



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

AMANDA E. BEAL
COMMISSIONER

JUDY C. EAST
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
CC: Judy C. East, Executive Director
From: Karen Bolstridge, Senior Regional Representative, Downeast Regional Office *KEB*
Date: May 03, 2021 (for May 12, 2021 Regular Business Meeting)
Re: Request for a public hearing on the application for Amendment B to Development Permit DP 5050, Rising Tide Towers, LLC., Dallas Plantation, Franklin County, Maine

This memorandum provides background information, consolidates and summarizes requests for a public hearing and presents a staff recommendation regarding a public hearing on pending Amendment B to Development Permit DP 5050 application submitted by Rising Tide Towers, LLC for development in Dallas Plantation, Franklin County, Maine.

AMENDMENT B TO DEVELOPMENT PERMIT DP 5050 APPLICATION

On March 18, 2021, Rising Tide Towers, LLC (Applicant) applied to the Commission for a development permit seeking permit approval to construct a 300-foot lighted self-supporting, lattice-style telecommunications tower and associated appurtenances, and a 2,592-foot level C road project with an adjacent electric utility line to serve the tower. The Applicant requests that the Commission complete its review and render its decision within a 150-day deadline imposed under the Federal Telecommunications Act of 1996, referred to as the "Shot Clock", which the Applicant indicates applies to this project. (See Attachment D - Application Introduction Letter).

The Applicant leases a 40,000 square foot lot, which is a portion of a 114-acre lot described as Maine Revenue Service Map FRP02, Plan 02, Lot 49. The leased lot and tower site are located approximately 2,000 feet northwest of Dallas Hill Road. Additionally, the Applicant has acquired a 50-foot access and utility easement from Dallas Hill Road to the leased lot. The leased lot is located within a General Management (M-GN) subdistrict; the access and utility easement is located within a Community Residential Development (D-RS2) subdistrict and an M-GN subdistrict.

Review of multiple items such as soil suitability, protected natural resources, and potential undue adverse effects to existing uses, scenic character and natural and historic resources within an eight-

mile radius of the proposed tower location (called the Area of Potential Effect, or APE) is currently ongoing. The staff asked for an eight-mile APE because of the proposed height and lighting, which would cause the tower to be visible from farther away and from multiple scenic resources in the area. In relation to locations least likely to block or interrupt scenic views and scenic character, attention is being given to designated scenic byways, major water bodies, permanent trails and public properties for daytime, dusk/dawn, and nighttime potential impacts. This review includes, but is not limited to, Bald Mountain Public Reserve Land, Rangeley Lake, Rangeley Lake State Park, the Appalachian Trail (Saddleback and The Horn included), Rangeley Lakes National Scenic Byway - State Routes 4 and 16, all lakes and ponds, and potential views from roads and public property in Dallas Plantation and Rangeley Village, including from municipal parks.

On March 30, 2021, the application was deemed complete for processing according to Section 4.03(8)(a) of the Commission's *Rules of Practice*, 01-672 C.M.R. Ch. 4, last revised October 18, 2013 (Chapter 4). On April 14, 2021, staff requested additional information on nine critical items needed before the application can be forwarded to the Commission for consideration. As of the date of this memorandum, the information requested has not been fulfilled.

REQUEST FOR PUBLIC HEARING

To date, staff has received 24 e-mails and letters from local residents and property owners expressing concerns regarding the application for Amendment B to Development Permit DP 5050. Seven of those documents specifically requested a public hearing. Two letters were in support of the proposal.

Concerns and issues raised in the e-mails and letters from the public are included in the following consolidated and summarized lists. (See Attachment F - Public Comments for full public comment documents):

1. Scenic impacts:

- Concern that the tower will be visually intrusive and not fit harmoniously into the existing area and will impact the scenic beauty and views of the area.
- Concern that flashing beacons draw one's eye to incongruent elements in the landscape. Statement that during foggy and cloudy conditions, even if out of line of sight, the flashing red glow on the clouds is very visible on the horizon.
- Concern that the application is insufficient in regard to impacts to starlight and night views.
- Concern that the height is excessive.
- Concern regarding potential impacts to boaters on Rangeley Lake and skiers at Saddleback Mountain.
- Request for a relocation assessment study.
- Question on whether there are alternative locations that would not require lighting. Statement that an alternative location might enable a shorter unlighted tower with the same amount of coverage.
- Concern about proposed design of the tower structure and lighting implications.
- Concern regarding the Applicant's argument for not installing radar-activated lighting (ADLS).

- Statement that the balloon test only had the balloon approximately 100-150 feet in the air and was not a true representation.
 - Request for a shorter tower designed as pine tree. Request that the tower not be designed as a tree.
2. Community impacts:
- Concern regarding potential overall devaluation of real estate in the area.
 - Concern regarding potential increases in light pollution and the devaluation of unspoiled star gazing, the regions dark sky, and the regions dark sky tourism facet.
 - Concern that the communication benefits to local residents appear limited.
 - Note that the Dallas Plantation’s prospective zoning enables local and seasonal residence, landowner, and citizens of Maine in general, to have a say in establishing development patterns, based upon a long term vision for the kind of place they want the region to be generations from now and a regional plan that conceptually guides development within the framework of that vision, including the desired, rate, kind and location of development. Concern that the Applicant has no authority to judge and gauge the value of the community, the view, the landscape, or the mountains and that the Applicant does not adequately describe the potential impacts to the community.
 - Concern that a 300-foot tower is not of similar type, scale, and intensity as other existing uses in the area.
 - Concern that the new proposal seems like a complete distortion of the spirit of LUPC’s purpose in drawing the boundaries for the subdistricts in this area. Noted that this would be a more intrusive tower located on the same piece of property as the previously denied proposal. Note that the property has both D-RS2 and M-GN zones and that the more protective standard should be applied. Concern that the Applicant has moved the proposed project just beyond the D-RS2 zone and that in doing this the Applicant is hoping to evade the will, feelings and impact this project will have on the community and means to skirt the will of the citizens.
3. Wildlife impacts:
- Concern regarding potential impacts of the proposal on regional wildlife including endangered species.
 - Concern regarding potential impacts to local birds, eagles, and the Northern Long-Eared Bat.
4. Residential impacts:
- Concern regarding proximity of the tower to residences.
 - Concern regarding potential devaluation of residential property.
 - Concern regarding potential loss of access via the “trail”.
 - Request to move the tower further to the east on the property to alleviate concern regarding direct line of sight from a bedroom window, which they contend would inhibit sleep.
 - Statement that although the proposal has been moved out of the D-RS2 zone, because of its design, it will still have an effect on the residential nature of the surrounding properties.

5. Health impacts:

- Concern regarding the devaluation of lives.
- Concern that the proposal would be detrimental to health of people in close proximity.
- Concern regarding potential radiation emission impacts.
- Statement that lack of cell signal is a health and safety issue and that the area around the tower is not really a wilderness area.

6. Coverage impacts:

- Assertion that the application does not consider current technological advancements in cellular and internet services, such as satellite internet services, that would not require a tower and would not negatively impact the region.
- Assertion that the project is proposed under the guise of providing EMT communication services, more specifically around State Route 4 and 16, but that the data on page 166 shows that the coverage does not cover anywhere near the roads.
- Request for clarification from first responders in reference to specific emergency communication needs.
- Statement that the large area of coverage on the map shown is in M-GN areas that are uninhabited.
- Questions on:
 - how substantial is the coverage gap?
 - clarify the coverage area (in square miles and population density).
 - would this be just a repeater tower?
 - where is the nearest FirstNet tower? and
 - will there be other towers in the area?

7. Processing:

- Concerns on location of tower application review (Downeast Office) and transparency.

REVIEW CRITERIA FOR THE AUTHORIZATION OF A PUBLIC HEARING

According to Chapter 4 § 4.04(5)(b), the Commission shall consider all requests for a hearing submitted in a timely manner. Hearings on an application are at the discretion of the Commission unless otherwise required by the Constitution of Maine or statute. In determining whether a hearing is advisable, the Commission shall consider the degree of public interest and the likelihood that information presented at the hearing will be of assistance to the Commission in reaching its decision.

According to Section 5.02 of the Commission's *Rules for the Conduct of Public Hearings*, 01-672 C.M.R. Ch.5, last revised July 01, 2011 (Chapter 5), it is the policy of the Land Use Planning Commission to conduct the administration of its programs in an atmosphere of public understanding and cooperation and in a manner responsive to the public interest. Accordingly, the Commission shall provide the applicant, the petitioner, or any other interested person the opportunity to request a public hearing on any application, petition, or other proposal pending before the Commission. Chapter 4 of these rules contains procedures by which hearings may be requested.

STAFF RECOMMENDATION

Staff recommends, once the Applicant has submitted all the information needed to complete the review, that the Commission schedule a public hearing in a location close to the area of the proposal.

Attachments:

Attachment A – Location Map/Zoning Map

Attachment B – Google Earth Map

Attachment C - Site Plan

Attachment D - Application Introduction Letter

Attachment E - Administrative History Summary Sheet with 2 Attachments

Attachment E.1 – Final Commission Meeting Notes for October 09, 2019
(Development Permit DP 5050 Denial)

Attachment E.2 - Final Commission Meeting Notes for September 16, 2020
(Direction Regarding Jurisdiction)

Attachment F - Public Comments

Attachment A

Location Map/Zoning Map

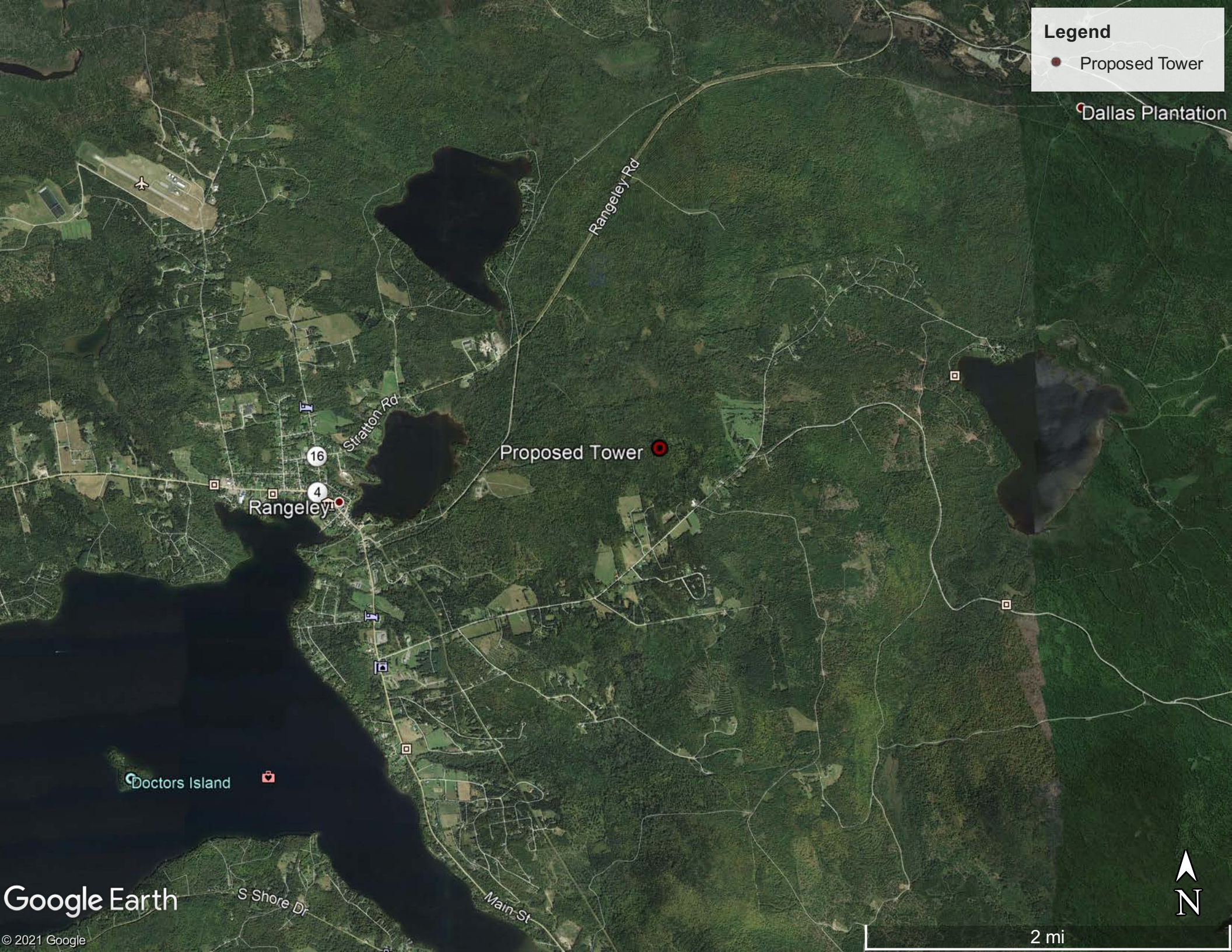
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Attachment B
Google Earth Map

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Legend
● Proposed Tower

Dallas Plantation



Proposed Tower

Rangeley

Doctors Island

Google Earth

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Attachment C

Site Plan

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Attachment D
Application Introduction Letter

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March 15, 2021

Maine Land Use Planning Commission
c/o Karen E. Bolstridge, Environmental Specialist III
Maine Dept. of Agriculture, Conservation & Forestry
106 Hogan Road, Suite 8
Bangor, ME 04401

**Re: Rising Tide Towers, LLC - Telecommunication Facility
General Management (M-GN) Subdistrict;
Map 02, Lot 49 (portion of), Dallas Plantation, Franklin County, Maine**

Dear Land Use Planning Commission:

On behalf of Rising Tide Towers, I am pleased to submit this Application for the proposed construction of a 300' Telecommunications Facility on a portion of the property owned by Mark Beauregard Inc. located off Dallas Hill Road, in Dallas Plantation, Franklin County, identified on Map 02, Lot 49. Rising Tide Towers has leased from Mark Beauregard a 40,000 square foot area on the above property for the installation of the 300' Telecommunications Tower.

Included with this letter is 1) Black Diamond response to LUPC incompleteness letter of December 23, 2020, 2) a hard copy of the Application and supporting documents, 3) an 11" x 17" copy of the Site Plan Engineering drawings, and 4) a thumb drive containing a pdf file of this above information. Also included is a check to cover the fee related to this revised Application.

As you know, Rising Tide Towers originally submitted a proposal for a telecommunications tower at this location on November 24, 2020. That application was found to be incomplete by your office and, by letter dated December 23, 2020, you requested additional information about the proposal and its impacts. For ease of reference, a response to each of your additional information requests is enclosed in the form of annotations to your December 23 letter, including cross-references to relevant parts of the Application.

We have made every effort to respond fully to these additional information requests and has provided substantial additional analysis, particularly with respect to the proposal's visual impacts and radio-frequency coverage. We note that this is the first time in Rising Tide Tower's many years of filing cell tower applications with LUPC that this level of additional information and analysis has been required, even though the LUPC review standards have not materially changed and this tower is proposed to be located in the General Management (M-GN) subdistrict where this use is allowed. We trust that LUPC will review the enclosed Application fairly and expediently.

