



## **TOWN OF FALMOUTH ORDINANCE NO 82-2018**

### **An Ordinance for an amendment under Sections 8-352 and 19-17 of the Code of Ordinances to establish a Tier III Personal Wireless Facility in the Farm and Forest District**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that conditional rezoning is hereby granted for the entire tract designated as Tax Map R04-022 on the 2016 assessing maps for the siting of no more than one Tier III facility as defined under Section 8-350 and as further defined by the “Plan Set” entitled: “Verizon, Falmouth 3 ME” dated August 19, 2014 and revised through October 28, 2016 consisting of 26 sheets, prepared by Hudson Design Group. This rezoning does not imply or impart approval or support for the location of additional towers on this tract.

The following conditions and restrictions shall apply to the entire tract of land in addition to any applicable requirements of the Code of Ordinances. In the event there is conflict with other requirements, the more stringent shall apply:

1. This rezoning is expressly for use by Verizon Wireless, Inc., d/b/a Bell Atlantic Mobile Systems of Allentown, Inc. Transfer to another entity other than a wholly owned subsidiary of Verizon Wireless, Inc. requires an amendment to this rezoning by the Council.
2. A colocation site on the approved tower that does not unreasonably interfere with Verizon’s operation of the tower shall be provided for municipal services for the Town of Falmouth, shall be considered a part of this rezoning, and shall meet the minimum requirements for public safety communication equipment as determined by the Town. If such colocation occurs, space within the fenced lease area shall be provided for equipment if necessary and access over the proposed driveway to the tower site shall be provided. Any future colocation other than that listed above or location of additional towers shall require an amendment to this rezoning.
3. This rezoning is limited to one monopole or monopine tower with a maximum height of 110 feet, with the general location as shown on Sheet C-1 of the Plan Set as revised through August 29, 2016.
4. No further alteration, clearing of vegetation or site disturbance of wetlands and vernal pools and their designated buffers and setbacks, as shown on Sheets C6 through C11 as

amended through October 28, 2016, shall be allowed by either the applicant or the property owner.

5. There shall be only one point of egress along the Falmouth Road frontage and it shall be located in such a manner as to meet the minimum sight distance requirements of 17-229 Department of Transportation Chapter 299: Highway Driveway and Entrance Rules. The point of egress shall be appropriately marked with the street number as assigned by the town's Street Addressing Officer. The point of egress shall be limited to access for the single wireless facility as described above and forestry management practices by the property owner.
6. The property owner shall set aside, in permanent conservation and for public use, a portion of the property as identified on the attached Exhibit "A." The terms and conditions of public use of this portion of the property shall be determined by the property owner in consultation with the Town of Falmouth. The property owner will also maintain, in conservation and as a vegetative buffer, a strip no less than fifty feet (50') in width around the perimeter of the property, subject to the development as shown on the Plan Set.
7. The applicant shall pay for all expenses incurred by the Town for a third-party review of the construction of improvements on the site for the purpose of assuring that no additional disturbance of wetland and vernal pools or their State designated buffers occurs. Prior to the beginning of any site disturbance, the Town shall provide the applicant with an estimate of the cost for such third-party review. Escrow in the amount of 110% of the estimate shall be submitted by the applicant either in cash or by way of an Irrevocable Letter of Credit prior to any site disturbance. Any unused funds shall be returned to the applicant at the end of construction.

Attest: \_\_\_\_\_

**Ellen Planer**  
**Town Clerk**  
**December 11, 2017**