

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Subject:** Copy of Julie's Presentation on Scenic Assessment  
**Date:** Tuesday, August 19, 2014 10:19:24 AM  
**Attachments:** [LUPC Scenic Assesment Presentation, Part 1.pdf](#)

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Hi Karen. Attached is a copy of the first part of Julie's presentation on her Scenic Assessment for the Big Lake Township site. I will send you the second part via a second e-mail because of the size of the file. I will also send you a copy of the "Property Valuation Study" report which I referred to during my presentation. USCC has been requested to develop an RF coverage report for a 190' tower similar to what I presented for the 250' tower which I will forward to you as soon as I receive the assessment. I believe this provides LUPC all of the additional reports we mentioned during our presentations. Please advise if you recall additional information discussed. Thanks, Jim

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Subject:** Part 2 to the Scenic Assessment  
**Date:** Tuesday, August 19, 2014 10:27:55 AM  
**Attachments:** [LUPC Scenic Assessment Presentation, Part II.pdf](#)

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Karen, attached is Part 2 of Julie's Scenic Assessment Presentation. Jim

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Subject:** Property Valuation Study  
**Date:** Tuesday, August 19, 2014 10:35:13 AM  
**Attachments:** [Property Valuation Study.pdf](#)

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Karen, attached is a copy of the Property Valuation Study which I referred to during my presentation. Jim

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Subject:** Princeton Area Coverage with 190" Tower  
**Date:** Friday, August 22, 2014 1:22:53 PM  
**Attachments:** [Princeton Area RF Coverage with 190ft.pdf](#)

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Hi Karen, just received attached RF coverage info for Princeton area with 190' Tower. Jim

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Cc:** "[Chad Hebert](#)"; [Richard Houde](#); [Richard Trafton](#)  
**Subject:** RF Coverage information for the 250" tower  
**Date:** Friday, September 05, 2014 2:21:35 PM  
**Attachments:** [Princeton \(R1\) only 250ft.pdf](#)

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Hi Karen: Attached is a copy of a radio frequency (RF) plot for the proposed 250' tower for comparison with that for a 190' tower previously provided. In comparing the 2 RF plots, a layperson might question the difference in coverage between the 2 tower heights. Gerard Boland, US Cellular's RF engineer observed from these plots that the 190' tower would definitely degrade data speeds in the populated areas of Princeton, even though it appears that the FCC Auction 901 coverage requirements are met. He further stated that the telecommunications facility's compliance with those requirements are measured after the facility is constructed and operating. The applicant remains concerned that if the facility is constructed with a 190' tower and the FCC standards are not met, the FCC monies for this site will be withheld. LUPC should also recognize that the FCC standards focus primarily on house and road location, not total coverage area. In a location such as Big Lake Township, coverage for lakes and wilderness area is important for public safety purposes. Additionally, a tower height reduction will reduce the opportunities for colocation by others wanting to locate on the tower. Please let me know if you have questions regarding this matter. Thanks, Jim

**From:** [Livesay, Nicholas](#)  
**To:** "[jrhebert@blackdiamond.net](mailto:jrhebert@blackdiamond.net)"  
**Cc:** [Richard Trafton \(rtrafton@traftonandmatzen.com\)](mailto:rtrafton@traftonandmatzen.com); [Bolstridge, Karen](#)  
**Subject:** RE: DP 4944 - U.S. Cellular  
**Date:** Wednesday, September 17, 2014 12:20:05 PM

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Jim:

Following up on our call, here is a [link](#) to the Commission's webpage with the date, location, and agendas for monthly meetings. As you will see, the October meeting is scheduled for Oct. 8 at Jeff's Catering in Brewer. The agenda for the meeting has not yet been set, however, I anticipate that the Commission will reopen the public hearing on the cell tower proposal at 9:00 for the sole purpose of allowing Mr. Scott Kadey to testify. He would have the same time as other members of the public who testified in Princeton, approximately 3 to 5 minutes. The public hearing will then be closed and the Commission will conduct its regular business meeting. I anticipate that the regular business meeting will include Commissioner discussion of the cell tower proposal and record material received to date. That discussion is likely to begin around 9:45 or 10:00. This discussion will not involve receipt of oral comments or a question and answer session with the applicant or public.

The period for submission of written comment on the proposal will end Oct. 20, with the rebuttal period running to Oct. 27.

Barring any unforeseen circumstances, my expectation is that the Commission will make a decision on the cell tower permit application at its Nov. 12 meeting in Bangor.

Please let me know if you have any questions.

Regards,  
Nick

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**From:** Livesay, Nicholas  
**Sent:** Tuesday, September 16, 2014 5:03 PM  
**To:** Richard Trafton ([rtrafton@traftonandmatzen.com](mailto:rtrafton@traftonandmatzen.com)); '[jrhebert@blackdiamond.net](mailto:jrhebert@blackdiamond.net)'  
**Subject:** DP 4944 - U.S. Cellular

Dick and Jim:

Please see the attached procedural order. Dick, I tried calling earlier today and learned that you are out of the office until Sept. 25. Jim, I will call you tomorrow to discuss the basis for the order.

Regards,  
Nick

**Nicholas D. Livesay**  
Director  
Land Use Planning Commission

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Phone: (207) 287-2622  
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[nicholas.livesay@maine.gov](mailto:nicholas.livesay@maine.gov)

**From:** [Jim Hebert](#)  
**To:** [Bolstridge, Karen](#)  
**Cc:** "[Chad Hebert](#)"; [Richard Houde](#); [Richard Trafton](#)  
**Subject:** RE: August 25, 2014 to September 2, 2014 rebuttal period.  
**Date:** Tuesday, August 26, 2014 1:08:53 PM

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Hi Karen, I was out of the office yesterday but Chad received a call from Nicholas yesterday requesting additional information on RF coverage. At the public hearing, I provided a plot of the 250' tower coverage along with the other area tower coverages. At the meeting, Nicholas requested a similar plot with a 190' tower but what I received was RF coverage with only a 190' tower without the other area tower coverages. The USCC RF engineer is back from vacation tomorrow and I will contact him to get this coverage of the 190' tower including other area tower coverages hopefully by end of week and will forward to you for Nicholas. Thanks, Jim

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**From:** Bolstridge, Karen [mailto:[Karen.Bolstridge@maine.gov](mailto:Karen.Bolstridge@maine.gov)]  
**Sent:** Monday, August 25, 2014 4:59 PM  
**To:** Jim Hebert ([jrhebert@blkcdiamond.net](mailto:jrhebert@blkcdiamond.net))  
**Cc:** Bolstridge, Karen  
**Subject:** August 25, 2014 to September 2, 2014 rebuttal period.

Jim:

On August 13, 2014, the Commission held a public hearing on DP 4944 in Princeton, ME.

Written comments by interested public were submitted until 5:00 PM Monday, **August 25, 2014**.

Information and statements filed from **August 13, 2014 to August 25, 2014**, have been posted on our website at:

[http://www.maine.gov/dacf/lupc/projects/dp4944/dp4944\\_biglaketwp.html](http://www.maine.gov/dacf/lupc/projects/dp4944/dp4944_biglaketwp.html)

For an additional 8 days, until Tuesday, **September 2, 2014**, interested persons shall be allowed to file written statements in rebuttal of any statements filed during the previous 12 day period. The record of the hearing will then close.

*Karen E. Bolstridge*

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Land Use Planning Commission  
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**From:** [Livesay, Nicholas](mailto:Livesay.Nicholas)  
**To:** "[jrhebert@blkdiamond.net](mailto:jrhebert@blkdiamond.net)"; [Richard Trafton \(rtrafton@traftonandmatzen.com\)](mailto:Richard.Trafton@traftonandmatzen.com)  
**Cc:** [Horn-Olsen, Samantha](mailto:Horn-Olsen.Samantha); [Bolstridge, Karen](mailto:Karen.Bolstridge)  
**Subject:** FW: LUPC – DP 4944  
**Date:** Wednesday, October 01, 2014 4:17:17 PM  
**Attachments:** [dp4944\\_KeyIssues\\_9-29-14.pdf](#)

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Jim:

When we spoke several weeks ago I indicated that we were reviewing the RF plots showing coverage for both a 250' and 190' tower in Big Lake. When you emailed the plot for the 250' tower you included a summary of observations made by Gerard Boland of U.S. Cellular. In general, this summary states that although the RF plots for the two different tower heights appear very similar, there are a number of reasons U.S. Cellular is proposing a 250' tower.

As you know and as outlined in the recent staff memo to the Commission regarding the review of DP 4944 (Mary York emailed a copy to you yesterday and I am forwarding that email here), the Commission's review responsibilities require it to evaluate the visual impact of the proposed tower. The applicable statutory and regulatory standards are quoted and cited in the memo. In particular, the Commission's rules state:

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.

Ch. 10.25,E,1,a.

With regard to the proposed cell tower, the tower height is a key feature of its design and whether the tower has been designed to reasonably minimize its visual impact likely will be one of the central determinations the Commission will have to make. As part of this analysis it is likely the Commission will consider whether the proposed 250' tower that requires lighting is a reasonable design when compared to the service that would be provided by a 190' unlighted tower.

When we last spoke, I indicated that it would be helpful if Gerald Boland or someone else could submit additional information elaborating on the general conclusion you passed on in your September 5 email. This remains the case.

In the meantime, we have attempted to learn what we can about the FCC Auction 901 referenced in your email. We understand that auction funding is important for the project and that through this auction U.S. Cellular will receive approximately \$526,000 for the current project, provided the FCC auction requirements are satisfied. We also understand that one of the key requirements is that U.S. Cellular provide a certain level of coverage to specific roads within a geographic area. Information available online indicates there are 18.89 road miles within the Princeton/Big Lake geographic area subject to the FCC Auction 901. Can you or U.S. Cellular show where these road miles are in relation to the area of coverage shown on the plots? Also, in U.S. Cellular's bid, what

portion of these road miles are proposed for coverage? Finally, what type and level of service is proposed by U.S. Cellular in bid to the FCC and how does this service compare to the FCC's requirements in order to receive FCC auction money? This and any other information that would assist the Commission in its understanding whether FCC auction money would remain available if a 190' tower were constructed, as opposed to a 250' tower, would be helpful.

Also, in your summary email from September 5 you indicate that opportunities for colocation would be reduced with a shorter tower. Has U.S. Cellular received requests for colocation? Will there be any difficulty accommodating those requests under either a 250' or 190' scenario? How much space would be available for future colocation in either tower height scenario? Any additional information on this topic area you think would be helpful would be appreciated.

Please let me know if you or U.S. Cellular will be able to provide the Commission additional information to help Commission members better understand the differences between a 190' tower and 250' tower as it applies the required visual impact standards.

Should you have any questions, please feel free to contact me.

Regards,  
Nick

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**From:** York, Mary  
**Sent:** Tuesday, September 30, 2014 2:19 PM  
**To:** 'rtrafton@traftonandmatzen.com'; 'jrhebert@blckdiamond.net'  
**Cc:** Bolstridge, Karen; Horn-Olsen, Samantha; Livesay, Nicholas  
**Subject:** LUPC – DP 4944

Please see the attached memo to the Commission...

*Mary York*

**DACF/Land Use Planning Commission**  
22 State House Station ▪ Augusta, ME 04333-0022  
**207-287-7439 (fax) ▪ 207-287-2631**  
[www.maine.gov/dacf/lupc](http://www.maine.gov/dacf/lupc) ▪ *Grace brings contentment.*

Jim:

Thank you for taking the time to attend the Commission Meeting on October 08, 2014 to hear the discussion on outstanding key issues related to the telecommunications tower proposed in Big Lake Township.

During that meeting, the Commission voiced questions about the project, location and design the answers to which would help assist in the review of the application.

Staff has summarized those questions for the applicant below; **please provide the answers to staff.**

1. Would a shorter tower necessitate building another tower, or multiple towers, elsewhere? **The proposed Big Lake Twp. Site is a sparsely populated site which would probably not be developed by private carriers, like USCC, without the financial assistance of the Federal Government through financial arrangements similar to the FCC Auction 901. The proposed 250' tower facility is designed to meet the FCC Auction 901 RF coverage requirements. A shorter tower may necessitate the need for an additional tower to meet the FCC Auction 901 coverage requirements but the FCC and/or a private carrier such as USCC would more than likely not support such an arrangement because of the uncertainty of licensing multiple towers in an area to achieve the required RF coverage.**
2. What other towers are anticipated in the area in the future? How will the height and capacity of this tower affect the construction of future towers? **The proposed Big Lake Twp. Site is a sparsely populated site which would probably not be developed by private carriers, like USCC, without the financial assistance of the Federal Government through financial arrangements similar to the FCC Auction 901. USCC is not aware of any other telecommunications carriers interested in locating other towers in the area. The proposed tower is designed to accommodate (4) additional tower antenna arrays at different tower heights for future telecommunications carriers. Lowering the tower height would also result in lowering the tower height for future carriers with a resulting reduction in their RF coverage capabilities.**
3. What entities do you anticipate requesting co-location? Have any of those entities made initial requests? Could they be accommodated on a tower under 200'? How many co-locations would be available on a 200 foot tower? **USCC is not aware of other telecommunications carriers interested in providing RF coverage in the Big Lake Twp. Area at this time. As stated under question (2) above, lowering the proposed tower height would also result in the lowering of future carrier antenna array tower height locations with a resulting reduction of RF coverage capability. A 200' tower could be structurally designed to accommodate a number of antenna arrays similar to the 250' designed tower.**
4. Can the tower be more than 190' and still be unlighted? What is the maximum unlighted height, and would that height tower provide coverage to meet the FCC requirements? **FAA regulations determine the requirements for tower lighting. The determination of tower lighting normally depends on the height of the tower and/or the proximity of the tower to an airport or plane flight path. Tower heights**

not over 200' do not usually require tower lighting unless the tower is located near an airport or flight path. Final determination of the need for tower lighting for any proposed tower installation is provided by the FAA.

5. Please provide a legend for the coverage maps for 190' and 200'. The legend for the RF coverage maps provided during our presentation at the August 13 public hearing was included on the coverage maps. The 190' tower coverage map provided later, inadvertently did not include the legend. The legend to the 190' coverage map remains as on the previously provided coverage map. The legend for the 190' coverage map is as follows:

Green = In-building Coverage

Yellow = In-vehicle Coverage

6. Please expand upon your statements at the public hearing about how and what alternative sites were considered, and whether there are other possible sites with a lesser visual impact. Please note that specific alternatives, such as moving farther back on the lot, or the Sharon Hatch property, were raised by commenters. As stated during our presentation at the August 13 public hearing, USCC provided Black Diamond with the coordinates for the proposed telecommunications facility in the Big Lake Twp area. The location was identified by USCC as meeting the needs for the proposed area RF coverage under the FCC Auction 901 requirements. The site acquisition process for this preferred site was initiated by Black Diamond and the owner of the property closest to the coordinates obtained from USCC was receptive to leasing an area on his property for a telecommunications facility.

Thus Black Diamond started the numerous site evaluations required by Federal and State regulations to determine if the site met the regulations for a Telecommunications Facility. The following investigations and assessments were performed to determine the acceptability of the proposed site:

- Site High Intensity Class A & Class B Soil Survey to USDA and Maine Standards and to "Application For A LUPC Permit" requirements. – Survey indicated that the site soil would support the construction and operation of a telecommunications facility.
- Site Environmental Assessment for hazardous and petroleum wastes performed to ASTM Standards. - Assessment found site to be free of presence of existing or past releases of hazardous substances or petroleum products.
- Site Federal Wildlife and Rare Species Assessment performed to U.S. Department of Fish and Wildlife Service Regulations. – Assessment indicates that there would be no taking of listed species or their habitats from the site proposed project.

- Site assessment for impact on area historic properties in accordance with National Historic Preservation Act (Section 106). – Historic Preservation Assessment indicates no direct and visual effects on area historic sites from proposed project.
- Site assessment for impact on area Indian Religious sites in accordance with National Historic Preservation Act (Section 106). – Assessment indicates facility will not affect area Indian Religious Sites.
- Site environmental assessment performed to National Environmental Policy Act of 1969 and FCC environmental rules. – Assessment indicates that the proposed project will not affect the environment on any of the triggering categories of environmental sensitivity.
- Visual Impact Assessment, by State of Maine Licensed personnel, to “Application For A LUPC Permit” requirements – Assessment found that there would be no adverse effect on any existing area uses or area scenic character resulting from this proposed project.

As a result of the above extensive studies and assessments, it was determined that the proposed site was an acceptable site and in compliance with the above stated regulatory conditions. The site was the preferred site proposed by USCC to meet the FCC RF coverage requirements and the landowner was favorable to the proposed telecommunications facility. As a result, no alternative sites were considered for further evaluation and processing for compliance to the regulations enumerated above.

The site location of the tower was selected since (1) the location provides the highest ground elevation on the property, (2) the location is in a wooded area thus providing natural screening of the lower section of the facility, including the fenced-in area, (3) the location is nearly centered to the property thus providing a tower fall zone to adjacent property lines that is well in excess of the tower height, (4) the nearest adjacent residence to the tower is approximately 900’ feet away from the tower.

Any additional movement of the tower further back on the property would result in loss of ground elevation, only limited movement would be possible in order to maintain the tower fall zone from the rear property line, and may require additional soil surveys, assessments for hazardous wastes, new environmental studies, and possibly historic preservation studies.

