

From: [John Margolis](#)
To: [Brusila, Sara](#)
Subject: [EXTERNAL SENDER] Tower
Date: Sunday, January 06, 2019 1:46:00 PM

Dear Ms. Brusila:

Thank you so much for your response to my inquiry regarding the construction of a radio frequency tower in Dallas Plantation.

Although I would think a tower may be beneficial to area residents in terms of improving cell phone service, I would hope that such a tower, if it is built, would be situated and constructed in a manner which would be minimize damage to the surrounding environment.

I would appreciate email access to any future application via: jhmargolis0519@gmail.com.

Yours truly,

John Margolis

Sent from my iPhone

From: [Randy Belanger](#)
To: [Brusila, Sara](#)
Subject: Cell tower
Date: Thursday, March 21, 2019 9:07:27 AM

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Sara,

This issue needs to be brought to the town of Dallas Plantation for a vote. The fact that this company is being allowed to go undercover of night without sending official correspondence to all residents of Dallas is against the better interest of the community.

I purchased my 22 acres of land on Dallas as an investment and to get away from industrial construction like this. The construction of this tower will bring the value of my house and land down significantly. Anyone arguing against that would be lying. There are hundreds of not thousands of areas in the Rangeley Region for a cell tower. That is away from residents. The fact that the town I pay my taxes in is subject to LURC and not a town led vote is ridiculous. Simply taxation without representation.

90% of the residents of Dallas do not know about this project. This company needs to do its due diligence and seem clear and concise letters of the proposed project to all residents so that it can be a community vote. The cryptic way this is being presented is not the way transparency works.

Sent from my iPhone

From: [Randy Belanger](#)
To: [Brusila, Sara](#)
Subject: Rendition of tower
Date: Monday, May 13, 2019 9:36:38 AM

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Sara,

Just to put into perspective on where this tower will be in proximity to my house.

This photo is my house and the place where the cell tower will live. This is going to create a psychological impact on my living situation. Not only the stress of seeing this tower from every room in my house. I can not afford to lose equity in my property. It's part of my retirement plan. This is going to have a huge impact on my physical and financial well being.



Sent from my iPhone

From: [Donna Coleman](#)
To: [Brusila, Sara](#)
Subject: Dallas Hill Tower proposal
Date: Monday, February 11, 2019 1:57:29 PM

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Hi, We turned down a cell tower, 2 years ago & had Mr. Burgess suggest one last year. The Radiation is not fit for this densely residential area. With all the open spaces, why can't they find an area, no one lives in, like that airport, they charge us all for? Put us on the list, as objecting. We are going to sell out. We wanted a place in a woodland area. Thank You, Donna & Robert Coleman 53 Lyle Road.

Sent from my iPhone

From: [Donna Wright](#)
To: [Brusila, Sara](#)
Subject: Public Hearing Dallas Plantation
Date: Saturday, March 23, 2019 11:14:46 AM

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Hi, We don't want this tower. We turned it down, when we were approached. We can be there, around Memorial Day weekend. We would like to listen by speaker phone or FaceTime, if available & we can't get there
Thank You, Donna & Robert Coleman
53 Lyle Road
Dallas Hill
Rangeley, Maine.
Sent from my iPhone

From: [Karen](#)
To: [Brusila, Sara](#)
Subject: Rising Tide Tower, Dallas Plt.
Date: Sunday, April 14, 2019 11:47:01 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 Sarah,

Thank you for sending us the response to my inquiry and that of David Lourie, P.A. from Black Diamond Consultants & Rising Tide Towers concerning the construction of a 190 foot tower to be built in Dallas Plantation.

As you can see, they do not adequately address our concerns and problems with this project.

It is also inconceivable to us why one landowner is permitted to construct a permanent commercial structure which is massive in size and completely incompatible with the residential surrounding area. It is inconceivable why this landowner is able to profit from this massive structure while his neighbors property values and quality of life plummet. It is just wrong and should be illegal.

Please help us stop this injustice from happening.

Thank-you,
Ralph & Karen Hutchinson
53 Blanchard Rd., Cumberland, ME 04021
207-829-5470

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

Dear LUPC,

We am writing with serious concerns about the Proposed Telecommunications Tower, Rising Tide Towers, LLC, Dallas Plt, LUPC application TR #50829. Our property is an abutter to this proposed tower. We am very much against this project for several reasons.