Finally, regarding the timing of LUPC's review of the enclosed Application: We understand that the Commission is taking jurisdiction over this Application based on its discussion with Bill Hinkel about this during its September 2020 meeting. We request that the Commission complete its review and render its decision within the 150-day deadline imposed under the Federal Telecommunications Act of

BLACK DIAMOND CONSULTANTS

312 WATER STREET/ PO BOX 57; GARDINER, ME 04345

PHONE: 207.582.0056 FACSIMILE: 207.582.9098

1996, which is referred to as the "Shot Clock" and which applies to this project. We are obligated to notify you that Rising Tide Towers is reserving its rights under this Shot Clock deadline. If you have any questions concerning the Shot Clock or the other provisions of the Telecommunications Act that affect this project, please feel free to reach out to Rising Tide Tower's legal counsel, Aga Dixon at (207) 253-0532 or by email at adixon@dwmlaw.com.

Please reach out to me if you have any other questions.

Thank you for your consideration of this Application.

Respectfully submitted,



Jim Hebert / Black Diamond Consultants, Inc.

BLACK DIAMOND CONSULTANTS

312 WATER STREET/ PO BOX 57; GARDINER, ME 04345

PHONE: 207.582.0056 FACSIMILE: 207.582.9098

Attachment E

Administrative History Summary Sheet with 2 Attachments

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**ADMINISTRATIVE HISTORY SUMMARY SHEET
IN THE MATTER OF
RISING TIDE TOWERS, LLC'S UTILITY FACILITY¹**

For May 12, 2021 Regular Business Meeting

Development Permit DP 5050 Application

On December 19, 2018, Rising Tide Towers, LLC applied to the Commission for a development permit in which it sought approval to construct a 190-foot tall, lattice style telecommunications tower on a leased lot in Dallas Plantation zoned as Community Residential Development (D-RS2) subdistrict. The application was deemed complete for processing on March 18, 2019 and the Commission held a public hearing on the permit application on July 10, 2019. The central issues were whether the proposal would be compatible with residential uses in the D-RS2 subdistrict and whether the Commission's natural character and harmonious fit land use standards would be met. At a meeting of the Commission on October 09, 2019, the Commission denied the application for Development Permit DP 5050, concluding that the proposed project was not compatible with residential uses in the area. (See Attachment E.1 - Final Commission Meeting Notes for October 09, 2019).

Development Permit DP 5070 Application

On April 01, 2020, Rising Tide Towers, LLC applied to the Commission for a development permit in which it sought approval to construct a 170-foot tall, green monopole style telecommunications tower on the same leased lot in Dallas Plantation as the denied Development Permit DP 5050 application. Along with noting that the Applicant failed to provide evidence of notice of filing, Commission staff outlined significant application deficiencies. Further, the Commission's rule Chapter 4 expressly disallows, after receipt of a final decision on an application, a person to reapply to the Commission for a permit for the same proposed use for the property in question, unless they can demonstrate that there is a significant change in circumstances or substantial new information to be presented to the Commission. Chapter 4, § 4.07(3). Subsequently, the Commission staff returned the application because it was not complete for processing and because the Applicant failed to

¹ Information presented in this Administrative History Summary Sheet is intended to be a summary only and may lack specific details of previously applications or regulatory criteria. A copy of a particular document may be obtained either through requests in writing to the Maine Land Use Planning Commission, Attn: Karen Bolstridge, 106 Hogan Road, Suite 8, Bangor, Maine 04401 or from Featured Links on the LUPC website <https://www.maine.gov/dacf/lupc>.

demonstrate that there was a significant change in circumstances or substantial new information to be presented to the Commission.

September 16, 2020 Commission Meeting

To facilitate an efficient process, staff requested that the Commission provide direction regarding jurisdiction over any new application presented by Rising Tide Towers, LLC for a utility facility in Dallas Plantation. Staff summarized to the Commission conversations and meetings with Rising Tide Towers, LLC, regarding the siting, design, and visual impact assessment of a potential new project on the same Dallas Hill Road property that was the subject of the denied Development Permit DP 5050 application and the returned Development Permit DP 5070 application.

Staff explained that the potential new location would be within a General Management (M-GN) subdistrict where a utility facility is a use allowed with a permit, subject to applicable land use standard. Staff noted that Rising Tide Towers, LLC advocated that the location attempts to avoid the concerns raised regarding the compatibility of a tower with residential uses in the area. However, staff also noted that the topography within the M-GN portion of the lot is at a lower elevation than the portion zoned as D-RS2. As a result, Rising Tide Towers, LLC was conceptually-proposing a telecommunications tower that would be 300 feet in height and would require lighting to comply with Federal Aviation Administration. The proposal would also include new potential visual impacts on the surrounding community and regional resources.

The Commission's consensus was that any decision on an application presented by Rising Tide Towers, LLC for a utility facility in this location of Dallas Plantation, needed to be made by the Commission. (See Attachment E.2 - Final Commission Meeting Notes for September 16, 2020).

Amendment A to Development Permit DP 5050

On November 30, 2020, Rising Tide Towers, LLC applied to the Commission for a development permit in which it sought approval to construct a 300-foot tall, lattice style telecommunications tower on the same Dallas Hill Road property that was the subject of the denied Development Permit DP 5050 application and the returned Development Permit DP 5070 application. On December 23, 2020, the Commission staff returned the application (Amendment A to Development Permit DP 5050), because it was missing sixteen critical items needed for it to be processed and was deemed substantially incomplete.

December 15, 2020 Site Visit

Staff of the Maine Land Use Planning Commission, the State Soils Scientist, the Landowner, the Agent, and the Applicant reviewed the proposal site. Approximately 1 foot of snow covered the ground.

Amendment B to Development Permit DP 5050 (*current proposal*)

- On March 18, 2021, Rising Tide Towers, LLC (Applicant) applied to the Commission for a development permit seeking permit approval to construct a 300-foot lighted self-supporting, lattice-style telecommunications tower and associated appurtenances, and a 2,592-foot level C road project with an adjacent electric utility line to serve the tower.
- On March 29, 2021, all public and community contacts for this application to that date were emailed directions on how to download the application and site plans from the LUPC's FTP site.
- On March 30, 2021, the application was deemed complete for processing according to Section 4.03(8)(a) of the Commission's *Rules of Practice*, 01-672 C.M.R. Ch. 4, last revised October 18, 2013 (Chapter 4).
- On April 07, 2021, the application was placed on the LUPC website.
- On April 14, 2021, staff requested additional information on nine critical items needed for the application to be processed.

Attachment E.1 - Final Commission Meeting Notes for October 09, 2019 (Development Permit DP 5050 Denial)

Attachment E.2 - Final Commission Meeting Notes for September 16, 2020 (Direction Regarding Jurisdiction)

Attachment E.1

Final Commission Meeting Notes for October 09, 2019

(Development Permit DP 5050 Denial)

(See specifically pages 5 and 6 of the notes)

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MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333-0022
TEL (207) 287-2631 FAX (207) 287-7439

MINUTES

REGULAR MONTHLY MEETING

Bartley Cove Events Center, 241 Pritham Ave., Greenville
October 9, 2019; 10:00am Start Time

COMMISSIONERS PRESENT

Everett Worcester, Chair	Millard Billings	James May	Gwen Hilton	Durwood Humphrey
Betsy Fitzgerald, Vice-Chair	William Gilmore	Peter Pray	Bob Everett	

STAFF PRESENT

Stacie Beyer, Planning Mgr.	Naomi Kirk-Lawlor, Senior Planner
Jean Flannery, Permitting & Compliance Mgr.	Keith Smith, Greenville Regional Rep.
Bill Hinkel, P&C Regional Supervisor	Debbie Kaczowski, Greenville Senior Regional Rep.

OTHERS PRESENT

Amanda Beal, DACF Commissioner
Bob Marvinney, Director, Bureau of Resource Information and Land Use Planning
Lauren Parker, AAG
Kim Mitchell, Audio Recording

See attached Sign in Sheet(s)

*Note: Commission votes are recorded in the following order:
number voting in favor of a motion – number voting against a motion – number abstaining – number absent*

ADMINISTRATIVE MATTERS

Introductions:

Introductions were made by members of the Commission board.

Minute Approvals:

Commissioner Fitzgerald moved to approve the September 11, 2019 minutes; Commissioner Gilmore seconded;
Vote: 9-0-0-0 Unanimous

Officer Elections:

Commissioner Billings motioned to continue with the same officer's; Commissioner Fitzgerald moved to approve and Commissioner Gilmore seconded; Vote: 9-0-0-0 Unanimous

Director's Report:

Commissioner Beal provided the Director's report in which she thanked the Commission for the great work that they do. Commissioner Beal provided an update stating that the Executive Director position is vacant, it has been posted for a couple weeks, and they have received a number of applicants. Commissioner Beal stated that she met with staff and listened to what they were looking for in a new Executive Director as well as hearing from Chair Worcester on what the Commissioners would like to see in the next Executive Director. Commissioner Beal stated that she and Bob Marvinney, Director of the Bureau of Resource Information and Land Use Planning, are evaluating the applicants and will be doing a first wave of interviews and will be back in touch with Chair Worcester if there is discussion to be had from the Commissioners along the way. Commissioner Beal stated that they are balancing the process as they want to fill the position as quickly as possible, but also do not want to rush the decision, recognizing it is important to get the right person to serve the needs all the way around. Commissioner Beal gave staff announcements stating that Stacie Beyer is now the Planning Manager, Ben Godsoe is in a new role as Acting Chief Planner, and Joshua Brown has been promoted to the Senior Regional Representative in the Wilton office. Commission members stated that Nick Livesay and Samantha Horn both did very well as Executive Directors. Commissioner May stated that it is very important to the Commission to find an individual for the position that has no political agenda. Commissioner Beal stated that it is very important to her to find someone that is a good communicator, and someone that can understand the needs of staff, and supports the work, and also has a vision of where we are going. Commissioner Beal said some of the candidates show real promise, and she looks forward to coming back once the process is farther down the road.

ZONING MATTER

Discussion on Weyerhaeuser Petition to Terminate Moosehead Region Concept Plan (ZP 707-B); Naomi Kirk-Lawlor – Somerset County and Piscataquis County, Maine.

Naomi presented Weyerhaeuser's petition to terminate the ten-year-old Moosehead Lake Region Concept Plan. She gave a brief overview of the contents and scale of the concept plan including conservation components, development components and the process of approval. Naomi described Weyerhaeuser's motivations for terminating the plan. She listed the conservation elements and other public benefits that will remain in perpetuity. Naomi described recent community planning and economic development initiatives undertaken in the region and suggested that a future community-based planning project could draw on this already completed work. She outlined the staff recommendation for a zoning petition process, in which the lands revert to management and protection zones, and which would allow the community planning process time to unfold without the pressure of impending development proposals.

Chair Worcester asked if Staff are suggesting that the Commission hold off on terminating the plan until the community planning process is completed. Naomi clarified that what staff are suggesting is a two-part process, in which the zoning petition to re-zone the lands to protection and management subdistricts proceeds. This could happen jointly with a scoping process to see what type and scope of community planning process is wanted in the community. Then the regional planning process would commence, after the plan was terminated.

Commissioner Gilmore asked what is meant by 'community,' do we mean the community of Greenville, or surrounding areas? Naomi answered that it would be more extensive than Greenville and would encompass the community surrounding Moosehead Lake.

Commissioner Hilton stated that this is a great opportunity, if done well. She stated that an advantage to community planning is that it could include the areas in white (outside of the concept plan) as well. Naomi answered that, indeed community planning could include those areas, however, Staff do not feel that they yet have a handle on the scope of the planning project that is needed or wanted. The project could range from a more

limited to a broader project.

Commissioner Hilton raised a concern about rezoning to general management and the aesthetic impacts of forestry practices in the region and how the considerations for aesthetics in the plan would compare to the limitations put on timber harvest by the Maine Forest Practices Act. Commissioner May stated that an important question for Weyerhaeuser is whether they would be operating under the Maine Forest Practices Act or whether they would be operating under Outcome Based Forestry. Naomi stated that Staff have not yet reviewed the entire application and could come back to the Commission with more information on how forest harvesting practices could compare with the plan.

Chair Worcester stated that this is a complicated issue, and it will take a while to sort out and that he would like to see the new Executive Director on board working with Staff on this issue. He would not like to rush this issue.

Commissioner Fitzgerald asked if perhaps it is too early to decide on process recommendations. If it were her, she would want to review everything before she decided what the next step would be. She asked to clarify that it has not all been reviewed yet. Naomi answered that, yes, that is correct; staff have not yet comprehensively reviewed the petition.

Chair Worcester stated that down the line, once we get more information, he is sure there will be a public hearing, however we are not ready for that process now.

AAG, Lauren Parker, asked if Staff have any sense of when BPL and Weyerhaeuser are going to wrap up the 50-acre donation process. Naomi answered that she does not know.

Commissioner Billings stated that he thinks a public hearing before the application is deemed to be complete is premature. Chair Worcester agreed.

Stacie asked whether the Commission would like to direct staff to initiate the scoping process to see if there is interest in the community for a community planning process. Chair Worcester answered in the affirmative.

Commissioner May asked whether Staff were recommending that Weyerhaeuser commit to the 50-acre donation? Naomi answered yes. Chair Worcester pointed out that the plan has been in place for ten years and this 50-acre donation is not yet resolved. Commissioner Billings stated his opinion that the 50-acre donation should be resolved before we proceed. Chair Worcester recognized Luke Muzzy of Weyerhaeuser.

Luke Muzzy stated that before Weyerhaeuser can commit to the donation they need a submittal from BPL. The submittal was due 36 months after the plan was approved; however, they have not received it yet. He stated that they will get there, and they are working on it.

Chair Worcester stated that this is a situation where having the Executive Director would be useful in working things out with BPL. Commissioner May stated that perhaps Commissioner Beal could help facilitate. DACF Commissioner Beal, stated that there has been a change in administration and this is something we are actively working on now.

Naomi stated that there is a member of the audience who has requested to speak. Chair Worcester stated that the Commission is not at the point where they want to take testimony from anyone on this issue. That will come. It is way too premature.

Chair Worcester stated that, in his view, the Commission is not ready to request anything in writing yet from

Weyerhaeuser, it is premature.

PLANNING MATTER

Discussion on Marijuana and Hemp Impacts and Next Steps; Naomi Kirk-Lawlor.

Naomi presented on the known land use impacts of hemp and marijuana cultivation and marijuana businesses. She discussed both zoning and land use standards as they relate to marijuana businesses. She compared Maine's regulatory structure within the LUPC service area with other communities' laws and ordinances, as described in the staff memo on the subject.

Commissioner Gilmore expressed concern about fire danger associated with indoor growing operations and the burden this puts on emergency responders.

During the discussion of odor and hemp, Commissioner Hilton pointed out that there are natural odors that come from lots of agricultural activities. Chair Worcester asked whether it was premature to address the odor impact from hemp cultivation before the Bureau of Agriculture drafts their Best Management Practices. Naomi clarified that, if the Commission determines that the affects of odor from hemp cultivation are sufficiently detrimental to require odor standards before the BMPs are drafted, the Commission could pursue those through activity specific agricultural standards. However, Staff are not making a recommendation on whether such standards should be pursued.

Commissioner Everett asked how we would enforce the regulations relating to hazardous chemicals. AAG Lauren Parker answered that because DAFS regulates that, and these are requirements to get a license, enforcement of those regulations would be something that DAFS would handle.

