



Town of Falmouth Community Development Department  
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## Memorandum

**Date:** September 16, 2014  
**To:** Nathan A. Poore, Town Manager  
**From:** Amanda L. Stearns, Community Development Director  
**Cc:** Ethan Croce, Senior Planner  
William Plouffe, Town Attorney  
**Re:** AT&T Proposal for Tower at Town Hall, 271 Falmouth Road, Farm and Forest District - Zoning review

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### Status of the existing tower at Town Hall

The existing communications tower located at the Town Hall site was permitted as a “Municipal Use” by the Town due to the fact that the tower was used exclusively by Public Safety. Municipal Uses are defined as “A governmental use funded in whole or in part by the Town of Falmouth including, by way of illustration, without limitation, municipal buildings, public schools, public parks, public recreational facilities, fire stations, and Town owned and operated antennae and towers serving public works, police, fire, or rescue agencies.” By virtue of being classified as a “Municipal Use”, the existing tower is exempt from having to meet any of the design criteria and setback requirements that private communication towers are required to comply with. It received site plan approval from the Planning Board.

### Construction of a new tower at Town Hall

The construction of a new tower at Town Hall in the same location as the existing tower is regulated as follows:

1. **Use** - Municipal buildings and uses are a permitted use in the Farm and Forest District. The tower remains a municipal use as it is funded in part by the Town and will serve public safety.
2. **Height** - Towers are structures but not buildings and are not subject to Section 5.20 Height Restrictions.
3. **Setbacks** – Required 25/20/40. The existing tower was permitted in 1990 under the same setback requirements that exist in the ordinance today. The site plan prevails and it is assumed that the tower as approved and constructed meets the setbacks. This allows a new tower to be built in the same location and footprint including the concrete pad.
4. **Site Plan Review** – The tower and generator meet the definition of utility structure and will require Minor Site Plan Review by staff. It should be noted that projects may be referred to the Planning Board:

“Minor Site Review Applications [added 8/26/13]

It shall be at the sole discretion of the staff to refer an application to the Planning Board due to the complexity or nature of the application. The staff shall notify the applicant within one week of receipt if the application will be referred.

Examples of reasons why an application may be referred are:

- a) Subjective criteria in Design Guidelines or Ordinance
- b) Application of architectural standards
- c) Request for waivers to ordinance requirements
- d) Nature of a Conditional Use needed
- e) Potential impacts to abutting residential properties or districts.
- f) Need for amendments to state or federal permits.
- g) Cumulative impact of improvements requested.”