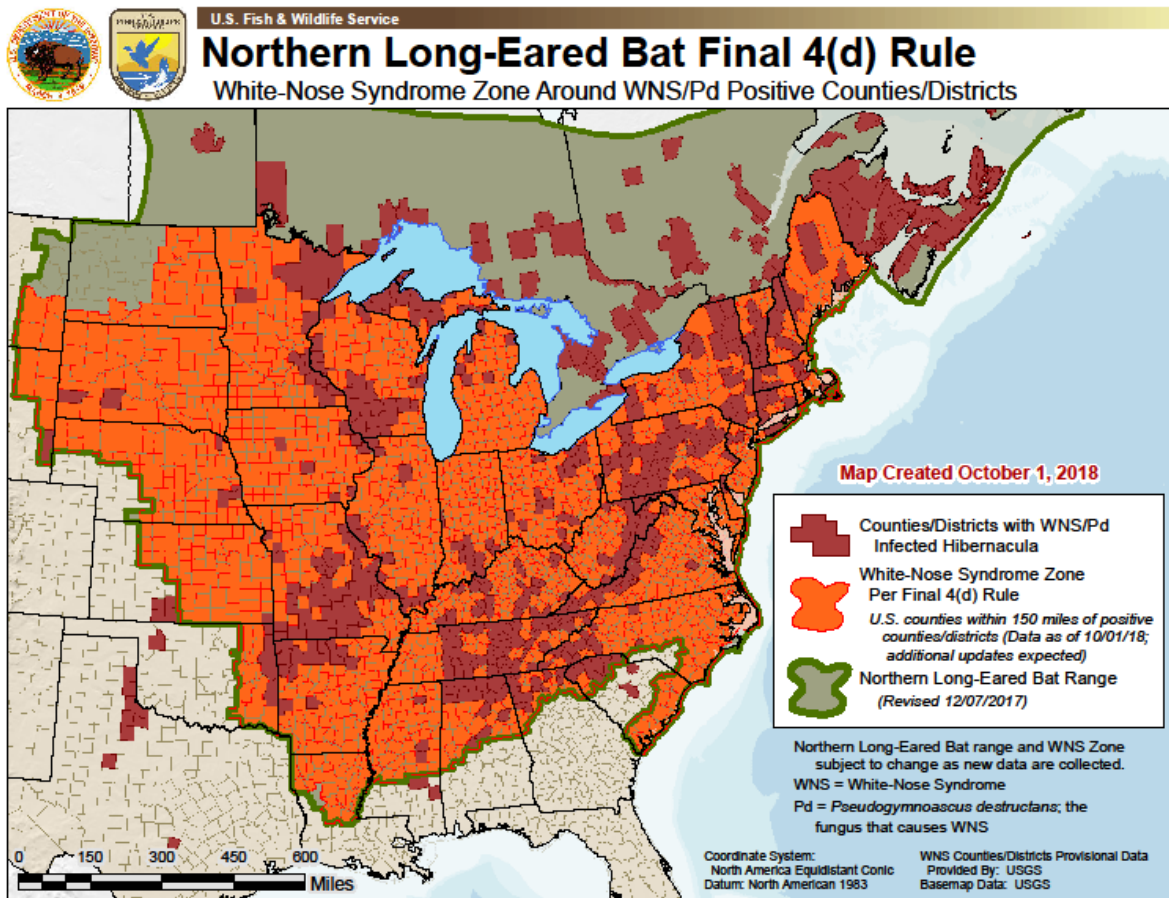
First, we have owned our property on Dallas Hill for nearly 40 years. The shale pit owned by Mr. Beauregard is the proposed site for the tower and has been a problem for us in the past. The blasting he has done has caused damage to our well, and we have had to install filter systems to correct the fouled water caused by his activity. We are now gravely concerned that this 190 foot communications tower will cause more problems. In addition, the placement of this tower will be unsightly, particularly in an area that is residential and in full view from downtown Rangeley. This tower is basically in our back yard. As we drive around the Rangeley region, our property and building up on the side of Dallas Hill are fully visible to us from many vantage points; from lakes, hillsides and roadways. This 190 foot tower will certainly be visible, and we believe the photos submitted with this report are inaccurate and disingenuous. The report shows pictures taken of a very small weather balloon from miles away. We need to see a picture of what the actual tower will look like from OUR yard. We are afraid that our property which we have enjoyed and used for 40 years will now be ruined, as well as our property values, and our ability to ever sell the property in the future. A tower that tall will certainly dominate the landscape, ruining the local property values and scenic pleasure. Rangeley is enjoyed by countless tourists and visitors and is considered a wild and scenic area. A tall cell phone tower that close to so many scenic and recreational areas will spoil the view and wilderness feel for so many people. Surely, in an area like Rangeley, there are scores of possible sites that are not near homes, businesses, scenic roads, recreational areas, or airports. There are many other elevated places that already have towers or structures where this tower could be placed. Dallas Hill is simply not the right place for a 190 foot tower.

Telecommunication towers also produce radiofrequency waves. The International Agency for Research on Cancer (IARC) has classified RF fields as “possibly carcinogenic to humans,” based on limited evidence of a possible increase in risk for brain tumors. There has not been enough studies on humans to determine actual risk. The tower should not be placed near homes when there are so many other uninhabited sites available. Telecommunication towers also emit noise from generators and cooling fans. Dallas Hill is an extremely quiet and serene area. The noise from the tower is certainly going to disturb the area, and the peace and quiet that the residents now enjoy.

This report also states that telecommunication towers are designed not to fail and is perfectly safe. That is hard to accept after seeing what wind did to the cell tower on Sugarloaf just a few

weeks ago. It was bent in half. The winds on Dallas Hill are strong on a regular basis. We are not comfortable with a tower of this size being so close.