Commissioner Hilton wondered if there was an annual renewal process for DAFS licenses. Naomi answered that she was not sure if the DAFS provisional rules require an annual renewal process, but she can check.

In response to discussion of how the licensing and local approval process works in the Adult Use Marijuana statute, Naomi explained the regulatory process of opening a marijuana establishment, including local opt-in, local approval, LUPC permit, and DAFS license.

Naomi asked whether the Commission would like to pursue changing zoning or land use standards to address any of the impacts from marijuana establishments or hemp cultivation. Commissioner Fitzgerald stated that the Commission cannot not do something to address these impacts. Commissioner Fitzgerald asked for clarity on whether things can go forward before local opt-in is approved. Naomi answered that local opt-in is required before a business can apply for licenses and permits. Naomi also pointed out that County Commissioners may be waiting to see how the LUPC will handle these businesses before they choose to opt-in.

Commissioner Humphrey asked if any County Commissioners have yet opted-in. Naomi answered that, no, none have opted-in to her knowledge. Commissioner Everett expressed a concern about how conflicting uses could develop in the future if we do not address this issue now. Commissioner Billings said that the Commission would be wrong to bury its head in the sand and not address this issue; instead, we should get out in front of it before it's too late. Chair Worcester stated that clearly, we need to be more definitive in terms of odor and lighting.

Commissioner May asked if County Commissioners were to opt-in, would that be county-wide or specific to a particular township. Naomi answered that her understanding is that they could choose to do either, only certain townships, or all the townships in the County. Commissioner Hilton suggested that it would be a good idea to touch base with the counties to see what their concerns are and what they are thinking about opt-in. Perhaps, if the

County Commissioner needed more information, they could get someone from the Office of Marijuana Policy to come speak with the County Commissioners. Commissioner Humphrey stated that the Aroostook County Commissioners are really wondering what the LUPC is going to do before they decide to opt-in.

Chair Worcester stated that the Commission feels that we need to be more proactive about changes to land use standards, but not about zoning.

CERTIFICATION MATTER

Update on NECEC / CMP Corridor (SLC-9) – Site Law Certification; Bill Hinkel

Bill Hinkel provided an update to the Commissioners regarding events since its deliberative session on September 11, 2019:

On September 18, 2019, CMP submitted to both the Commission and the Maine Department of Environmental Protection (“Department”) a petition to reopen the record. This request was for the purpose of accepting evidence relevant to the Beattie Pond Recreation Protection (“P-RR”) subdistrict. CMP now proposes an alternative corridor alignment to avoid the Beattie Pond P-RR subdistrict. On October 3, 2019, the Presiding Officers of the Department and the Commission reopened the record for the purpose of allowing the Applicant to amend its Site Law and NRPA applications and to gather additional evidence needed to evaluate the proposed alternative route outside of the Beattie Pond P-RR subdistrict. On October 3, 2019, the Department sent to CMP a request for additional information. Once the October 3 request for additional information is determined to be complete, public notice of the opportunity for additional public comment will be provided by the Department and Commission (newspapers, agency webpages, and through the GovDelivery service). Intervenors will be allowed 30 days to submit written responses to the amendment in the form of evidence and comments. CMP will then be allowed 14 days to respond. At this time, it appears the Commission will not resume deliberations on the NECEC project until early next year.

Commissioner Hilton recused herself from the discussion.

PERMITTING MATTER

Telecommunications Tower for Rising Tide Towers, LLC (DP 5050); Bill Hinkel – Dallas Plantation, Franklin County, Maine.

Bill provided a project overview to assist the Commission in its deliberative session and possible vote on the Draft Decision Document provided by staff on October 1, 2019. He reviewed the permitting criteria and purpose of the D-RS2 subdistrict. Bill described the potential visual and scenic impacts of the proposed project as they relate to the applicable review criteria. He also described the use listing for utility facilities in D-RS2 subdistricts and the need for this use to be compatible with residential uses. Bill presented a two-step process that first involved deciding whether or not the proposed project is compatible with residential uses and therefore is an allowed use, and whether or not the proposed project complies with the natural character and “harmonious fit” standards. The Commissioners deliberated at this point. Commissioner Hilton stated that she felt the tower was too close to neighboring properties and not compatible. Commissioner Gilmore stated that he felt the applicant did not consider other areas beyond the D-RS2 subdistrict. Commissioner Hilton questioned staff regarding whether other sites were considered. Chair Worcester stated that he can envision situations where a cell tower could be approved in a residential setting, but not this proposed tower, adding that the applicant should have worked with the surrounding

property owners on siting and visual impacts.

Commissioner May stated that he did not like making negative motions, and therefore was making a motion to approve the application, reserving the right to speak against the proposed project during discussion and prior to a vote. Once the motion was seconded, Commissioner May stated that he did not believe the proposed tower was sited in an appropriate location, that the applicant did not submit enough information about the location, and that he agreed with other Commissioners who expressed similar concerns. Chair Worcester called for a vote on Commissioner May's motion. The motion failed.

Commissioner May moved to approve the application; Commissioner Fitzgerald seconded; Vote: 0-9-0-0 Unanimous (motion to approve failed), requiring another motion

AAG Parker provided review of the statutory provision requiring five votes to decide on the application and explained that the unanimous vote opposed to the motion to approve the application resulted in a situation where the application was left pending before the Commission. AAG Parker explained that a negative motion, that is a motion to deny the application, is necessary if the Commission wished to vote to deny the application.

Commissioner Gilmore made a motion to deny the application. Commissioner Hilton stated that she felt the proposal did not meet the review criteria in that the proposed project would be incompatible with the residential uses and was not a harmonious fit. Chair Worcester stated that he felt the proposal was incompatible with the D-RS2 residential uses but was not problematic in terms of scenic impacts. Commissioner Hilton asked if a more specific motion should be made to clarify on what ground the motion to deny was made. Commissioner Gilmore amended his motion to clarify that the motion to deny is based on the failure of the proposal to be compatible with the D-RS2 residential uses. Chair Worcester asked if the amendment was seconded, which it was by Commissioner Billings, and then asked for a vote on the amended motion. The vote was: 8-0-1-0.

Commissioner Gilmore moved to deny the application; Commissioner Billings seconded; Vote: 8-0-1-0 Commissioner Humphrey abstained

ADJOURN: Meeting adjourned at approximately 12:20 pm.

Attachment E.2

Final Commission Meeting Notes for September 16, 2020

(Direction Regarding Jurisdiction)

(See specifically pages 7 through 9 of the notes)

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MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333-0022
TEL (207) 287-2631 FAX (207) 287-7439

MINUTES

REGULAR MONTHLY MEETING

Virtual – via Microsoft Teams
September 16, 2020; 10:00 am Start Time

COMMISSIONERS PRESENT

Everett Worcester, Chair	James May	Gwen Hilton	Lee Smith
Betsy Fitzgerald, Vice-Chair	William Gilmore	Peter Pray	Durward Humphrey

STAFF PRESENT

Judy East, Executive Director	Brookelyn Gingras, Environmental Specialist (technical support)
Stacie Beyer, Planning Manager	Meagan Westfall, Environmental Specialist (technical support)
Tina Corkum, Secretary Associate	Ellen Jackson, GIS Coordinator (technical support)
Bill Hinkel, P&C Regional Supervisor	
Tim Beaucage, Senior Planner	

OTHERS PRESENT

Lauren Parker, AAG

*Note: Commission votes are recorded in the following order:
number voting in favor of a motion – number voting against a motion – number abstaining – number absent*

ADMINISTRATIVE MATTERS

Introductions:

Introductions were made by members of the Commission board.

Minute Approvals:

Commissioner Fitzgerald moved to approve the August 12, 2020 minutes; Commissioner Pray seconded;
Vote: 7-0-0-2 (Commissioners Hilton and Billings were absent)

DIRECTOR'S REPORT

Director Judy East provided updates to the Commission on several subjects organized around LUPC's continuing response to the COVID-19 pandemic, Commission and staff updates, several project updates, and what we anticipate coming before the Commission in the next few months.

COVID-19 Updates

- Status quo for LUPC re: transition to working from offices where desk configurations allow physical distance and staggered attendance maintains limited numbers; continuing most significant challenges for those with children at home

- SOM circulating a transition plan for returning work in office; overall message remains “if you can work from home, continue to do so”; staff are now able to travel 2 per vehicle with masks

Commission Updates

- Commissioner Lee Smith wished to share success of a 15,000-acre conservation project in the Sebago Lake headwaters and a working forest for 300+ years completed by several land trusts in western Maine. The [full media release](#) describing project sent in advance of the meeting.
- Title 12 § 684 calls for annual election of officers; last done in October of 2019; we have an agenda item to elect officers today.

Staff updates

- Bill Hinkel has accepted a position as Executive Analyst for the Board of Environmental Protection at Maine DEP effective September 21, 2020. We will miss Bill and his excellent work ethic, work quality, and support to the entire agency. We have obtained approval to replace Bill and the hiring notice was posted September 16, 2020.
- Maine Forest Products Council tour August 20-21 for ED Judy East; thanks to MFPC, Wagner, Seven Islands, Weyerhaeuser, Nine Dragons, Stratton Lumber for a very helpful and informative tour.

Project updates

- Staff have completed the web site and outreach efforts to gather public input on the draft work plan for the review of the new **location of development and subdivision rule changes** that went into effect last year. [Link to video sent ahead of the meeting](#); available on the web site; virtual public meeting scheduled on September 30th, and additional opportunities are available for input in the web site. We anticipate providing the Commission with a summary of the public input we receive at the October meeting.
- Staff are also near completion on revisions to **application forms** for Zoning Petition, Subdivision and Development permits; new application forms will be more streamlined, user friendly, accessible and, once completed, will provide a template for updating all other forms.
- Regional offices are fielding a lot of questions about buying and selling real estate in the UT. We are near final edits on a brochure to help landowners and field staff navigate their questions. Will be [posted on line](#) and printed within the week and we will share with Commissioners.

Upcoming calendar

- October Meeting
 - Schedule Chapter 4 for public comment (or Nov)
 - Public hearing Saddleback ZP
 - Report on Location of Development outreach meetings and web survey
 - Application forms
 - Likely settlement agreement EC 01-23 Timothy Albat's sister (new owner) Cross Lake Twp Aroostook County.
 - Buckhorn Camps pre-application meeting with the Commission
- November meeting
 - Report on Chapter 1 Rulemaking public hearing record (closes Oct 24)

ELECTION OF CHAIR PURSUANT TO TITLE 12 § 684

Commissioner Gilmore made a motion to retain the two existing executives (Chair Worcester & Vice Chair Fitzgerald), stating that they have done a phenomenal job, and if they are willing to serve again they should be reappointed. The motion seconded by both Commissioners Hilton and May.

Commissioner Gilmore moved a motion to retain, Commissioners Hilton and May seconded

Vote: 8-0-0-1

PUBLIC HEARING

Chapter 1 Rulemaking – Overview of draft rulemaking language regarding Ch. 1 General Provisions (Fees) - Tim Beaucage

The presiding officer called the public hearing to order at 10:30 AM and conducted a rollcall of Commissioners present. Tim Beaucage provided a brief overview of the proposed Chapter 1 rulemaking. Judy East provided an explanation of how the virtual hearing would be conducted. The presiding officer summarized the purpose of the public hearing and called for all members of the public intending to comment, to please raise their hand. No members of the public pre-registered or raised their hand to offer comments; no public comments were received.

Tim Beaucage, representing the LUPC staff summarized comments submitted by the staff on September 1st. The comments first suggest that definitions proposed for Chapter 1 would be instructive to other chapters of the Commission's rules and therefore consolidating all definitions into one rule should be considered. Secondly, staff remarked that fees assessed per square foot (footprint) of structures continues to be appropriate; however, when applied to solar energy generation development (e.g., solar panels), the metric would result in fees significantly higher than intended. Staff suggested that the rule could include a footnote confirming how footprint would be interpreted for the purposes of applying application fees regarding solar panels.

Because no other individuals wished to speak, the presiding officer confirmed the deadlines for comments and the where comments should be sent, then closed the public hearing at 10:47 AM.

PERMITTING & ZONING MATTER

Wolfden Mt. Chase, LLC – Metallic Mineral Mining – Stacie Beyer

In a letter dated August 26, 2020, Attorney Tsiolis, on behalf of Wolfden Mt. Chase, LLC. ("Wolfden"), raised concerns about the Land Use Planning Commission's ("LUPC" or "Commission's") ongoing review of Wolfden's zoning petition, ZP 779 ("the Petition"). Wolfden requested that the Commission exclude from the LUPC's evaluation of the zoning petition considerations that are covered by the DEP's Chapter 200 rules, including noise, financial practicability, waste disposal at the mine, surface water quality, groundwater quality, and avoidance or mitigation of impacts on natural resources. Alternatively, Wolfden offered that the LUPC could limit its evaluation on those subjects to the degree necessary to verify that relevant values established in the CLUP would be adequately protected by the MDEP's application of its Chapter 200 rules. At the September meeting, Stacie Beyer presented the Wolfden letter to the Commission, outlined the statutory criteria for zoning decisions, and reviewed how staff have been processing the petition. Stacie reviewed the Chapter 12 basis statement that was adopted by the Commission with amendments to the Chapter 12 rule in 2013. Staff found the basis statement to be particularly helpful in considering the Wolfden request. The basis statement included Commission responses to public comment regarding possible duplication of the DEP's review. Stacie also explained the difference between rezoning

for a standard zone and rezoning for a custom zone, such as a Planned Development subdistrict (D-PD). Staff requested feedback from the Commission on responding to the letter.

Commissioner Smith asked for clarification on the differences between the natural resource reviews in LUPC's zoning and DEP's permitting processes. Stacie responded that in zoning the LUPC asks for reconnaissance level surveys of wetlands and significant wildlife habitats and plant communities while the DEP permitting process typically requires detailed wetland delineation following the US Army Corps of Engineers Manual as well as more specific methodologies for surveys of significant wildlife habitat and plant communities.

George Tsiolis, attorney representing Wolfden, said that Wolfden is not trying to avoid submitting any information, including information on those items listed in his August 26th letter, that staff deem necessary. Their concern is that the Commission's ultimate decision on Wolfden's zoning petition be defensible in court. They see two problems potentially arising from the current course of conduct on the petition. First, many of the areas in which staff are requesting information and hiring consultants to help evaluate have no applicable standards in the Commission's rules, for example technical feasibility. In contrast, DEP's Chapter 200 rules are exceptionally detailed on technical feasibility. The second concern is the potential for inconsistency between the Commission staff's determination and advice to the Commission and DEP's determination on the same subject matter, even if staff's review is broad and DEP's review is detailed. If the Commission were to approve the conceptual proposal of the zoning petition, but the DEP were to reject the more detailed permit application, the DEP's determination would then be susceptible to reversal on review. This inconsistency could also open the Commission's decision to re-examination on grounds arising well after the statute of limitations has lapsed. To avoid these problems on review, Wolfden believes that the Commission needs more deliberation on this matter. Mr. Tsiolis further raised a concern about the policy implications of the LUPC's rezoning process for the Wolfden zoning petition. Given that this is the first time that LUPC's Chapter 12 rules will be applied, the Commission's actions in this case will govern future proceedings on metallic mineral mines.

