

MAINE LAND USE PLANNING COMMISSION
INDEX TO THE HEARING RECORD¹
AMENDMENT B TO DEVELOPMENT DP 5050

For September 07, 2021 Public Hearing

Rising Tide Towers, LLC (5 Milk Street, Suite 420, Portland, Maine 04101) is proposing Amendment B to Development Permit DP 5050 for 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 300-foot tower was proposed to be located within an M-GN subdistrict and the level C road project and utility line were proposed to be located within an M-GN subdistrict and a D-RS2 subdistrict. At the request of the Commission, the Applicant provided an alternative location and design for a shorter, 190-foot self-supporting telecommunication tower; the tower and access driveway were to be located in a D-RS2 subdistrict.

Date Application Received: March 18, 2021

Date Application Deemed Complete for Processing²: March 30, 2021

Date of Public Hearing Request Approval: May 12, 2021

Date of Commission Site Visit: September 07, 2021

Date of Public Hearing: September 07, 2021

Close of Hearing Record: **February 21, 2022 (Holiday – February 22, 2022)**

LIST OF RECORD EXHIBITS

Red colored exhibits are new since 12/08/2021

Ex. #	Date	Description
1.		Statutes, Rules and Plans in Effect at the Time of Complete Application²
1.a	11/01/2017	12 M.R.S. §§ 681, et seq.
1.b	10/18/2013	Rules of Practice, 01-672 C.M.R. Chapter 4
1.c	07/01/2011	Rules for the Conduct of Public Hearings, 01-672 C.M.R. Chapter 5
1.d	10/01/2020	Land Use Districts and Standards, 01-672 C.M.R. Chapter 10
1.e	2010	Comprehensive Land Use Plan for Areas within the Jurisdiction of the Maine Land Use Planning
1.f	01/01/2001	Prospective Zoning Plan for the Rangeley Lakes Region
2.		Guidance Materials
2.a	10/05/2012	Comprehensive Land Uses Plan Guidance Document

¹ Except Exhibit 1 through 3, and 11, all items are in chronological order. Items regarding the same event or requirement are entered in chronological order as sub-exhibits, and the group is entered according to the date of the first item.

Exhibits that only have an effective date (e.g., official zoning maps, and Commission statutes and rules), are entered as an exhibit according to the date of the appropriate revision.

² In accordance with Rules of Practice, 01-672 C.M.R. Chapter 4.

3. Land Use Guidance Maps

3.a 01/28/2021 [Dallas Plantation](#)

4. Pre-application Materials

4.a 08/31/2020 [Memorandum - Rising Tide Towers LLC, Visual Impact Assessment](#)
4.b 10/21/2020 [Section 106 FCC SKM](#)
4.c 12/15/2020 [Site Visit Photographs \(12/15/2020\)](#)
4.d 12/17/2020 [Land Division History Information](#)
4.e 12/17/2020 [State Soil Scientist Site Visit \(12/15/20\) Comments for DP 5050-A](#)
4.f 12/23/2020 [DP 5050-A Application Deficiencies and Return Letter](#)

