



MEMORANDUM

TO: Naples Planning Board
Kathy Eddy, Assistant to Code Enforcement & Planning

CC: Jared C. Lusk, Tarpon Towers

From: Kathy Tombarelli, Municipal Planner

RE: February 4, 2025 Planning Board Meeting
Tarpon Towers & Verizon wireless communication tower

Date: January 30, 2024

Overview

Tarpon Towers III, LLC in conjunction with Verizon, proposes to construct and operate a wireless telecommunications facility in the Town of Naples. Tarpon Towers will construct and own the facility for the benefit of Verizon (and potential subsequent users of the tower).

Applicant: Tarpon Towers III, LLC (Tarpon) & Verizon

Owner: Scott & Kendra Kimball

Location: 26 Wilderness Way

Zoning: Rural

Tax Map Number: Map/Lot - R07/045

Existing Land Use: Residential

Proposed Land Use: Commercial Tower

Acreage: 37.60 acres

Site Walk: Held on 12/3/2024 3:30 PM

Waiver Request:

At the January 7, 2025 Planning Board Meeting the Planning Board considered the requested waivers, and the items listed as not applicable and voted 5-0 to grant the

requested waivers.

Waivers Granted:

- Perimeter survey of parcel made and certified by a registered land surveyor.
- On-site soil and investigation report by an OHS licensed site evaluator
- Soil and erosion control plan approved by the Cumberland County Soil and Water Conservation District

Items Deemed Not Applicable:

- Existing and proposed topography of the site at 2 foot if major changes to the existing topography are being proposed.
- Location and dimensions of on-site pedestrian and vehicle or vehicle dealer access ways, parking areas, loading, and unloading facilities, design of entrances and exits of vehicles to and from the site on to public streets, curve, and sidewalks
- Location of all wells and septic systems within 150 feet of the property boundary.
- Location, location, and size of all catch basins, dry wells, drainage ditches, Swales, retention basins and storm sewers.
- Phosphorus and analysis; required if the proposed project is within the Shoreland zone, or the non-vegetative areas exceed 40,000 ft.2. If required, the analysis of prosperous loading shall utilize the methods contained in the latest revised edition of the manual underlying phosphorus control and Lake watersheds and underline, published by Maine DEP, and shall require third-party review.
- A utility plan showing provisions for the water supply and wasteland disposal, including the size and location of all piping, holding tanks leach field etc.
- Copies of all required state approvals and permits. (Applicable Federal permits were submitted i.e. FAA, FCC)

Completeness Review: At the January 7, 2025 Planning Board, the Board voted 5-0 that with the granted waivers that the application was complete. and scheduled a Public Hearing for February 4, 2024. The application was Tabled.

Height Variance: The applicant submitted a letter requesting that the Board of Appeals table the height variance application until the next available Board of Appeals meeting which will be held on February 25, 2025 at 6:00 PM.

Administration (906 Naples Land Use Ordinance)

PUBLIC HEARING

- At the January 7, 2025 Planning Board Meeting, the board scheduled a Public Hearing for tonight.
 - Notices were sent by the Town to all abutters within 500 feet of the property under review and an advertisement was placed in the newspaper meeting the notifications required in 906.1.e and h.
1. Take the Application off the Table
 2. Open the Public Hearing
 - A letter was received just prior to the January 7, 2025 Planning Board meeting from an abutter. That letter is included at the end of this memo and should be read into the record.
 - The public should have the opportunity to speak.
 3. Close the Public Hearing

SITE PLAN REVIEW

Criteria & Standards (908 Naples Land Use Ordinance) – See Section D, starting at Page 11 of the initial application submitted on October 8, 2024. Additionally, see the subsequent submittal dated 12-23-2024 for reference.

1. Preservation of Landscape: 908.B.1.a-b
 - The landscape will be preserved in its natural state, insofar as practicable
See Exhibit P, Sheet Z-2.
 - All development will preserve and protect significant natural features.
2. Buffers and Landscaping: 908.B.2.a-o
 - Buffers will remain intact and are naturally vegetated.
See Exhibit P, Sheet Z-2. The project is located within a densely forested area.
 - The height of the structure will be taller than the natural vegetation due to the nature of the use/project. Lighting and signage are limited to what is required and is minimal.
 - The project will retain the natural vegetation and does not intend on adding additional landscaping elements. The existing dense buffer will remain. Any clearing will be limited to the compound area shown on sheet Z-9.
 - No additional landscaping is proposed along fence line – the compound fencing cannot be seen from State Park Road.
 - The proposed chain link fencing is located in a densely forested area and is allowed in the Rural Zoning District.
 - No additional buffering is proposed between the tower and residential uses.
No clearing of existing vegetation is proposed beyond what is required for the tower compound.
3. Relation of Proposed Building to the Environment: 908.B.3.a-j
Items 908.3.B.a-j refer primarily to building design which in most cases is not applicable.
 - The proposed tower is a monopole designed to look more “treelike.”
 - The color of the tower is designed to blend in with surroundings.