Finally, Section 1.1307(a) (3) of the Commission's rules, 47 C.F.R. §1.1307(a)(3), requires applicants, licensees, and tower owners (applicants) to consider the impact of proposed facilities on sensitive species and their habitat. Applicants must therefore determine before constructing and before submitting an EA if required whether any proposed facility may affect listed, threatened or endangered species or designated critical habitats, or are likely to jeopardize the continued existence of any proposed threatened or endangered species or designated critical habitats. The northern long-eared bat is one of the species of bats most impacted by the disease white-nose syndrome. Due to declines caused by white-nose syndrome and continued spread of the disease, the northern long-eared bat was listed as threatened under the Endangered Species Act on April 2, 2015. In significant portions of the US, applicants must follow the FWS Framework to consider effects to the Northern Long-Eared Bat. The Rangeley area is listed as an extremely sensitive area to white-nose syndrome as shown in the following map produced by the National Fish & Wildlife Service



Towers, gates or structures intended to exclude people from caves and mines, or shale pits not only restrict bat flight and movement, but also change airflow. Highway construction, commercial development, surface mining, and wind facility construction permanently remove habitat and are activities prevalent in many areas of this bat's range. Also, depending on type and timing, forest management activities and tree removal can cause bat mortality and temporarily remove or degrade roosting and foraging habitat. The construction of this tower requires the removal of trees. We know there are many bats in the area, as we have enjoyed watching them each night as the sun sets for many years. We are not convinced by the statement in the report that this endangered species will "probably not be adversely affected". This is not good enough. There has not been a thorough enough study done. We believe this tower could put the Northern Long-Eared Bat at risk and should be stopped.

The report also states that the site plan for this project allows for the construction of five more telecommunication providers! Although we did not have access to the site plan, this is totally unacceptable. What does this mean, and what type of further construction is planned for the future?

We are extremely dismayed about this project. This proposed tower should not be built at this site. Please consider the affects this permanent structure will have on the nearby residents who have paid their taxes and been a part of the community for years. It seems as though everyday people who play by the rules and work hard are never considered in decisions like this. The big companies with the influence and the funds always seem to win. We would appreciate you considering my concerns before this project is accepted.

Thank-you,

Ralph & Karen Hutchinson
53 Blanchard Rd., Cumberland, ME. 04021
207-829-5470
kdhutch3@maine.rr.com

From: [Judy Leadley](#)
To: [Brusila, Sara](#)
Subject: Cell tower in Dallas Plantation
Date: Tuesday, April 02, 2019 7:26:39 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.

Sara, I would like to lend my support to an application for a cell tower to be built by Verizon in Dallas Plantation that I understand is before the LUPC. My husband and I live in Dallas Plantation, and currently we have no reception in our area of the Plantation. Obviously, it would be of great benefit to us to be able to send & receive calls. I hope LUPC will give the OK for the tower to be built. Thanks you. Judy Leadley.

From: [David A. Lourie](#)
To: [Brusila, Sara](#)
Cc: [Randy Belanger](#)
Subject: Re: Pending LUPC Application DP 5050, Rising Tide Towers, LLC, Dallas Plt.
Date: Monday, March 25, 2019 12:21:42 PM

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Thank you. In that case, I submit that the Application that the Applicant has not met its burden of proof for licensure. My comments are:

1. The rights and safety of abutters are not protected where the Applicant will not disclose information necessary to allow engineering review of the Tower construction until after the License is approved;
2. The rights and safety of abutters are not protected where the Applicant for a Tower does not show the boundary lines of the Tower abutting properties (including but not limited to that of Mr. Belanger);
3. The rights and safety of abutters are not protected where the Applicant for a Tower does not disclose the potential fall area for the tower, and the relation of that fall area to the boundary lines and residences on nearby properties (including but not limited to that of Mr. Belanger);
4. Neither the distances to, nor the property lines surrounding nearby homes appearing in the aerial photographs are shown, or capable of being calculated from what is shown, making it impossible to determine impact upon those properties.
5. The visual impact on abutting property cannot be assessed where the locations on abutting property where balloon tests may have been conducted. At a minimum, the visual impact on existing residential uses must be determined by balloon tests conducted in the presence of abutting property owners at boundary lines and at all existing residences.

On 3/25/2019 9:06 AM, Brusila, Sara wrote:

Mr. Lourie,

I have not requested any additional information from the applicant at this time so am not expecting any additional submittals. Please see my attached e-mail from last Wednesday 3/20/19 where I noted where you could find items in the existing application materials pertaining to items you mentioned in your original e-mail.

Sara L. Brusila
Regional Representative
Maine Dept. of Agriculture, Conservation & Forestry
Land Use Planning Commission
932 U.S. Route 2 East
Wilton, Maine 04294
Telephone: (207) 670-7493
Fax: (207) 778-4933
E-mail: sara.brusila@Maine.gov

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

From: David A. Lourie [<mailto:david@lourielaw.com>]
Sent: Sunday, March 24, 2019 1:33 PM
To: Brusila, Sara <Sara.Brusila@maine.gov>
Subject: Re: Pending LUPC Application DP 5050, Rising Tide Towers, LLC, Dallas Plt.

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.

I promised something by today. Please let me know when you have received further submissions from the Applicant addressing these issues. At the moment, I have no further comments to share with you without an Applicant response.

On 3/18/2019 9:34 AM, David A. Lourie wrote:

Thanks for your help. I have reviewed all of the documents filed with you. However, I could not make the original Application /searchable/ either using Adobe 11 professional nor by converting it to Word to facilitate review. *

Could you request a more usable (searchable) version from the Applicant in pdf or Word format?

