

From: [Agnieszka A. \(Pinette\) Dixon](#)
To: [Bolstridge, Karen](#); [East, Judith C](#)
Cc: ["TODD RICH"](#)
Subject: DP 5050-B | Response to LUPC Staff Additional Questions and Request for Hearing Record Extension
Date: Friday, September 24, 2021 11:40:17 AM
Attachments: [2021-09-24 AAD to LUPC - Request for Hearing Record Extension.PDF](#)

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Good morning, Karen and Judy:

Attached please find Rising Tide's responses to Karen's additional questions regarding DP 5050-B, as well as the applicant's request for a hearing record extension to submit additional information regarding an alternative tower option. Please let me know if you have any questions or concerns about this request.

We will also submit our rebuttal statements via email to Karen this afternoon.

Thanks, and have a great weekend!

Aga

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September 24, 2021

Delivery by email to Judith.C.East@maine.gov and Karen.Bolstridge@maine.gov

Judy East and Karen Bolstridge
Land Use Planning Commission
22 State House Station
Augusta, ME 04333-0022

RE: DP 5050-B Telecommunications Tower Proposal—Responses to LUPC Additional Questions and Request for Extension of Hearing Record to Submit Additional Information Regarding Alternative Tower Option

Dear Judy and Karen:

On behalf of Rising Tide Towers, please find enclosed Rising Tide's responses to the additional questions of LUPC staff received after the September 7, 2021 public hearing in DP 5050-B. We will transmit our rebuttal statements under separate cover this afternoon.

Additionally, in light of the questions posed and issues flagged as part of the public hearing by LUPC and members of the public, it appears that there is strong interest in exploring whether it would be feasible for Rising Tide to construct a shorter, unlit telecommunications tower that meets the FirstNet connectivity and coverage requirements—even if such a tower is located within the D-RS2 subdistrict.

As I stated in my oral and written testimony during the public hearing, Rising Tide has interpreted DP 5050—*i.e.*, the Commission's denial of Rising Tide's original application for a 190-foot telecommunications tower, which was proposed to be located in the Dallas Hill D-RS2 subdistrict—to mean that the Dallas Hill D-RS2 subdistrict is entirely “off-limits” to any type of tower development project. To the extent this interpretation does not accurately reflect the Commission's findings in DP 5050 or to the extent those findings do not inform the Commission's decision on this application, Rising Tide is prepared to propose an alternative 190-foot unlit tower design located within the D-RS2 subdistrict as part of its response to the public comments and LUPC staff comments we have received.

Accordingly, we request that the Chair of the Commission extend the public hearing record for three weeks to allow us to submit additional information describing this alternative tower option. We are prepared to work with LUPC staff during that time to ensure that the Commission will have all the information it needs to evaluate the alternative tower option as part of its deliberations on DP 5050-B.

Very truly yours,

/s/ *Aga Dixon*

Agnieszka A. Dixon

Enclosures

RISING TIDE TOWERS, LLC
DP 5050-B TELECOMMUNICATIONS TOWER PROPOSAL

RESPONSES TO ADDITIONAL QUESTIONS FROM LUPC STAFF

(received via email from Karen Bolstridge on September 13, 2021)

1. *(On page 45 of the application and repeated on page 4 of your data request answers June 26, 2021 (.pdf page 387)) Staff asked you to provide a construction access management plan for the ATV/Snowmobile trail. Information provided, appears to indicate the project will be ongoing for 14 weeks (3.5 months) with 6 weeks for the road (1.5 months). Please clarify the allowed use of the existing ATV/snowmobile trail during construction and how it will be restricted, or how you will manage the trail for recreational users. Please be specific and submit the construction access management plan. Thank you for already providing answers in relation to the construction crew.*

RISING TIDE RESPONSE: Regarding snowmobile use: Construction of the road or the tower is not anticipated to take place during the snowmobile season; accordingly, the project construction phase should have no impact on snowmobiling. Regarding ATV use: We understand that Dallas Plantation assessors recently closed a portion of the trail located on Dallas Plantation's adjoining property to ATV users, so there is currently no ATV use of the trail segment on the Beauregard parcel because the trail segment is only accessible via the adjoining property.

2. *Staff questions whether Section 7 of the ACOE requirements were conducted for the current tower site or the past tower site. Please confirm.*

RISING TIDE RESPONSE: Confirmed. Section 7 of the ACOE requirements was conducted for the current tower.

3. *Will the Applicant be able to get title insurance on the easement access road/ATV/Snowmobile trail?*

RISING TIDE RESPONSE: Yes. Rising Tide has secured a title commitment to the entire lease area, including the access and utility easement area.

4. *Page 266 indicates that the project has been designed for "future co-location of five (5) additional wireless telecommunications providers" and refers to the site plans. The site plans seem to indicate 4 additional carrier structures and antenna equipment, (5 total, including the applicants antenna equipment). Please clarify.*

RISING TIDE RESPONSE: The project has been designed for the addition of five future co-locators. This is in addition to the lead Wireless Partners Fiber Network (WPFN) carrier located at the 296-foot tower elevation. Please refer to drawing A-1, which shows the proposed WPFN antenna location (in blue), as well as the proposed five additional future co-locators (in light gray). The compound layout plan erroneously showed four co-locator spaces. A corrected compound layout plan showing all five co-locator spaces is attached.

5. *Explain how photo simulations in the VIA are scaled so that the resulting image is an accurate depiction of the height and width of the proposed tower. Do all of the photo simulations currently included in the application depict the proposed tower using the same, or a consistent, approach to scaling? If no, please explain any important differences.*

RISING TIDE RESPONSE: The photosimulations submitted as part of Rising Tide's application were generated using two different methods, but both sets of photosimulations depict the proposed tower to scale.

The first set of photosimulations, which were prepared by Black Diamond Consultants and submitted as part of the application materials on March 18, 2021, were generated using the photographs taken during a balloon test. The photographs were imported in AutoCAD software and scaled according to

the five-foot diameter balloon (which is the measurement of a balloon once it is blown up to its full capacity). Once the photo is scaled according to the balloon size, a 2D drafted tower is superimposed on the image; the top of the balloon is the top of the tower. The 2D tower representation is then “trimmed” according to the trees in the foreground so that it appears like it would in reality. The superimposed 2D drafted tower represents a typical sized 300-foot tower, *i.e.*, the top sections of the tower measures a five-foot face.