4. Vehicular Access: 908.B.4.a-j
 - The access to the site utilizes the existing road Wilderness Way.
 - Emergency Access was reviewed by the Naples Fire Chief. The road is an acceptable width, the road should be graded and surface gravel added where needed to support emergency vehicles. The area designated as the turnaround is adequate and located where needed. The turnaround needs additional gravel. A Knox Box will be required to be mounted on the exterior of the fence by the gate.
 - All roads are to remain private, and all maintenance is the responsibility of the owner and/or operators.
5. Parking and Circulation: 908.B.5.a-h
 - Snow Storage and Seasonal grading and winter maintenance - who is responsible?
6. Stormwater Management: 908.B.a-4
 - See Exhibit K, Stormwater Management Report
 - MDEP Chapter 500 is not applicable, the project area/land disturbance is less than the threshold. The total impervious area for the compound is 4,928 sf.
7. Utilities & Public Safety: 908.B.7.a-d
 - The development will/will not overburden storm drains, water lines or supply, or other public infrastructure.
 - The wireless telecommunication facility will be unmanned.
 - Per 908.B.7.b new utility lines shall be installed underground – unless they are in harmonious relationship with neighboring property and site.
 - The project will be equipped with an approved NRPA alarm system to be reviewed and approved by the Fire Department prior to the issuance of a building permit. A Knox Box is required per 908.B.7.c and Naples Fire Chief input.
8. Exterior Lighting
 - None is proposed with the exception of security lighting.
 - Per 908.B.8.c all lighting shall be directed downward.
9. Hazards and Nuisances
 - The fall zone is shown on the plan.
 - The Federal Aviation Administration (FAA) certificate is in the packet.
 - Applicant(s) included additional materials concerning the emissions from cell phone towers in the materials dated December 23, 2024 demonstrating compliance with FCC. The applicant(s) have stated that new apparatus/antennae added to the tower by Verizon or other cell phone providers will require Planning Board review/approval.
10. Signs
 - See Exhibit M – Project sign rendering.
 - The sign meets the requirements.
11. Municipal Services
 - The project will not overburden Municipal Services.

Draft Finding of Fact:

1. At the January 7, 2025 Planning Board Meeting the Planning Board voted 5-0 to grant the following waivers from the required submittals:
 - 907.1.b.ii: Perimeter survey of parcel made and certified by a registered land surveyor.
 - 907.1.a.xi: Soil and erosion control plan approved by the Cumberland County Soil and Water Conservation District.
 - 907.1.b.viii: On-site soil and investigation report by an OHS licensed site evaluator
2. The board finds that the granting of waivers from submittal requirements meets the waiver criteria found in 905.1.a-d:
 - a. there will be no adverse effects on the neighborhood or the site.
 - b. that the purposes of site plan review continue to be met
 - c. the scale or nature of the project is of a size that makes this information unnecessary and
 - d. there are special circumstances of the site that make compliance with the specific application requirements or standards an unnecessary burden on the applicant, as long as such a waiver will not adversely affect the abutting landowners and the general health, safety, and welfare of the Town.
3. With the granting of the waivers and the list of submissions deemed not applicable to the project, the Planning Board voted 5-0 that the application was complete at the January 7, 2025 Planning Board meeting.
4. The Planning Board finds that the application meets the Criteria & Standards found in 908.1-11.

