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## Memorandum

**Date:** August 2, 2016  
**To:** Town Council  
**From:** Amanda Stearns, Community Development Director  
**Re:** Verizon Wireless Conditional Rezoning – procedures

Verizon Wireless has filed a request under Article II-8-10 and Section 19-17 of the Code of Ordinances for conditional rezoning to locate a Tier III tower on property owned by Amsterdam Property Corporation on Falmouth Road. The submittal contains documentation of right, title, interest.

The two sections of the Code referenced above control the steps required to consider a request for conditional rezoning. I have included these sections in the packet with the procedural sections highlighted for your reference. The list of actions below is a summary of the steps of rezoning and includes options for action at the Council meeting on August 8.

1. **Receipt of rezoning request** – This is an informal action of the Council and can be assumed to have occurred by the placement of the item on the agenda.
2. **Council Review** – The Council may choose to begin review of the application on their own or may elect to utilize other resources. Section 19-17.1 expressly states that the Council may refer the application to the Planning Board at any time during their review process for review and recommendations on the application. Other options for assistance include in house staff, outside consultants or referral to an appropriate committee. The specific findings the Council must make prior to taking action to approve the rezoning are listed below along with options for assistance by others.

**19-17 Conditional Rezoning** – For all of these items Council could seek input from staff or Planning Board

- a. Consistency with the Comprehensive Plan and Open Space Plan
- b. Consistency with existing and permitted uses in the underlying district
- c. Can only include restrictions which relate to the physical development or operation of the property

## 8-351(c) Personal Wireless Ordinance

- a. The application meets the provisions of the article – These are the same technical standards that the Planning Board must review prior to issuing a permit and include visual impact review. Council could refer to the Planning Board for a review and recommendation
  - b. No other practical way to meet coverage and /or capacity through one or more Tier I or Tier II towers – This is a very technical review and out of the scope of staff or the Planning Board. Council could require a peer review of the capacity study by an expert, with payment for review by the applicant if desired.
  - c. Visual impact of single facility would be less than the visual impact of Tier I and Tier II towers required to meet the capacity. – As mentioned in a. above, the Planning Board does look at visual impact. Council could request this reviewed by the Planning Board.
3. **Schedule Council Hearing** – A Council hearing is required at least 14 days prior to adoption of an amendment.
  4. **Schedule MRA Hearing** – A MRA by the Planning Board is required prior to any action. This hearing has special notice requirements under 30-A.
  5. **Consideration of Adoption** – Prior to consideration of adoption the Council must make the findings listed in 2. above.