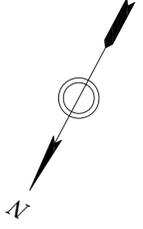
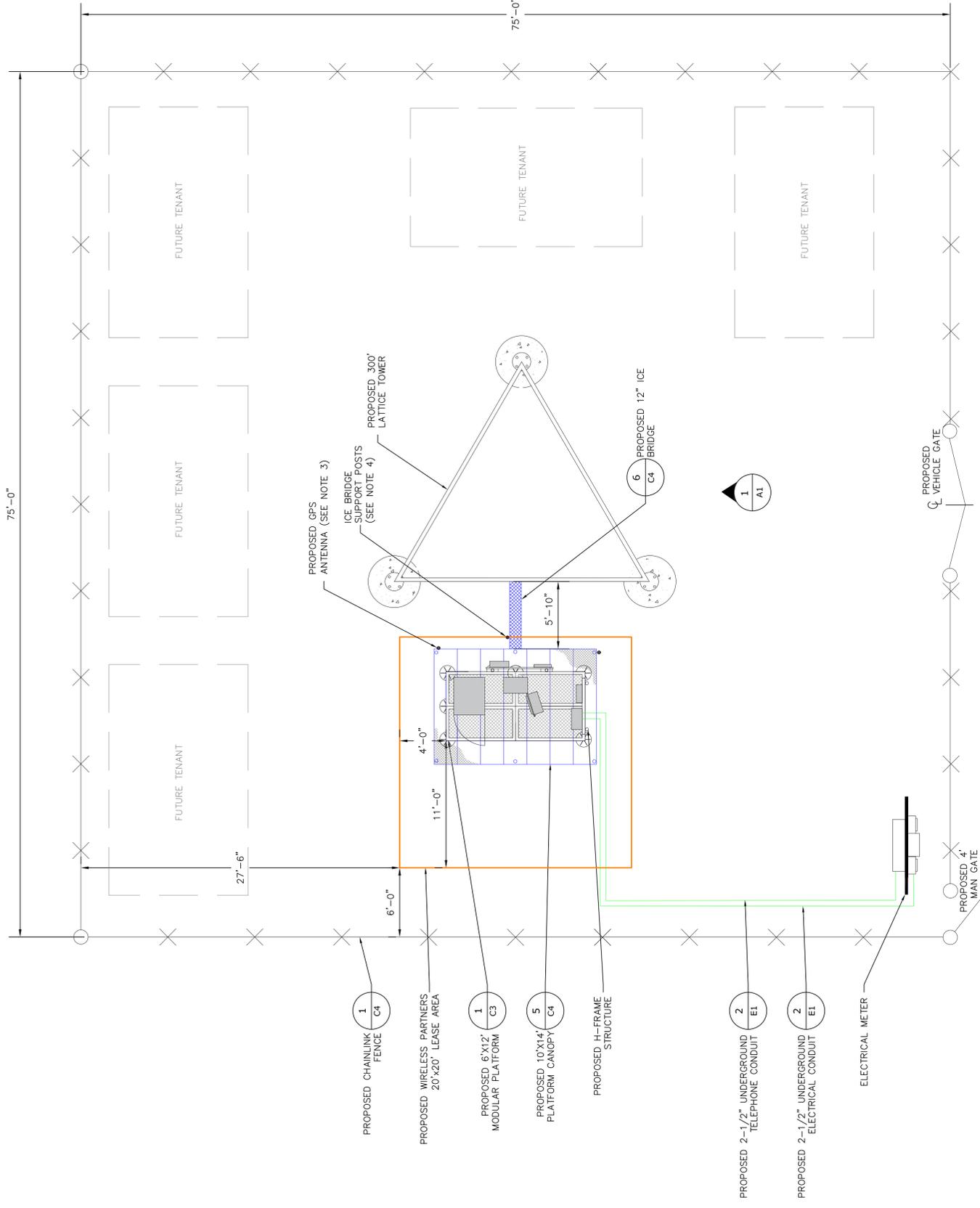
The second set of photosimulations, which were prepared by TJD&A and submitted on July 8, 2021, were created through a highly accurate process using 3D Studio Max software and Photoshop, which combines three primary components: (i) a photograph taken from a geo-located location, (ii) a 3D model of the landscape as seen from the location of the photograph, and (iii) a 3D model of the tower itself:

- (i) Photographs to be used in the simulations are taken by TJD&A personnel in the field and locations (latitude/longitude) recorded with a camera mounted GPS. Full-frame digital cameras are used, equipped with a normal (50mm) lens to depict a ‘normal’ (as opposed to a panoramic) view of the landscape.
- (ii) A 3D computer model of the landscape is generated of the view from the photosimulation location that shows the topography and any surrounding control points, using state-wide LiDAR Point-Cloud surface data that shows individual tree massing and buildings in addition to the terrain. The model includes an image that shows the location and height of the proposed tower. The photograph is then aligned to the 3D model of the environment.
- (iii) A 3D computer model of the tower is created based on project specifications provided by the client and inserted into the landscape model at the correct location.

The resulting image is then brought into photo editing software for post-production, masking, and QA/QC to ultimately produce a photo realistic depiction of the project at an accurate scale.

6. *You indicated on page 5 of your data request answers June 26, 2021 (.pdf page 388)) that the closest boundary of the D-RS2 subdistrict is 25 feet from the lease area, is that number correct?*

RISING TIDE RESPONSE: The lease area is located approximately 25 feet from the D-RS2 subdistrict boundary; the tower base is approximately 100 feet from the D-RS2 subdistrict boundary. These measurements are based on the leasehold survey, and the surveyor derived the location of the D-RS2 subdistrict boundary from the deed descriptions of abutting properties as compared to the location of the subdistrict boundary on the LUPC Zoning and Parcel Viewer.



- NOTES:
1. CONTRACTOR SHALL VERIFY EXISTING BURIED UTILITIES PRIOR TO CONSTRUCTION ACTIVITIES. (DIG SAFE UNDERGROUND SERVICE ALERT: (1-888-344-7233)).
 2. ALL MEASUREMENTS ARE APPROXIMATE.
 3. GFS SHALL BE FIELD LOCATED ON PLATFORM CANOPY.
 4. TYPICAL ICE BRIDGE SUPPORT POST LAYOUT SHOWN. CONTRACTOR SHALL VERIFY LAYOUT WITH ICE BRIDGE MANUFACTURER PRIOR TO CONSTRUCTION.



COMPOUND LAYOUT PLAN
SCALE: GRAPHIC SCALE

COMPOUND LAYOUT PLAN
RISING TIDE TOWERS
BLACK DIAMOND CONSULTANTS INC

PROJECT NUMBER RT-13
SHEET NUMBER C2



BLACK DIAMOND CONSULTANTS
312 WATER STREET
GARDNER, MAINE 04845 207.582.0566

BDC PROJECT(S)	N/A	BDC PROPOSAL(S)	
BDC JOB ORDER(S)		CLIENT DATA	DALLAS PLANTATION
		SITE NAME:	DALLAS PLANTATION
		SITE NUMBER:	N/A

REV.	DATE	BY	CHK'D	REV'D	APP'D	REV.	DATE	BY	CHK'D	REV'D	APP'D

REGULATORY NOTES: E03 # 20-034
REGULATORY NOTES: E03 # 20-037
REGULATORY NOTES: E03 # 20-038
REGULATORY NOTES: ORIGINAL ISSUE

Classification: **UNCLASSIFIED**
Quality Category: **NON-Q**

SITE NAME: DALLAS PLANTATION
SITE NUMBER: N/A

From: [Agnieszka A. \(Pinette\) Dixon](#)
To: [Bolstridge, Karen](#)
Cc: ["TODD RICH"](#); [Jim Hebert](#); ["Megan McGuire"](#); ["Terrence J DeWan"](#)
Subject: DP 5050-B | Rising Tide Rebuttal Statements
Date: Friday, September 24, 2021 1:09:34 PM
Attachments: [2021-09-24 DP 5050-B Rising Tide Rebuttal Statements.pdf](#)

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Hi Karen,

Please find attached Rising Tide's rebuttal statements in the matter of DP 5050-B.

Thanks,

Aga

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September 24, 2021

Delivery by email to Karen.Bolstridge@maine.gov

Karen Bolstridge
Land Use Planning Commission
22 State House Station
Augusta, ME 04333-0022

RE: DP 5050-B Telecommunications Tower Proposal—Rebuttal Statements of Rising Tide Towers

Dear Karen:

On behalf of Rising Tide Towers, please find enclosed Rising Tide's statements in response to oral testimony at the September 7, 2021 public hearing and written statements filed as of the September 17, 2021 deadline established in the First Procedural Order.

Very truly yours,

/s/ *Aga Dixon*
Agnieszka A. Dixon

Enclosures

**REBUTTAL STATEMENTS OF RISING TIDE TOWERS, LLC
IN THE MATTER OF DP 5050-B**

Submitted on September 24, 2021

The following statements are submitted by Rising Tide Towers, LLC, in rebuttal to oral testimony presented at the September 7, 2021 public hearing in the matter of DP 5050-B and written statements filed with the Commission by members of the public and review agencies by the September 17, 2021 deadline for written comments, as established in the First Procedural Order.

PUBLIC COMMENTS IN SUPPORT OF THE PROJECT

Many individuals have filed written comments and spoke in support of the proposed telecommunications tower at the September 7, 2021 public hearing.¹ These supporters echoed the sentiments of the Town of Rangeley Board of Selectmen, who voted to support the tower application because “improvements in telecommunications are critical to the health, safety, and welfare of the people in our region” and these improvements “outweigh the aesthetic impacts created by the 300-foot lighted self-supporting, lattice-style tower.”²

Indeed, as Peter Roehrig stated in his September 17, 2021 written comments, the proposed tower “will provide much-needed wireless communications for our emergency first responders and will improve cell reception and broadband access to area residents, visitors, and businesses.” Noting that Dallas Plantation and the surrounding area “is not remote or a wilderness,” Mr. Roehrig further commented that “[t]hese community benefits outweigh any negative scenic impacts created by the tower or the lights on the tower.”

These members of the public recognize that, as with all forms of development, the tower will have some adverse impacts; however, those impacts will not be *unduly* adverse and, importantly, the tower will provide essential public infrastructure to the area. In short, as Lt. Wayne Saunders (Ret., NH Fish & Game) stated in his written comments dated August 24, 2021, “this tower will save lives.”