Mr. Tsiolis said that Wolfden's request is that LUPC staff and DEP staff explicitly discuss which land and resource values of the LUPC's Comprehensive Land Use Plan are adequately safeguarded by DEP's implementation of their Chapter 200 rules and which are not. This latter category of land and resource values are the ones the staff should assess, develop a record on, and then advise the Commission on. They believe that this process would satisfy the Commission's statutory mandate. They are not aware that any such dialogue has taken place.

Commissioner Gilmore said that the credibility of the LUPC staff is excellent and that the LUPC is being asked to change zoning. He believes that if the LUPC is representing the state of Maine in zoning decisions, the LUPC ought to have the opportunity to address, ask for information, expect responses, and assess information on any topic for any applicant that may be of concern. However, he does support an open dialogue between LUPC and DEP staff on the zoning petition. But he does not support the idea that the LUPC would make a zoning decision without evaluating our own concerns in-house first.

Commissioner Hilton agreed with Commissioner Gilmore's comments and thanked staff for a thorough evaluation of this issue. She recalled that when the current rules were established, there was considerable interaction with the DEP on this issue which was key in reorganizing the way in which these larger projects were reviewed by LUPC, bringing in DEP scrutiny under site law. She fully supports staff's thoughts on how to proceed on this matter and thinks the LUPC should continue with the information requests it has made to Wolfden.

Commissioner Fitzgerald said that the LUPC's review was valuable and that she is supportive of what the staff has done so far and the expectations going forward.

Commissioner Smith said that she does not see a conflict between LUPC staff having additional meetings with the DEP and the LUPC moving in the direction that staff are indicating with their questions to Wolfden. She requested

staff input on whether additional meetings with DEP would cause significant delay or would be unnecessary given previous meetings with the DEP.

Stacie responded that LUPC staff have had multiple meetings and phone calls with DEP staff since the zoning petition was received. The plan moving forward is to have weekly meetings with DEP's mining coordinator. LUPC staff do see the focus of the zoning stage of the project as distinct and different from the permitting stage. When it comes to the permitting stage, LUPC and DEP have already determined which topics DEP will review and which LUPC will review in the certification process as covered by LUPC's chapter 13 rules. Staff have been mindful of the difference between zoning and permitting from the beginning.

Commissioner May expressed support for the staff and stated that he believes the questions staff are asking need to be asked at this stage of the project.

George Tsiolis responded that the LUPC and DEP dialogue that occurred during the 2013 rulemaking was four years before the DEP's Chapter 200 rules were adopted, a period in which new legislation was passed changing and mandating many provisions of the Chapter 200 rules. Therefore, Wolfden recommends another dialogue between LUPC and DEP on this matter. He reiterated that Wolfden is not saying that none of these information requests at issue should move forward. He stated that staff's September 8 memo on this issue contained a number of incorrect characterizations of DEP's Chapter 200 rules on noise and financial practicability, and that Wolfden thinks a dialogue in which the stakeholders participate would be useful and consistent with the letter and spirit of Maine's Administrative Procedures Act.

Commissioner Worcester said he believed that rather than subtly threatening the LUPC with lawsuits, Wolfden should be complying with the staff's requests. George Tsiolis responded that his advice to clients is to be on the side of the agency. Their concern is defending, alongside the agency, any decision against third party lawsuits, not defending against any lawsuits by Wolfden.

Lauren Parker, counsel for the LUPC from the Maine Attorney General's Office, stated that at this point staff is looking for confirmation on how to proceed. The Commission is aware of how the staff understands the Commission's interpretation of the rules. She believes that the Commission probably has enough information to provide direction to staff on this issue. The Commission is not at the point of deliberating on the substance of the petition and whether it satisfied all statutory and regulatory requirements. After a public hearing, staff will compile a thorough draft decision document for Commission deliberation at which time the Commission will be able to see the staff's thinking and make sure that the staff's interpretation of rules is consistent with the Commission's. It's good to know about points of disagreement at this stage, but she has not seen anything in how the staff is interpreting the rules that leads her to believe any decision by the Commission would not be legally defensible. Although the terms used might be similar, it is important to keep in mind the different functions and purposes of zoning and permitting.

Commissioner Humphrey expressed support for the staff and moving the process forward with the information requests that staff thinks it needs. Staff should remain cognizant that there may be overlap with the Chapter 200 rules, but he believes that staff is getting the information the Commission needs to make an informed decision.

Commissioner Worcester said that the general consensus among the Commissioners is that the staff is proceeding correctly and needs to be provided the information so that they can make a recommendation to the Commission. Unless the staff receives that information, he doesn't see how the staff can make a recommendation.

Ron Little, President, CEO and Director of Wolfden Resources, expressed appreciation for the dialogue and reiterated the point that he hopes none of this is deemed to be a threat of any legal kind from Wolfden. They are trying to make positive suggestions regarding the process for themselves and the next people through this process. They want any decision to be defensible, and they are still providing the staff all the information requested. The goal was not to circumvent or not provide the information. They just wanted it to match whatever the DEP thinks. The

plan for LUPC and DEP to have a weekly meeting is a positive step along the lines of what they were suggesting. He reiterated that this was not a threat but a suggestion to streamline policy.

Commissioner Smith said that there are a lot of people opposed to mining. As a result, it is in Wolfden's interest that the Commission weigh in and represent the considerations that the state has on natural resources and other items so that there is not a process where people feel that they have not been heard and subsequently make a lot of noise. If the Commission decides that the rezoning is appropriate, it is absolutely in Wolfden's interest that the Commission has been participating.

Commissioner Humphrey said that he saw no harm in the LUPC having some of the same information that the DEP would have. This is not requiring Wolfden to do something extra to get this process through. Let staff continue with the information requests and provide the Commission with the information they need to make the right decision on behalf of the people of the state of Maine.

Commissioner Worcester asked Stacie if the Commission's discussion provided staff with direction on how to proceed. Stacie responded that the discussion did provide staff with direction moving forward.

Ron Little stated that Wolfden has had a great relationship with the staff so far and asked Stacie to state that Wolfden has been responsive in providing information and that Wolfden plans to submit all information requested. There seems to be the impression that Wolfden is not willing to supply the information. The design is preliminary at this stage, so Wolfden can't get too detailed without the full feasibility study. Stacie responded that staff have been working all along with Wolfden on the petition. Staff has requested more information, and while staff are still waiting on that information, the understanding is that Wolfden plans to submit it.

Commissioner Worcester wrapped up the discussion on LUPC's review of the petition by saying that he believed staff now had sufficient direction. He encouraged Wolfden to be responsive sooner rather than later.

In addition, to the discussion of Wolfden's August 26th letter, the Commission discussed a possible site visit to the proposed development location. Stacie provided an overview of recent State agency staff visits to the site. Then, the Commission discussed four options, an in-person site visit with public participation, and in-person site visit without public participation, a virtual site visit, and a combined virtual and in-person site visit. There was discussion of safety concerns associated with the site visit, including logging truck activity in the area, turning a line of vehicles around on the logging roads, and the need for social distancing due to Covid-19. Stacie asked if the Commission would still like to schedule a site visit, which option they would prefer, and if in-person which dates might be possible. Earlier discussion had included dates of October 15, 21, and 22.

Commissioner Smith asked if it would be possible for everyone to be in contact by cell phone during a site visit. Stacie responded that she believed there was not sufficient service at the site for cell phone use.

Commissioner Gilmore stated that it might be wise under the current conditions to take a first look at the site through Google Earth and drone footage, and if the Commission still has questions, an in-person site visit could be scheduled.

Commissioner Hilton emphasized the importance of visiting the site to seeing the approach to the site and how the site fits into the community and the adjacent uses. However, given the current conditions, she also favors Commissioner Gilmore's plan.

Commissioner Humphrey stated that he was in favor of combining options 2 and 3. He stated that the 15th of October would be a poor choice due to moose and bird hunting that week. The 21st or 22nd would be safer. He also has multiple pieces of equipment that could be used to coordinate safety. He does think that an in-person site visit is essential but would like to see the virtual tour.

Commissioner Fitzgerald supported the other Commissioner's comments and spoke on behalf of Commissioner Billings and herself in stating that in-person visits are incredibly helpful in understanding a proposal. But, given the conditions, a virtual site tour first makes sense.

Jeremy Ouellette, Wolfden Resources Vice President for Project Development, agreed that a site visit is very helpful, pointing out that the staff's site visit provided a clearer picture of the landscape and triggered a lot of healthy discussion around Wolfden's proposed concepts and how they might be modified. Jeremy commented that given Wolfden's experience with the staff's site visits, a Commission visit could be managed safely.

Commissioner Smith stated that she could not be available for an in-person site visit on October 21st or 22nd.

Commissioner Worcester asked Stacie if she had direction from the Commissioner's discussion. Stacie responded that staff would work on a virtual tour first and then plan the in-person visit with the Commission.

Commissioner Hilton asked Stacie a series of questions about how the current plan of virtual tour followed by an in-person visit affects the timing of the site visit and whether it would be possible to record the virtual tour during the Commission's in-person site visit. Stacie responded that she would like to get the virtual tour done before October 21 or 22 so that the Commission has time to view it and decide about an in-person visit before there are problems with winter weather at the site. The proposed dates of Oct 21 and 22 provide a time frame, and the staff can circle back for a poll of Commissioners, unless they want more discussion on dates. However, it would also be possible to record a virtual site visit while some Commissioners are having an in-person site visit, and then make this virtual site visit available to all the Commissioners and the public. Commissioner Hilton said that she favored moving ahead with the in-person site visit and at the same time creating the virtual tour during that site visit.

Commissioner Humphrey asked whether it was possible to review a virtual tour at the October Commission meeting, the week before the in-person site visit, giving the Commissioners a chance to hear one another's thoughts about the site prior to the in-person visit and to allow time between the virtual and in-person site visits.

LUPC Executive Director Judy East stated that staff was initially considering a process in which the Commissioners' in-person site visit and the recording of the virtual tour happened at the same time with the virtual tour then being released afterward for Commissioners that were unable to attend in-person and for the public. Then at the November meeting, the Commission could discuss in public the virtual tour. This gives the public more opportunity to hear the Commissioner's clarifying questions and gives staff more time to create something that is shareable and postable.

Jeremy Ouellette stated that Wolfden is flexible and is able to offer multiple site visits to accommodate different schedules as needed.

Commissioner Humphrey reiterated that he thought it would be helpful for the virtual to be available for review prior to the Commission's in-person visit and that the Commission could still deliberate about the tour during the November meeting. Judy East stated that LUPC staff would do everything they can to make that happen. Commissioner Worcester stated that the Commission would like to see the virtual tour first but if that can't happen, they'd like to see it afterward. The advantage of the virtual tour is that public can see it and know what the Commission's experience was. This is important for keeping the process as transparent as possible under the current conditions.

PERMITTING & ZONING MATTER

Rising Tide Towers, Dallas Plantation – Bill Hinkel

Bill Hinkel, representing the LUPC staff, summarized the history – all in 2019 - of a previous application to construct a telecommunications tower in Dallas Plantation that was reviewed, the subject of a public hearing, and subsequently denied with no appeal.

Bill summarized subsequent meetings and conversations with the applicant, Black Diamond Consultants, regarding the siting, design, and visual impact assessment of a new project. Black Diamond Consultants has identified a new location for a proposed telecommunications tower that is on the same Dallas Hill Road property that was the subject of the Development Permit that was denied (DP 5050). The new location, within a General Management (“M-GN”) subdistrict attempts to avoid the concerns raised regarding the compatibility of the proposed tower with residential uses. Within M-GN subdistricts, a utility facility is a use allowed with a permit, subject to applicable land use standards.

However, the topography within the M-GN portion of the lot is at a lower elevation than the portion zoned as D-RS2. As a result, Black Diamond Consultants has identified that the conceptually-proposed telecommunications tower would need to be 300 feet in height and require lighting to comply with Federal Aviation Administration requirements. By comparison, the tower proposed in DP 5050 was 190 feet in height and not lighted. Thus, the anticipated permit application would include new potential visual impacts on the surrounding community and regional resources.

Staff recommendation

Rising Tide Towers has identified to Commission staff that they are contractually obligated to complete a telecommunications tower project and that time is of the essence. To facilitate the most efficient process for the applicant, staff recommend that the Commission provide direction to staff regarding jurisdiction over the application, assuming Rising Tide Towers applies for a permit.

The Commission may direct staff to: 1) process and decide on the permit application pursuant to Commission rule Chapter 3, *Delegation of Authority to Staff*; or 2) forward the application to the Commission for decision, as provided by Chapter 3, section 3.02(C). The second option would be to direct staff to provide to the Commission a draft decision document for deliberation and vote.

Commissioner Worcester asked if a public hearing was anticipated. Bill responded that based on some of the email traffic that has come through, he would anticipate a hearing request to come from someone from the public.

Commissioner Smith asked for clarification on the meaning of “contractually obligated” to put a tower here? Todd Rich with Rising Tide Towers responded that they have a contract with AT&T FirstNet. The previous governor selected AT&T’s proposal to provide FirstNet coverage, which is a federal mandated program that mandates a wireless carrier to provide public safety cellular reception to cover the entire state of Maine. Rising Tide has spent a great deal of time in Washington County building 35 cell towers to improve the coverage there. As a result, AT&T and Rising Tide are working together to help their commitment to the state of Maine. Rising Tide has a contractual obligation to provide coverage in Dallas Plantation.

Commissioner Smith asked how far from the original site is this revised site? Bill responded that it would be on the existing lot, but farther back from the dwellings that are in the DRS subdistrict. Todd Rich with Rising Tide Towers said that, after the first permit was denied, they looked at several alternative sites to try to get the desired coverage, the best parcel they could find was the parcel of Mark Beauregard’s, however to avoid the DR2 district, they will need to build a road that’s over 2000 feet in an attempt to get out of the district, which will require them to build a tower that’s 100 feet taller because of the elevation, and the FAA requires them to light it. Commissioner Pray reiterated the question asking how far from the original site is the revised site. Todd Rich said that while he did not know the exact distance, it was approximately ½ mile away.

Commissioner Worcester asked if the commission should deal with this, or if the staff should deal with it. Commissioner Hilton responded that since there was interest in a public hearing, the Commission should be responsible for making a decision.

Commissioner May commented that he agrees with Commissioner Hilton regarding the decision coming to the Commission. He also commented that he remembered the hearing on the first proposal for this tower, and no one from the general public spoke in favor of the tower, suggesting to Commissioner May that the public doesn't think this is necessary. Todd Rich responded that he wasn't aware that someone from the public had to show up and support the project for it to go through. He said they realize their mistakes and have a big list of people who support it from the Dallas Plantation community. They have the ability to provide internet hot spots where they have towers for cellular service.

Commissioner Pray would like to hear comments from the general public.

Commissioner Smith asked how many people will gain service from this tower that do not currently have it? Todd Rich responded that the Dallas Plantation currently has no tower assets. He does not have a population number for people who do not currently have service.

Commissioner Gilmore commented that he understands the contractual arrangement with AT&T, and asks if it's possible to use an existing tower that does not belong to Rising Tide or AT&T? Todd Rich responded that there is no tower to put equipment on.

Commissioner Hilton would like to see this get resolved and advises applicant that the Commission will be looking to see if the applicant has looked at all other options with respect to where this might be located. Some folks are going to have a problem with the lighting. Todd Rich responded that their engineers will show the technology behind their application requirements, and the FAA will require a light.

Commissioner Smith commented that Todd mentioned two towers in this district, why can't you use those towers? Todd Rich responded that they are not tall enough and are not built to accommodate their equipment.