Draft Conclusions of Law for Planning Board consideration:

1. The landscape **will/will not** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation when and where desirable, and keep any grade changes in character with the general appearance of neighboring areas.
2. Landscaping and buffering **will/will not/is not applicable** be designed and installed to define, soften, or screen the appearance of the project and abutting properties.
3. The proposed structures **will/will not/is not applicable** are related harmoniously to the terrain and to existing buildings in the vicinity.
4. The proposed layout of access points **will/will not/is not applicable** be designed so as to avoid adverse impact on existing vehicular and pedestrian traffic patterns.
5. The layout and design of all means of vehicular and pedestrian circulation

6. Adequate provisions **will/will not** be made for surface drainage so that removal of surface waters will/will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system.
7. The site plan **does/does not** show provisions for utilities and public safety.
8. All exterior lighting **will/ will not** be designed to minimize adverse impact on neighboring properties and public ways.
9. Adequate provisions **will/will not** be made to control noise, vibrations, smoke, heat, glare, fumes, dust, toxic matter, odors, and electromagnetic interference.
10. Advertising features **will/ will not/is not applicable** detract from the design of the proposed buildings and structures.
11. The proposed development **will/will not adhere/is not applicable** to the sign standards outlined in the Ordinance.

Draft Motion for Planning Board Consideration:

To conditionally approve the application from Tarpon Towers III, LLC, and Verizon to construct and operate a 124' wireless telecommunications facility and associated improvements on land owned by Scott and Kendra Kimball at 26 Wilderness Way, Map/Lot RO7/045, in the Rural Zoning District subject to the following conditions of approval:

1. Standard Conditions of Approval:
 - a. This approval is limited to development only as described and shown on the plans and documents presented.
 - b. The project must comply at all times with all applicable federal, state, and local approvals to which it is subject.
 - c. Copies of all required State or Federal permits and/or letters of approval shall be submitted to the Naples Code Enforcement Officer prior to the issuance of building permits for the project.
 - d. Any required stormwater and phosphorus controls shown on the site plan must be inspected by a licensed engineer or other certified individual and a signed statement that the controls were installed as presented in the plans is to be provided to the Naples CEO prior to the building being placed in service.
 - e. For any subsequent amendment(s) to a previously approved site plan, all previous conditions of approval shall remain in force unless explicitly changed by the Planning Board.
2. Project Specific Condition of Approval:
 - a. The project requires a height variance from the Naples Board of Appeals. The application will be placed on the next available agenda. No building permits will be issued unless and until the Board of Appeals approves the required variance.

- b. No additional clearing of existing trees or vegetation is allowed beyond what is required for the installation of the tower compound.
- c. The project is required to be equipped with an approved NRPA alarm system to be reviewed and approved by the Fire Department prior to the issuance of a building permit.
- d. A Knox Box is to be installed per 908.B.7.c in a location approved by the Naples Fire Chief prior to the tower being operational.
- e. All roads depicted on this plan are to remain private.
- f. The owner/operator(s) are responsible for maintaining the access on Wilderness Way up to the tower location and the emergency turnaround including seasonal grading, new surface gravel as needed, and winter maintenance.
- g. No building permits are to be issued by the Town CEO until the Town receives a decommissioning bond in the amount of \$26,283.
- h. Any changes in the ownership, operators, or lessees of the tower facility, or additional equipment, apparatus or antennae will require Planning Board approval and any applicable building permits. Changes to the approved plan, including emissions must meet the applicable local, state, and federal standards at the time of application for the Site Plan Amendment.
- i. In the event of an amendment to the original plan, the Planning Board reserves the right to reconsider the amount of the decommissioning bond.

To the Town of Naples and Planning Board Members,

This letter regarding the potential cell phone tower being installed on Wilderness Way off of State Park Road. There are numerous neighbors concerned about the proximity of the cell phone tower to their houses. There are roughly 20 houses that are within 1640' from the tower, the closest being about 500'. 5 of these homes, on the parcel of land itself, are anywhere from 400ft-1000ft from the proposed tower location. Multiple homes in this described area are home to children, whom may be greatly effected by the RF EMF emitted from the towers. Our neighboring state, New Hampshire has plans in the works, backed by science and research, not to allow any cell phone tower within 1640' from any residence. FCC regulations, although they deem current, are based on research from 1996, pre-G (3G,4G,5G).

Our biggest concern is the radiation that this tower will emit, at the end of the day we are all 'guinea pigs' with all this new technology. This is becoming a huge concern nationwide, communities have fought cell phone companies trying to put towers on the schools their kids attend. Fire stations have closed/relocated away from cell phone towers because the tower was emitting such a tight frequency it was raising havoc on their internal communication system within the fire barn. These are just a few examples of what towns have encountered with cell phone towers. Will Tarpon Towers/Verizon be doing annual RF-EMF measurements? Will they be doing measurements each time they allow another carrier to attach to the the tower?

