



Appeals Board

Richard W. Perkins – Chair
Stephen L. Malcolm- Vice Chair
Scott G. Adams
Jeanne Fuller
James Tonan
Martin Page – Alternate
David Steinmetz - Alternate

**Town of Boothbay Appeals Board
Tuesday, May 27, 2014
Minutes**

1. CALL MEETING TO ORDER: *Chairman Richard Perkins called the meeting to order at 7:00PM.*
2. ROLL CALL OF MEMBERS: Richard Perkins, Stephen Malcolm, Scott Adams, Jeanne Fuller, James Tonan, David Steinmetz
Also present: Sally Daggett (attorney for the Town of Boothbay), James Chaousis (Town Manager), Dan Bryer Jr. (CEO)
3. NEW BUSINESS:

Marriner Tower II LLC and Lucy Ann Spaulding asking for a variance to construct a Wireless Telecommunications Facility at 99 Van Horn Road. This is in the Special Residential District.

Mr. Springer, attorney for Mariner Tower was present for this discussion as well as Lucy Ann Spaulding.

Mr. Perkins said this was a completeness review only. No testimony would be taken from the public.

Mr. Perkins asked Dan Bryer if the taxes were paid in full, if there were any outstanding violations on this property and if all of the abutters were notified.

Mr. Bryer said the taxes were paid, no violations and the abutters had been notified as required.

Scott Adams said the reported gap in coverage in East Boothbay does not address the actual impact. He would like to see this broken down by households or population (summer people vs year round). He asked if the town could get this information. Mr. Chaousis said they would provide the information to Marriner Tower. Mr. Adams would like this projected from the three different sites, Spy Hill, Bigelow and the Spaulding property.

Jeanne Fuller asked if there was a lease between Ms. Spaulding and Marriner, she did not see it in the packet. Mr. Springer said he would make sure they received it if it was not there.

Dick Perkins asked about the date taken for the RF chart in the application and asked if it reflected the system on the water tower being turned on.

Mr. Springer said the date was within the last week and it did reflect the system on the water tower being turned on in exhibit 1 & 2.

Sally Daggett said for the last application the board used an outside RF engineer to do an independent report and that they might want to consider that again. Ms. Daggett also said that since this would not be reviewed by the Planning Board and there are no criteria in place to cover this as it is not an allowed use, they may want to consider consulting with an outside civil engineer, someone who would know what issues to consider.

Scott Adams said the independent RF report last time was not really independent, it just imitated Marriner's., it did not add anything. If one is done again it should meet certain review criteria, the board should say what it is they want from the consultant.

Mr. Springer said the consultant was not chosen by Marriner and it was independent as far as they were concerned.

Ms. Daggett said the RF engineer was chosen by her office and was independent.

Steve Malcolm said they could use the same engineer as before, they would just have to tell him before he does the review just what they want done. They would want to know the impact at the alternate sites, the gap and if there is a better site.

Mr. Chaousis was asked if the town could choose/recommend a civil engineer to use.

The board agreed to use Ivan Pagacik again as the RF engineer and for Mr. Chaousis to choose a civil engineer and for Marriner Tower to bear the cost of both engineers. They would like to see both of these reports before they consider the application complete.

DRAFT – NOT YET APPROVED

Steve Malcom made a motion to table any action on this item until the reports are received and the board will meet again on this application on July 22, 2014 and James Tonan seconded the motion. Vote: 5-0 in favor.

Board members will email questions they want the engineers to address to Mr. Chaousis before the end of day on Monday June 2, 2014. Mr. Chaousis and Ms. Daggett will format them and contact the engineers.

Reports from the engineers will be received by July 18, 2014.

The board will continue this completeness review on Tuesday, July 22, 2014. If the application is found complete a public hearing will be scheduled at that time.

4. MINUTES: Steve Malcolm made a motion to approve the minute of the last meeting as presented and James Tonan seconded the motion. Vote: 5-0 in favor.
5. ADJOURN: Steve Malcolm made a motion to adjourn the meeting at 7:30PM and James Tonan seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted,

Sherry Tibbetts
Secretary