Commissioner Worcester commented that the consensus is that the decision needs to be made by the Commission.

PERMITTING MATTER

Saddleback – Tim Beaucage

Tim Beaucage provided a brief presentation introducing Zoning Petition ZP 372-C which proposes to amend the Saddleback D-PD Subdistrict boundary and to revise the related development plan. Specifically, the petition proposes to: i) enlarge the existing D-PD subdistrict to include existing uses and an area suited to a possible future grid-scale solar energy generation facility; and ii) revise the allowed uses listed within the development plan.

Tim indicated that the petition has been deemed complete for processing and has been distributed for review by resource agencies and confirmed that Chapter 10 requires a public hearing be held prior to the Commission acting upon a petition revising a D-PD subdistrict boundary. Staff recommended that staff and the petition are ready for hearing, and that the Commission direct staff to schedule a public hearing in conjunction with the October meeting.

Commissioner Worcester inquired whether the site is part of an [Opportunity Zone](#). Tom Federle confirmed that the site is not part of an Opportunity Zone, but the owners suggest that it is a great candidate though.

Tom Federle, the petitioner's representative, offered statements to the Commission regarding the new owner and their goals for the facility. Primarily, Arctaris is focused on making the resort cost-effective and an economic engine in the region. However, there are three significant limitations or challenges that must be overcome: ski lift capacity, lodge capacity, and high energy costs. He noted that the current reconstruction of the Rangeley Lift will significantly improve the up-hill movement of people, this zoning petition would allow the improvement and dispersing of visitor services through the innovative mid-mountain facility, and by significantly reducing costs for electrical power for snowmaking and operations of lifts.

Mr. Federle went on to confirm that this petition is focused on addressing the three core challenges; however, at some point in the future, Arctaris will formulate a more comprehensive proposal to realign the plan they inherited with their long-term vision for the mountain and resort.

Commissioner May moved to approve staff recommendation, Commissioner Fitzgerald seconded

Vote: 8-0-0-1

Commissioner Fitzgerald moved that Commissioner Worcester be designated as the presiding officer for the October hearing regarding ZP 372-C.

Vote: 8-0-0-1

PERMITTING MATTER

Niboban on Rangeley Lake LLC – Request for Public Hearing – Bill Hinkel

Bill Hinkel, representing the LUPC staff, summarized the administrative history, a current request for a public hearing, and the relevant review criteria for a pending application to renew subdivision permit SP 4097. Bill's memorandum provides considerable detail on the history of subdivision permit 4097 (issued in 2014), ownership transfer, incomplete information associated with that transfer, lapse of the 2014 permit, a request for a public hearing in early 2020, and a July 2020 request to renew the approval of SP 4097 received in July of 2020.

On August 12, 2020, a group of 12 people timely submitted a joint request for a hearing on application SP 4097-D. The initial request for hearing was amended on August 24, 2020, to include the names of 15 additional people, bringing the total number of people requesting a hearing to 27. The bases and assertions made by those persons requesting a hearing are summarized in Bill's memorandum along with, in each case, the relevant criteria that the Commission must apply in its review of the application. These bases included failure to demonstrate adequate technical and financial capacity; that the subdivision will cause congestion and unsafe conditions, have an adverse effect on existing uses, scenic character, and natural and historic resources, and that the subdivision plan will impede the ability of the land to absorb and hold water. Several sections of Chapter 10 in the Commission's rules were referenced as applicable to these bases.

Staff recommendation

Hearings on an application are at the discretion of the Commission unless otherwise required by the Constitution of Maine or statute. In this instance, neither the Maine Constitution nor Maine statute require a hearing. In determining whether a hearing is advisable, the Commission considers the degree of public interest and the likelihood that information presented at the hearing will be of assistance to the Commission in reaching its decision. A hearing on a permit application is not required because five or more interested persons requested in writing that the Commission hold a hearing.

The applicant does not propose to enlarge the Niboban subdivision beyond that approved in the 2014 permit; rather, NORL – as the new owner of the Niboban subdivision – seeks reauthorization to construct the remaining 17 condominium units that were not constructed prior to lapse of the 2014 permit. Although NORL was successful in demonstrating that it met the limited review criteria applicable to transfer the 2014 permit, the hearing request pending before the Commission is for a new subdivision permit application, which involves considerably more review criteria than does an application to transfer an existing permit. The bases and assertions made by those persons requesting a hearing are tied to the applicable review criteria for a subdivision permit. There is merit to the hearing request. Given the permitting and compliance history related to the Niboban subdivision and the level of interest regarding on-going and future development by NORL, Commission staff recommend that the Commission grant a hearing, perhaps limiting the scope of hearing topics to certain specified review criteria.

Commissioner Fitzgerald commented that when 27 people ask for a hearing, it would be in our best interest to gather information from them and to hear from them.

Commissioner Fitzgerald moved to approve staff recommendation, Commissioner Pray seconded

Vote: 8-0-0-1

Commissioner Fitzgerald moved that Commissioner Worcester be designated as the presiding officer, Commissioner Pray seconded.

Vote: 8-0-0-1

ADJOURN: Meeting adjourned at approximately 1:00 pm.

Attachment F
Public Comments

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From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Cell tower
Date: Saturday, March 20, 2021 9:26:33 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Karen,

Although I am not happy that this cell tower is being reconsidered for the Dallas plantation region. I am not completely opposed. I would like to request for the record that the company has over 100 acres of land to use for the tower. Could they move it further east so that the tower light is not flashing in my master bedroom window?

The balloon test revealed that the tower will be in direct line with my bedroom and the light flashing constantly will keep me awake. They have a lot of land to work with and it will not effect reception issues to move the tower further east.

Regards
Randy Belanger

Sent from my iPhone

From: Donna.Coleman
To: tjhebert@blackdiamond.net; Bolstridge_Karen; information@blackdiamond.net
Subject: Fwd: Dallas hill lit tower proposal. New idea
Date: Wednesday, March 24, 2021 9:57:44 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Todd of Rising Towers, Jim of Black Diamond, Karen of LUPC, Esquire Faberle of the Saddleback owners, land preserve. Dallas Plantation Council, Rangeley council. And all abutting neighbors or the hundreds within View of this proposed industrial lit up tower.

>>

>> We do not want a lit tower to ruin our starlight & night views, of Rangeley or from Rangeley up to the mountains.

>> Attorney Faberle, that represents Saddleback said they could perhaps, provide a better spot, away from the residential area. Near or below the Evergreen golf course.

>> Mark is selling his neighbors out for money, and LUPC, seems to have avoided, even a sight visit. If this albatross has to be in amongst our houses, a higher spot would negate the need for it to be lit! 42 Lyle road is off the market, but it is two acres & the mountain top. It would be relatively, cheap & no royalty or rent would be needed to be paid and it could be a short tower that looks like a pine tree. Seriously, we are going to ask for a hearing and a relocation assessment study, anyway. If you want your tower process to go slow, continuing to ignore all the neighbors objections to it will slow down and complicate your project and it is going to give your company a very bad reputation, in this very small town. Mark is known for what he does around other peoples properties, up here. I guess, your personal homes are not being attacked, but stop and think how you and your family would feel!

>> Seriously, if you want to avoid the hearings, work with more than one property owner.

>> Sincerely, Donna Coleman 53 Lyle Road, Dallas Hill Plantation, Rangeley and property line with the proposed site, low on mountain site.

>> 570-465-7273

>>

>> Sent from my iPhone

JOHN L. MARGOLIS

WATERVILLE, MAINE
MARCH 23, 2021

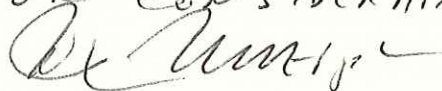
To Whom It May Concern:

I AM WRITING IN REGARD TO THE APPLICATION BY RISING TIDE TOWERS, LLC. TO BUILDING A TELECOMMUNICATIONS TOWER IN DALLAS HILL PLANTATION.

I OWN A YEAR ROUND HOUSE ON DALLAS HILL ROAD NOT FAR FROM THE PROPOSED CONSTRUCTION SITE. I HAVE REVIEWED THE PREVIOUS APPLICATIONS AND PROJECT DENIALS RELATED TO THIS PROPOSAL.

ALTHOUGH THE NEW SITE MAY HAVE CHANGED ZONES, IT SEEMS TO ME THAT THE NATURE AND DESIGN OF THE NEW PROPOSAL RENDER THE CHANGES IN THE ZONING NEUT AS IT WILL STILL HAVE THE SAME EFFECT ON THE RESIDENTIAL NATURE OF THE SURROUNDING PROPERTIES. THUS, THE "CHANGE" IS NO TRUE CHANGE AT ALL. THEREFORE, I WOULD OPPOSE THE NEW PROPOSAL.

A PUBLIC HEARING ON THIS MATTER WOULD CERTAINLY BE APPROPRIATE.

THANK YOU FOR
YOUR CONSIDERATION,


RECEIVED

APR 05 2021

LUPC - DOWNEAST

Rising Tide Application – Dallas Plantation, ME

To whom it may concern,

I own a home on Lyle Road in Dallas Plantation that is very close to this proposed tower. I hope and pray this intrusive, unneeded tower is not allowed to be erected. It will be detrimental to the health of many people close to it and devalue our lives and property values. Maine has millions of open acreage that projects such as this need to be guided towards as to not have an adverse affect on human health. Hoping this can be a hearing so we can voice our opposition.



Respectfully yours,
Robert "Butch" Coleman
Dallas Plantation, ME

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APR 05 2021

LUPC - DOWNEAST

Dear LUPC Members,

This letter is to request a public hearing for the current application **DP5050b** by Rising Tide Towers, LLC for a 300 foot lighted telecommunications facility in Dallas Plantation, ME. We are abutters to the 114 acre lot where the proposed tower will be located.

In October of 2019, DEVELOPMENT PERMIT DP 5050, or Rising Tide Towers' application for a 190 foot telecommunications tower was denied by LUPC, mainly for the following reason:

"The Commission finds that the proposed Project would be unlike other existing commercial uses within the subdistrict in that the 190-foot tall communications tower would present a significant change to existing character of the area and is wholly incomparable to the other types of commercial uses that currently exist in this residential subdistrict. The Commission concludes that the proposed Project would not be compatible with the existing residential uses in the Dallas Hill D-RS2 subdistrict and is therefore not an allowed use."

We thought LUPC made the correct decision and appreciated the chances for informing the public and giving input. The public hearing process was balanced and fair, and worked the way it was supposed to work.

We were truly surprised when this newest proposal **DP5050b** emerged, presented by Rising Tide Towers on the same piece of property; and this newest proposed tower is 300 feet tall and lighted! Apparently the reason this can happen is because they have moved the proposed location several hundred yards so that it now falls in the General Management District rather than the Community Residential Development subdistrict. Even though the project is on the same piece of property and much more intrusive in the neighborhood, being nearly twice the height and lighted, it has a lower bar to clear for approval. This new proposal seems like a complete distortion of the spirit of LUPC's purpose in drawing the boundaries for the subdistricts in this area.

Once again, we are requesting a public hearing. The first reason is that while the application for the first project was published online for the public to see, this application is only on view in Bangor in the Downeast District office of the LUPC. There is no opportunity for the public to even hear about this huge tower, let alone see the details or be able to comment or give any input. It seems to us that a 300 foot lighted tower that will be visible from all surrounding areas should be made known to the public, not hidden away in Bangor. No matter what "district" this tower is located, the impact will be felt by all residents and businesses for many miles.

Second, the fact that this more intrusive tower is located on the same piece of property should be enough reason for a public hearing. All of the same facts apply to this tower that applied to the first tower. And according to the rules:

Chapter 10.06

D. Where two or more protection subdistricts apply to a single land area, the combination of the more protective standards for each subdistrict shall apply.

We take this to mean that even though this 300 foot tower has been moved several hundred yards into the General Management District, the rest of the property is in the Community Residential Development subdistrict, so those more protective standards should apply. This 300 foot tower will certainly not be compatible with the existing residential uses in the Dallas Hill D-RS2 subdistrict, so these standards should still be applied. A public hearing is necessary to allow

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LUPC - DOWNEAST

residents of the area to have input into this.

Next, 10.22,A (M-GN) (27) which talks about uses allowed in a General Management Subdistrict with a permit states:

Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

We would argue that a 300 foot lighted tower is certainly not of a similar type, scale and intensity as other existing uses in the area. A public hearing might help explain how this tower would comply with this requirement.

In addition, we believe this enormous lighted tower will not fit harmoniously into the existing area and will have a permanent impact on the scenic beauty of the area. The members of LURC are well aware of the special character of the Rangeley area, and have done a good job protecting it. 10.24 GENERAL CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS states:

"The commission may not approve an application, unless: C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal."

This tower will have an adverse effect on the entire area and will be seen for miles around. Surely, there are better ways of locating a cell tower that will not be so visible. As it is, this tower will be visible from many high value resources such as 3 historic buildings, Saddleback (Maine's 4th largest mountain), the Appalachian Trail, Rangeley Lake and other lakes, and scenic byways and highways. Why is this particular piece of property the only place that the big, wealthy telecommunications corporations think a cell tower can be built? Surely LURC can both protect the scenic beauty of Rangeley and provide cell phone coverage. There should be a public hearing because the decision whether a permanent 300 foot lighted tower fits harmoniously into the existing landscape should be a transparent process, and the public should be assured that every care has been taken to protect their precious area.

Also, a public hearing should be held to be sure that all that can be done to mitigate the impact of a cellular tower has been done. In the General Management District :

E. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES

- a. The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
- b. To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property.

Has Rising Tide Towers had an earnest search for better placement of this tower? It seems like moving the tower several hundred yards over the district line on the same piece of property does not constitute an honest attempt to

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APR 05 2021

LUPC - DOWNEAST

place this project in the best location for the residents of the area, but mainly for their own ease to just move forward. The public should have input into alternate locations that might enable a shorter unlighted tower with the same amount of cell phone coverage.

A final reason why a public hearing should be held is because Dallas Plantation is in a Prospective zoning district. The reason Prospective Zoning was put in place is as follows:

Prospective zoning enables local and seasonal residents, landowners, and citizens of Maine, in general, to have a say in establishing development patterns based upon:

- ◆ a long term VISION for the kind of place they want the region to be generations from now;
- ◆ a REGIONAL PLAN that conceptually guides development within the framework of that vision, including the desired rate, kind, and location of development;

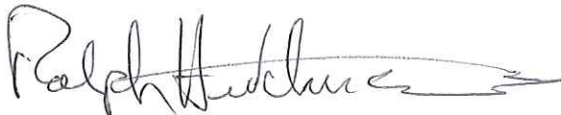

This clearly states that the residents of the Rangeley area should have a say, especially about a visually intrusive structure that will be clearly visible from so many homes and recreational areas for miles around.

For all these reasons, a public hearing should be scheduled for DP5050b-Rising Tide Towers, LLC's proposal for a 300 foot lighted telecommunications tower on Dallas Hill in Dallas Plantation.

Thank you for your consideration.

Ralph & Karen Hutchinson
43 Beans Corner, Dallas Plantation, ME 04970

53 Blanchard Rd., Cumberland, ME 04021

From: [Brown, Joshua](#)
To: [Bolstridge, Karen](#)
Subject: FW: DP 5050 Rising Tide Towers Status
Date: Tuesday, April 06, 2021 11:02:33 AM
Importance: High

Karen,

FYI.