PUBLIC AND REVIEW AGENCY COMMENTS CONCERNING VISUAL IMPACTS

Members of the public submitted written comments raising concerns about the visual impacts of the proposed tower, including the FAA-required warning lights on the tower.³ Most of the comments raised general concerns that the tower and the lights on the tower would adversely impact the scenic resources of the Rangeley area by “spoiling the views” and would not fit harmoniously into the surrounding area. Several commenters also raised concerns that the tower would pollute the night sky and adversely affect the area’s growing reputation as a “dark sky” area. One commenter suggested camouflaging the tower to look like a tree.

¹ See written comments of Donald Curtiss (dated 08/25/2021); Stephen Hall (dated 08/25/2021); Vickie Hunnewell (dated 08/24/2021); Tom Mowbray (dated 08/25/2021); Dale Nagle (dated 08/25/2021); Sarah and Eric Oliveares (dated 05/13/2021); Peter Roehrig (dated 09/17/2021); Robert Russell of North East Mobile Health Services (dated 05/10/2021); Lt. Wayne Saunders (Ret.) (dated 08/24/2021); Ethan C. Shaffer (dated 07/28/2021); and Peter Williams and Leslie Knight (dated 04/07/2021).

² See written comments submitted by Rangeley Town Manager Joe Roach on behalf of the Rangeley Board of Selectmen (dated 08/25/2021).

³ See written comments of Tony Barrett on behalf of the Maine Appalachian Trail Club (dated 04/08/2021); Randy Belanger (dated 03/20/2021, 04/07/2021, 04/21/2021; and 09/07/2021); Robert A. Burgess (dated 09/17/2021); Donna Coleman (dated 03/24/2021, 04/19/2021, and 05/28/2021); Cindy Cromer (04/07/2021); Aimee Danforth (dated 04/07/2021); Colin and Jo Doherty (dated 04/08/2021); Sarah England (dated 04/08/2021); Ralph and Karen Hutchinson (dated 04/05/2021 and 09/17/2021); Andrew Jacobs (dated 09/16/2021); Karon Noyes (dated 04/08/2021); Kathleen Renesky (dated 04/07/2021); and National Park Service, Appalachian National Scenic Trail Division (dated 08/06/2021).

Visual Impacts—Generally

To demonstrate that the tower and the lights on the tower will have no undue adverse impact on surrounding scenic resources, Rising Tide submitted two visual impact analyses: one conducted by Black Diamond Consultants (the “original analysis”) and another conducted by TJD&A (the “supplemental analysis”). TJD&A has also produced a plan that shows the limits of reduced ground-level illumination, which is attached hereto as Exhibit 1). The TJD&A analyses demonstrate that the tower lights will not be visible from any neighboring residential parcels. Specifically, the Federal Aviation Administration (FAA) tech sheet on lighting contains the following note for the L-864 light that is proposed to be used atop the tower:

For stray light, the intensity at 10 degrees below horizontal, at any radial, must not be greater than 3% of the peak intensity at the same radial (i.e. 60 candela).

Flash Technology, the tower light manufacturer, provided TJD&A with test results by an FAA certification body (Edison Testing Laboratories) that shows the light will achieve 17 candelas of light at 10° below the horizon. This is a significant reduction from the 2000 candela horizontal beam that the light emits. Similarly, Flash Technology has indicated that the vertical beam pattern for the LED light is 3° above the horizon. This effectively means that people living in the vicinity of the tower would only see a fraction of the light being emitted from the warning light at the top of the tower.

The yellow areas on the plan are places where the light is visible from the horizon (*i.e.*, on the same horizontal plane as the light) down to 10° below the horizon. The red areas are places where the light would be seen from 1° to 3° above the horizon. The purple areas are where the greatly reduced 17 candela light levels would be seen (*i.e.*, below -10° and above 3° of the horizon).

Note that the closest residential dwelling is approximately 1,700 feet away from the proposed tower. It is unlikely that this property, or any other nearby residential properties, will be impacted by views of the lights atop the tower because of the light design features described in the TJD&A analysis and because these properties’ lines of sight of the tower will likely be broken by existing tree cover.

Visual Impacts—Night Sky

This is not an unpolluted landscape; incremental addition of FAA-required lighting will not “ruin” the night sky. As noted above, the FAA has responded to concerns for night sky impacts from obstacle warning lights by instituting standards that require the intensity of the light at 3° above the horizontal to be no greater than 3% of the peak intensity.

Visual Impacts—Harmonious Fit

As Terry DeWan of TJD&A testified during the public hearing, it is important to consider the context within which the telecommunications tower would be seen. In many areas in and around Rangeley two other lit communications towers are also already visible. The latticework design of the tower greatly reduces its visibility, especially when seen at greater distances, such as Rangeley Lake State Park and much of Rangeley Lake. From upper elevations, such as the Appalachian Trail, the tower will be perceived as part of the pattern of roads and buildings that define Rangeley Village.

The scenic impacts of the tower and the FAA-required lights will be mitigated by the presence of the existing warning lights on the existing telecommunications towers and the natural limits of the human eye in seeing the tower from certain distances. While the warning light will be visible from several of the scenic resources in the area, these are generally not places that people use beyond the evening hours (*e.g.*, Rangeley Lake, Rangeley Lake State Park, Scenic Byway, AT, AND historic structures). Please refer to the TJD&A visual impact analysis for additional details on these mitigating features.

Finally, it is worth noting that while there are communications towers that have ‘branches’ that resemble large trees, it has been TJD&A’s experience that they tend to look very artificial and actually detract from the appreciation of the foreground and midground landscape. A 300-foot tall tree would obviously seem out of place, situated on a wooded hillside where the average tree height is 40 to 60 feet.

Visual Impacts—Response to Maine ATC Comments and National Park Service Review Comments

Please refer to [Exhibit 2](#), attached hereto, which contains responses from TJD&A on behalf of Rising Tide to the specific concerns raised by the Maine Appalachian Trail Club in its written comments dated April 8, 2021 and to the review agency comments submitted by the National Park Service, Appalachian National Scenic Trail Division, dated August 6, 2021.

PUBLIC COMMENTS CONCERNING ENVIRONMENTAL IMPACTS

Several members of the public raised concerns that the proposed tower application has not adequately addressed the impacts on endangered species.⁴ Some commenters noted concerns about impacts to bald eagles and pileated woodpeckers.

Rising Tide Towers submitted a natural resources inventory, prepared by Main-Land Consultants, as part of its application materials. That inventory does not indicate the existence of any endangered species, including breeding and nesting bald eagles or pileated woodpeckers, at the project site. MDIFW and MNAP review agency comments likewise do not raise any concerns about the impacts of the project on threatened or endangered species.

PUBLIC COMMENTS CONCERNING CHAPTER 10 ZONING REQUIREMENTS AND LAND USE STANDARDS

Several members of the public who opposed Rising Tide’s original proposal (DP 5050), which would have located the tower in the Dallas Hill D-RS2 subdistrict, commented that Rising Tide’s selection of a location for the proposed tower that is outside of the Dallas Hill D-RS2 subdistrict and within the M-GN subdistrict is not material and “evades the will” of the project opponents.⁵ One commenter asserted that the proposal is not consistent with the requirements of Section 10.06 or Section 10.22(A)...(27) of the Commission’s *Land Use Districts and Standards*.

Zoning Requirements

Rising Tide has a contractual mandate, rooted in federal law and national and state policy, to place a cell tower in the AT&T/FirstNet “search ring” located on Dallas Hill. Based on the Commission’s denial of DP 5050, Rising Tide focused its search for a new tower location in the M-GN subdistrict. The M-GN subdistrict does not include the additional standard of “compatibility” with surrounding residential uses and telecommunications towers are allowed as of right in the M-GN subdistrict. As a legal matter, the change in zoning is therefore very relevant and lowers the applicant’s burden of demonstrating compliance with applicable criteria.

Land Use Standards

Section 10.06,D provides that, where two or more protection districts apply to a single land area, the more protective standard applies. This provision is intended to resolve conflicts where two or more protection districts overlap. Because there are no places on the leased property where two or more protection districts overlap, this provision of the Commission’s rules is not legally relevant to this application.