Naples is home of the Historic Songo Lock; people travel long distances to step back in time and enjoy the simplicity of our past. While we hope the Locks will always be a part of Naples it would be a tragedy to have a cell phone tower in the natural landscape of the lock. We as nearby residents recommend that the planning board abide by the current ordinance on what is allowed on that property (ie: height limits of 50ft).

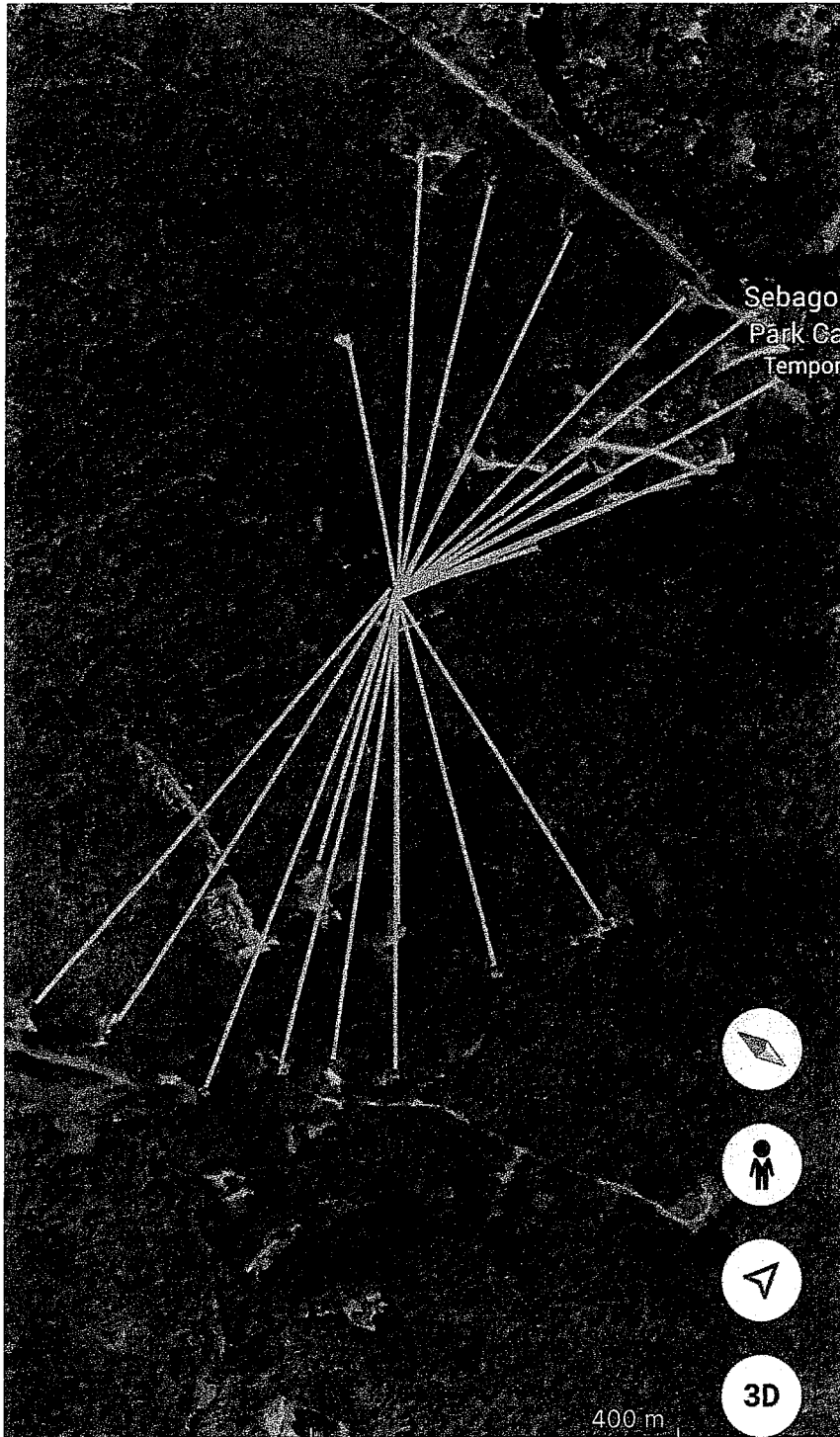
This potential tower will also impact the abundance of wildlife within the Sebago Lake State Park and surrounding areas. Cell phone towers have also been researched concerning the effects on wildlife. Examples of the effects are disturbing breeding grounds, migration patterns and ecosystems, and increased risk of fires. We are waiting on a more specific report for our area from Maine Inland Fisheries and Wildlife located at the Gray, ME office.