Joshua.

From: ljonesdallasplt@myfairpoint.net <ljonesdallasplt@myfairpoint.net>
Sent: Tuesday, April 06, 2021 10:51 AM
To: Hinkel, Bill <Bill.Hinkel@maine.gov>
Cc: Brown, Joshua <Joshua.Brown@maine.gov>; dallasplt@myfairpoint.net
Subject: DP 5050 Rising Tide Towers Status
Importance: High

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bill,

The Dallas Plantation town clerk has recently received inquiries regarding the status of DP 5050 Rising Tide Towers cell tower application. The LUPC website lists no further update since October 2019 however we are aware that the application was to be resubmitted after a change of location within the parcel to a MGN zone from RSD2. Per Wireless Partners representative Todd Rich, new materials have been submitted.

Would you have an update on this project for us?

Sincerely,

Linda Jones
1st Assessor
Dallas Plantation
207/864-2612

From: ljonesdallasplt@myfairpoint.net
To: [Bolstridge, Karen](mailto:ljonesdallasplt@myfairpoint.net); "dallasplt@myfairpoint.net"
Subject: Re: dp5050b FYI Misinformation on social media
Date: Wednesday, April 07, 2021 10:53:56 AM
Attachments: [image002.png](#)

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Karen,

Thank you for the information. I have been made aware of a social media post regarding the Rising Tide dp5050 b application stating that public comment must be received by April 8th, that the application was "submitted" and posted to LUPC for the "Downeast Region"; further instruction to contact you directly with your email; phone and fax information is listed. The FB post is in a Group called "Rangeley Local Political Forum".

This misinformation is widely circulated. The Plantation will respond to inquiries based on your written response and look forward the process of review by the Commission.

Sincerely,

Linda Jones
1st Assessor
Dallas Plantation
207/864-2612

On Tue, 6 Apr 2021 15:10:44 +0000, "Bolstridge, Karen" <Karen.Bolstridge@maine.gov> wrote:

Linda Jones:

Please see data sent to David on the 30th. Let me know if you have further questions. This application has not been sent to the review agencies or surrounding plantations/towns for their official comments as it has not been fully reviewed, although you may comment on it now if you wish.

I expect it may be on the website soon.

Thanks

Karen E. Bolstridge

Karen E. Bolstridge, Environmental Specialist III
Maine Department of Agriculture, Conservation and Forestry
Land Use Planning Commission
106 Hogan Road; Suite 8
Bangor, Maine 04401
Phone: (207) 215-4685
Fax: (207) 941-4222
Email: karen.bolstridge@maine.gov



Celebrating 50 years of balancing the
unique character and vital economy of
Maine's Unorganized Territory.

From: ljonesdallasplt@myfairpoint.net <ljonesdallasplt@myfairpoint.net>
Sent: Tuesday, April 06, 2021 10:51 AM
To: Hinkel, Bill <Bill.Hinkel@maine.gov>
Cc: Brown, Joshua <Joshua.Brown@maine.gov>; dallasplt@myfairpoint.net
Subject: DP 5050 Rising Tide Towers Status
Importance: High

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bill,

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submitted.

Would you have an update on this project for us?

Sincerely,

Linda Jones
1st Assessor
Dallas Plantation
207/864-2612

From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Hearing
Date: Wednesday, April 07, 2021 12:11:59 PM

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Karen,

A lot of people from Dallas Plantation are contacting me regarding the proposed Cell Tower. They are all requesting a hearing on this matter. I support their concerns and hope that LUPC does also. We are requesting a hearing so that environmental concerns can be addressed. This proposed tower is a behemoth and it will stand out within the region. Not to mention be closer to my land border than the satellite photos suggest. I've walked the property and it is not going to be in the designated area that the maps are showing. It is more intrusive. Also the balloon test only had the balloon at approx 100-150' not giving us a true representation of where the tower will end.

Please give the region the opportunity to address this matter in a public forum.

Regards
Randy Belanger

Sent from my iPhone

From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Birds
Date: Wednesday, April 07, 2021 12:15:13 PM

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Karen

Also keep in mind and consideration that there is an endangered species of bird that resides in this area.

Sent from my iPhone

From: [Cindy C.](#)
To: [Bolstridge, Karen](#)
Subject: 1_dp5050b_application for 300" Telecommunications Facility in Dallas Plantation
Date: Wednesday, April 07, 2021 3:26:43 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Bolstridge,

After having reviewed the very thorough application submitted by Jim Herbert of Black Diamond Consultants for a 300' Telecommunications Facility in Dallas Plantation, I would like to share with you my concerns as a part-time, soon to be full time resident of Rangeley.

1. The application went to great lengths to show the visual impact of the tower during the daylight hours. It is my opinion that nighttime visibility is where the biggest impact will be on the character of a region. The report is correct, during daylight, the tower is not highly visible. At night, it will be!

The Rangeley region is known for its unspoiled, beauty. The view is as, if not more, beautiful at night and a set of blinking red lights will be visible much further than a metal tower during the day. Having spent most of my vacation time on other lakes in Maine, nighttime lights, can have a very negative impact on the character and desirability of an area. Specifically, Sebago lake has a similar cell tower on the East shore someplace near Sebago Lake State Park. You don't notice it during the day but at night, it is the first thing your eyes focus on and it significantly detracts from the view.

2. Although there are communication benefits to be provided by this tower, the benefits to the local residents seem limited. Cell phone service may improve for some but not significantly for many due to technology limits.

There are other solutions being tested and available that would provide all of the benefits without impacting the view or the environment. Specifically, Starlink, a satellite internet service that provides internet as well as WiFi phone access. My guess is there will be additional services to follow. No towers are required at all and the technology targets regions like Western and Northern Maine, areas without high speed internet and cell phone access.

Why not encourage moving in this direction vs. creating physical infrastructure that negatively impacts the regions?

Note: I do not have any financial connection to Starlink.

3. This application was submitted and filed under the Downeast Region. It would be very easy for a Rangeley resident to miss this application because, I believe Rangeley is in the Western Mountain Region.

These are my thoughts and I would like to see this application rejected or at the very least delayed until additional input can be heard from residents or Rangeley. Thank you for your consideration and time.

Respectfully,
Cindy Cromer
Wheatland Road
Rangeley, ME

From: [Rensky, Kathleen L.](#)
To: [Bolstridge, Karen](#)
Subject: Dallas hill cell tower
Date: Wednesday, April 07, 2021 3:56:20 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not let the proposed cell tower on dallas hill in the Rangeley area of western Maine be built. For one thing it should not be under downcast maine which is the coast but should be under Westetn maine. This is a resort area protected in many ways. It doesn't have windmills thank God to spoil the wilderness view. These views are why people come to our area. A 300 foot ugly glowing at nite tower would devalue the whole area. We don't need it. We don't want it. Please reject the tower. Don't turn our beautiful area of which there are few left, into what everyone else has. We like it the way it is. Reject the tower.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Peter Williams](#)
To: [Bolstridge, Karen](#)
Subject: Dallas Plantation Cell Tower
Date: Wednesday, April 07, 2021 7:36:24 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day,

We are writing to add our support for the Proposed Cell Tower on Dallas Hill Road, in Dallas Plantation.

We purchased a property in Dallas Plantation in 2018, and spend as much time there as we possibly can.

At the current time we have zero cell signal at our property, and only 2 mbps of broadband, which is provided by Consolidated Communication.

Many times when we have work to do online that we could do in Dallas Plantation, we choose not to travel to the Rangeley Area because of the poor service.

Due to the reopening of Saddleback Maine, and the influx of more people and what looks like a building boom on the horizon, the existing cell signal down the street from us, and in-town Rangeley, and the broadband are even worse when the area is crowded.

Although that's only a minor inconvenience, and to be expected if you were in a wilderness area, we think the lack of cell signal and hotspot broadband is also a Health and Safety issue.

A few months ago we were looking at the security cameras at our full time residence in West Falmouth from the night before, and realized that the burglar alarm at our home had gone off in the middle of the night, and the Falmouth Police Department was on camera searching the outside of our property with flashlights.

The Alarm Monitoring Company had attempted to call us, but because we didn't have any cell signal we didn't get the call.

It's possible that the alarm could have been a smoke detector alarm, and our residence could have been on fire, and yes the chances are pretty slim that it would have burned to the ground because of the alarm system, or even the delay in getting in touch with us.

But the ability to stay in touch with the rest of the world, from a place like Rangeley would be nice in the year 2021.

We also read an account of a recent fatal car accident, East or South of Rangeley on Route 4, where the first person on the scene said they had to drive 5 miles or more before they found a residence where they could use the phone to call for help.

We don't know if the proposed cell tower will improve the cell service dead zone between South Shore Drive and Madrid or Phillips depending on the weather.

And we don't know if one or more of the people killed in the accident would have lived had there been better cell signal, but decent or any cell signal at all possibly could have given them a better chance of surviving.

The same holds true for a section of Route 16 between Rangeley and Stratton, an area that has a lot of wildlife, especially moose and deer. There are also a fairly good amount of motor vehicle collisions with animals and wildlife.

In summary we think that the proposed tower and improved cell signal are worth the minor change to the scenery,

especially when you factor everything that's going on in the area.

The reopening of Saddleback and the amount of people it will serve, and the jobs it will provide will have a major impact on the lives of the people that live there.

The area around where the proposed tower would be installed is not really a wilderness area, and hasn't been for a long time.

There are other cell towers in the area that provide cell signal to many people, who are now against additional communications equipment so that others can have the same convenience and protection that they have.

We hope the proposed tower meets all of the zoning requirements and will be approved.

Thank you for your time.

Peter Williams
Leslie Knight
Dallas Plantation
Falmouth

From: [Lois Peraino](#)
To: [Bolstridge, Karen](#)
Cc: [Janet Theriault](#); [Carolyn Schwalbe](#); [conrus](#); [Suzanne Hunger](#)
Subject: Dallas Tower Application Response
Date: Wednesday, April 07, 2021 9:13:47 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Karen,

Thanks again for taking the time to talk to me about the Dallas Plantation Tower and Road application and landowners response process.

As discussed, we only just learned of the application when I returned last week from vacation.

There are 5 of us who share ownership of this Dallas Plantation property (Map/Lot 004/27), my two sisters, Janet Theriault and Connie Russell, as well as our two cousins, Carolyn Schwalbe and Suzanne Hunger. We have been emailing each other the past few days gathering our thoughts and questions after reviewing the application materials.

This email is to let you know that we do have some questions which will come to you in a letter attached to an email in the next day or two, followed by a signed letter via snail mail, as we discussed would be acceptable.

Thank you again for your time.

Sincerely,
Lois Peraino

From: [Aimee Danforth](#)
To: [Bolstridge, Karen](#)
Subject: Rising Tide Towers Permit Application, Cell Tower, Dallas Plantion
Date: Wednesday, April 07, 2021 4:28:41 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I was recently notified by an abutter of this project that there has been a recent submission to, yet again, request permitting of a cell phone tower to be located off of Dallas Hill, in Dallas Plantation. I was one of the parties in opposition to the prior attempt of permitting back in 2019. We were very thankful that the project was turned down in 2019 yet here we are, 2 years later, fighting the same battle we were fighting then with less zoning restrictions to protect our neighborhoods, our community, our town and the visual aesthetics threatened to be destroyed by padding pockets and claims of better emergency coverage.

I am a long time resident of the Rangeley Lakes Region, moving here in 1978 at the age of 2.5. I have chosen to remain here in Rangeley throughout my life because of some of the same reasons my parents chose to make the Rangeley, and most particularly Dallas Plantation, their life long home. The recreation, character, and people are just some of the many reasons we still reside here today but that pales in comparison to the sheer beauty of the area. The lakes, mountains, darkened night skies, wildlife, and the fact that Rangeley is more untouched by the ugly sprawl facing a large part of our nation and even our remote towns and villages here in Maine. I am a Realtor here in Rangeley, 16 years of listening to the wants and needs and dreams of people coming to my beautiful town all wanting to share in the beauty we have available to us in the western mountains of Maine. They have expressed how much they appreciate that when they come here they can relax, put down their phones, and their children put away the tablets and games and are able to experience the outdoors, the recreation, and all that has been a huge part of the Rangeley Lakes Region dating back to the first visitors of our beautiful piece of heaven. Not one person has ever said to me- I wish we could see more cell phone towers! But what they do say is- "Wow, look at those views!" "It's so beautiful here!" "You're so lucky to live here!"- Yes, I am!

I grew up a short distance from the proposed site of this tower. Riding bikes, catching pollywogs in the ditches along the road less than ¼ mile from this proposed access road, playing hide and go seek in the same woods... fond memories of years past. I still take the time to marvel at the mountains and lakes that we are blessed with daily. Just as a vast majority of those who call this home, or their home away from home do and that one would hope those who come after us will have the ability to do as well.

In looking over the application there are many items that are glaringly obvious to me and I will try to recap a few that I find to be troubling-

In the attempt to circumvent the prior decision by LUPC the applicants have moved the proposed project just beyond the Residential Zone. In doing this they are hoping to evade the will, the feelings, and the impact this project will have on this community and the people who have been vehemently

against it 2 years ago. So, now, instead of the 190' eyesore they are proposing a 300' eyesore that will have no less of an impact on the visible scarring this will have on our community. It will still be there- big and large, shining it's ugly head across our landscape. This is all under the guise of providing EMT communication services to areas where it is needed and most specifically citing Rt's 4 and 16. NO! That is NOT the case! As shown on page 166, it does not cover anywhere on Rt's 4 and 16 that doesn't already have cell coverage so this is a crock of bologna claiming a service that is already available. I know that these areas currently have coverage because I drive them daily! I am a Realtor and rely heavily on my phone as one of my primary work "tools" and am very familiar with maps and the areas populated by homes and home away from homes. I have analyzed the map on Pag 166 and not anywhere on that map do I see improved cell coverage anywhere along those routes where it isn't already available. The vast majority of the areas this tower is looking to cover isn't inhabited by residences, but M-GN zoning so it will not necessarily be something that is a requirement of the residential areas unless we can count the moose, deer and bear as needing EMT recovery services. There are a few neighborhoods that could benefit from this but with improving intent soon to be available to the area, especially with the availability of Starlink, cell calls can easily be made and received through these services at these homes. This claim to enhanced services is a ploy to line the pockets of few and have long lasting effects on the many.

In regards to the real estate values of those affected by this project- we have no idea how much this will negatively affect value but what we do know is that it most certainly WILL negatively affect value. What stood out to me were the comments on pages 12 and 13 of the 273 page document submitted to LUPC. The view of the tower from specific areas "has no significant scenic resource value" "with no diminishing of the integrity of the existing view scape". Who and what gave Black Diamond the authority to judge and gauge the value of our community, our views, our landscapes and our mountains other than the value this will put in their pockets and take away from the investments made by hundreds of homeowners who will be looking at this eyesore for the remainder of our lives? And yes, there is one other 170' very visible eyesore of a tower in town as shown on page 221 of the same document. Very few residents knew about this tower until it raised it's ugly head right in the middle of our town, taking over views all over the area. There wasn't one resident that I have come across that finds this to be appealing and neither do they find it useful. ATT is NOT the service primarily used in the Rangeley Lakes Region and is of no use for many here in the area yet we are plagued with the site of it from MANY locations throughout the area and is a HUGE bone of contention. The approval of this proposed tower will leave the same distaste in the mouths of full and part time residents and vacationers as the (much touted by Rising Tide) tower on Cemetery Hill at Sunrise View Farm. Those who allow this to happen will be doing the same disservice as those who allowed the Sunrise View tower to be erected to the people of the Rangeley Lakes Region. Financially benefitting the few and harming the many!