5. Application Material

5.a 03/18/2021 [Original Application](#)
5.b 03/18/2021 [Original Application, Large Site Plans](#)
5.c 03/25/2021 [Information Request #1](#)
5.d 03/25/2021 [Application Addendum #1 - Visual Impact Assessment](#)
5.e 03/30/2021 [Application Wet Signatures](#)
5.f 04/05/2021 [Application Addendum #2 – Notice of Filing Information](#)
5.g 04/14/2021 [Information Request #2](#)
5.h 04/19/2021 [Application Addendum #3 – Soils Information](#)
5.i 06/04/2021 [Virtual Meeting Schedule and Notes \(06/04/2021\)](#)
5.j 06/09/2021 [Permit Review Timeline and Public Hearing Letter](#)
5.k 06/10/2021 [Site Visit Photographs \(06/10/2021\)](#)
5.l 06/13/2021 [Soil Scientist Site Visit \(06/10/2021\) Review Comments](#)
5.m 06/29/2021 [Application Addendum #4 - Response to Soil Scientist Comments](#)
5.n 06/30/2021 [Application Addendum #5 - Partial Response to 04-14-2021 Request](#)
5.o 07/08/2021 [Application Addendum #6 - Partial Response to 04-14-2021 Request](#)
5.p 07/16/2021 [Agency Review Request for Comments](#)
5.q 07/16/2021 [Maine Natural Areas Program Comments](#)
5.r 07/22/2021 [Bureau of Parks and Lands Comments](#)
5.s 07/26/2021 [Dixon Agent Authorization](#)
5.t 07/28/2021 [Maine Department of Inland Fisheries and Wildlife Comments](#)
5.u 07/29/2021 [Maine Historic Preservation Commission Comments](#)
5.v 08/06/2021 [National Park Service Comments \(Appalachian National Scenic Trail\)](#)
5.w 08/20/2021 [Maine Department of Environmental Protection Phosphorus Comments](#)
5.x 08/25/2021 [Town of Rangeley Selectmen Comments](#)
5.y 09/13/2021 [Information Request #3](#)
5.z 09/15/2021 [Town of Dallas Plantation Comments](#)
5.aa 09/24/2021 [Application Addendum #7 – Response to 09-13-2021 Request](#)
5.bb 09/24/2021 [Request for Hearing Record Extension](#)
5.cc 10/15/2021 [Supplemental Filing – Alternative Tower Option](#)
5.dd 10/21/2021 [Maine Natural Areas Program Comments](#)
5.ee 10/29/2021 [Information Request #4 – Application Addendum #8](#)
5.ff 11/05/2021 [FAA Determination Clarification](#)
5.gg 12/06/2021 [Request to Table Record](#)
5.hh 01/06/2022 [Request to Reopen Record](#)

5.ii 01/31/2022 [Supplemental Filing – Lighted Alternative Tower Option](#)

6. Public Hearing Request, Commission’s May 12, 2021 Regular Business Meeting - Virtual

6.a 05/03/2021 [Public Hearing Request Item Notices \(includes 05-05-2021 Correction\)](#)
6.b 05/03/2021 [Public Hearing Request Commission Packet \(for 05/12/2021\)](#)
6.c 05/05/2021 [Applicant Meeting Item Notice](#)
6.d 05/12/2021 [Commission Meeting Agenda](#)
6.e 05/12/2021 [Public Hearing Request Power Point Presentation](#)
6.f 05/12/2021 [Audio of Meeting \(Electronic only\)](#)
6.g 06/09/2021 [Approved Meeting Record for May 12, 2021](#)

7. Notice of Public Hearing and Procedural Orders

7.a 05/27/2021 [Rising Tide Towers, LLC Gov Delivery Bulletin 1](#)
7.b 07/28/2021 [Update on Upcoming Public Hearing Notice](#)
7.c 08/04/2021 [Notice 1 of Public Hearing and Opportunity to Intervene \(Letter/List\)](#)
7.d 08/04/2021 [Notice 1 of Public Hearing and Opportunity to Intervene \(Email/List\)](#)
7.e 08/04/2021 [Notice 1 of Public Hearing and Opportunity to Intervene \(Newspaper\)](#)
7.f 08/04/2021 [Notice 1 of Public Hearing and Opportunity to Intervene \(GovDelivery with Revision\)](#)
7.g 08/24/2021 [Public Hearing First Procedural Order](#)
7.h 08/27/2021 [Notice 2 of Public Hearing and Commission Site Visit \(Letter/List\)](#)
7.i 08/27/2021 [Notice 2 of Public Hearing and Commission Site Visit \(Email/List\)](#)
7.j 08/27/2021 [Notice 2 of Public Hearing \(Newspaper\)](#)
7.k 08/27/2021 [Notice 2 of Public Hearing \(GovDelivery\)](#)
7.l 08/27/2021 [Notice of Commission Site Visit \(GovDelivery\)](#)
7.m 09/24/2021 [Second Procedural Order – Record Extension with Com/App Notice\(Letter/List\)](#)
7.n 10/18/2021 [Notice 3 of Supplemental Filing \(Letter/List\)](#)
7.o 10/18/2021 [Notice 3 of Supplemental Filing \(Email/List\)](#)
7.p 10/18/2021 [Notice 3 of Supplemental Filing \(GovDelivery\)](#)
7.q 01/25/2022 [Third Procedural Order – Reopen Record, Record Extension](#)
7.r 02/09/2022 [Fourth Procedural Order -Record Extension](#)
7.s 02/09/2022 [Notice Bulletin - Lighted Alternative Tower Option](#)