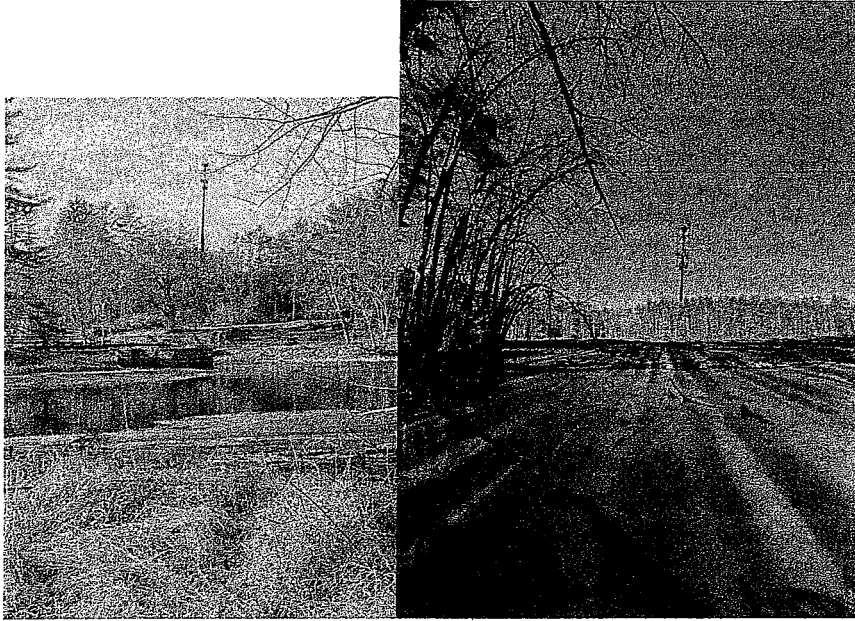
Another, but smaller, concern the neighbors have is the decrease in property values. There have been some studies done that show up to a 20% decrease in property value. If a cell tower is within 2000' from the home. That being said, most of the houses on the Songo river fall into that category.

The federal and state government has given our town the right to make our own choices on cell towers here. We as neighbors and a concerned community want you to truly think long and hard and do your due diligence/research before passing this cell phone tower. Please ask your self's this one question would you want a cell tower next to your house and put your family's heath at risk? We as a nation have enough problems between the food we eat and the PFAS we consume daily basis please don't give us another reason to decrease the life expectancy of the human race. Citizens should have the ability to choose whether they are exposed to and the duration of exposure, not the other way around. Don't put us at risk 24 hours a day. Most people can have high speed internet in their homes, which can help increase the reliability of our cell phones for phone calls, texts and internet. Unlike a cell phone tower, the high speed internet is a choice and can be turned off when wanted. Cell phone companies can also provide, for a small fee, people with cell phone signal boosters that can be installed in their home. Please continue to ask the important questions to the Tower team and Verizon and continue being diligent in doing your own research.

Thank you,

Concerned Citizens of Naples





These photos are a rough representative of the height of the proposed tower

Fire barns/Schools

<https://ehtrust.org/firestation-closes-due-to-cell-tower-radiation-issues/>

<https://legislature.maine.gov/testimony/resources/EUT20230307Scarato133225242838550080.pdf>

Exhibit B. NH's 1640

<https://m.youtube.com/watch?v=DWK74ie7krc>

<https://www.sciencedirect.com/science/article/abs/pii/S0013935122011781?via%3Dihub>

<https://www.sciencedirect.com/science/article/abs/pii/S0161813X06001835>

<https://www.sciencedirect.com/science/article/pii/S0160412024005695>

<https://www.icnirp.org>

<https://ehtrust.org/firestation-closes-due-to-cell-tower-radiation-issues/>

<https://ehtrust.org/wp-content/uploads/5G-Cell-Towers-Near-Schools-Children-Scientific-Research-Liability-Briefing-1-1.pdf>

<https://ehtrust.org/wp-content/uploads/EHT-U.S.-Local-Wireless-Ordinance-and-Cell-Tower-Laws-5.pdf>