

- (4) Site plan showing proposed system location, distance to property lines, roads, ROWs and any overhead utility lines on subject property or adjacent property within 110 % of the total height of the system , and any proposed landscaping or screening.
- (5) A scaled elevation drawing showing system height and manufacturers recommendation regarding system height.
- (6) Structural drawings from manufacturer or engineer showing foundation and anchor design along with specifications for soil conditions at the site.  
As noted previously, the structural plans will need to be stamped by a Maine certified structural engineer.

## **Section 22      Telecommunications Facilities**

Performance Standards. All telecommunications facilities approved in accordance with the provisions of Article 7, Section 4 shall meet all of the following performance standards. Terms used herein are to be interpreted in accordance with the definitions in Article 7, Section 4.

- A.      Design for Co-location. All new towers and related equipment must be designed and constructed to accommodate future co-location of at least two additional telecommunications facilities or providers.
- B.      Location.
  - (1)      Permitted Zones. New telecommunications facilities are permitted in the Industrial (I) and Business Park (BP) zoning districts through either a special exception or CEO-approved permit granted in accordance with Article 7, Section 4 and this Section.
  - (2)      Co-location, Alternative Tower Structures, Accessory Uses. Telecommunications facilities that are (i) co-located on existing telecommunications facilities; (ii) installed on alternative tower structures; or (iii) installed as a qualifying accessory use, may be allowed in all zoning districts through either a special exception or CEO-approved permit granted in accordance with Article 7, Section 4 and this Section.
- C.      Height.
  - (1)      Telecommunications facilities shall not exceed the height limits listed below for each zoning district:
    - (a)      Downtown Business, Suburban Commercial, Lower Village Business, York Street Mixed Residential & Commercial Use, West Kennebunk Village Zones - 125 feet.
    - (b)      Industrial and Business Park Zones - 250 feet.
    - (c)      All other zones except Historic Overlay Zone - 70 feet.
    - (d)      Historic Overlay Zone - present highest point of building or structure.

- (2) Alternative Tower Structures. Telecommunications facilities on alternative tower structures may not extend more than twenty-five (25) feet higher than the present highest point of the building or structure and in no case shall exceed the maximum height for the applicable zoning district as set forth above in this subsection.

D. Setbacks.

- (1) Towers shall be set back a distance equal to at least one hundred twenty-five percent (125%) of the tower height from all property lines. The applicable height calculation used shall be the maximum design height approved for the site.

- (2) Accessory facilities and other secondary equipment and structures shall meet the minimum setback requirements for the applicable zoning district.

- ~~(2)~~(3) The Planning Board is permitted to reduce the 125% setback upon receiving sufficient evidence that the support structure is reliably designed to collapse upon itself in an area shorter than its height. The Planning Board may also accept setbacks obtained by including areas outside the property boundaries if secured by an easement from the owners of the affected properties. This easement shall be noted on the plan and permit, and shall be recorded in the York County Registry of Deeds and indexed under the name(s) of the owners of the affected abutting property.

- ~~(3)~~(4) These setback requirements shall not apply to telecommunications facilities mounted on alternative tower structures or to co-location of telecommunications facilities on towers and other structures that exist as of the date of adoption of this ordinance; provided, however that accessory facilities and other secondary equipment and structures shall comply with the minimum setback requirements for the applicable zoning district.

E. Aesthetics, Landscaping, Buffers & Fencing.

- (1) Towers shall have a galvanized steel finish or be painted a neutral color so as to reduce visual obstruction.
- (2) All towers and related secondary facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.
- (3) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screenings and landscaping that will blend the tower facilities with the natural setting and built environment.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other Federal or State authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.
- (5) Road access to the telecommunications facility shall be the minimum size necessary to allow safe access.
- (6) The base of a tower may not be located in a wetland or floodplain.
- (7) A security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.

F. Maintenance.

- (1) Telecommunications-facility owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failure and accidents that are likely to cause damage, injury or nuisance to the public.
- (2) Telecommunications-facility owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations.
- (3) All telecommunications facilities shall maintain compliance with current FCC radiofrequency emissions standards.
- (4) In the event that the use of a telecommunications facility is discontinued, the telecommunications facility owner shall provide written notice to the Town of its intent to discontinue use and the date when the use shall be discontinued.

G. Other Requirements.

- (1) **Building Codes & Safety Standards.** To ensure the structural integrity of telecommunications facilities, the owner shall ensure that they are designed, constructed and maintained in conformance with applicable Federal, State and Local building, electrical and safety codes.
- (2) **Advertising.** No advertising or signage is permitted on telecommunications facilities except for safety or other signage that may be required by the FCC.