Based on my limited review, and without the ability to search the Application I did not find sufficient information as to:

1. * the fall area for the almost 200' tower, if it should fail, and its design - which the Applicant has intentionally not designed to save money until the site is approved;*
2. *how the leased area boundary lines ***relate to property lines and residences in the area;***
3. **how the *clear cuts relate to property lines and residences in the area (including but not limited to that of Mr. Belanger);*
4. *although several homes appear in the aerial photographs no distances nor property lines are projected;*
5. *although reference is made to a balloon test, no results or other information as to the visual impact on existing residential uses is provided. Mr, Belanger is not aware whether such a test was conducted from his abutting property. Balloon tests from all boundary lines **of abutters **and from all existing residences should be required to be conducted and the results disclosed.

I am also unclear as to which abutters were noticed the first time and which was noticed later by the Applicant. As I told you, Mr. Belanger only recently contacted me, and I will need a bit more time to get back to you with comments. I will try to get back to you within a week from today, although any comments I submit may need to be supplemented once the omissions noted above are addressed by the Applicant.

On 3/15/2019 2:11 PM, Brusila, Sara wrote:

Dear Mr. Lourie,

As discussed this afternoon, here are some links to the LUPC website:

LUPC Home Page:

<https://nam03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.maine.gov%2Fdacf%2Fflupc%2Findex.shtml&data=02%7C01%7CSara.Brusila%40maine.gov%7Cf0e9eedd471d45088fd508d6b07eb932%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C1%7C636890455653774974&sdata=9%2F7gcx46n5Ch3L>

<http://www.maine.gov/dacf/flupc/index.shtml>&data=02%7C01%7CSara.Brusila%40maine.gov%7Cf0e9eedd471d45088fd508d6b07eb932%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C1%7C636890455653774974&sdata=9%2F7gcx46n5Ch3L

--

The above is from the Law Offices of David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107

Tel: Office: (207) 799-4922 / cell: (207) 749-3642 / Fax: (207) 221-1688.

This communication may contain attorney-client privileged, or other confidential matter that is exempt from disclosure under applicable law. If you received this e-mail in error please hit "reply", and advise me of your receipt to avoid repetition of the error.

--

The above is from the Law Offices of David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107

Tel: Office: (207) 799-4922 / cell: (207) 749-3642 / Fax: (207) 221-1688.

This communication may contain attorney-client privileged, or other confidential matter that is exempt from disclosure under applicable law. If you received this e-mail in error please hit "reply", and advise me of your receipt to avoid repetition of the error.

JOHN L. MARGOLIS

4 Cherry Hill Terrace
Waterville, ME
04901

December 28, 2018

MAINE LAND USE PLANNING COMMISSION

932 U.S. ROUTE 2

WILTON, MAINE 04294

RECEIVED

DEC 31 2018

LUPC - RANGELEY

TO WILTON IT MAY CONCERN:

I OWN PROPERTY ON DALLAS HILL ROAD,
DALLAS PLANTATION. RECENTLY, I RECEIVED
AN INQUIRY ABOUT SELLING PROPERTY TO
PERMIT CONSTRUCTION OF A TELECOMMUNICATION
TOWER. I REFUSED IN NO UNCERTAIN
TERMS.

FURTHERMORE, I WOULD REFUSE, IN NO
UNCERTAIN TERMS, TO SUPPORT CONSTRUCTION
OF A SUCH A TOWER WITHIN
1000 FEET OF THE PROPERTY I OWN.

I WOULD GREATLY APPRECIATE ANY
FURTHER INFORMATION REGARDING THIS
MATTER.

RECEIVED
DEC 31 2018
LUPC - RANGELEY

Yours truly,
John Margolis

From: karon@megalink.net
To: [Brusila, Sara](#)
Subject: DP 5050 Rising Tide Towers, LLC, Dallas Pit.
Date: Friday, March 15, 2019 6:36:25 PM
Attachments: [2019_03_15_22_34_091.png](#)

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.

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 Noyes and Henry Yankowsky

From: [bill_roy](#)
To: [Brusila, Sara](#)
Subject: Cell Tower In Dallas Plantation Maine
Date: Saturday, March 23, 2019 6:48:48 AM

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Hi Sara , My Name is William Roy I am sending this email in hopes that as a resident of Dallas that may fellow community members and I may have a say in the purposed Cell Tower on Dallas Hill. I myself do not have a Cell Phone , and the location of the Purposed Tower will not affect my Property or view , My concern is not for me but for the people it will effect, the purposed location of this tower in in a residential are and I feel will affect the people in that area a great deal, Dallas Plantation is a Big area , and I feel there are better places to locate a tower that will be effective and that will not have such an Impact on the people and there properties . Thank You for Your Time and the Job you Do for all of us , I am aware it is a Difficult one . Thank You . William Roy

Sent from [Mail](#) for Windows 10

From: [George Slinn](#)
To: [Brusila, Sara](#)
Subject: Cell Tower. Dallas, Maine
Date: Monday, April 01, 2019 10:53:10 AM

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Good morning,

Fyi..we are in support of the proposed cell tower near the Dallas Town Hall in Dallas, Maine, because our home, just a mile from the proposed site, has no cell service.

Thank you.

Joyce and George Slinn

[Sent from Yahoo Mail on Android](#)

From: [paul dobek](#)
To: [Brusila, Sara](#)
Subject: Re: Dallas Plantation cell tower; Pending LUPC Development Permit Application DP 5050, Rising Tide Towers LLC
Date: Sunday, March 24, 2019 4:48:10 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.

Sara,

Thank you for taking my call on March 22nd regarding my concerns about a cell tower on Dallas Plantation. I feel that among the issues are aesthetics of a tower in such a scenic area, the impact on the environment and possible health concerns with a tower, what happens if the tower becomes obsolete etc. Are there other areas less populated and not so scenic that a tower could be placed? In addition, the concerns also center around property value and future projects that are brought in without the voice of residents. My point is we are not talking about some ground level solar panels, we are talking about a 200ft tower that would be protruding from a residential area in one of the most beautiful spots in the Rangeley area. Therefore, I feel strongly that public input is necessary before this behemoth is put in place. Thank you for your time on this matter. Please feel free to contact me with any questions or concerns.

Sincerely,
Paul and Mary Dobek
579 Dallas Hill Rd. Dallas Plantation

From: Brusila, Sara <Sara.Brusila@maine.gov>
Sent: Friday, March 22, 2019 2:49 PM
To: paul dobek
Subject: RE: Dallas Plantation cell tower; Pending LUPC Development Permit Application DP 5050, Rising Tide Towers LLC

Hello, Paul,

As we discussed earlier today, these are the criteria that the Commission considers when reviewing requests for a public hearing on a permitting matter, under Section 4.04(5)(b) of Chapter 4 of its rules:

"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."

Please submit a written response regarding your public hearing request to address the two criteria above. As stated in the rule above, hearings on permit applications are at the discretion of the Commission. Commission staff will present any requests for a public hearing to the Commission for its consideration at one of its regular monthly meetings. The Commission will then decide whether or not to hold a public hearing. If it decides to hold a hearing, notice will be provided in advance of the hearing as to the date, location and time that the hearing will be held.

Thank you.

Sara L. Brusila
Regional Representative
Maine Dept. of Agriculture, Conservation & Forestry
Land Use Planning Commission
932 U.S. Route 2 East
Wilton, Maine 04294
Telephone: (207) 670-7493
Fax: (207) 778-4933
E-mail: sara.brusila@Maine.gov

From: paul dobek [mailto:pdobek14@hotmail.com]

Sent: Friday, March 22, 2019 11:26 AM

To: Brusila, Sara <Sara.Brusila@maine.gov>

Subject: Dallas Plantation cell tower

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.

Hello Sara,

My name is Paul Dobek and my wife Mary and I just bought a home at 579 Dallas Hill Road in Dallas plantation. It is my understanding that there is a proposed cell tower going in on Dallas Hill Road. My wife and I are against this happening. We would request a public hearing so that the residents of Dallas Plantation can be heard. If you have any questions or concerns feel free to contact me.

Thank you,

Paul and Mary Dobek

579 Dallas Hill Rd. Dallas Plantation

Get [Outlook for iOS](#)

From: [David A. Lourie](#)
To: [Brusila, Sara](#)
Cc: [Randy Belanger](#); [Ralph Hutchinson](#)
Subject: Re: FW: Response to questions below: Rising Tide Towers, LLC, LUPC Development Permit Application DP 5050, Dallas Plt.
Date: Wednesday, April 10, 2019 10:17:52 PM

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Corrected and resent with correct Hutchinson e-mail address

On 4/10/2019 10:02 PM, David A. Lourie wrote:

> Thank you Sarah for forwarding Black Diamond's responses. Please note
> that I am copying Mr. Hutchinson as Black Diamond's response to you in
> your e-mail thread responded to him, but apparently omitted him.
> Fortunately, I recently received a communication from Mr. Hutchinson
> that has allowed me to copy him.
>
> Turning to Black Diamond's /responses/ italicized below, please note
> their lack of substance, and the complete absence of any /supporting
> evidence or information / addressing my prior e-mail. My additional
> comments as to these "responses" follows each exchange in bold below,
> including those issues raised by Mr. Hutchinson.
>
> I. With regard to "1. Hutchinson email dated 3/14/19, * 1st page
> third paragraph: _The Hutchinsons indicated concerns with noise from
> generators & cooling fans._ The response to question #12 on page 17 of
> the original application indicates that there would be no continuous,
> regular or frequent generation of noise at the project site. Would the
> proposed development have a generator and/or cooling fans? If so, what
> would be the frequency and duration of time that the generators/fans
> would be operating? What would the decibel level at Rising Tides'
> lease lines when the generators/cooling fans are operating? /Response:
> There are no generators or cooling fans proposed for this
> Telecommunications Facility. *Lourie Comment: Facts concerning power
> should be disclosed to Mr. Hutchinson: If no generators or cooling
> fans are planned how is the telecommunication equipment and other
> machinery to be powered?
> */
>
> II. With regard to 2. Hutchinson email dated 3/14/19* 3rd page,
> second paragraph:_The Hutchinsons indicated concerns with "the
> construction of five more telecommunications providers."_ My
> understanding is that those are the 5 "future carriers" shown on the
> "Proposed Tower Elevation," Sheet A1, of the site engineering
> drawings (Attachment 22) to allow for future co-location of other
> providers on the one proposed tower. Is that correct? Response: Yes
> that is the case. The tower has been designed, including structural
> design, to accommodate the possibility of (5) additional future
> carriers to be located on the tower. Additionally, the fence-in site
> area is sufficient in area to accommodate the ground equipment for
> these (5) possible new carriers.*/Lourie Comment: Is this tower to be
> used for 4G or 5G networking, either now or in the future? It is my
> understanding that "5G" networks require 5 times as many towers to
> cover the same area. Will the applicant seek an additional permit for

> each additional tower, or seek to amend this permit for more towers
> for 5G? */ *
>
> III. With regard to my email dated 3/25/19:
>
> #1._/The failure of the Applicant to disclose information necessary to
> allow engineering review of the Tower construction until after the
> License is approved./_ /Response: The typical tower design
> information provided in our Application is consistent with the design
> of several recent 200' towers in the Vermont, Maine, and New Hampshire
> areas provided by this Tower Manufacture. It is expected that the
> final tower design for the Dallas site will substantially be
> equivalent to this typical tower design. Some changes to tower
> foundation may be required and will depend on site geotechnical soil
> studies to be conducted once the site is approved for construction and
> operation. As stated in our Application, the final tower design will
> be in compliance with the nationally accepted design Standard for
> steel antenna towers and associated antenna supporting structures,
> namely ANSI/EIA/TIA-222-G./ *Lourie Comment: Assertion of future
> compliance after approval is not a substitute for information as to
> soil suitability and actual plans reviewable by opponent's engineers,
> and LURC _during the proceeding_. That any plan may need to amended or
> tweaked during construction is not an excuse for not furnishing soil
> study nor any other reviewable plans during the approval process.
> Despite my prior request, the site has not even been properly located
> on the Applicant's own submissions in relation to properties in the
> area! (see below.)*
>
> #2._The failure of the Applicant to show the boundary lines of the
> Tower abutting properties (including but not limited to that of Mr.
> Belanger) makes the Application deficient as a matter of law._
> /Response: The proposed tower and leased area are well within the
> property of the landowner, Mr. Marc Beauregard. Construction and
> operation of the proposed telecommunications will not have any effect
> on the safety of abutting landowners. Additionally, the landowners
> within 1000' of the project site have been notified of the proposed
> facility. /*Lourie Comment: Without the location of the Tower being
> disclosed, LURC cannot verify even the assertion that all owners
> within 1000' of the project have been notified! Moreover, the
> Applicant's _continued_ refusal to disclose the actual location of the
> Tower on its own maps of the area makes its assertions that
> *//Construction and operation of the proposed telecommunications will
> not have any effect on the safety of abutting landowners
> /*unverifiable*// /
> #3._The failure of the Applicant to disclose the location of the tower
> project, the potential fall area for the tower, and the relation of
> that fall area to the boundary lines and residences on nearby
> properties (including but not limited to that of Mr. Belanger) makes
> the entire application a mockery._ /Response: Communications towers
> are designed not to fail. The proposed self-supported lattice tower
> will be designed to withstand substantial wind and ice loading in
> accordance with the nationally accepted design standard "Structural
> Standards for Steel Antenna Towers and Antenna Supporting Structures",
> ANSI Standard ANSI/EIA/TIA-222-G. Safety factors are included in the
> design of the tower, as required by the ANSI Standard. The tower is
> comprised of galvanized structural steel sized to meet the design wind
> and ice loads, including design safety factors. A substantial

> reinforced concrete foundation structure is designed to properly
> anchor the structure against the design wind and ice loads, including
> safety factor margins. //Steel towers are manufactured from structural
> steel materials that do not fail by brittle fracture, which is a
> common mode of failure for a wooden structure such as a tree, but
> would experience a ductile (bending) mode of failure and thus would
> tend to fold over on itself with little or no impact on any area
> beyond the site developed area./ *Lourie response: The Applicant says
> that Communications towers are designed not to fail. Undoubtedly.
> However, they occasionally do, as I witnessed near I-295 and
> Presumpscot Street in Portland. This LURC permit is an adversary
> proceeding where both the neighbors**and the Commission are entitled
> to information and specifications with respect to this tower that can
> be reviewed for compliance with the statutes and regulations.
> Acceptance of the unsupported assertions of an Applicant as to the "no
> effect" of the proposed tower, especially at an undisclosed location,
> upon the value or utility of their nearby properties in an adversary
> proceeding would deny the neighbors due process of law. The
> Application must be denied where the Applicant has failed to produce
> EVIDENCE as to the actual location of the permitted tower**.*
>
> #4._Neither the distances to, nor the property lines surrounding
> nearby homes appearing in the aerial photographs are shown, or capable
> of being calculated from what is shown, making it impossible to
> determine impact upon those properties._ /Response: Steel towers are
> manufactured from structural steel materials that do not fail by
> brittle fracture, which is a common mode of failure for a wooden
> structure such as a tree, but would experience a ductile (bending)
> mode of failure and thus would tend to fold over on itself with little
> or no impact on any area beyond the site developed area. The proposed
> tower and leased area are well within the property of the landowner,
> Mr. Marc Beauregard. Construction and operation of the proposed
> telecommunications will not have any effect on the safety of landowner
> abutters. /*Lourie response: **This LURC permit requires an adversary
> APA adjudicatory proceeding where both the neighbors**and the
> Commission are entitled to detailed and usable information concerning
> the location of the proposed tower. Any permit issued solely in
> reliance upon the unsupported assertions of an Applicant that its
> tower at an undisclosed location will have no effect upon the value or
> utility of nearby properties would deny the neighbors due process of
> law. The Application must be denied on the basis that the Applicant
> has produced maps and photos that are insufficient EVIDENCE as to the
> location of the permitted tower**in relation to neighboring
> properties.***
> 5._The visual impact on abutting property cannot be assessed where he
> locations on abutting property where balloon tests may have been
> conducted.__At a minimum, the visual impact on existing residential
> uses must be determined by balloon tests conducted in the presence of
> abutting property owners at boundary lines and at all existing
> residences._ /Response: The visual impact assessment was conducted in
> accordance with State guidelines to determine possible impact of the
> proposed facility to area scenic character and natural and historic
> features. As determined by the visual impact assessment conducted by a
> State Licensed individual, the assessment found that "there would be
> no adverse effect on any existing uses or scenic character from this
> undertaking". The balloon was lofted at the proposed tower location.
> /*Lourie response: The Applicant refuses to disclose information

> sufficient to establish compliance with ****State Guidelines****. ****The**
> balloon must not only be located over the Tower (and there is no
> evidence it was so located), but must also be determined to be
> observed or obscured from scenic and historic view sheds, as well as
> existing residences.*******There is no evidence that any of this was
> done. */[Prior Thread]/

>
> 1. Hutchinson email dated 3/14/19,

>
> * 1st page third paragraph: The Hutchinsons indicated
> concerns with noise from generators & cooling fans. The response to
> question #12 on page 17 of the original application indicates that
> there would be no continuous, regular or frequent generation of noise
> at the project site. Would the proposed development have a generator
> and/or cooling fans? If so, what would be the frequency and duration
> of time that the generators/fans would be operating? What would the
> decibel level at Rising Tides' lease lines when the generators/cooling
> fans are operating? Response: There are no generators or cooling fans
> proposed for this Telecommunications Facility.

> * 3rd page, second paragraph: The Hutchinsons indicated
> concerns with "the construction of five more telecommunications
> providers." My understanding is that those are the 5 "future
> carriers" shown on the "Proposed Tower Elevation," Sheet A1, of the
> site engineering drawings (Attachment 22) to allow for future
> co-location of other providers on the one proposed tower. Is that
> correct? Response: Yes that is the case. The tower has been designed,
> including structural design, to accommodate the possibility of (5)
> additional future carriers to be located on the tower. Additionally,
> the fence-in site area is sufficient in area to accommodate the ground
> equipment for these (5) possible new carriers.

>
> On 4/10/2019 4:02 PM, Brusila, Sara wrote:

>> Mr. Lourie,

>>
>> I forwarded your e-mail dated 3/25/19 to Jim Hebert of Black Diamond
>> Consultants, representing Rising Tide Towers, for a response. Please
>> see Mr. Hebert's responses to your comments under Item #2 in his
>> email below. If you have any additional questions/comments you may
>> send them to me.

>>
>> Thank you.

>>
>> Sara L. Brusila
>> Regional Representative
>> Maine Dept. of Agriculture, Conservation & Forestry
>> Land Use Planning Commission
>> 932 U.S. Route 2 East
>> Wilton, Maine 04294
>> Telephone: (207) 670-7493
>> Fax: (207) 778-4933
>> E-mail: sara.brusila@Maine.gov<<mailto:sara.brusila@Maine.gov>>

>>
>> From: Jim Hebert [<mailto:jrhebert@blackdiamond.net>]
>> Sent: Wednesday, April 03, 2019 1:34 PM
>> To: Brusila, Sara <Sara.Brusila@maine.gov>
>> Cc: Chad Hebert <cjhebert@blackdiamond.net>
>> Subject: Response to questions below

>>
>> 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 Sara, I have provided our response to questions/concerns expressed
>> below. Please let me know if you need any additional information.
>> Thanks, Jim

>>

>> -----

>>

>>

>> I don't have any more news yet on the status of the public hearing
>> request. I have received a couple of more e-mails regarding the
>> application which I have attached.

>>

>> In the meanwhile could you please respond to the following in the
>> prior emails from the public (also attached again for your reference):

>>

>>

>> 1. Hutchinson email dated 3/14/19,

>>

>> * 1st page third paragraph: The Hutchinsons indicated
>> concerns with noise from generators & cooling fans. The response to
>> question #12 on page 17 of the original application indicates that
>> there would be no continuous, regular or frequent generation of
>> noise at the project site. Would the proposed development have a
>> generator and/or cooling fans? If so, what would be the frequency
>> and duration of time that the generators/fans would be operating?
>> What would the decibel level at Rising Tides' lease lines when the
>> generators/cooling fans are operating? Response: There are no
>> generators or cooling fans proposed for this Telecommunications
>> Facility.

>> * 3rd page, second paragraph: The Hutchinsons indicated
>> concerns with "the construction of five more telecommunications
>> providers." My understanding is that those are the 5 "future
>> carriers" shown on the "Proposed Tower Elevation," Sheet A1, of the
>> site engineering drawings (Attachment 22) to allow for future
>> co-location of other providers on the one proposed tower. Is that
>> correct? Response: Yes that is the case. The tower has been
>> designed, including structural design, to accommodate the possibility
>> of (5) additional future carriers to be located on the tower.
>> Additionally, the fence-in site area is sufficient in area to
>> accommodate the ground equipment for these (5) possible new carriers.

