

## **ACTON PLANNING BOARD MEETING**

**July 16, 2009**

A. ROLL CALL – 7:00

Members present were:

Chip Venell – Chairman

Thomas Cashin – Vice Chairman

Keith Davis

David Jones- 2nd Alternate

Members absent were:

Randy Goodwin

Yoli Gallagher

Jessica Donnell – 1st Alternate

Also present were Kenneth Paul, Code Enforcement Officer; Peter Marchant and Richard Trafton, representing KSK Wireless and Susan Fallo, applicant.

B. MINUTES

June 18, 2009 – A Motion was made and seconded to approve the Minutes of the June 18, 2009 Meeting as submitted. Davis/Cashin – Unanimous.

C. UNFINISHED BUSINESS

1. KJK Wireless for US Cellular – Site Plan Review for Wireless Communications Tower  
Peter Marchant representing KJK Wireless referenced the information submitted this evening which was previously requested by the Board. He explained that the report regarding noise contained in the packet of information indicates that the only noise that will be present is when the backup generators are running and that noise would be equal to the sound of a lawn mower. The generators are required for the shelter which houses the temperature controls. He indicated the location of the proposed tower on the maps submitted. He mentioned that there is a similar tower in Shapleigh that should be functional at the end of July or early August, 2009. He advised that the average area of coverage is approximately three to four miles which is the usual range. He pointed out that the more level the terrain, the further the signal will carry. He referenced the portion of the information submitted which detailed the area of coverage. At this time, only the antennae from his client will be attached to the tower, but they generally have agreements with any other wireless companies who wish to attach antennae to the tower. He said his client will be using the six antennae that are proposed at this time and should there be a request by another company to use the tower, those antennae will be placed further down. He pointed out that the location of the tower is the same as it was in their application.

Richard Trafton, the attorney for KJK Wireless, referenced the photographs in the information submitted that indicate how the tower will be located. He explained that the antennae on the tower are generally tested once a week and is scheduled to occur at a specific date and time.

To Mr. Cashin's question regarding frequency emissions and whether the signals from the tower will impact the abutting residence and how that is being addressed, Mr. Marchant advised that the type of interference Mr. Cashin is referencing is generally connected to HAM Radio transmissions. He mentioned that he has seen a 400' tower located 100' from a dwelling. Mr. Trafton explained that the frequency emitted by the signal is like a microwave oven. He stated the State and Federal governments have said that any health affects from this type of use is not something that needs to be addressed by local Planning Boards as that is governed by Federal

regulations. He pointed out that there is no set rule regarding the setback from a residence a tower must be located.

At this time, the Board addressed the Site Plan Review criteria that pertain to this application as follows:

1. Receipt to applicant and notification to abutters within 500' of the property line which should include everyone that abuts the Kelly Orchard property.

Mr. Venell explained that it is the responsibility of the applicant to provide the names and addresses of the abutters. The Town will send out the notification and the Planning Board will give the applicant a dated receipt upon submission of the list of abutters. He also mentioned once that is done, the Board will have 30 days to determine whether the submission is complete.

2. Not applicable at this time.

3. Not applicable at this time.

4. The Board shall give written notice to the applicant of the date, time and place when they [the Board] will review the application.

It was determined that the above notification will include the date of August 20, 2009 and that is also the date that the abutters may review the application.

5. The Board may conduct an on-site inspection.

A site inspection was scheduled for Saturday, August 8, 2009, at 8:30 AM. If possible, the "balloon" test will also be done at that time.

2. Susan Fallo – Conditional Use Permit for a Barber Shop at 109 Middle Road – M148/L14

It was noted that this is the preliminary review of this application.

Mr. Paul advised that this is a request for a home occupation in the Shoreland Zone which is a Conditional Use. He mentioned that it would normally be just a Code Enforcement Officer review, but because it is located in the Little Ossipee Shoreland Zone, the Board must issue the approval.

Ms Fallo advised that she is requesting only a barber shop without the use of any chemicals and only one chair. She mentioned that she has a similar business in Kittery, but would like to expand to this area of the State. She stated she would only be open two days a week, Monday and Tuesday, and only by appointment because of the need for her to be in Kittery. She explained that she owns the property across the street which has room for four vehicles plus the area in front of her house where one vehicle can be parked. She advised that in the future she would like to be open full time.

To the Board's question whether she had a survey of the property for their review, Ms Fallo said she wasn't sure, but would check to see if she does.

To Mr. Paul's question whether the Board could waive the survey requirement, it was noted that was an item that could be waived, but there is a need to verify the applicant's ownership of the property as well as a drawing of where the business will be located in the structure. It was suggested that Ms Fallo could probably submit a small plot plan of the property to include the parking area.

Ms Fallo submitted photographs for the Board to review and advised that the shop will be located in a 7' x 13' room.

At this time, the Board reviewed the Conditional Use Permit criteria and thereafter, scheduled a public hearing for 7:00 PM on Thursday, August 20, 2009.

D. NEW BUSINESS

Sign Ordinance

The Board acknowledged receipt of Sign Ordinances from Buxton, Parsonsfield, Shapleigh, Arundel and Limington which they will review and discuss at a later date.

E. OTHER BUSINESS

Rich Grohocki – 336 East Shore Drive – M149/L57 - Best Possible Location

Mr. Paul explained that the applicant would like to jack up the structure and install a new foundation so as to increase the cellar area, but in doing so, the applicant will not obtain any more living area. Currently the structure is 30' from the water and 18' and 5' from the side property lines. There will be a new leach field installed and the applicant will install vegetation on the lake side of the property.

A Motion was made and seconded to approve the recommendation of the Code Enforcement Officer for a Best Possible Location Permit for Rich Grolocki on 336 East Shore Drive with the requirement that native vegetation be installed on the shore side of the property. Davis/Cashin – Unanimous.

F. ADJOURNMENT

The Meeting was adjourned at 8:30 PM.

Respectfully submitted,

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ANNA M. WILLIAMS,  
Recording Secretary