As I am sure you have heard through the media of the revitalized Saddleback Mountain and the major boon to our community this has had. People are coming from all over to enjoy the outdoor recreational activities and the beauty of the region that have never been to Rangeley before. The prevailing feeling from those coming to enjoy the beauty of the mountain is that Rangeley is untouched and unspoiled and the character is being preserved here in the area. Dallas Hill is the main road to access Saddleback. This tower will be very visible on the way to the mountain. Dallas Hill Road already has cell service so it's not like this eyesore will benefit the travelers to our

mountain, it is just a visible stain on our landscape!

My final thought on this are the photographs of the balloon test- were there any people not specifically involved in the monetary gains of this project to oversee that the balloon was in fact 300' in the air? And I'm sorry, but 2 red balloons in the air is NO gauge on what a 300' tower sticking up above the tree line will actually look like. Rising Tide is not asking to put up balloons, they are asking to erect a steel 300' tower that will be visible from the vast majority of the populated and unpopulated regions of the Rangeley Lakes Region that has any views of Saddleback Mountain. This will be a towering gray stain on our community that will have long lasting effects on the scenic beauty of our area.

I beg that those who may not be familiar with Rangeley to come and take a look, see what beauty and sites we have for you in the area and then look at the current 170' tower and if you think it is wise to allow this to become a regular site in our beautiful community. Yes better cell coverage is a nice convenience but at what sacrifice are people willing to make to have better cell coverage? I know my town is far more valuable than a few dropped calls! Obviously time is of the essence to make this important decision because Rising Tide knows there is, and has been, HUGE opposition to this project, and rightly so, and is holding you to a time frame. That, in and of itself, is a HUGE indication to me and many others that they know it is not wanted here. We are begging that you make the decision to protect and preserve our lands and landscapes and that your decision will pave the future on what could become of our rural beauty of our state- as Rising Tide said in 2019- this tower is just the beginning of what they want to do throughout the Rangeley Lakes Region. Please don't let these towers be your legacy on our beautiful community!

Aimee Danforth
Broker
Noyes Real Estate Agency
2388 Main Street
PO Box 1111
Rangeley, ME 04970
Personal Office- (207)864-9444
Cell- (207)8903744
aimee@noyesrealty.com

From: [Jo Doherty](#)
To: [Bolstridge, Karen](#)
Subject: Proposed application to build a cell tower in Rangeley
Date: Thursday, April 08, 2021 8:04:25 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Bolstridge,

I am writing to you on behalf of my husband & myself who have been visiting the Rangeley area since 2010. We built a home here in 2012, been contributing to the community by volunteering, donating, regularly frequenting local businesses & paying property taxes. We have been living here full-time since April 2020 & our plan is to retire to our house there on Rangeley Lake.

As people who love this region & all it has to offer we wanted to share our concerns with you regarding the proposal to build a cell tower in the area.

* the application while addressing the visibility impact during daytime did very little to address the nighttime visibility - this area has a growing reputation as a dark sky - an area where light pollution is limited or non existent - & star gazing is therefore unspoiled. With the growth of development elsewhere a designation of a dark sky region is key to developing another tourism facet, upon which Rangeley & its area is hugely dependent;

* a cell tower of this magnitude would greatly impact the light pollution in the night sky, greatly impacting wildlife & the scenic unspoiled beauty that this region is notorious for;

* Rangeley is home to a small community of breeding & nesting bald eagles - this cell tower application does not adequately address the impact its will have long term on such endangered species;

* this unspoiled beauty is something that Rangeley Lakes & its regions is well known for & sought out, especially important as development amongst other known lake regions in Maine increases;

* this region appeals to so many simply because it is unspoiled & a haven from the rapid development seen elsewhere, even in Maine's beautiful rural regions;

* communication benefits to the area - while this application states this development is needed to improve communications in the area, it does not take into account current technological advancements in the cellular & internet service - there are other solutions available right now which provide enhanced communication capabilities without the need for towers & the consequential damaging long term impacts on our environment. This application suggests a tower is the only available technology to improve communications - this is NOT true;

* this application was submitted & filed under the Downeast region & not the Western Mountain region, the designated area in which Rangeley physically is in - Why? An obvious reason is a lack of transparency & a desire to limit the attention it would draw to those residents & visitors to this region. Doing something like this highlights a lack of transparency & trust & makes me question the motives of the proponents of this proposal. And a substantive reason you are hearing from so many of us against this project on the very day of the public comment deadline - that's why this proposal was submitted in this way to subvert public comment. Is this really how the government of Maine wants to do business?

For all of these reasons we are adding our voices to the growing comments opposed to this development.

Thank you for your time & consideration.

Yours,

Colin & Jo Doherty
65 Lake House Road,
Rangeley, ME 04970

From: [Sarah England](#)
To: [Bolstridge, Karen](#)
Subject: Comment regarding cell tower proposal to be built in Rangeley, ME
Date: Thursday, April 08, 2021 8:41:21 AM

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Dear Ms. Bolstridge,

I am writing to you on behalf of my husband & myself who have been visiting the Rangeley area since 2008. We purchased a home here in 2017, and have been contributing to the community by volunteering, donating, regularly frequenting local businesses & paying property taxes. We have been living here full-time since April 2020 & our plan is to retire to our house on Rangeley Lake.

As people who love this region & all it has to offer we wanted to share our concerns with you regarding the proposal to build a cell tower in the area.

* the application while addressing the visibility impact during daytime did very little to address the nighttime visibility - this area has a growing reputation as a dark sky - an area where light pollution is limited or non-existent - & star gazing and rare, but feasible northern lights viewing, is therefore unspoiled. With the growth of development elsewhere a designation of a dark sky region is key to developing another tourism facet, upon which Rangeley & its area is hugely dependent;

* a cell tower of this magnitude would greatly impact the light pollution in the night sky, greatly impacting wildlife & the scenic unspoiled beauty that this region is notorious for;

* Rangeley is home to a small community of breeding & nesting bald eagles - this cell tower application does not adequately address the impact it will have long term on such endangered species; where are the expert opinions on this matter?

* this unspoiled beauty is something that Rangeley Lakes & its regions is well known for & sought out, especially important as development amongst other known lake regions in Maine increases;

* this region appeals to so many simply because it is unspoiled & a haven from the rapid development seen elsewhere, even in Maine's beautiful rural regions;

* communication benefits to the area - while this application states this development is needed to improve communications in the area, it does not take into account current technological advancements in the cellular & internet service - there are other solutions available right now which provide enhanced communication capabilities without the need for towers & the consequential

damaging long term impacts on our environment. This application suggests a tower is the only available technology to improve communications - this is NOT true;

* this application was submitted & filed under the Downeast region & not the Western Mountain region, the designated area in which Rangeley physically is in - Why? An obvious reason is a lack of transparency & a desire to limit the attention it would draw to those residents & visitors to this region. Doing something like this highlights a lack of transparency & trust & makes me significantly question the motives of the proponents of this proposal. A substantive reason you are hearing from so many of us against this project on the very day of the public comment deadline is due to this lack of transparency and hiding away of this proposals in the down east region rather than the western; it is underhanded and unacceptable behavior- thats why this proposal was submitted in this way to subvert public comment. Is this really how the government of Maine wants to do business?

For all of these reasons we are adding our voices to the growing comments opposed to this development.

Thank you for your time & consideration.

Yours,

Sarah and Brent England
[52 Lake House Road,](#)
[Rangeley, ME 04970](#)

From: [A J Barrett](#)
To: [Bolstridge, Karen](#)
Cc: [Lester Kenway](#); [Gorrill Thomas](#); [Dolan Doug](#)
Subject: Dp 5050b Rising Tide tower application in Dallas Plantation
Date: Thursday, April 08, 2021 10:47:27 AM
Attachments: [MATC PR banner Logo small.png](#)
[LUPC dp5050b 8 April 2021.docx](#)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Karen—

Please consider the attached letter in the staff's & Commissioner's consideration of the tower application by Rising Tide.

Thanks

Tony Barrett
Executive Committee
185 Long Point Road
Harpwell, ME 04079
207-833-0939
barretttony@mac.com



From: [Karon Noyes](#)
To: [Bolstridge, Karen](#)
Subject: Permit DP5050 Rising Tide Towers, LLC - Dallas Plantation
Date: Thursday, April 08, 2021 11:18:52 AM
Attachments: [pastedImagebase640.png](#)

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To Whom It May Concern:

Below I'm resubmitting my 3/16/19 comments from the original tower application to be considered for the new proposed cell tower location. The original tower application denial was due to the tower being too near the residential area. The new application proposes to move it a short distance down the hill into the M-GN General Management Subdistrict - changes little with regard to the location. It does add 12 power poles and the associated lines and additional road work. I perceive submitting the new application, moving into the M-GN Subdistrict as a means to "skirt the will of the citizens". I understand from the Consultant's letter, the will of the people matters not since you can't "deny" the application. Please - what's LUPC's purpose in this process if we don't have a say?

Dallas Plantation is growing along with the Region. In 2020 Dallas Plt. had 10 - 12 new building permits, not including land that's been sold for future development. I read LUPC's Chapter 10, M-GN General Management Subdistrict description. I don't see that this subdistrict is any more appropriate than the D-RS2 district for a 300" tower which is 30 stories high (10 times higher than a home can legally built) with top and mid-way lighting!

I do understand there's a continuing need for internet and cell reception in many areas of Maine and there are "gaps" in this area. The FirstNet ME directive is to install cell towers in the remote, rural areas of Maine without cell/internet reception. Is this the Rangeley Region? Multiple carriers offer services in the area and now there are available satellite options. Satellite options should be encouraged to discourage peppering the Maine landscape with towers. First and foremost, the tower is for public safety not citizens. The application referred to a "substantial" gap in coverage - is it substantial?

I previously expressed this - we're not on the abutter list. I'm thankful to the individual that notified us of the new application. I strongly believe LUPC rules need to be updated to include more than abutters within 1000 feet when the proposed development is a 300' tower (30 stories, 10 times higher than a home can legally be built) and a structure that will loom over the horizon for years to come.

This tower will be visible (light or no light). How do I know - as I drive off Dallas Hill, look across lovely Rangeley Lake to Bald Mt and the distance mountains, what can I see - wind towers! Not the blades, but the straight as an arrow towers - these are miles from Rangeley, unnatural structures on the horizon. Do we get used to them - what choice do we have once they're up and only those within 1000' had any notification.

There's always a section on your applications regarding wildlife and rare species - I don't know whether or not the Northern Long Eared bat nest in these woods but I do know a family of pileated woodpeckers did for the last 20 years. I enjoyed their call morning and night, to and from their trees, they've moved on - their area has been cut over.

About Us - The Maine Land Use Planning Commission (the LUPC or Commission)

- Preserve public health, safety and general welfare;
- Support and encourage Maine's natural resource-based economy and strong environmental protections;
- Encourage appropriate residential, recreational, commercial and industrial land uses;
- Honor the rights and participation of residents and property owners in the unorganized and de-organized areas while recognizing the unique value of these lands and waters to the State;
- Prevent residential, recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy;
- Discourage the intermixing of incompatible industrial, commercial, residential and recreational activities;
- Prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads;
- Prevent the despoliation, pollution and detrimental uses of the water in these areas; and
- Conserve ecological and natural values.

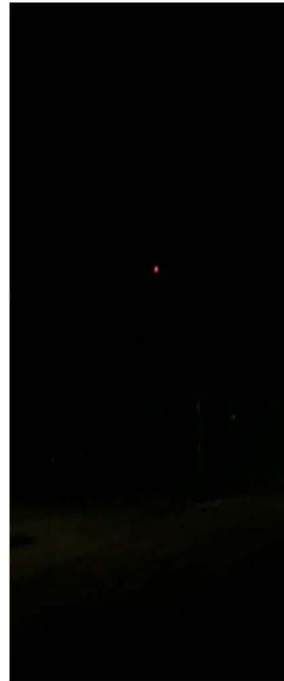
Rangely is my hometown, I'm a registered Maine Recreation Guide, and lived many years on Congress Street in Portland returning home in 2000.

My family has been in the Rangely area since 1898. We purchased our home because of it's natural beauty. As you can see below - that will change if the tower application is not denied.

We would like a public hearing and denial on this application. Thank you for considering our comments. Karon Noyes and Henry Yankowsky

This is our home - one of the closest homes to the tower - I don't even plant trees unless I consider my neighbor's view from across the street.





Photograph 1: Dallas Hill Road. The Balloon was partially visible beyond the tree line to the east of the site. Medium Intensity White Lights for daytime and twilight are simulated on the top of the tower. The Nighttime photo is simulating the Red Light at Night approximately 0.4 miles away, similar to the distance in the daytime photo. Below is the photograph 'at Dusk' simulating how the red light would appear in its landscape.





P.S. Please don't consider the tower and having fake greenery.

3/16/2019 email comments

We're year-round residents of 450 Dallas Hill Road, Dallas Plantation, Maine. We're not on the abutter list, our home is just beyond the 1000' requirement for notification. You can see it on the application's attachment (photo page 55) - "home in open field".

The area surrounding the site is populated with many year-round and seasonal homes - attachment A. The D-RS2 zone purpose *"to designate residential areas than can accommodate an appropriate range of low-impact commercial and public uses that are compatible with residential uses. This sub-district seeks to promote residential living and thriving neighborhoods with a limited range of service"* LUPC Chapter 10. A 190' cell tower is not low impact.

The application's Visual Assessment Report describes the area in the vicinity of the proposed tower as "little changed by late twentieth and early twenty-first century construction", that's residential living and a thriving neighborhood with a limited range of service".

When abutter notification is to property owners within 1000' of a site, how is it determined that "communications facilities have become a common entity to the average person and, as such, are viewed as being compatible with residential development", Jim Hebert, Black Diamond?

The proposed cell tower would have an impact on real estate value for the residential properties within close proximity to the proposed tower.

- The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Cell Tower reduced price by 15% on average.
- The Bond and Beamish study involved surveying whether people who lived within 100' of a tower would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only

1%-9%, and 24% said they would reduce their sale price by 10%-19%.”

- United States Court of Appeals for the 11th Circuit upheld a denial of a Cell Tower application based upon testimony of residents and a real estate broker, that the Tower would reduce the values of property which were in close proximity to the Tower

Six utility permits have been approved in Dallas Planation from 2001 – 2013, based on the 2014 updated Rangeley Plan. The highest of all Minor Civil Divisions in the Rangeley Plan.

We acknowledge the necessity for another cell tower in the Rangeley region. We depend on wireless for our home business. It’s nearly impossible to work wirelessly during peak vacation times in the Rangeley region.

Please give consideration to requiring a more visually appealing, low-pact tower for the Rangeley area. One that conforms to the surrounding, wooded nature of the area



Thank you for considering our comments.

