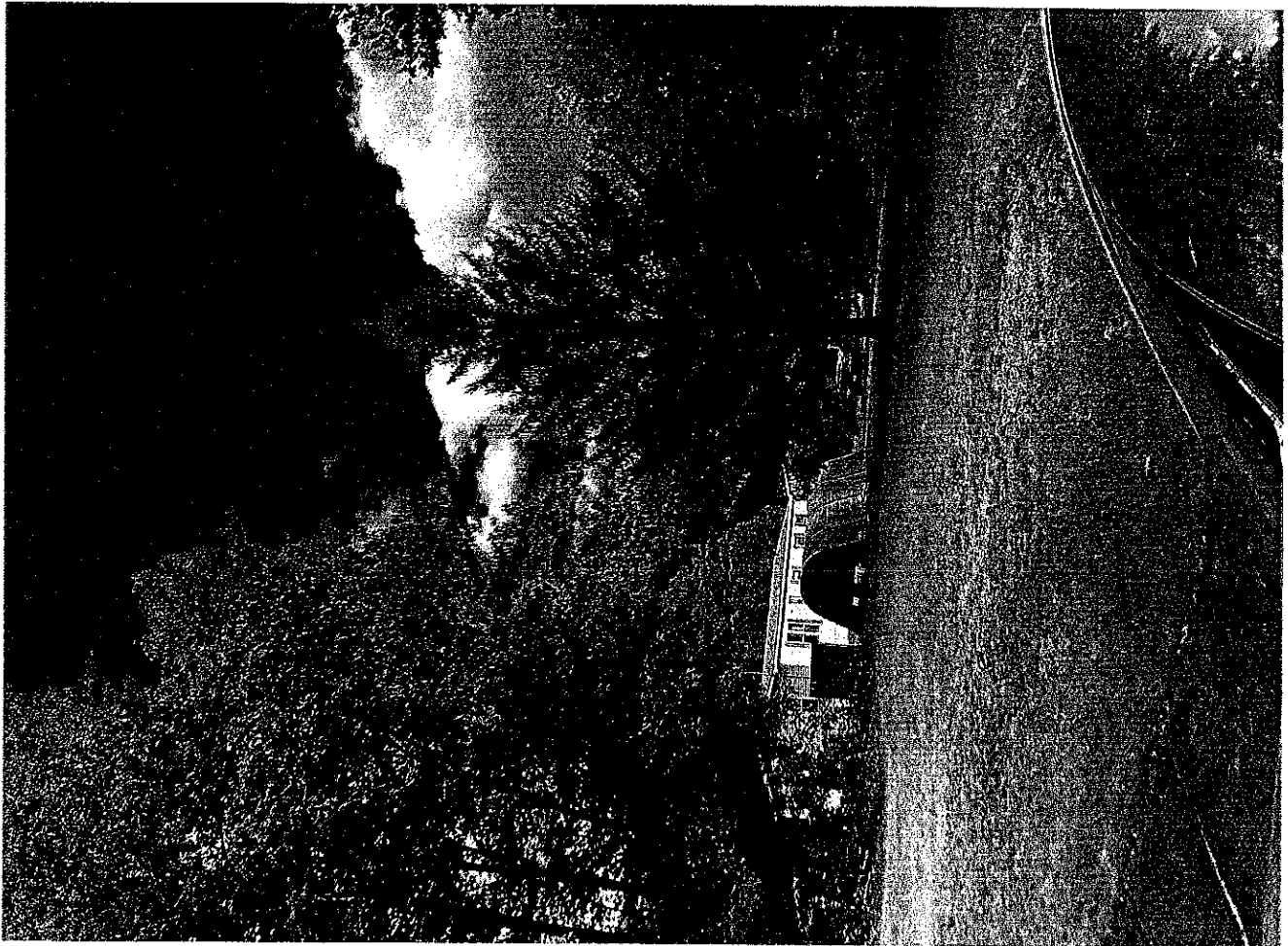


Kermit Beaulieu

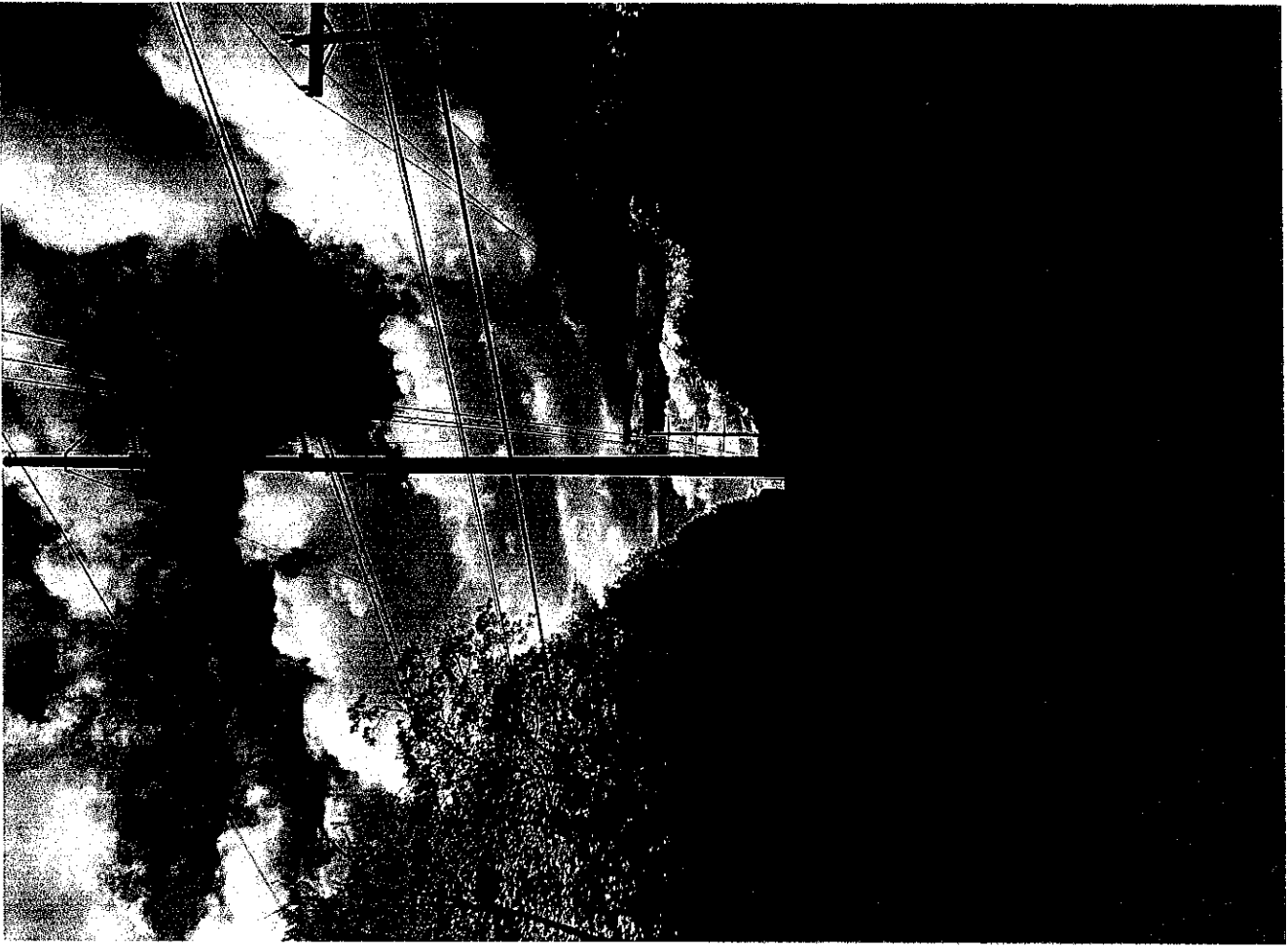
Radio Communications Management, Inc.,
158 Rand Rd. Portland Maine 04102
t: 207 797-7503 | e: kbeaulieu@rcm2way.com
www.rcm2way.com