Further, below and attached is an email sent by Nick Livesay on October 01, 2014. I am resending it to you at your corrected email address to insure you have a full copy with attachments so that you may answer any questions relayed in that email.

Let me know if you have any questions or if I can be of any assistance.

Thanks

## *Karen E. Bolstridge*

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**From:** Livesay, Nicholas  
**Sent:** Wednesday, October 01, 2014 4:17 PM  
**To:** 'jrhebert@blkdiamond.net'; Richard Trafton ([rtrafton@traftonandmatzen.com](mailto:rtrafton@traftonandmatzen.com))  
**Cc:** Horn-Olsen, Samantha; Bolstridge, Karen  
**Subject:** FW: LUPC – DP 4944

Jim:

When we spoke several weeks ago I indicated that we were reviewing the RF plots showing coverage for both a 250' and 190' tower in Big Lake. When you emailed the plot for the 250' tower you included a summary of observations made by Gerard Boland of U.S. Cellular. In general, this summary states that although the RF plots for the two different tower heights appear very similar, there are a number of reasons U.S. Cellular is proposing a 250' tower.

As you know and as outlined in the recent staff memo to the Commission regarding the review of DP 4944 (Mary York emailed a copy to you yesterday and I am forwarding that email here), the Commission's review responsibilities require it to evaluate the visual impact of the proposed tower. The applicable statutory and regulatory standards are quoted and cited in the memo. In particular, the Commission's rules state:

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.

Ch. 10.25,E,1,a.

With regard to the proposed cell tower, the tower height is a key feature of its design and whether the tower has been designed to reasonably minimize its visual impact likely will be one of the central determinations the Commission will have to make. As part of this analysis it is likely the Commission will consider whether the proposed 250' tower that requires lighting is a reasonable design when compared to the service that would be provided by a 190' unlighted tower.

When we last spoke, I indicated that it would be helpful if Gerald Boland or someone else could submit additional information elaborating on the general conclusion you passed on in your September 5 email. This remains the case.

In the meantime, we have attempted to learn what we can about the FCC Auction 901 referenced in your email. We understand that auction funding is important for the project and that through this auction U.S. Cellular will receive approximately \$526,000 for the current project, provided the FCC auction requirements are satisfied. We also understand that one of the key requirements is that U.S. Cellular provide a certain level of coverage to specific roads within a geographic area. Information available online indicates there are 18.89 road miles within the Princeton/Big Lake geographic area subject to the FCC Auction 901.

Can you or U.S. Cellular show where these road miles are in relation to the area of coverage shown on the plots? **The 18.89 miles of road noted above are included in the roads shown on the 250' coverage map previously provided. The 18.89 miles of roads under FCC Auction 901 are colored in yellow or green on the 250' coverage map and thus are calculated to meet the FCC Auction 901 coverage requirements.**

Also, in U.S. Cellular's bid, what portion of these road miles are proposed for coverage? **100% road coverage is proposed.**

Finally, what type and level of service is proposed by U.S. Cellular in bid to the FCC and how does this service compare to the FCC's requirements in order to receive FCC auction money? **The FCC Auction 901 will provide full financial coverage if voice and data coverage meets 100% of Auction requirements. Zero funding if 75% or less coverage is achieved. Financial grading would be provided for coverages achieved between 100% and 75% of the coverage requirements. USCC studies show 100% coverage for voice with the present proposed tower height. Road test will have to be performed after the facility goes operational to document % coverage for data transmission.**

This and any other information that would assist the Commission in its understanding whether FCC auction money would remain available if a 190' tower were constructed, as opposed to a 250' tower, would be helpful.

Also, in your summary email from September 5 you indicate that opportunities for colocation would be reduced with a shorter tower. Has U.S. Cellular received requests for colocation? **USCC has not received to date any requests for colocation on the proposed tower.**

Will there be any difficulty accommodating those requests under either a 250' or 190' scenario? **Lowering the proposed tower height would also result in the lowering of future carrier antenna array tower height locations with a resulting reduction of RF coverage capability.**

How much space would be available for future colocation in either tower height scenario? **Tower design can be provided for both tower heights to accommodate (4) additional tower antenna arrays at different tower heights for future telecommunications carriers.**

Any additional information on this topic area you think would be helpful would be appreciated.

Please let me know if you or U.S. Cellular will be able to provide the Commission additional information to help Commission members better understand the differences between a 190' tower and 250' tower as it applies the required visual impact standards.

Should you have any questions, please feel free to contact me.

Regards,  
Nick