

Town of Cape Elizabeth Ordinance Committee Minutes

June 23, 2021
meeting

7:00 p.m.

Remote

As a result of the COVID-19 virus, the Ordinance Committee conducted the meeting via remote access as provided by Maine law. The Ordinance Committee used Zoom meeting to conduct the meeting and allowed the public to remotely attend and participate. Zoom allowed all Ordinance Committee members and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law. A meeting link was provided to access the meeting by video/audio.

Members Present: Penny Jordan, Chair
Jeremy Gabrielson
Caitlin Jordan

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order.

Public Comment

Troy Murphy, 251 Ocean House Rd- This is his first meeting. Last year, he was launching his kayak from Kettle Cove and this year, when he went to buy his pass, was told that he would need to use a trailer. What was the reason driving this change?

Chair Jordan said that beach parking is for boats that need to use a trailer and to assure access for commercial fishermen. Councilor Gabrielson added that this is also for others who need the use the beach for access.

Mr. Murphy asked if there is an actual study instead of anecdotal information. He never saw an access problem last summer.

Councilor Caitlin Jordan said that the Town had received complaints.

Mr. Murphy asked if the parking can be reserved for Cape residents only? That is not possible as the parking lot is not owned by the Town.

Mr. Murphy asked if this is the final decision.

Chair Jordan said that there was a significant, 4-5 month process, with significant public input. The decision was crafted to solve the problem.

Mr. Murphy asked what the process is to revoke the ordinance change?

Chair Jordan said that you can submit a request to the Town Council and then the Town Council can decide if this goes in the queue.

Mr. Murphy said that if this is to support commercial fishing, will the next step be to require a commercial license?

Chair Jordan asked why he is not parking and carrying in the kayak? Troy and Marlo Murphy said there is no parking available.

Chair Jordan asked if they launch from Crescent Beach State Park, where parking is available? The Murphys prefer Kettle Cove and do not go to Crescent Beach.

Councilor Gabrielson explained that the beach parking limits has prioritized parking for mooring access, and there was public support for public access. Personal watercraft can be easily launched elsewhere where there is parking available.

Marlo Murphy asked if more parking can be added by removing the no parking signs. The committee explained that no parking signage was part of the overall improved access policy.

No more public comment was received.

Minutes

The minutes of the June 9, 2021 meeting were approved 3-0.

Wireless Amendments

Chair Jordan began that the proposed draft amendments should address the Otelco issue. She appreciated the information on 5G and would like to position the town for 5G deployment.

Councilors Caitlin Jordan and Gabrielson are not opposed to installing antennas on telephone poles.

Ms. O'Meara noted that the sample ordinances she provided are good examples of managing aesthetic impacts, however, that is only possible with metal poles and Cape has wooden poles.

Chair Jordan asked about allowing deployment in underserved areas. Ms. O'Meara noted that 5G requires expansion of capacity, as well as coverage, so it is reasonable to expect it would be needed townwide.

The committee noted the expanding number of devices per household that rely on wireless infrastructure. Councilor Gabrielson noted smart devices, including appliances, and does not want added restrictions for aesthetics. There is demand for a standard market level of coverage and restrictions will also drive up costs.

Chair Jordan wants the ordinance to allow antennas for 5G. Will that entice companies?

The committee discussed "no town review" parameters for attachments with supporting equipment on telephone poles. They agreed to:

- attachments that do not extend pole height more than 10';
- equipment must be on an existing pole;
- must have the permission of the pole owner, who confirms the structural integrity of the pole to handle new equipment;

The committee discussed current regulations in Sec. 19-3-2 and the level of review needed. The general consensus was that attachments to utility poles within parameters should be allowed. Antennas and support equipment not on poles will be subject to review dependent on how they fit into the current ordinance provisions.

Councilor Gabrielson can support some review if a control box is placed on the ground rather than on a pole. In most places, the box may be in a yard. The level for review for a new pole, Town Council approval, is high because we should maintain the right-of-way for access. Placing a box on the ground is similar to a new pole. The committee members agreed that Town Council review should be required for a box on the ground in the right-of-way.

There was agreement that cabling associated with the equipment should be allowed. Cabling is attached to poles now.

Ms. O'Meara will contact CMP to check that the proposed parameters are not in conflict with CMP policies.

For extensions from the pole surface, the committee discussed allowing an extension the same distance as a cross bar located on the pole. Some poles do not have a cross bar. Councilor Caitlin Jordan estimated the cross bar is 6' across, 3' from the pole surface.

The committee discussed the average size of control boxes that might be attached to utility poles. More information will be sought on that.

The committee discussed separating or combining the current draft with the new 5G provisions. The committee agreed to send along what is ready and notify the Town Council that more is in the works.

The committee voted 3-90 to recommend the fiber optic [Wireless Amendments] to the Town Council.

Next meeting

The next Ordinance Committee meeting will be in person on Wednesday, July 14th at 7:00 p.m. The meeting adjourned at 8:03 p.m.