MARYJANE / FROM ROCKY DUNDEE



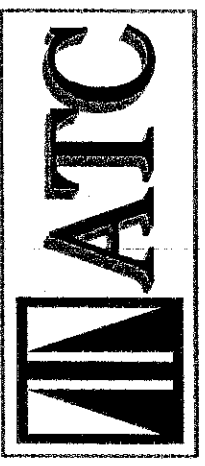
@ 137 MARY JANE RD.



Rocky DUNDEE
LOOKING THROUGH POWER LINES TOWARDS TOWER SITE

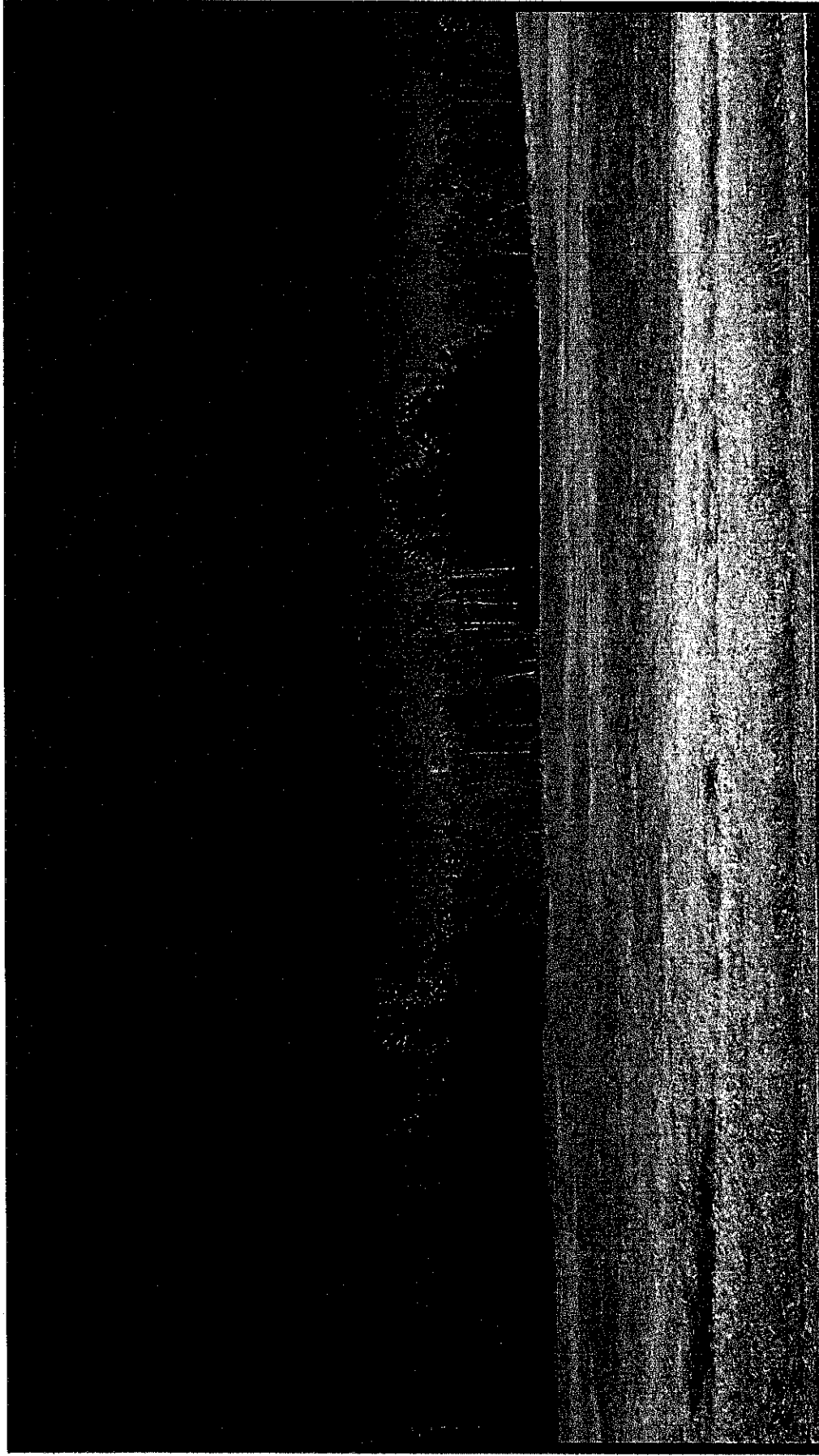


BUNTING Hill ↑
From MAEN, TRAIL



Route 22

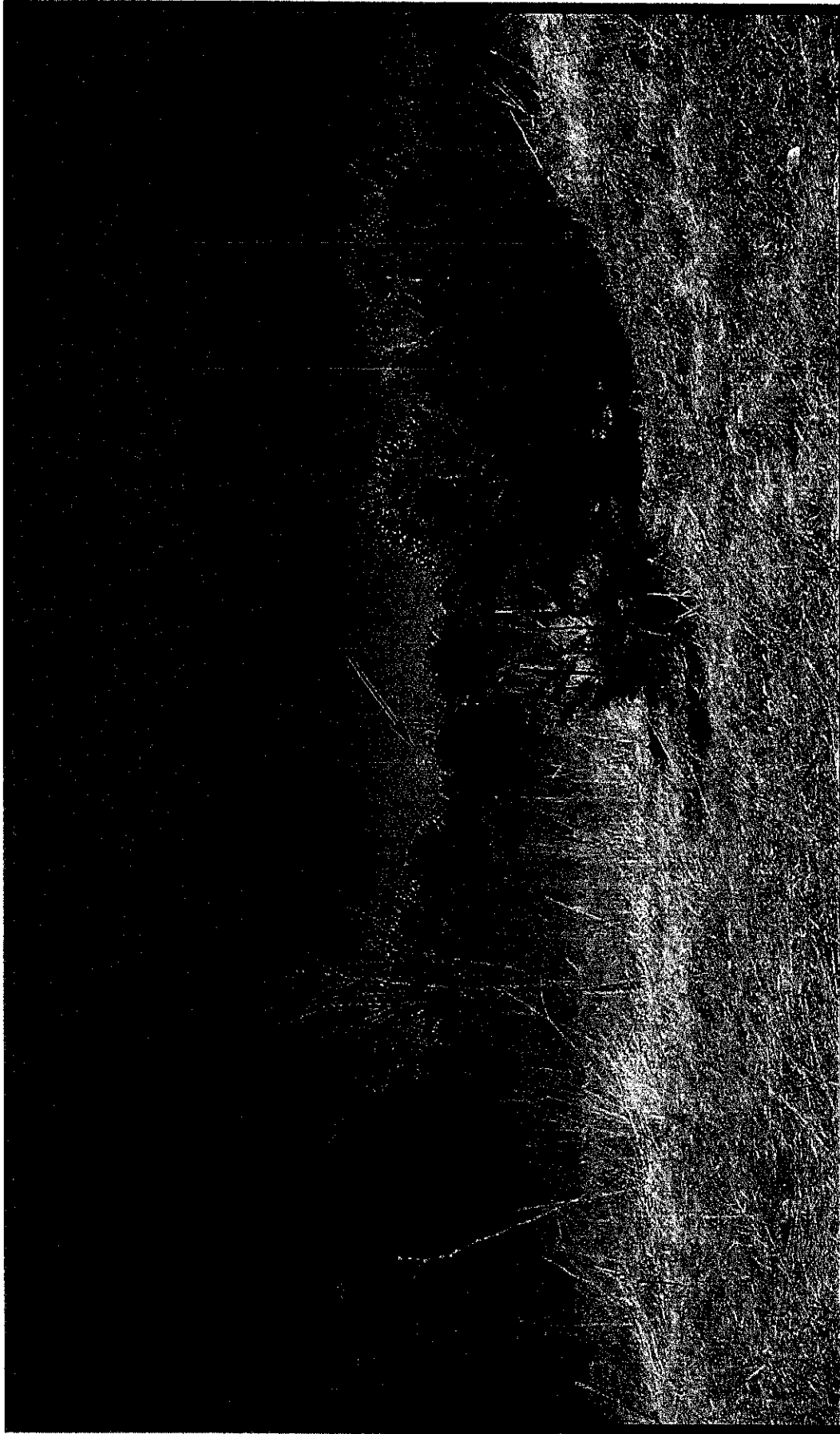




Rte. 22 Between
Church And Deering Rd.