8. Commission Site Visit, September 07, 2021

8.a 08/02/2021 [Site Visit and Public Hearing Updates, Emails with Commission Packet](#)
8.b 08/02/2021 [Site Visit Request Item Notice and Commission Packet \(for 08/11/2021\)](#)
8.c 08/09/2021 [Applicant Suggested Site Visit Itinerary](#)
8.d 08/11/2021 [Commission Meeting Agenda](#)
8.e 08/11/2021 [Site Visit Request Power Point Presentation](#)
8.f 08/24/2021 [Commission Site Visit Itinerary](#)
8.g 09/07/2021 [Applicant’s Site Visit Material](#)

9. Public Comments

9.a 09/07/2021 [Comments from Received Date to the Public Hearing Date – \(Comments 1-32 up to 08-22-2021\)](#)
9.a.1 [Comment 33-39 \(08-22-2021 to 09-07-2021\)](#)

9.b	09/07 to 09/17	Comments Received During the Public Hearing Comment Period – (Comment 40)
9.b.1		(Comment 41-44)
9.c	09/07 to 09/24	Rebuttal Comments Received During the Rebuttal Period
9.d	09/24 to 10/29	Comments Received During the Public Hearing Comment Period Extension (Comments 45-46)
	10/29 to 11/06	No Rebuttal Comments for Comment Period Extension
	11/06/2021	Close of the Hearing Record
	01/12/2022	Reopened Record
	02/16/2022	Close of Public Comment Period
	02/21/2022	Close of Rebuttal Period (Holiday, open until 02-22-2022)

10. Public Hearing, September 07, 2021

10.a	08/22/2021	Commission Item Notice - Public Hearing Record to 08-22-2021
10.b	08/24/2021	Pre-Hearing Conference Request
10.c	08/30/2021	Public Hearing/Site Visit Item Notice and Comm Pkt (for 09/07/2021)
10.c.1	09/07/2021	Public Hearing Agent Testimony Notice
10.d	09/07/2021	Reference Location and Zoning Map
10.e	09/07/2021	Agent Testimony Exhibit 1
10.e.1	09/07/2021	Agent Testimony Written 1 (Submitted 09/17/2021)
10.f	09/07/2021	Agent Testimony Exhibit 2
10.f.1	09/07/2021	Agent Testimony Written 2 (Submitted 09/17/2021)
10.g	09/07/2021	Testimony Sign Up Sheets
10.h	09/07/2021	Audio of Meeting (Electronic only)

10.A. Commission Meeting, December 08, 2021 Regular Business Meeting

10.A.a	11/19/2021	Record Location Item Notice
10.A.b	12/01/2021	Commission Memorandum Item Notice
10.A.c	12/01/2021	Applicant Item Notice
10.A.d	12/01/2021	Commission Memorandum
10.A.e	12/06/2021	(See Exhibit 5.gg) Request to Table Record
10.A.f	12/08/2021	Commission Meeting Agenda
10.A.g	12/08/2021	Table Record Presentation
10.A.h	12/08/2021	Meeting Record (Electronic only)
10.A.i	12/08/2021	Final Minutes

10.B. Commission Meeting, January 12, 2022 Regular Business Meeting (Virtual)

10.B.a	01/06/2022	(See Exhibit 5.hh) Request to Reopen Record
10.B.b	01/10/2022	Commission Item Notice
10.B.c	01/12/2022	Commission Meeting Agenda
10.B.d	01/12/2022	Reopen Record Presentation
10.B.e	01/12/2022	Meeting Record (Electronic only)
10.B.f	01/12/2022	Final Minutes

10.C. Commission Meeting, March 09, 2022 Regular Business Meeting (Virtual)

11. Reference Materials

- 11.a 11/18/2009 [FCC-09-99A1 Rcd](#)
- 11.b 07/11/2016 [FAA Obstruction Lighting Buyer's Guide](#)
- 11.c 11/16/2020 [Obstruction Marking and Lighting Advisory Circular \(70/7460-1M\)](#)
- 11.d 2013 [BLM RenewableEnergyVisualBMPs LowRes \(Electronic Only\)](#)
- 11.e 10/09/2019 [DP 5050 Permit](#)
- 11.f <https://www.fda.gov/radiation-emitting-products/cell-phones/current-research-results> U.S. Food and Drug Administration, accessed November 22, 2021.
- 11.g https://www.iarc.fr/wp-content/uploads/2018/07/pr208_E.pdf
International Agency for Research on Cancer press release No. 208, May 31, 2011, accessed November 22, 2021.
- 11.h <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html> American Cancer Society, accessed November 22, 2021.
-
-