Section 10.22,A...(27) allows certain “other structures, uses, or services” within the M-GN subdistrict. This provision enables the Commission to consider allowing land uses that are not expressly listed as being allowed in the M-GN subdistrict under certain circumstances. Telecommunications towers, however, are expressly listed as allowed in the M-GN subdistrict—specifically, they are public utilities. This standard is therefore not legally relevant to Rising Tide’s application.

⁴ See written comments of Randy Belanger (dated 03/20/2021, 04/07/2021, 04/21/2021; and 09/07/2021); Colin and Jo Doherty (dated 04/08/2021); Sarah England (dated 04/08/2021); and Karon Noyes (dated 04/08/2021).

⁵ See written comments of Aimee Danforth (dated 04/07/2021); Ralph and Karen Hutchinson (dated 04/05/2021 and 09/17/2021); John L. Margolis (dated 03/23/2021 and 08/29/2021); and Karon Noyes (dated 04/08/2021).

PUBLIC COMMENTS CONCERNING PROPERTY VALUES

Several members of the public raised concerns that the tower would negatively affect property values of surrounding residences.⁶

We question whether consideration of the impacts of a telecommunications tower on nearby property values are relevant to any LUPC review standards. Nonetheless, studies indicate that the property value effects from telecommunications towers is limited and becomes negligible the farther a tower is located from a residential area. For example, a Florida study indicated that the effect of proximity to a tower reduces price by 15% on average, but this effect is reduced with distance from the tower and is negligible after 1,000 feet. *See Bond, Sandy, [The Effect of Distance to Cell Phone Towers on House Prices in Florida](#)*, at 364 (The Appraisal Journal, Fall 2004). Another market study conducted by [Valbridge Property Advisors](#) found that that home sale values demonstrated no measurable difference for homes within a 0.25-mile radius sphere of influence of a cell tower and those in a 0.50-1.0 mile radius outside of the cell phone sphere of influence.

To seek more information about the effects of siting cell towers on property values, Rising Tide engaged the services of Mark Correnti, Managing Member of FairMarket Advisors, LLC—a firm specializing in residential property impact studies—to evaluate the likelihood that the proposed tower would impact property values in Dallas Plantation. Mr. Correnti’s assessment is attached hereto as [Exhibit 3](#), and he affirms the results of the 2004 Bond study—namely, that the siting of a tower has an “almost negligible” impact on property values if those properties are located more than 656 feet away from the tower.

While it would not be appropriate to draw specific conclusions from the findings of studies in other parts of the country to property values in Dallas Plantation, it is worth noting that the closest residential dwelling to the proposed tower is located 1,700 feet away—significantly farther away than the studies’ measures of value impact.

PUBLIC COMMENTS CONCERNING HEALTH IMPACTS OF RF RADIATION EMISSIONS

One commenter raised concerns that the proposed tower will be detrimental to human health.⁷

The FCC has established health and safety standards on radiofrequency radiation emissions (including maximum exposure limits), which this project must comply with, and there is ample evidence that cell towers do not pose a danger to human health. In any event, under the federal Telecommunications Act of 1996, “no state or local government . . . may regulate the placement, construction, and modification of [cell towers] on the basis of the environmental effects of radiofrequency emissions” if the towers comply with FCC regulations. This provision effectively prohibits LUPC from regulating tower siting based on health and safety concerns. *See* 47 U.S.C. § 332(c)(7)(B)(iv); *see also Cellular Phone Taskforce v. Fed. Communications Comm’n*, 200 WL 22823 (2nd Cir. 2000) (Feb. 18, 2000).

PUBLIC COMMENTS CONCERNING PROCEDURAL MATTERS

Several members of the public criticized the applicant for filing the DP 5050-B application with the LUPC Downeast Region office, rather than the Western Mountains Region office, accusing the applicant of a lack of transparency and subversion of public comments.⁸

LUPC directed Rising Tide to file the application with the Downeast Region office; the applicant had no choice. The applicant also specifically requested a public hearing in the Rangeley region and welcomed public comments on the proposal. Any assertion that Rising Tide lacks transparency and is attempting to subvert public comments is baseless.

⁶ *See* written comments of Robert Coleman (dated 04/05/2021); Aimee Danforth (dated 04/07/2021); Karon Noyes (dated 04/08/2021); and Kathleen Renesky (dated 04/07/2021).

⁷ *See* written comments of Robert Coleman (dated 04/05/2021).

⁸ *See* written comments of Colin and Jo Doherty (dated 04/08/2021) and Sarah England (dated 04/08/2021).

PUBLIC COMMENTS CONCERNING ALTERNATIVE TOWER SITING AND DESIGN

Several members of the public requested that the proposed tower be located elsewhere, including in a place where the tower could be designed to be shorter to avoid triggering the FAA lighting requirements.⁹ Several commenters also suggested that alternative technology, such as satellite communications, could be used in lieu of the proposed tower.

As described in Rising Tide’s telecommunications need analysis, Rising Tide has a contractual and federal mandate to place a cell tower in the AT&T/FirstNet “search ring” located on Dallas Hill in order to close the coverage gap in FirstNet network services—which is essential to providing secure and priority communications for first responders. Based on the denial of DP 5050, Rising Tide looked outside of the D-RS2 subdistrict while limiting its analysis to the search ring. The selected property was the only parcel of land where the zoning, topography, clean title, public road access, and a willing landowner/lessor existed.

With respect to the feasibility of alternative technology, the FirstNet network is a tower-based system. Satellite technology is not viable because the FCC and the FirstNet program is based on Federal Spectrum Licenses, which are terrestrial based licenses. Alternative technologies are not part of the FirstNet design and build plan that was approved by the United States Congress, and are therefore not a feasible alternative to the proposed tower.

Nonetheless, as explained in a letter to LUPC dated September 24, 2021, Rising Tide is prepared to submit information about an alternative tower option for the Commission’s review and consideration—namely, a 190-foot unlit tower design located within the D-RS2 subdistrict—in response to these and other public comments, as well as LUPC staff comments. Rising Tide has asked the Chair of the Commission to extend the hearing record to allow it to submit additional information regarding this alternative option. We anticipate that review agencies and the public will be given an opportunity to comment on the alternative.

⁹ See written comments of Robert Burgess (dated 09/17/2021); Donna Coleman (dated 03/24/2021, 04/19/2021, and 05/28/2021); Cindy Cromer (dated 04/07/2021); Colin and Jo Doherty (dated 04/08/2021); Sarah England (dated 04/08/2021); Karon Noyes (dated 04/08/2021); and Ralph and Karen Hutchinson (dated 04/05/2021 and 09/17/2021); *see also* written comments at n.1, above, concerning visual impacts.

REBUTTAL STATEMENTS OF RISING TIDE TOWERS, LLC
IN THE MATTER OF DP 5050-B

EXHIBIT 1

VIEWSHED MAP AND DESCRIPTION PREPARED BY TJD&A

In response to comments heard at the September 7, 2021 Public Hearing before the Maine Land Use Planning Commission, TJD&A has prepared the accompanying Viewshed Map of the proposed communications tower in Dallas PLT.

The Federal Aviation Administration (FAA) has been increasingly concerned with the effects of aviation warning lights on nearby residential communities. The current FAA standards for lighting communications towers require “the intensity at 10 degrees below the horizontal, at any radial, must not be greater than 3% of the peak intensity at the same radial.” (FAA AC 150/5345-43 specifications.) Flash Technology, the firm that will likely supply the lights for the tower, has had their fixtures tested by the FAA certification body, Edison Testing Laboratories (ETL). The test results from ETL indicate that the light that will be used for the top of the tower has a peak intensity at 0 degrees (horizontal from the light source) of 2,373 candela. At 10 degrees below the horizontal, the intensity drops to 17 candela, which is 77% lower than the FAA allowance.

The Flash Technology light has a vertical beam spread of 3 degrees above the horizon. The Fresnel lens optics used in the fixture would achieve a similar candela of light as those that are 10 degrees below the horizon.

The viewshed map illustrates the varying levels of light:

- The yellow represents areas where the 2000± candela light would be visible looking up at the tower (i.e., light from 0 to 10 degrees below the horizontal).
- The red represents areas where the 2000± candela light would be visible looking down at the tower (i.e., light from 1 to 3 degrees above the horizontal).
- The purple represents areas where the greatly reduced light would be visible.