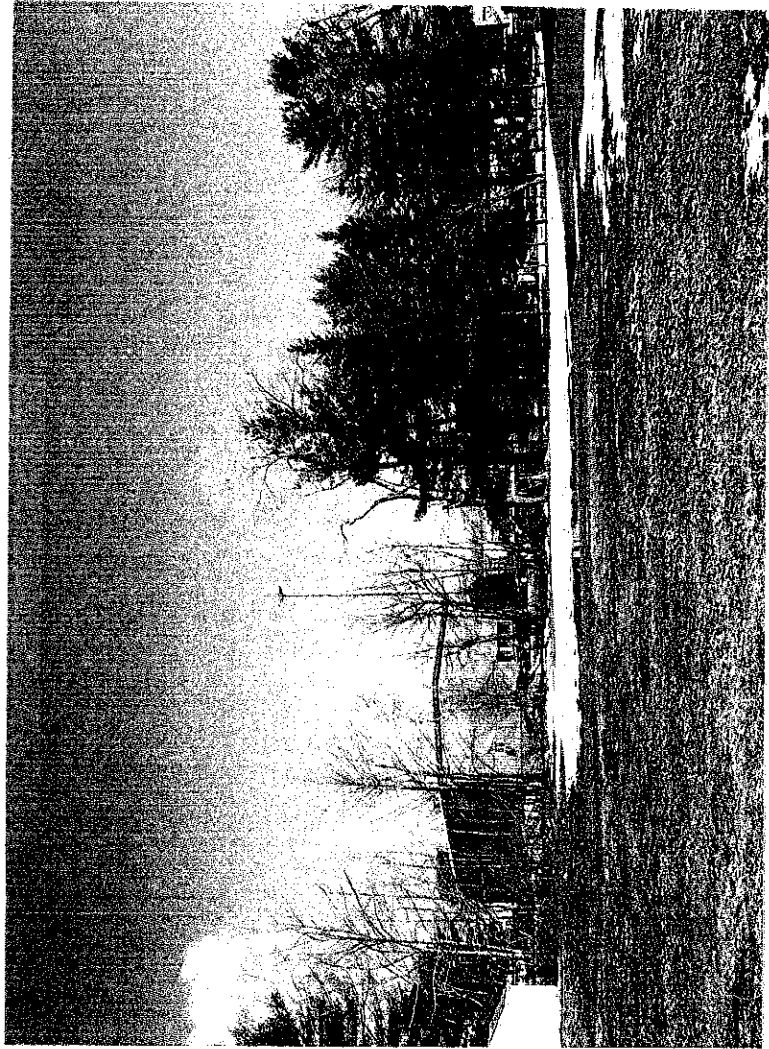
S P E C T R U M



Across From
Wanda's House
From Mr. Smith's D/W



SPECTRUM



Approx. Distance
1/4 to 1/2 mile