



Town of Falmouth Board Of Zoning Appeals  
CONDITIONAL USE APPLICATION  
19-66 Transmission Towers

19-66

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Address of Property \_\_\_\_\_

Map/Lot \_\_\_\_\_ Tax Sheet \_\_\_\_\_ Zone \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Property Owner (if not applicant) \_\_\_\_\_

Email Address: \_\_\_\_\_

This application and all documentation must be filed with the Code Enforcement Officer by the 4<sup>th</sup> Tuesday of the month. Public hearings on applications are held the following 4<sup>th</sup> Tuesday of the month at 6:30p.m. A one hundred dollar (\$100) fee and nine (9) complete copies of all information for this application are due at submission deadline.

The undersigned requests that the Board of Appeals consider the following conditional use request:

(Describe the general nature of the request.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how your request will comply with each of the criteria listed.
- Provide a plot plan (diagram) of the property in question showing the property boundaries, structures and the distances from all structures to the boundary lines.
- The plot plan must indicate the location of all structures, the tower(s) and the anchor points and show the distances to the nearest property boundary.
- Please provide a cross sectional diagram of the tower showing dimensions.
- Photos, blueprints, surveys and other documents are often very helpful in explaining the your request.
- Failure to provide adequate documentation of your request may delay hearing your request until adequate information is provided.

In addition to the Conditional Use criteria set forth in Section 8.3, the applicant is directed to the **additional criteria outlined in Section 19-66, Transmission Towers**, a copy of which is attached. After fully reviewing each of these sections, the applicant should prepare a detailed written response demonstrating that the pertinent criteria of all applicable sections have been satisfied. Should the applicant fail to address the sections of the ordinance, which are pertinent, the application may be deemed incomplete.

I certify that the information contained in this application and its supplement is true and correct.

Date \_\_\_\_\_ Signed \_\_\_\_\_

**\*Please contact Code office prior to submission of this application\***  
**(207)781.5253**

**CONDITIONAL USE CRITERIA – as required under 19-119**

To the Applicant:

Please answer in the space provided or on a separate sheet how your request will meet the Ordinance criteria below.

a. Will meet the definition and specific requirements set forth in the Ordinance for such particular use. (See Sections 19-1-2 & 19-1-5 of the Zoning Ordinance.)

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b. Will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures.

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c. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

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d. Will not have a significant adverse effect on adjacent or nearby property values

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e. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion.

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f. Will not result in significant fire danger

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g. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion.

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h. Will be served adequately by, but will not overburden existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

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**19-1-2 Transmission Tower:** Any free standing or guyed structure, except for amateur (ham) radio towers and municipally owned and operated towers, on which transmitting and/or receiving antennae and associated cable and supports are located. [Adopted, 4/23/90]

**19-66 Transmission Towers** [Adopted, 4/23/90]

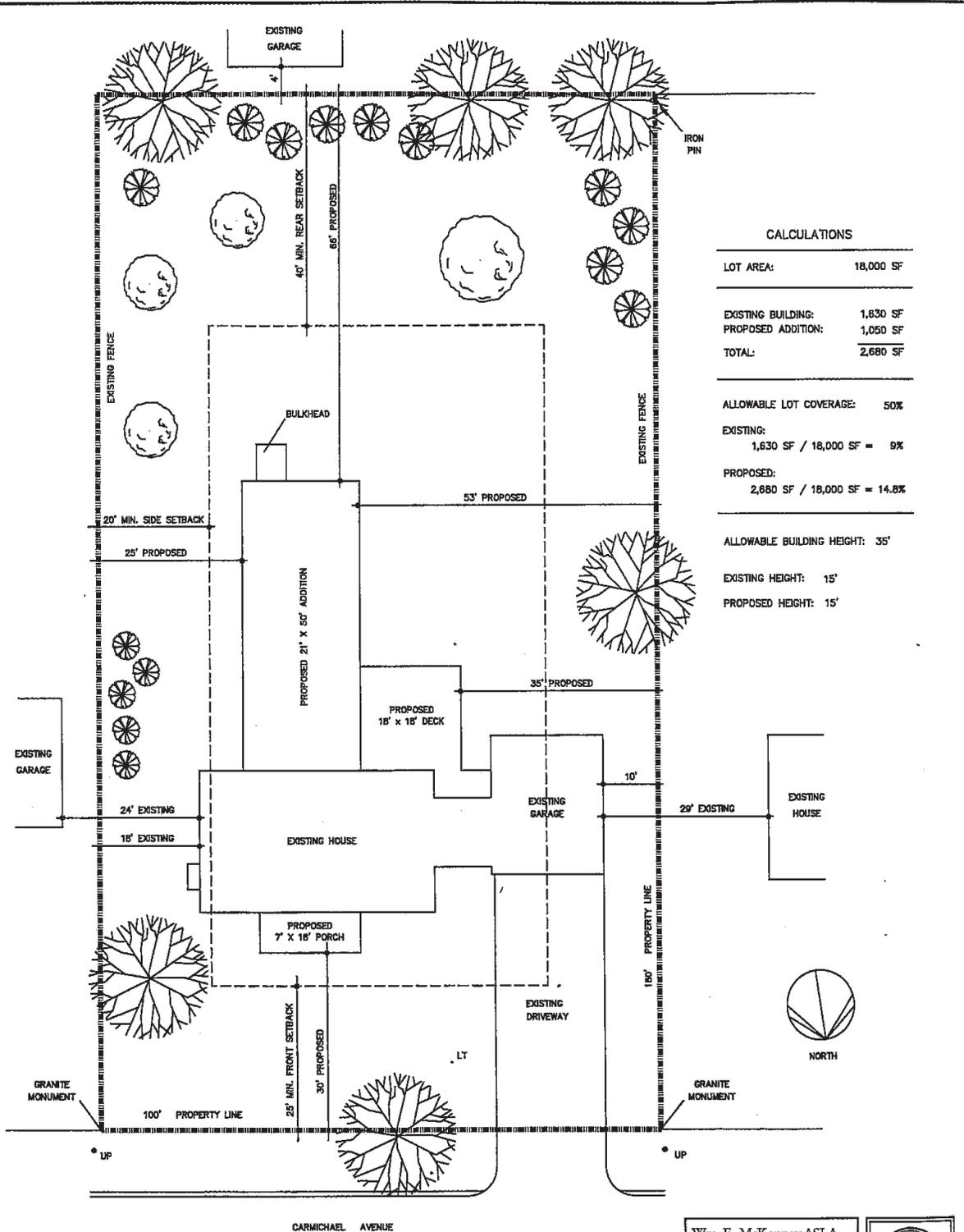
To regulate the location and erection of transmission towers in all districts in order to:

- a) minimize adverse visual effects of towers through careful design, siting, and vegetative screening; and
- b) avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures.
  - a. All transmission towers in the Farm and Forest District, with the exception of amateur (ham) radio towers and municipal transmission towers, shall be located so that the tower base is at or above elevation four hundred (400') feet based on United States Geological Survey datum referred to mean sea level. No transmission tower shall exceed two hundred (200') feet in height as measured from the tower base to the highest point of the tower and any attached receiving or transmitting device.
  - b. The tower base shall be set back from all property lines by a distance of one hundred (100%) percent of the total tower height, including any attached transmitting or receiving devices. Accessory structures and guy wire anchors shall meet the minimum setback of the zoning district.
  - c. To ensure that towers have the least practicable adverse visual effect on the environment, towers that are 200 feet or less in height and are not subject to special painting or lighting standards of any federal agency shall have a galvanized finish or be painted in a skytone above the top of surrounding trees and shall be painted in an earthtone below treetop level.
  - d. Unless existing vegetation provides a buffer strip the width of the required setback as calculated in subsection b, the Board shall require that all property lines along roadways or visible to existing abutting or nearby buildings (within 1/4 mile radius) be landscaped as follows:
    1. With six to eight (6-8') foot evergreen shrubs planted in an alternate pattern, five (5') on center and within fifteen (15') feet of the site boundary.
    2. With at least one row of deciduous trees, not less than 2 1/2" to 3" caliper measured three (3') feet above grade, and spaced not more than twenty (20') feet apart and within twenty-five (25') feet of the site boundary.
    3. With at least one row of evergreen trees at least four to five (4-5') feet in height when planted, and spaced not more than fifteen (15') feet apart within forty (40') feet of the site boundary.
    4. In lieu of the foregoing, the Board may determine that the existing vegetation must be supplemented to meet an equivalent means of achieving the desired goal of minimizing the visual impact. To assist in making that determination, the Board may require the applicant to provide a visual impact analysis by a qualified professional.
  - e. Accessory facilities in the Farm and Forest District may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmission signals.
  - f. Transmission towers erected after the effective date of this ordinance amendment shall meet all applicable requirements of federal and state regulations and shall be designed and installed in accordance with the standards of the Electronic Industries Association (EIA) *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*.

g. Within twelve (12) months of the effective date of this ordinance amendment, all existing transmission towers shall be inspected and analyzed by a qualified professional engineer. The engineer shall submit a letter of opinion under his seal to the Code Enforcement Officer (CEO) stating the condition of the tower, the maximum safe loading capacity, and steps that must be taken to correct any safety deficiencies. Safety inspections of all existing and newly erected towers shall be conducted annually thereafter by the tower owner/operator, and an inspection checklist developed by the CEO shall be submitted for his review and approval. Any structural alterations that may be necessary to increase the loading capacity or to bring a tower into compliance shall require conditional use approval of the Board of Zoning Appeals.

h. The provisions of this subsection 19-66 shall apply to all transmission towers existing in the Town on the date of enactment of the Personal Wireless Service Facilities Ordinance and shall continue to apply to such existing transmission towers notwithstanding the enactment of the Personal Wireless Service Facilities Ordinance. No new transmission towers may be erected after enactment of the Personal Wireless Services Facilities Ordinance except in compliance with that ordinance. [Adopted, 4/25/05]

REQUIRED INFORMATION FOR BOARD OF APPEALS APPLICATIONS



**CALCULATIONS**

LOT AREA:	18,000 SF
EXISTING BUILDING:	1,630 SF
PROPOSED ADDITION:	1,050 SF
TOTAL:	2,680 SF
ALLOWABLE LOT COVERAGE:	50%
EXISTING:	$1,630 \text{ SF} / 18,000 \text{ SF} = 9\%$
PROPOSED:	$2,680 \text{ SF} / 18,000 \text{ SF} = 14.8\%$

ALLOWABLE BUILDING HEIGHT: 35'

EXISTING HEIGHT: 15'

PROPOSED HEIGHT: 15'

Wm. E. McKenney ASLA  
 Landscape Architecture  
 16 Carmichael Ave.  
 Falmouth, Maine 04105-1404  
 (207) 671-1058



Plan provided as a courtesy by: