



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

AMANDA E. BEAL
COMMISSIONER
JUDY C. EAST
EXECUTIVE DIRECTOR

**First Procedural Order
In the Matter of
Development Permit DP 5050-B**

**Rising Tide Towers, LLC
Telecommunications Tower**

August 24, 2021

Commissioner Everett Worcester, Chair and Presiding Officer

This First Procedural Order (Order) of the Maine Land Use Planning Commission (Commission) identifies the Presiding Officer, provides a project description and administrative background, identifies petitions for leave to intervene, provides a general schedule for a Commission site visit in this matter, and provides a schedule for the hearing in this matter.

A. Designation of Presiding Officer

In accordance with the Maine Administrative Procedure Act, 5 M.R.S. § 9062(1) and the Commission's *Rules for the Conduct of Public Hearings*, 01-672 C.M.R. 5(5.06)(1) (Chapter 5), the Presiding Officer in this hearing is Everett Worcester, the Chair of the Commission.

B. Project Description and Administrative Background

1. On March 30, 2021, the Commission accepted as complete for processing from Rising Tide Towers, LLC (Applicant) an application for Amendment B to Development Permit DP 5050 pursuant to 12 M.R.S. § 685-B(1)(A) (Application DP 5050-B).
2. Application DP 5050-B proposes development of a utility facility that would include 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 development would be located off Dallas Hill Road in Dallas Plantation with the utility facility located within a General Management Subdistrict (M-GN), and the level C road project and the utility line located within an M-GN subdistrict and a Community Residential Development (D-RS2) subdistrict.
3. Pursuant to 12 M.R.S. § 685-B, and sections 10.22,A,3,c,(18), 10.22,A,3,c,(26), 10.21,N,3,c,(17) and 10.21,N,3,c,(23) of the Commission's *Land Use Districts and Standards*, 01-672 C.M.R. 10 (Chapter 10), a permit from the Commission is required for the proposed uses.

4. On May 12, 2021, at its regular business meeting, the Commission voted to hold a public hearing on Application DP 5050-B, once the Applicant had submitted all the outstanding information needed to complete the application review.
5. The Commission provided notice of the public hearing and opportunity to intervene in this matter on August 04, 2021, in accordance with Chapter 5, § 5.13. The notice established a deadline of August 20, 2021, at 5:00 P.M. to file a petition for leave to intervene.

C. Petitions for Leave to Intervene

1. The Commission may require or allow any person who desires to participate as a party, offer testimony and evidence, and participate in oral cross-examination to file a petition under oath or affirmation for leave to intervene. 5 M.R.S. § 9054(1) and Chapter 5, § 5.13(1). The Commission may further allow any other interested person to intervene as a party or to participate in more limited manner as the Commission or its Presiding Officer may designate.
2. The Commission received no petitions for leave to intervene in this matter.

D. Commission Site Visit General Itinerary

1. A Commission site visit will be held on Tuesday, September 07, 2021 beginning at 12:30 P.M. and running to 4:15 P.M. Those in attendance during the site visit are expected to conduct themselves professionally, both in their dealings with the Commission and with each other, throughout the proceeding.
2. A general schedule memorandum for the Commission site visit is appended to this Order.

E. Hearing Schedule, Expectations and Close of Record

1. The public hearing will be held on Tuesday, September 07, 2021 at the Sugarloaf Mountain Hotel, Carrabassett Room (2nd Floor) (5092 Access Road, Carrabassett Valley, Maine 04947). The first portion of the hearing will be dedicated to the Applicant and will commence shortly after 6:00 P.M. The second portion of the hearing will be for members of the public.
2. The hearing record will remain open until September 17, 2021, at 5:00 P.M. to allow the filing of written statements with the Commission, and until September 24, 2021, at 5:00 P.M. to file statements in rebuttal of those filed by the September 17th deadline.
3. Upon request made by the Presiding Officer, the Applicant shall provide up to 10 complete printed copies of any filing it has made to the Commission for distribution to the Commissioners and staff.

F. Additional Information

A copy of Application DP 5050-B's public hearing record, as may be amended at any time as documents are received, may be viewed at the Commission's Downeast Regional office at 106

Hogan Road, Suite 8, Bangor, Maine 04401, (207) 215-4685. Please call if interested in visiting the office to view the application. Additionally, Application DP 5050-B's public hearing record, as may be amended at any time as documents are received, may be viewed on the Rising Tide Towers, LLC's Featured Link on the Commission's Website at: <https://www.maine.gov/dacf/lupc/projects/dp5050B/dp5050B.html>. Questions regarding this Order of the Presiding Officer should be directed to Karen Bolstridge at karen.bolstridge@maine.gov or 207-215-4685.

G. Ex parte Communication

No Commission member shall engage in any ex parte communication in connection with any issue of fact, law, or procedure which is the subject of the hearing. The Applicant as well as members of the public interested in this proceeding are directed to 5 M.R.S. § 9055 and Chapter 5, § 5.25 for a statement of legal restrictions on contact with Commission members during pending proceedings. The parties are cautioned to avoid any conduct that could give rise even to the appearance of improper contact with Commission members.

H. Authority and Reservations

This Procedural Order is issued by the Presiding Officer pursuant to Chapter 5. All objections to matters contained herein should be timely filed in writing with the Commission staff but are not to be further argued except by leave of the Presiding Officer. All rulings and objections will be noted in the record. The Presiding Officer may amend this Order at any time.

DONE AND DATED AT AUGUSTA, MAINE, THIS 24th DAY OF AUGUST, 2021

By: 

Everett Worcester, Chair and Presiding Officer,
Maine Land Use Planning Commission



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: August 24, 2021 (for September 07, 2021 Commission Site Visit)
Re: Commission's site visit for Amendment B to Development Permit DP 5050 application (Application DP 5050-B), Rising Tide Towers, LLC., Dallas Plantation, Franklin County, Maine.

Site Visit: September 07, 2021 at 12:30 P.M.
Meet at Rangeley Lake State Park's public boat launch parking area in South Cove (1 State Park Road, Rangeley, Maine 04970)

On Tuesday, September 07, 2021, the Commission will conduct a site visit to view the area surrounding the proposed development and other points of interest. The Applicant, Agent(s) and members of the public may attend but must provide their own transportation. Those participating in the site visit will meet at 12:30 P.M. at Rangeley Lake State Park's public boat launch parking area in South Cove. Copies of this itinerary will be available from LUPC staff at the start of the site visit. The Commission Chair, however, may at any time alter the itinerary of the site visit in order to make it more efficient and effective.

Stop #1: Meet at: Rangeley Lake State Park (1 State Park Rd, Rangeley, ME 04970)

Coordination: Commission staff will hand out paperwork to those present for the site visits and speak to expectations and procedures.

Boat Launch Area: (~5.54 miles from the proposed tower). Group will view the tower location from the boat launch area.

Beach Area: (~5.75 miles from the proposed tower). Group will view tower location from the east and west sides of the beach area.



Stop #2: Meet at: Dallas Pt. Town Hall (436 Dallas Hill Road, Rangeley, ME 04970)

Town Hall Area: (~ 0.38 miles from the proposed tower). Group will view the tower location from the parking area to get a general sense of the view from a municipal use.

Golf Club Parking: (~ 0.40 miles from the proposed tower). Group will view the tower location from the Evergreen Golf Club parking area to get a general sense of the view by an area commercial use.

Site Access Location: (~0.50 miles from the proposed tower). Group will view the tower access location.

Evergreen Circle: (~0.68 miles from the proposed tower). Group will view the tower location from a nearby residential development to get a general sense of the view by residences. Along the way the Group will note other aspects of the general neighborhood.

Stop #3: Meet at: Rangeley Town Cove (TC) Park (Park Road, Rangeley, ME 04970)

TC Park Area: (~1.92 miles from the proposed tower). Group will view the tower location while walking to Haley Pond Park (1,000-foot walk).

Haley Pond Park: (~1.82 miles from the proposed tower). Group will view the tower location from the park.

Stop #4: Meet at: Brook Trout Run Road, Rangeley, ME 04970 (Just off the Rangeley Lakes National Scenic Byway and just below Sunrise View Farm, please park safely on the correct side of Brook Trout Run Road).

Scenic Byway: (~3.00 miles from the proposed tower in this location): Group will view the tower location at this location and along the scenic byway traveling to the public hearing.

Communications with Commission Members

Because the Commission is holding a public hearing on the Application DP 5050-B, the Commission's Chapter 5 rule prohibiting ex parte communications, 01-072 C.M.R. ch. 5 § 5.25(2), applies to the Application DP 5050-B, including any in-person site visit. The public may attend for informational purposes only, but the site visit is not an opportunity to address the Commissioners with respect to any current project or any that may come before the Commission. The Commission

will receive public testimony on the proposal during the public hearing beginning at 6 P.M. on Tuesday, September 07, 2021 at the Sugarloaf Mountain Hotel, Carrabassett Room (2nd Floor) (5092 Access Road, Carrabassett Valley, Maine 04947). In accordance with applicable laws and Commission rules, no Commission member shall engage in any ex parte communication in connection with any issue of fact, law, or procedure which is the subject of the hearing.

Discussions between Commissioners and persons other than Commission staff regarding the Application DP 5050-B may occur only during a public meeting, such as the Commission's monthly business meetings or at a public hearing. During the site visit, representatives of the Applicant and Commission staff may point out various features and locations relevant to the application. Commissioners and Applicant representatives may speak directly to Commission staff with questions or comments about the Application DP 5050-B, such as site-specific questions for clarification. Staff will then follow up as appropriate. The parties are cautioned to avoid any conduct that could give rise even to the appearance of improper contact with Commission members.

Any questions or comments regarding the site visit should be directed to Karen Bolstridge at 207-215-4685 or via e-mail at: karen.bolstridge @maine.gov.

Attachments:

Overview Map, Stop #1 through Stop #4 Maps, Rangeley Lake State Park Maps and Brochure

Overview Map



Stop #4 - Brook Trout Run Road

Stop #2 - Dallas Plt., Town Hall

Stop #3 - Rangeley Town Cove (TC) Park

Stop #1 - Rangeley Lake State Park



Stop #1

Beach Area

Boat Launch Area

Google Earth

2000 ft



Stop #2

Proposed Tower

Evergreen Golf Club Parking

Town Hall Area

Site Access Location

Evergreen Circle

Google Earth

2000 ft



Stop #3

Town Cove (TC) Park Area

Haley Pond Park

Google Earth



2000 ft



Stop #4

Rangeley Lakes National Scenic Byway

Brook Trout Run Road

Google Earth

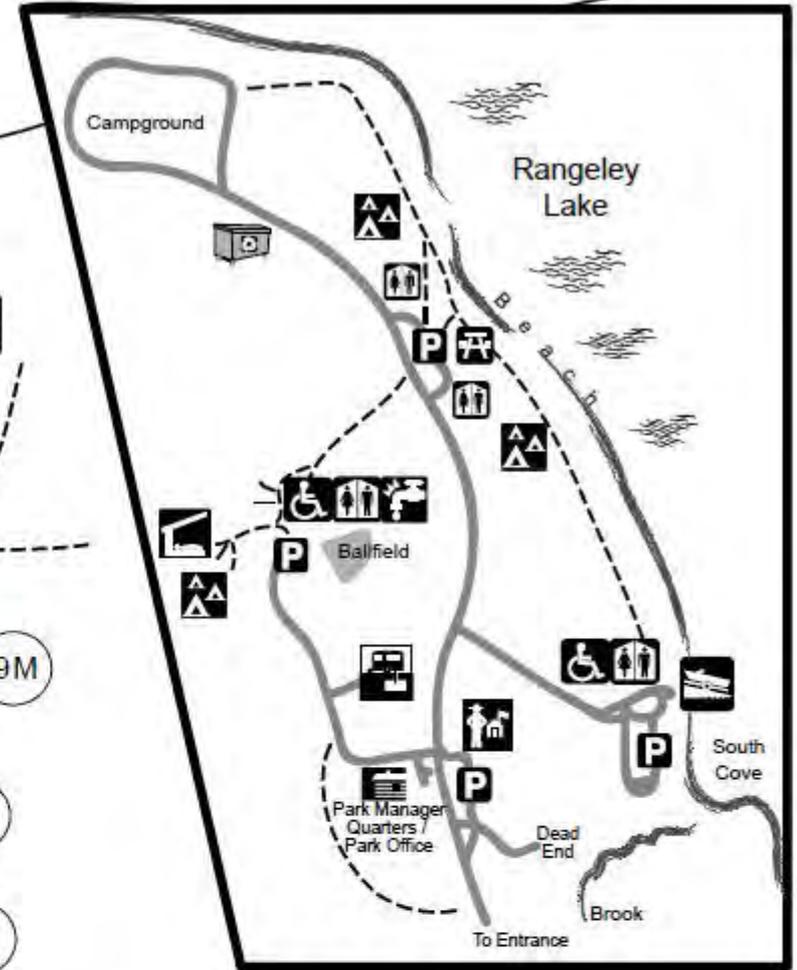
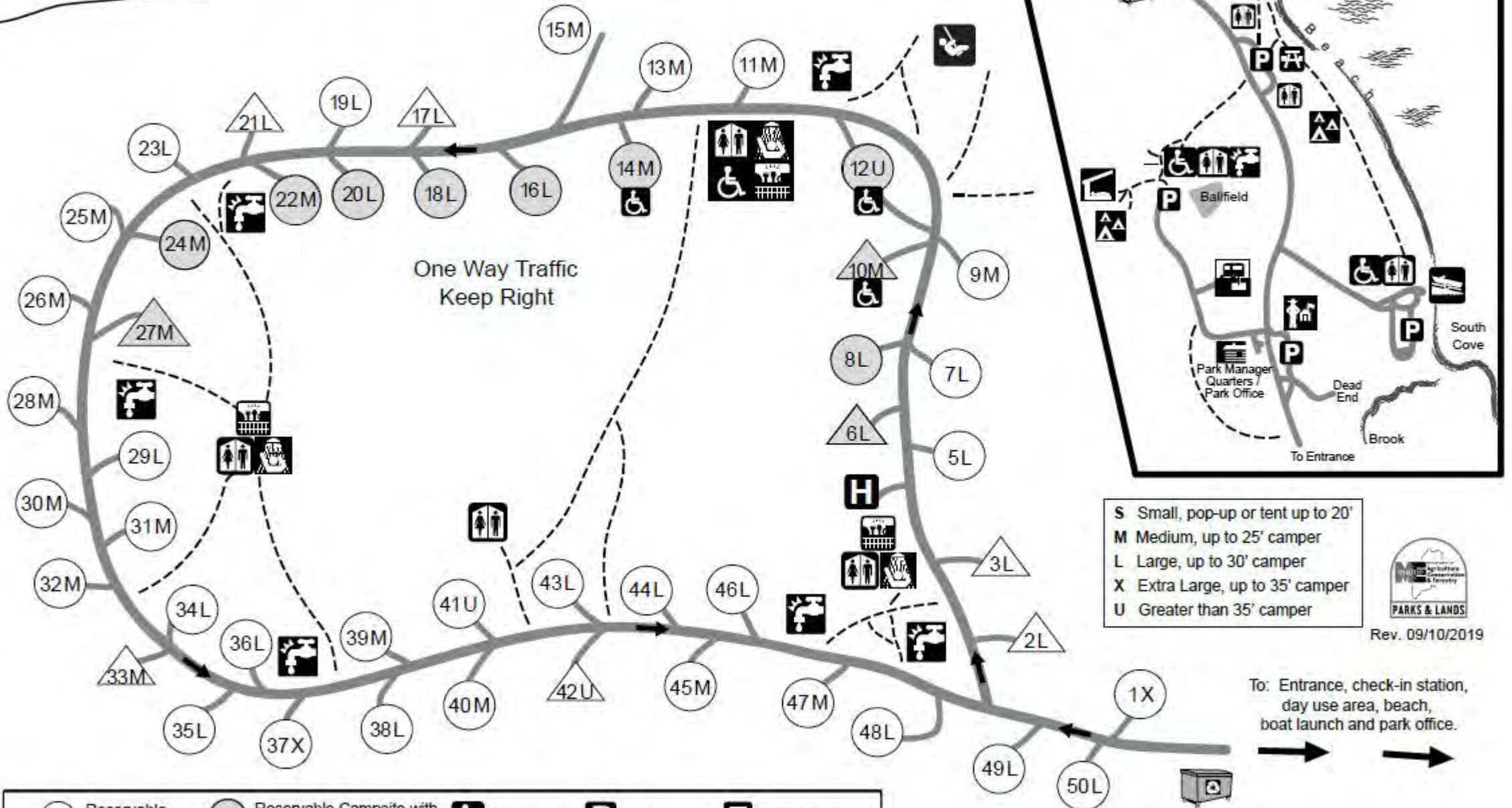
2000 ft



RANGELEY LAKE STATE PARK

Off South Shore Drive between routes 4 & 17, Rangeley, Maine
 Lat 44.918110 / Lon -70.699512 www.maine.gov/rangeleylake
 (207) 864-3858

Rangeley Lake



S Small, pop-up or tent up to 20'
M Medium, up to 25' camper
L Large, up to 30' camper
X Extra Large, up to 35' camper
U Greater than 35' camper



Rev. 09/10/2019

To: Entrance, check-in station, day use area, beach, boat launch and park office.

	Reservable Campsite		Reservable Campsite with electric & water hookup		Accessible		Parking		Picnic Area
	Non-Reservable Campsite		Trails		Road		Restroom		Playground
	Non-Reservable Campsite with electric & water hookup		Campground Host		Showers		Boat Launch		Dishwashing Station
	Control Station		Drinking Water		Adirondack Shelter		Trash & Recycling		

GROUP CAMPING
 Three wooded campsites (indicated above) can each accommodate groups of up to 35 campers. Tent camping only. For more information about group camping at Rangeley Lake State Park, please call: 207-585-2261 (February - March) 207-864-3858 (April - October)

MAINE'S LAKES & MOUNTAINS REGION

DIRECTIONS

From Route 4, turn onto South Shore Drive and proceed 5 miles to Park (on right).

From Route 17, turn onto South Shore Drive and continue 3 miles to Park (on left).



Lat 44.918110, Lon -70.699512

FEES & HOURS

- Park Fees are payable at the entrance booth, or self-service container when the staff are not at the booth.
- Park hours are 9 a.m. to sunset for day use in season: May 15 – October 1.
- Day Use Fees & Annual Park Passes: www.maine.gov/dacf/parks/park_passes_fees_rules/
- Camping: www.campwithme.com
- Group Camping: www.maine.gov/dacf/parks/camping/group_camping.shtml
- Boat Launch Listing: www.maine.gov/dacf/boatlaunches

CONTACTS

Rangeley Lake State Park
 HC 32 Box 5000
 Rangeley, ME 04970-5000
 In season: 207-864-3858,
 May 15 to Oct 1.
 Off-season: 207-624-6080
www.maine.gov/rangeleylake

Maine Bureau of Parks & Lands
 State House Station 107
 Augusta, Maine 04333
 207-624-6080
www.parksandlands.com

SERVICES & FACILITIES

- 50 single-party campsites and two group campsites
- Bathing facilities with hot showers
- Trailerable boat launch and finger docks
- Canoe rentals
- Picnic area, playground, swim beach, and ball field
- Trailer dumping station



2016

RANGELEY LAKE STATE PARK GUIDE & MAP



Lakeside camping in one of Maine's most famous outdoor destinations



www.parksandlands.com



OVERVIEW

Rangeley Lake State Park encompasses 869 acres in the heart of Maine's Western Mountains. Visitors enjoy hiking, picnicking, camping, wildlife watching, photography, and winter sports, as well as the long-established traditions of fishing and hunting. The lake's cool, clear waters stretch nine miles and support world-famous populations of landlocked salmon and trout (sustained through a strong commitment to catch-and-release practices). Four wheeling and snowmobiling are popular pursuits in the Rangeley area (outside the park), with many trails available.

The campground at Rangeley Lake State Park has 50 well-spaced sites close to the lakeshore—where a beach offers commanding views of Saddleback Mountain. There's a picnic area, playground, and a trailerable boat launch with finger docks for both day visitors and campers.



WHEN TO VISIT

The Park is open and staffed May 15–October 1. In season day use hours are 9 a.m. to sunset, unless otherwise signed at the gate.