According to the viewshed map there are areas on Saddleback Mountain that fall within the red area. These are scattered along the access road and on the upper ski trails. Residential units that may have visibility are 4-5± miles from the tower, which is the outer portion of the midground distance zone. The light would be seen in the context of the other lights associated with Rangeley Village.

The viewshed map also indicates that a 0.8 mile portion of the Appalachian Trail would also be within the red area; a greater length of the trail would be in the purple area (significantly less candela). As noted in the TJD&A testimony at the public hearing, hikers on the AT would also be able to see two other lit communications towers in the Rangeley area from this part of the trail.

DALLAS PLANTATION TOWER

PROPOSED TOWER VIEWSHED MAP
10 DEGREES BELOW - 3 DEGREES ABOVE HORIZONTAL

Legend

- | | |
|-------------------------|------------------------|
| APE (8 mi) | Appalachian Trail |
| Tower | Secondary Roads |
| National Register | Local Roads |
| Boat Launches | Private or Gated Roads |
| Scenic Byways | Public Conserved Lands |
| Local Snowmobile Trails | Private Conserved Land |
| ITS Trail | |

Potential Visibility

- Horizon to 3° above
- Horizon to 10° below
- 90° - 10° Below Horizon and 3° - 90° Above Horizon



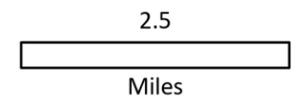
Notes

Map shows potential areas of visibility of any portion of the tower described within eight miles. The analysis relies on the screening effects of both topography and surface data (accounting for vegetation and structures such as buildings).

The analysis is based on a Digital Surface Model (DSM) processed at 3 ft resolution from first return LIDAR data acquired from the USGS National Map. The view height is set at 5 ft above ground level elevation.

The viewshed represents where a viewer may see any portion of the communication tower within 8 miles.

Potential visibility needs to be confirmed with field investigations and other visualization techniques.



tjd&a

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Vanguard LED Optics and Ground Scatter Information

Version No: 1.0

Date: December 5, 2019

Developed by:

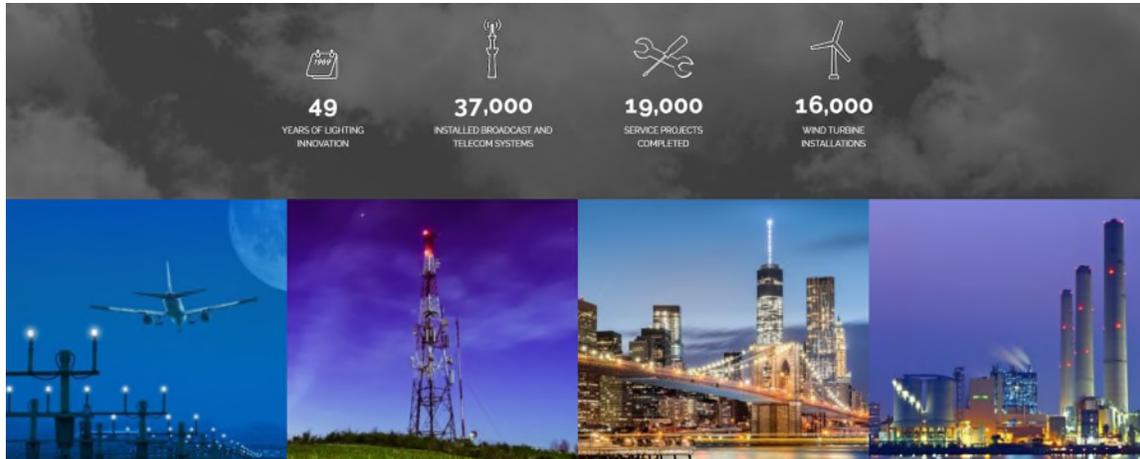
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1 Introduction



Click here: [Flash Intro 1 minute video](#)

FLASH TECHNOLOGY

Flash Technology has been an OEM of FAA tower lighting since 1970. Flash provides LED and xenon obstruction lighting systems to meet FAA lighting regulations as well as ICAO, CAR 621 and DGAC standards. Qualification, manufacturing and testing of all certified tower lighting equipment meet FAA AC 150/5345-43

Flash Technology has earned a reputation in the telecommunications, broadcast, wind energy, airport and utilities markets based on technical superiority, manufacturing excellence and exceptional levels of service.

Since 2013 over 10,000 Vanguard LED tower lighting systems have been installed.



2 FAA Spec's vs. Flash Vanguard® LED

Flash Vanguard products are certified to the FAA AC 150/5345-43 specifications.

“For stray light, the intensity at 10 degrees below horizontal, at any radial, must not be greater than 3% of the peak intensity at that same radial.”

FAA Light Type L864 Red	Max Peak Intensity (cd) at 0 degrees	3% limit (cd) at -10 degrees
FAA Specification	2,500	75

Below are the test results on the Flash Vanguard LED lighting system as tested by the FAA certification body: ETL (Edison Testing Laboratories)

FAA Light Type L864 Red	Peak Intensity (cd) at 0 degrees	Results at -10 degrees
Flash Tech results	2,373	17

The Flash Vanguard LED only registers 17 candela at -10 degrees. Less than 1% of the light is directed downward. It performs at 77% lower than the FAA allowance.

Vanguard optics reduce the light emitted to the equivalent of a 30 watt bulb viewed from ground level at 1,500 ft. (or 5 football fields) away.

VANGUARD CERTIFICATIONS

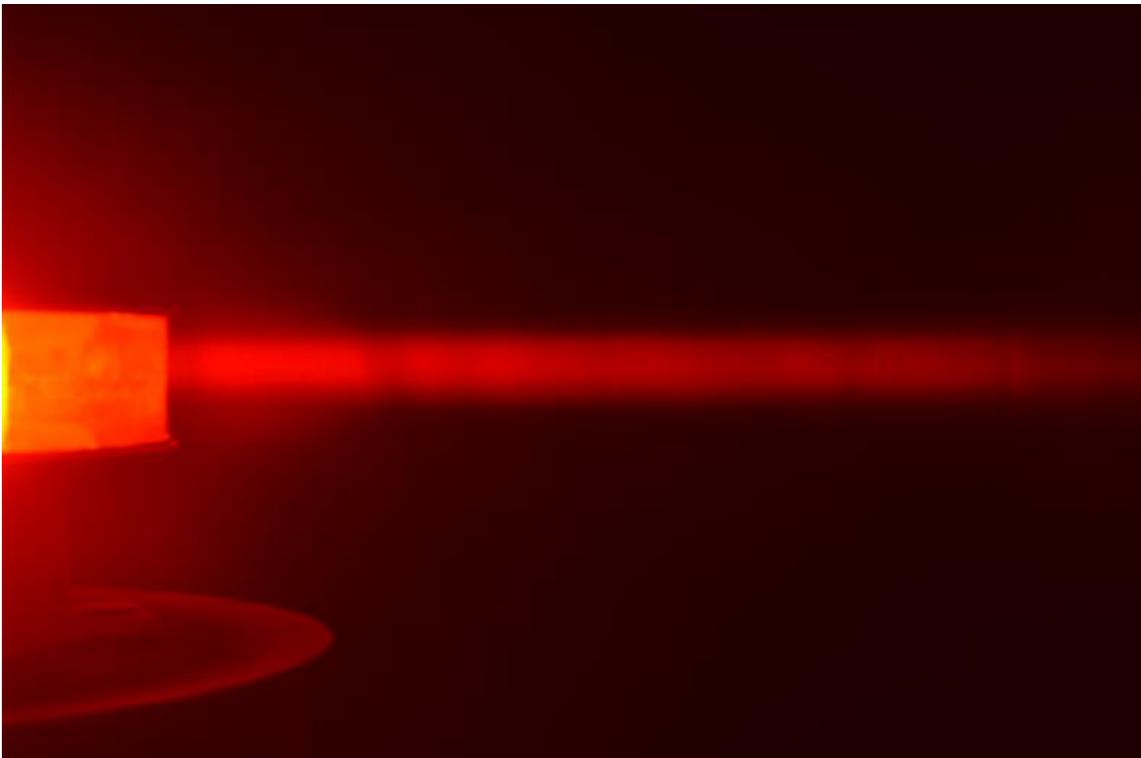


3 Flash Vanguard® LED Patented Optics

Flash Technology utilizes Fresnel optics that is ideal for meeting and exceeding the FAA's stray light restrictions. Based on the laws of refraction, the Fresnel lens gathers light rays emitted from a source located at the primary focus of the lens. These light rays then are refracted (or bent) by the lens and emerge as essentially parallel or slightly divergent rays.