Karon J. Noyes, CRPC, Financial Adviser
Voya Financial Advisors
P. O. Box 526, Rangeley, ME 04970
Tel: 207-864-2985/ Fax: 207-864-2427

Supervisory Office: 30 Braintree Hill Office Park, Braintree, MA 02184 / Tel: 800-238-8458

Investment adviser representative and registered representative of, and securities and investment advisory services offered through Voya Financial Advisors, Inc. (member SIPC).

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From: ken@mhconstruction.net
To: [Bolstridge, Karen](#)
Subject: Rising Tide Cell Tower
Date: Thursday, April 08, 2021 5:07:41 PM
Attachments: [DOC845.pdf](#)

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Dear Karen,

Thank you for discussing the cell tower seeking approval on Dallas Hill.

Kindest regards,

Ken Haley

From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Messages
Date: Friday, April 09, 2021 8:12:18 AM

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Karen,

Not sure why you're not responding to important messages? I've contacted the Audubon society for assistance in this matter. The region deserves the right to a hearing on this tower. Please respond.

Sent from my iPhone

From: [Bolstridge, Karen](#)
To: [Randy Belanger](#)
Cc: [Bolstridge, Karen](#)
Subject: RE: Messages
Date: Friday, April 09, 2021 8:22:50 AM

Randy:

Thank you for your email. Public comments, your two included, are being received and reviewed at this time. The request for a public hearing must go to the Commission during a regularly scheduled monthly meeting. If the application I received is viable (ie not returned as incomplete or has substantial data requests outstanding from the application), I will be taking that request for a public hearing, at the earliest, in May. If the Commission grants the public hearing request at that meeting then one will be scheduled, probably in June or July depending on scheduling. Thank you

Karen E. Bolstridge
Karen E. Bolstridge, Environmental Specialist III
Maine Department of Agriculture, Conservation and Forestry
Land Use Planning Commission
106 Hogan Road; Suite 8
Bangor, Maine 04401
Phone: (207) 215-4685
Fax: (207) 941-4222
Email: karen.bolstridge@maine.gov

-----Original Message-----

From: Randy Belanger <randy.belanger@gmail.com>
Sent: Friday, April 09, 2021 8:12 AM
To: Bolstridge, Karen <Karen.Bolstridge@maine.gov>
Subject: Messages

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Karen,

Not sure why you're not responding to important messages? I've contacted the Audubon society for assistance in this matter. The region deserves the right to a hearing on this tower. Please respond.

Sent from my iPhone

From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Re: Messages
Date: Friday, April 09, 2021 8:54:10 AM

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Thank you for the response

Sent from my iPhone

> On Apr 9, 2021, at 8:22 AM, Bolstridge, Karen <Karen.Bolstridge@maine.gov> wrote:

>

> Randy:

> Thank you for your email. Public comments, your two included, are being received and reviewed at this time. The request for a public hearing must go to the Commission during a regularly scheduled monthly meeting. If the application I received is viable (ie not returned as incomplete or has substantial data requests outstanding from the application), I will be taking that request for a public hearing, at the earliest, in May. If the Commission grants the public hearing request at that meeting then one will be scheduled, probably in June or July depending on scheduling.

> Thank you

> Karen E. Bolstridge

> Karen E. Bolstridge, Environmental Specialist III

> Maine Department of Agriculture, Conservation and Forestry

> Land Use Planning Commission

> 106 Hogan Road; Suite 8

> Bangor, Maine 04401

> Phone: (207) 215-4685

> Fax: (207) 941-4222

> Email: karen.bolstridge@maine.gov

>

>

>

> -----Original Message-----

> From: Randy Belanger <randy.belanger@gmail.com>

> Sent: Friday, April 09, 2021 8:12 AM

> To: Bolstridge, Karen <Karen.Bolstridge@maine.gov>

> Subject: Messages

>

> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

> Karen,

>

> Not sure why you're not responding to important messages? I've contacted the Audubon society for assistance in this matter. The region deserves the right to a hearing on this tower. Please respond.

>

> Sent from my iPhone

From: [Tom Gorrill](#)
To: [A J Barrett](#)
Cc: [Bolstridge, Karen](#); [Lester Kenway](#); [Doug Dolan](#)
Subject: Re: Dp 5050b Rising Tide tower application in Dallas Plantation
Date: Friday, April 09, 2021 7:38:20 PM

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Nicely done, Tony.

On Apr 8, 2021, at 10:47 AM, A J Barrett <barretttony@mac.com> wrote:

Hi Karen—

Please consider the attached letter in the staff's & Commissioner's consideration of the tower application by Rising Tide.

Thanks

Tony Barrett
Executive Committee
185 Long Point Road
Harpwell, ME 04079
207-833-0939
barretttony@mac.com

<MATC PR banner Logo small.png>
<LUPC dp5050b 8 April 2021.docx>

From: [Lois Peraino](#)
To: [Bolstridge, Karen](#)
Subject: Dallas Plantation Tower Letter From abutting Landowner
Date: Thursday, April 15, 2021 1:36:54 PM
Attachments: [Letter to LUPC April 15.pdf](#)

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Dera Karen,

Thank you for your patience.

I have attached my letter with questions and comments I have about the FirstNet Tower proposed for Dallas Plantation, Maine.

Lois Peraino

From: [Donna Coleman](#)
To: [Bolstridge, Karen](#)
Subject: The latest newspaper shows that this tower would be worse than the issue of lit signs.
Date: Monday, April 19, 2021 3:18:52 PM





Interlocal Agreement Next Step to Broadband

By Mark Beauregard

Of the six broadband companies that attended the March 10th mandatory pre-proposal meeting only two submitted proposals for review. Matrix Engineering and Consolidated Communications provided plans to build, operate and maintain a high speed fiber optic broadband network that would connect every business and residence in Dallas Plantation, Sandy River Plantation, Rangeley Plantation and the Town of Rangeley.

The municipal broadband delegates of these four communities reviewed and evaluated the proposals. The delegates believe the proposals contain a viable option for the areas broadband goals and want to take the next step to move forward. The next step is to create an Interlocal Agreement. An Interlocal Agreement would be a cooperative agreement between the four communities that allows them to enter into formal negotiations with a broadband provider. Maine Municipal Association recommends that each of the four towns include an article in their Town Warrant that allows the voters to authorize their Assessors or Selectmen to enter into such an agreement. The apportioned share of costs for creating an Interlocal Agreement would be 16.7% for Sandy River Plantation, 20.9% for Rangeley Plantation, 22.6% for Dallas Plantation and 39.8% for the Town of Rangeley. If voters authorize their delegates to move forward, an Interlocal Agreement could be completed before the end of July and formal negotiations would begin shortly thereafter.

The Town of Rangeley will discuss their Interlocal Agreement warrant article at the April 5th public hearing on the draft Annual Town Meeting Warrant. This draft Warrant also includes a question to approve changes to Rangeley's Zoning Ordinance. The changes to Rangeley's 127 page Chapter 38 Zoning Ordinance were presented at a public hearing held by the Rangeley Planning Board on March 24, 2021. Changes are proposed to the Land Use Tables, Definitions, Sign Regulations, Lighting Regulations and

Timber Harvesting among others. The lighting section has many proposed changes in an effort to adopt International Dark Sky language, definitions and requirements. The lighting of business signs is included in this section.

There are many proposed changes to sign regulations including prohibiting intensely lit signs. Just the definitions specific to signs occupy four pages of the Ordinance. The section on sign regulations will be twice that many pages when completed. Land Use Tables depict the uses allowed in each zone and who has the authority to issue a permit. Allowed uses are permitted by either the Code Enforcement Officer (CEO) or the Planning Board (PB).

Day Care Centers were a land use that the Ordinance Committee and Planning Board were not in agreement on. The Ordinance Committee was in favor of allowing day care centers to operate in more zones than the Planning Board.

To obtain a copy of the Chapter 38 Zoning Ordinance proposed changes contact the Rangeley Town Office, Chapter 38 and the Draft Annual Town Meeting Warrant (available at the Town Office) are scheduled for discussion and public input at the Public Hearing on April 5, 2021 at 5:00pm. The Board of Selectmen's regularly scheduled meeting will start at the conclusion of the Public Hearing.

A-ONE BUILDERS

Chris Raymond and Eddie Collins



14 Stone Hedges Lane, Rangeley, Maine 04970
207-864-3310/592-6175
crraymond@myfairpoint.com
www.AoneBuilders.net

Letters to the Editor

Dear Sir/Madam,

In the last issue of the Highlander there appeared a letter from me regarding the solar array proposed at Saddleback to which I feel I must add information that only came to me after publication of my recent letter.

It is this: it seems that Anctaris has established the solar energy activity as an independent entity, separate from Saddleback although to be built upon the Saddleback land Anctaris owns, and-if this is correct, interesting-the power is not to be connected to Saddleback Mountain. It will, it seems, be connected only to the grid, in whatever deal Anctaris negotiated for it.

What this means, in my opinion, is that (a) Saddleback Mountain, that represents it will be the only 100% "renewable" energy site resort would not be that, taking its power, as it does now, from the grid, and (b) that the solar array, which will be a major eyesore from the entire long Saddleback ridge, could in fact be built anywhere along the Stratton Rangeley power line, provided it had convenient access to the line.

If this understanding is correct, the only way Anctaris could claim to operate Saddleback on renewable energy would be through that component of the grid's energy that derives from such sources. And, as all know, there must always be 100% back-up power from traditional energy sources.

I repeat: I am a fan of the restored Saddleback Mountain ski area, and I am glad a group stepped up to the challenge. I am dismayed that part of the plan involves the environmentally destructive solar array, that will despoil this beautiful area, a precious asset. Knowing now the array could be sited anywhere between Stratton and Rangeley, why would it not be?

Yours sincerely,

Claude Roesinger
Oqoosnooc

Letter to the Editor:

On March 19th, 2021 Rising Tide Towers, LLC filed an application with the Land Use Planning Commission to erect a 300 foot lighted outside tower on Dallas Hill in Dallas Plantation. Just last year, this same company was turned down by LUPC for a 90 foot unlighted cell tower in approximately the same location. However, the new proposal is a few hundred yards away, putting it in a General Management District, whereas the rejected tower was in a Community Residential Subdistrict, in which a cell tower had never been approved in the state of Maine. This new move gives the company a lower bar to clear to get their tower approved even though it is more than double the size and fully lighted.

LUPC has not yet posted the new application online and it is only on display at their Rangeley office. Therefore, a public hearing should be required to allow the public time to see the details of the tower, the exact location, visual impact to the surrounding areas and the town of Rangeley, environmental impacts, the effects on property values, amount of light pollution, safety hazards, or whether any alternate locations have been considered.

Anyone who is interested in finding out more information about this tower should write and request that a public hearing be held in Farmington. We feel that people who will be affected by this tower should have a right to hear more about it before it is pushed through.

The address to request a public hearing is: LUPC, 106 Hogan Rd., Suite 8, Bangor, Maine 04401.

The email address is: Karm.Bokrosides@maine.gov

Be sure to put your name and address on your email.

For questions about submitting written

see LETTERS page 4

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that Round Top ME LLC, a Maine limited liability company with a mailing address of 1180 Shore Road, Cape Elizabeth, ME 04107 is intending to file a Stormwater Management Law Permit Transfer Application and an NRPA Permit Transfer Application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 420C through D, and 480A through 480Z on or about March 25, 2021.

The application is for a transfer of the permits issued to Camp Rangeley, LLC for the Round Pond, ME Subdivision to Round Top ME LLC. The project is located on Baldwin Road along Round Pond in Rangeley, ME.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in Rangeley, ME. Written public comments may be sent to the regional office in Augusta, where the application is filed for public inspection.

MD&P, Central Maine Regional Office,
28 Tyson Drive Augusta, Maine 04333-0017

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Ocquosoc**

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The address to request a public hearing is: LUPC, 106 Hogan Rd., Suite 8, Bangor, Maine 04401.

The email address is: Karen.Bolstridge@maine.gov

Be sure to put your name and address on your email.

For questions about submitting written

see LETTERS page 4



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LETTERS

continued from page 3

comments, requesting a public hearing, contact the Commission staff at (207)215-4685. All requests must be received before April 8th.

Ralph & Karen Hutchinson
Beans Corner, Dallas Plantation

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

From: [Randy Belanger](#)
To: [Bolstridge, Karen](#)
Subject: Cell Tower
Date: Wednesday, April 21, 2021 8:12:03 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Karen,

After looking over the application for the proposed cell tower in Dallas Plantation. I would like to express my concerns. As of right now I am completely opposed to the building of this tower.

Black Diamond has misrepresented their intent in the past and they are doing it again. The satellite images that they are submitting are completely false. They are misrepresenting the proximity to my property and not showing how close this tower will be to my residence. The balloon test that they conducted was not with the actual 350' that this behemoth tower will be built.

This tower is going to be in direct line with the back of my house. The lights will be shining 24/7 on my house and into my master bedroom.

I purchased this house without a cell tower in its proximity and I would like to keep it at that. I'm a veteran that moved here to live in peace. But, it seems that my property is still under attack. Even after the community expressed its distaste with having this tower on its hill.

There has been no environmental impact study on the building of this tower. Also with the advancement of satellite services within the cell community. This tower could be rendered obsolete without any obligations on the party building it to take this eyesore down once it is of no use.

The fact that this application is being filed in Bangor and advertised in down east publications. Shows the devious nature of what this organization is trying to do. They lost the first round and they are trying to shove this tower down the throat of a community that doesn't want it.

This also begs the question as to why residence owners cannot build past a certain height? But we are going to allow a 350' eyesore to be built? That does not make sense on any account.

Again I am requesting a hearing on this matter. So that the Audubon society can be heard and the residents of Dallas Plantation have an opportunity to fight this again.

Regards
Randy Belanger

Sent from my iPhone

April 24, 2021

Karen Bolstridge
Maine Land Use Planning Commission
106 Hogan Rd, Suite 8
Bangor, Maine 04401

Dear Ms. Bolstridge,

The people of New Hampshire and Maine share more than a border. We share similar geography, a kindred spirit, and even resources, especially in our merged remoteness where the Saco, Androscoggin, and Magalloway Rivers are oblivious to state lines.

Among those shared resources is mutual aid between public safety agencies on both sides of the border. When coordinating mutual aid and emergency response, communication is a necessity exacerbated by the remoteness. As the former New Hampshire Fish and Game Lieutenant for Coos County, I have a greater appreciation than most for this truth.

All too often, I saw how a lack of communication capacity in an emergency situation proved deadly despite everyone's best efforts. That changed for Coos County in 2016 when Wireless Partners built a 16 tower 4G cellular network, significantly improving our communications capacity and no doubt saving lives.

I was therefore delighted to hear that Wireless Partners, and their sister company Rising Tide Towers, would be partnering with AT&T to launch FirstNet in New Hampshire and Maine. Established by Congress in 2012, FirstNet is a national broadband network that will provide interoperability at the local level between first responders of varying agencies.

Rising Tide Towers has submitted applications to the LUPC to construct FirstNet towers in Dallas Plantation and Magalloway. I am pleased to report back that the construction in Magalloway is complete and currently provides a continuum of interoperability from Coos County, NH to Oxford and Franklin Counties in Maine. This is much needed cellular coverage and I am certain having this tower will save lives.

With your help, Dallas Plantation will also become part of the FirstNet network, enhancing communication between public safety agencies whose call to serve knows no border. These applications therefore have my unequivocal support and I encourage the LUPC to approve them as soon as possible.

Sincerely,



Lt. Wayne Saunders (Ret.)
NH Fish and Game