Advance camping reservations are recommended. Contact the State Park Reservations Office:

- 800-332-1501—in Maine,
- 207-624-9950 from outside Maine or,
- Online at www.campwithme.com

PROPERTY HISTORY

During the 1860s, word of the region's famed brook trout spread and "sports" began coming to fish—giving rise to new camps and guide services, and ultimately luxurious hotels serving wealthy vacationers. To take sports out on the lakes, guides developed a sleek and narrow rowing craft which came to be known as the Rangeley boat. The golden era of the "rusticators" lasted nearly a century, drawing to a close in the 1950s. Over half of the park property was donated to the State in 1960 by Oxford and international paper companies.

PARTNERS AND SUPPORTERS

Over the past two decades, numerous organizations, agencies and individuals have worked collaboratively to ensure that large tracts of undeveloped natural lands in the area will remain accessible to the public and continue supporting the local economy through sustainable forest management. Rangeley Lakes Heritage Trust was indispensable in the 2009 29-acre addition and the Land for Maine's Future Program funded the purchase. The notable conservation successes around the Rangeley Lakes help preserve the region's sporting traditions and provide visitors many beautiful natural settings to explore.

- AmeriCorps Maine Conservation Corps members have provided trail maintenance.
- This brochure was made possible in part by funding assistance through the Federal Highway Administration's Recreational Trails Program (RTP), administered by the Maine Bureau of Parks and Lands.



Gil Riley photo.

SPECIAL CONSIDERATIONS

- Lake water is cold and winds can arise suddenly and create dangerous conditions. Boaters should wear a PFD at all times, notify someone of your intended route and time of return, and monitor conditions carefully.
- All motorized boats using Maine's inland waters must purchase and display a Lake and River Protection Sticker, which helps fund prevention and monitoring efforts for aquatic invasives.
- All those fishing (age 16 and above for Maine residents and age 12 and above for non-residents) must have a valid license and review the State's open water fishing regulations (www.maine.gov/ifw/aboutus/laws_rules/index.html).
- Be prepared for black flies and mosquitoes, particularly in May and June. Check yourself for deer ticks daily to prevent Lyme disease.

REGIONAL DESTINATIONS

Rangely Lake State Park lies in the Maine's Lakes and Mountains Region that encompasses Franklin and Oxford Counties and represents the westernmost portion of Maine. Nearby points of interest include:

- **Mt. Blue State Park/Tumbledown Public Lands** draws visitors to camp, swim in Webb Lake, hike, mountain bike, and ride ATVs and horses. www.maine.gov/mountblue
- **Grafton Notch State Park/Mahoosucs Public Lands** offers hiking, picnicking and sightseeing (with numerous waterfalls and gorges) within 35,000 mountainous acres. www.maine.gov/graftonnotch

VISITOR RULES

- Camping** Camp only at established sites. Reservations available at www.campwithme.com
- Leave No Trace** Stay on trails to protect the land, and please do not pick or remove anything.
- Fires** Kindle fires only in campsites and picnic sites with fire pits or grills. Do not cut live vegetation.
- Pets** Pets must be leashed, attended and under control at all times. Clean up their waste.
- Recycling & Trash** Receptacles are provided; use or carry out. Fire pits are only for cooking use; do not burn trash.
- Beverages** Intoxicating beverages are not permitted.
- Swimming** Swim only in designated areas.
- Fishing, Hunting & Firearms** Anglers & hunters must follow all State hunting laws; visit www.maine.gov/ifw/ No hunting between June 1st and Labor Day. Do not discharge weapons within 300 feet of any picnic area, camping area, parking area, marked hiking trail or other developed area. Loaded firearms are not permitted at campsites or on hiking trails.
- Power Equipment** Use no chainsaws, generators or other power equipment around campsites.
- Quiet Hours** Quiet in camping areas is required between 10:00 p.m. and 7:00 a.m. Use of generators is permitted between 8:00 a.m. and 8:00 p.m. if the sound does not bother other visitors.
- Wildlife** Observe from a distance; do not follow or feed.



- **Height of Land**, a famous overlook on Route 17, provides a spectacular view of the region.
- **Bald Mountain** is close by and offers a scenic, 2-mile (roundtrip) hike through varied terrain to an open summit. An observation deck on a converted Forest Service fire tower provides a 360-degree view.
- **Coos Canyon**, a scenic gorge along the Swift River in Byron, provides an opportunity to pan for gold and swim.