A totally engineered optical system, where the light source (LEDs) and Fresnel lens have been designed together to perform a specific lighting function, will offer the best results. The restriction of nuisance light results in lighting that is less intrusive than typical street lights.

Patented Optics of the Vanguard LED Beacon, Red night beam pattern



4 Light Shields / Shades

Light shields are no longer permitted for use per FAA Advisory Circular 70/7460-1L (release December 4, 2015)

Chapter 4. Lighting Guidelines

Section 4.10 Light Shields.

In general, light shields are not permitted because of the adverse effects they have on the obstruction light fixture's photometrics. In addition, these shields can promote undesired snow accumulation, bird nesting, and wind loading.



REBUTTAL STATEMENTS OF RISING TIDE TOWERS, LLC
IN THE MATTER OF DP 5050-B

EXHIBIT 2

**REBUTTAL STATEMENTS TO
MAINE APPALACHIAN TRAIL CLUB AND NATIONAL PARK SERVICE COMMENTS
PREPARED BY TJD&A**

STATEMENT IN RESPONSE TO MAINE APPALACHIAN TRAIL CLUB (ATC) COMMENTS

On April 8, 2021 the ATC submitted a letter to the LUPC expressing a number of their issues with the proposed project. Their letter predates the visual impact assessment performed by TJD&A, which addresses many of their concerns. This memo highlights the specific questions raised by the ATC concerning potential visual effects. Sections *in italics* are quotes from the ATC letter.

1. . . . *In addition, using commonly available topographic software utilizing reverse ray path analysis would be more definitive as to whether the ridge along Dallas Road would block the view of the tower*
...

TJD&A has provided several GIS-based viewshed analyses that illustrate where the tower and the FAA-required aviation warning light may be visible. In addition, TJD&A provided viewshed studies showing where two other lit communications towers may be visible. (See Written Testimony of Terrence J. DeWan and TJD&A's VIA for a description of the viewshed studies.)

2. . . . *The developer's assumption that since more people visit the summit in the daytime, that nighttime visitation is not consequential and doesn't need to be considered, is convenient. FAA beacons are annoying visible & distracting at 15 miles and still very noticeable at much greater distances. During foggy and cloudy conditions, even if out of line of sight, the flashing red glow on the clouds is very visible on the horizon. Given the Rangeley area's Dark Sky conditions, this incremental light pollution could be significant.*

An understanding of context and potential contrast is important in determining potential visual effect. The proposed light will not be seen against a dark background. The tower and its lighting will be seen in the context of Rangeley village, with its street lights, lit buildings, airport lighting, vehicle headlights, and other light sources.

This would not be the only lit communications tower in the vicinity. Two additional towers with FAA lighting are currently located within the viewshed of the AT: one on the north side of Rangeley Lake on Route 4, the second on the Loon Lake Road north of town. Both are approximately 9 miles from the AT, so their intensity would be somewhat less than the proposed tower, which is 6 miles from the AT (from The Horn).

There is no camping allowed above treeline on the AT. Due to the unpredictable nature of the weather on the exposed ridgeline, most hikers should be below treeline by sunset when the red tower lights come on. Very few, if any, hikers would likely be exposed to the view of the tower lights. (See Written Testimony of Terrence J. DeWan.)

Please also refer to the supplemental analysis submitted as part of Exhibit 1 to Rising Tide Tower's rebuttal statements for additional information.

3. ADLS: Addressed elsewhere.
4. Cell Tower Visual Impact Guidelines. Addressed elsewhere.

STATEMENT IN RESPONSE TO NATIONAL PARK SERVICE (NPS) REVIEW COMMENTS

On August 6, 2021 the National Park Service Appalachian National Scenic Trail submitted a letter to the LUPC expressing a number of their issues with the proposed project. Their letter was in response to the VIA prepared by TJD&A. This memo highlights the specific questions raised by the NPS concerning potential impacts on the AT. Sections *in italics* are quotes from the NPS letter.

- 1.0 *The NPS ran a bare earth viewshed for the proposed tower to estimate its potential to be visible from the ANST. This analysis indicates that the proposed tower may be visible from several locations on the ANST including ones identified in Rising Tide’s viewshed map, Saddleback Mountain and the Horn. These two mountain vistas are just a little over 5 miles from the proposed tower site and the proposed tower and lights will likely be visible from these viewpoints as well as along the Trail treadway given the openness of the Saddleback ridgeline.*

An understanding of context and potential contrast is important in determining potential visual effect. The proposed light will not be seen against a dark background. The tower and its lighting will be seen in the context of Rangeley village, with its street lights, lit buildings, airport lighting, vehicle headlights, and other light sources.

This would not be the only lit communications tower in the vicinity. Two additional towers with FAA lighting are currently located within the viewshed of the AT: one on the north side of Rangeley Lake on Route 4, the second on the Loon Lake Road north of town. Both are approximately 9 miles from the AT, so their intensity would be somewhat less than the proposed tower, which is 6 miles from the AT (from The Horn). (See Written Testimony of Terrence J. DeWan.)

- 2.0 *We recommend further analysis and consideration of the potential for visual impacts to ANST viewpoints beyond eight miles since the proposal includes lighting the tower.*

The eight-mile Area of Potential Effect (APE) was a distance established by the Land Use Planning Commission for the assessment of this project.

- 3.0 *Lighting draws viewer’s attention both day and night and lights illuminated at night can adversely impact night sky views.*

There is no camping allowed above treeline on the AT. Due to the unpredictable nature of the weather on the exposed ridgeline, most hikers should be below treeline by sunset when the red tower lights come on. Very few, if any, hikers would likely be exposed to the view of the tower lights. (See Written Testimony of Terrence J. DeWan.)

- 4.0 *Non-reflective, background conforming color scheme on body of the tower and associated fixtures and equipment shelters. For example, painting the tower a dark grey color to blend with the landscape (not just galvanized steel).*

As noted in the oral testimony of Terrence J. DeWan to the Commission during the September 7, 2021 public hearing, the latticework tower being proposed would be difficult if not impossible to see at the distances involved along the AT. The Bureau of Land Management (BLM) Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities provides this guidance for selecting appropriate tower designs: “latticework... towers tend to be more appropriate for less-developed rural landscapes, where the latticework would be more transparent against natural background textures and colors.”¹⁰

Most of the Potential Minimization Measures recommended by the NPS are addressed elsewhere in the Applicant’s rebuttal statements.

¹⁰ United States Department of the Interior. 2013. *Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands*. Bureau of Land Management. Cheyenne, Wyoming. 342 pp, April.

REBUTTAL STATEMENTS OF RISING TIDE TOWERS, LLC
IN THE MATTER OF DP 5050-B

EXHIBIT 3

See property value evaluation prepared by FairMarket Advisors, LLC, attached hereto.

Todd Rich
Rising Tide Towers, LLC
c/o Black Diamond Consultants, Inc
312 Water St, PO Box 57
Gardiner ME 04345

RE: Proposed Wireless Communication Facility
Site: Dallas Plantation

September 23, 2021

Mr. Rich,

My firm specializes in property impact studies with regards to residential properties. I have been involved in numerous cases with respect to municipal land use boards and have been admitted as a subject matter expert in both Massachusetts and New Hampshire courts. I have researched over 100 residential sites that are proximate to existing cell towers in Massachusetts as well as rural communities in New Hampshire.

You have asked me to review material relative to the proposed site with regards to property values. The intended user of this communication is the Maine Land Use Planning Commission in their deliberations relative to the applications submitted by your firm.

You have provided to me, and I have reviewed the construction drawings of the proposed site as well the photo simulations of the proposed site in both day and night simulation. You have also asked me to review a 2004 study completed by Sandra Bond, PhD "*The Effect of Distance to Cell Phone Towers on House Prices in Florida*".

The proposed site

Rising Tide Towers, LLC proposes to place a 300' lighted tower on Tax Map 2 Lot 49. The tower will be 1,900' from Dallas Hill Rd at an elevation of 1,852' on a hill. The acreage is undeveloped land with steep terrain. Surrounding uses are single-family residential to the south, and a 9-hole, public golf course to the east.