>>

>>

>> 1. Lourie email dated 3/25/19:

>>

>> #1. The rights and safety of abutters are not protected where the
>> Applicant will not disclose information necessary to allow
>> engineering review of the Tower construction until after the License
>> is approved. Response: The typical tower design information provided
>> in our Application is consistent with the design of several recent
>> 200' towers in the Vermont, Maine, and New Hampshire areas provided
>> by this Tower Manufacture. It is expected that the final tower design
>> for the Dallas site will substantially be equivalent to this typical
>> tower design. Some changes to tower foundation may be required and

>> will depend on site geotechnical soil studies to be conducted once
>> the site is approved for construction and operation. As stated in our
>> Application, the final tower design will be in compliance with the
>> nationally accepted design Standard for steel antenna towers and
>> associated antenna supporting structures, namely ANSI/EIA/TIA-222-G.

>>
>> #2. The rights and safety of abutters are not protected where the
>> Applicant for a Tower does not show the boundary lines of the Tower
>> abutting properties (including but not limited to that of Mr.
>> Belanger). Response: The proposed tower and leased area are well
>> within the property of the landowner, Mr. Marc Beauregard.
>> Construction and operation of the proposed telecommunications will
>> not have any effect on the safety of abutting landowners.
>> Additionally, the landowners within 1000' of the project site have
>> been notified of the proposed facility.

>>
>> #3. The rights and safety of abutters are not protected where the
>> Applicant for a Tower does not disclose the potential fall area for
>> the tower, and the relation of that fall area to the boundary lines
>> and residences on nearby properties (including but not limited to
>> that of Mr. Belanger). Response: Communications towers are designed
>> not to fail. The proposed self-supported lattice tower will be
>> designed to withstand substantial wind and ice loading in accordance
>> with the nationally accepted design standard "Structural Standards
>> for Steel Antenna Towers and Antenna Supporting Structures", ANSI
>> Standard ANSI/EIA/TIA-222-G. Safety factors are included in the
>> design of the tower, as required by the ANSI Standard. The tower is
>> comprised of galvanized structural steel sized to meet the design
>> wind and ice loads, including design safety factors. A substantial
>> reinforced concrete foundation structure is designed to properly
>> anchor the structure against the design wind and ice loads, including
>> safety factor margins.

>>
>>
>> Steel towers are manufactured from structural steel materials that do
>> not fail by brittle fracture, which is a common mode of failure for a
>> wooden structure such as a tree, but would experience a ductile
>> (bending) mode of failure and thus would tend to fold over on itself
>> with little or no impact on any area beyond the site developed area.

>>
>>
>> #4. Neither the distances to, nor the property lines surrounding
>> nearby homes appearing in the aerial photographs are shown, or
>> capable of being calculated from what is shown, making it impossible
>> to determine impact upon those properties. Response: Steel towers are
>> manufactured from structural steel materials that do not fail by
>> brittle fracture, which is a common mode of failure for a wooden
>> structure such as a tree, but would experience a ductile (bending)
>> mode of failure and thus would tend to fold over on itself with
>> little or no impact on any area beyond the site developed area. The
>> proposed tower and leased area are well within the property of the
>> landowner, Mr. Marc Beauregard. Construction and operation of the
>> proposed telecommunications will not have any effect on the safety of
>> landowner abutters.

>>
>> 5. The visual impact on abutting property cannot be assessed where he
>> locations on abutting property where balloon tests may have been

>> conducted. At a minimum, the visual impact on existing residential
>> uses must be determined by balloon tests conducted in the presence of
>> abutting property owners at boundary lines and at all existing
>> residences. Response: The visual impact assessment was conducted in
>> accordance with State guidelines to determine possible impact of the
>> proposed facility to area scenic character and natural and historic
>> features. As determined by the visual impact assessment conducted by
>> a State Licensed individual, the assessment found that “there would
>> be no adverse effect on any existing uses or scenic character from
>> this undertaking”. The balloon was lofted at the proposed tower
>> location.
>>
>

--

The above is from the Law Offices of David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107

Tel: Office: (207) 799-4922 / cell: (207) 749-3642 / Fax: (207) 221-1688.

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nd to fold over on itself with little or no impact on any area
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#4. Neither the distances to, nor the property lines surrounding nearby homes appearing in the aerial photographs are shown, or capable of being calculated from what is shown, making it impossible to determine impact upon those properties. Response: Steel towers are manufactured from structural steel materials that do not fail by brittle fracture, which is a common mode of failure for a wooden structure such as a tree, but would experience a ductile (bending) mode of failure and thus would tend to fold over on itself with little or no impact on any area beyond the site developed area. The proposed tower and leased area are well within the property of the landowner, Mr. Marc Beauregard. Construction and operation of the proposed telecommunications will not have any effect on the safety of landowner abutters.

5. The visual impact on abutting property cannot be assessed where he locations on abutting property where balloon tests may have been conducted. At a minimum, the visual impact on existing residential uses must be determined by balloon tests conducted in the presence of abutting property owners at boundary lines and at all existing residences. Response: The visual impact assessment was conducted in accordance with State guidelines to determine possible impact of the proposed facility to area scenic character and natural and historic features. As determined by the visual impact assessment conducted by a State Licensed individual, the assessment found that “there would be no adverse effect on any existing uses or scenic character from this undertaking”. The balloon was lofted at the proposed tower

location.

</blockquote>

</blockquote>

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