Visibility

The closest structure to the proposed site is a single-family residence approximately 1,700' south on Dallas Hill Rd. The cell tower will be visible further away from the base of the hill. The photo simulations show rolling topography throughout the community where the tower will be visible from some points up to three miles away.

Notably there has been opposition and concern in the community that the existence of a cell tower in the community - that can be seen for miles, will diminish property values. The basis of the opposition is the Bond 2004 study of residential neighborhoods in Florida.

I have read the 2004 Bond study in its entirety. The study uses a multiple regression analysis to determine if there is an effect between the linear distance from a cell tower and a home sale price. The study references prior work done by Dr. Bond that also employed surveys, notably the Christchurch, New Zealand study conducted the year prior.

The conclusion of the study is “*that property values decreased on average after a tower was built (and) this effect generally diminished with distance from the tower and was almost negligible after about 656 feet.*”

I have seen similar results in my own research and experience through out New England. There is little to no effect on a buyer’s purchase decision based on a structure that is of significant distance. Below are several examples of residential sales that I have researched that have a lighted tower that is 200’ or greater within their viewshed.

Analysis of residences with views of a lighted cell tower

For each analysis, a comparison grid is presented. Each property sale is shown in ***bold italics*** underneath each are the medians calculated for the competitive sales examined. The data (from left to right) is: the number of competitive sales, the size range examined, the median lot size in acres, listing price, sale price, percent variance between the list and sale price, room, bedroom, bath count, garage size and average days on market.

This type of comparison enables identification of sales with substantial deviation from the median. If a sale presents a substantial deviation from the median further review is done to determine the reason for the deviation. An explanation for the deviation is provided as needed.

This row is the median sale price for the entire town for the given year

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
129	Median	0.90		1955	≥ 6 months ≤	\$425,000	\$409,000	96%	1,860	6	3	2.0	1	65
<i>Viz</i>	<i>123 Sample Rd</i>	<i>1.5</i>	<i>Cape</i>	<i>1990</i>	<i>11/15/2018</i>	<i>\$450,000</i>	<i>\$435,000</i>	<i>97%</i>	<i>2,250</i>	<i>7</i>	<i>3</i>	<i>2.5</i>	<i>2</i>	<i>45</i>
8		1.40		1986	≥ 6 months ≤	\$445,900	\$437,000	98%	2,435	8	4	2.5	2	52

Sample Comparison Grid

This row shows one property that is proximate to a cell tower

The bottom row shows similar properties, but are not proximate to a cell tower

The top row shows all sales sold in a given year in the community. The middle row shows a property that is proximate to a cell tower. The bottom row shows properties that are similar to 123 Sample Rd in most respects with the exception that none of the sales are proximate to a cell tower.

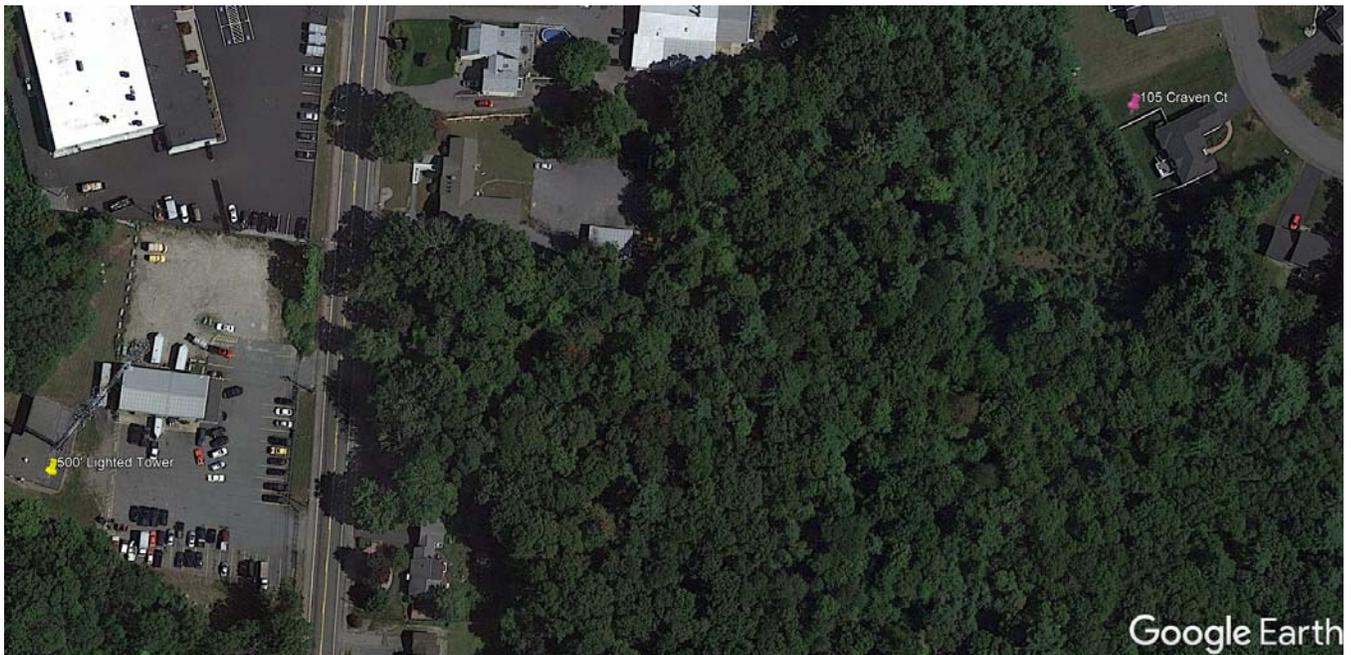
A comparison can be made between the middle row (proximate to a cell tower) and the bottom row (not proximate to a cell tower) to infer if there was a difference in price reduction, price paid, or extended days on market (marketability).

In reviewing the data,
a reader should note the following:

- Sales included in the analysis are those sales that had open market exposure to the general public. All of the sales in the analysis had market exposure through the statewide MLS system.
- There is no comparison being made between the sales seen in the analysis and today's real estate market. The comparison being made is between a sale that was proximate to a cell tower and those sales that sold in the same year, six months prior and six months after.
- The top row shows the median sales price for the community, and it includes all sales that occurred no matter their location, condition of sale, or unique features. Having the median sales price for a community allows the reader to understand what is typical for the market.

Taunton, Massachusetts

On December 12, 2017, a 5 room 3-bedroom Ranch-style home located at 105 Craven Court, Taunton MA sold for \$427,510. It is about 1,000 feet from a 500-foot-high, lighted tower and can clearly be seen from the rear of the home as well as from the street.



The 500' communications tower is on the left; 105 Craven Ct to the right



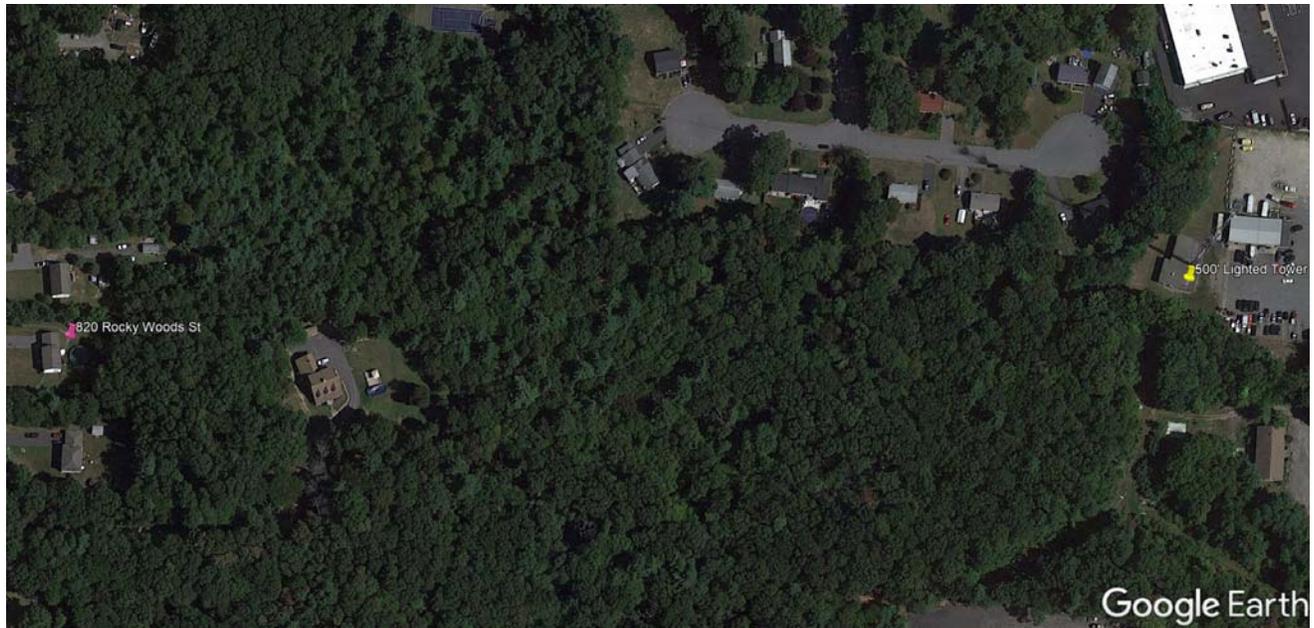
count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
489	Median	0.99		1972	≥ 6 months ≤	\$309,900	\$310,000	100%	1,664	7	3	2.0	1	13
Viz	105 Craven Ct	1.68	Ranch	2008	4/9/2018	\$450,000	\$427,510	95%	1,686	5	3	2.0	2	8
17		0.99		2009	≥ 6 months ≤	\$364,900	\$367,000	101%	1,672	6	3	2.5	0	10

This property sold for more than the median price paid for 17 similar properties while having a view of a tower. The total time on market was slightly less than the median time on market for the data set.

The Broker was contacted on March 3, 2018 and asked if the buyers expressed concern about the visibility of the towers. He replied *“There is a fenced water retention area behind the home beyond the property line that is a negative. The tower was noted but was of no concern and had no impact on the purchase.”*

Based on the above data and broker’s statement it is concluded that tower visibility did not impact the price paid for the home.

On August 25, 2017, a 7 room 3-bedroom colonial-style home located at 820 Rocky Woods St, Taunton MA sold for \$345,000. It is about 1,700 feet from the same, 500-foot-high tower. Despite the distance a large section of the tower can be seen from this property.



count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
519	Median	0.99		1969	≥ 6 months ≤	\$289,000	\$287,500	99%	1,629	7	3	2.0	1	13
Viz	820 Rocky Woods St	1.38	Colonial	2002	8/25/2017	\$359,000	\$350,000	97%	1,872	7	3	2.5	2	4
46		0.99		2000	≥ 6 months ≤	\$341,200	\$347,450	102%	1,799	7	3	2.5	2	11

This property sold for slightly more than the median price paid for 46 similar properties. The total time on market was 4 days, a shorter time frame than the median for the sales.

The Broker was contacted on March 3, 2018 and was asked if the buyers expressed any concern regarding the ability to see the tower from the property or if the tower affected the offer made; he replied “No, absolutely not.”

Based on the above data and broker’s statement it is concluded that tower visibility did not impact the price paid for the home.

On September 29, 2017, a 7-room 4-bedroom ranch located at 25 Range Ave Taunton MA sold for \$300,000. It is about 950 feet from the same 500-foot-high tower. Large portions of the tower can be seen from the front of this home.





View of tower from in front of 25 Range Ave.

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
516	Median	0.99		1971	≥ 6 months ≤	\$289,900	\$291,900	101%	1,632	7	3	2.0	1	13
Viz	25 Range Ave	2	Ranch	1910	9/29/2017	\$300,000	\$300,000	100%	1,708	7	4	1.0	2	54
62		0.99		1910	≥ 6 months ≤	\$269,900	\$268,500	99%	1,669	8	3	2.0	1	15

This property sold for more than the median price paid for 62 similarly properties despite having a view of a tower. The total time on market was longer than the median for the data set as 25 Range Ave was under agreement 5 days from its initial list date, and then back on the market a month later.

The Broker was contacted on March 3, 2018 and was asked if the buyers expressed any concern about the ability to see the tower from the property or if it influenced the buying decision in any way; her reply was *“It did not matter the littlest bit.”*

Based on the above data and broker’s statement it is concluded that tower visibility did not impact the price paid for the home.

Gloucester, Massachusetts

There is a 230' lighted, lattice cell tower at 18 Kondelin Rd in Gloucester. The tower is at the edge of a commercial area that is at the top of a hill that overlooks a residential neighborhood to the east.

5 and 7 Westbrook are 1,070' and 1,380' respectively from the 230' cell tower. Because both of these residences are located on a private road, a view of the cell tower could not be confirmed. However, the cell tower is clearly visible at the base of the road at the corner of Pinecrest and Magnolia Ave which is 2,000' from the tower.

Although not independently verified, it is highly probable that the 230' lighted tower that is visible 2,000' away would also be visible at distances of 1,070' and 1,380'.



View of the 230' cell tower 2,000' away at the corner of Magnolia and Pinecrest



Aside from the high-end materials for both 5 and 7 Westbrook a marketable feature is also the unobstructed views of the neighborhood below as well as distant views of the ocean that both residences have.

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
223	Median	0.26		1937	≥ 6 months ≤	\$399,000	\$393,000	98%	1,653	7	3	2.0	0	26
Viz	5 Westbrook Ln	7.65	Contemporary	2005	9/9/2016	\$1,399,000	\$1,125,000	80%	4,651	12	4	4.5	2	65
27	≥ 3,000 sf - 6,000 sf≤	1.06		1966	≥ 6 months ≤	\$995,000	\$875,000	88%	3,709	11	5	3.5	2	86

5 Westbrook Ln has more than 4,500-sf of living area, well appointed, and has a clear view of the ocean which is more than a mile away. As with other high-end, luxury properties, there is an extended marketing time for this select sub-market. In the above analysis 5 Westbrook sold with similar days on market and sales to list ratio. The median sales price was above that of other luxury and view properties most likely due to its relatively young age and size.

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
226	Median	0.25		1929	≥ 6 months ≤	\$429,450	\$426,750	99%	1,681	7	3	2.0	0	23
Viz	7 Westbrook Ln	4.15	Contemporary	2007	3/23/2017	\$965,000	\$960,000	99%	3,168	9	4	3.5	2	144
25	≥ 2,600 sf - 3,500 sf≤	0.71		1975	≥ 6 months ≤	\$799,000	\$784,000	98%	2,966	9	4	3.0	2	71

The above analysis reports that 7 Westbrook had a total of 144 days on market. 7 Westbrook Ln listed for sale on 08/16/16 at \$965,000 and was under agreement in 72 days. However, that transaction fell through, and the property was placed back on the market on 12/06/16. A second agreement of sale was made 63 days later which settled on 03/23/2017 for \$960,000. The first list to offer was 71 days, the second was 63 days. Both of which are comparable to what is typical for similar high-end properties in Gloucester.

Both 5 and 7 Westbrook Lane are proximate to, and most likely have a view of the 230' lighted, lattice tower at the top of the hill. Both 5 and 7 Westbrook were marketed as high-end view properties. The above data

does not indicate that an external influence such as the nearby cell tower had an adverse effect on the marketability of either property.

Conclusion and Summary

Objection to site development for cell towers (or any other infrastructure development) usually comes from a change in the view within a community. The concerns and objections are understandable. Where change occurs; concern will often lie. In the Dallas Plantation circumstance the change has caused some community landowners to assume that their property will lose value due to placement of a cell tower within the community.

Value – and how it is defined, is demonstrated not by a property owner’s opinion, rather it is defined by the market. Buyers are the *market makers*; only through their buying decisions can it be determined if and to what extent the presence or absence of a neighborhood attribute influences price paid for a property.

The Bond 2004 Florida study concludes that there is an “*almost negligible*” impact on value after 656’ feet from a cell tower. My own research has shown the same. It would be inappropriate to apply a rate of diminution contained in one of the Bond reports such as 15% to property that is not proximate to a cell tower in Dallas Plantation. The Bond 2004 Florida Study in its conclusion states that “*the results (of this study) should not be generally applied*”.

The data in the Taunton and Gloucester residential sales showed how buyers reacted to a residence with a lighted tower within its viewshed. Regardless of a property owner’s opinion of the presence of the tower in the community, the buyer’s purchase decision defined both the price paid and the market reaction for a property that has a view of a lighted cell tower.

Sincerely,



Mark Correnti
Managing Member
FairMarket Advisors, LLC