



# Lincolnville denies cell-tower permit

By Lynda Clancy  
*Staff Reporter*

LINCOLNVILLE (March 1): Lincolnville's Planning Board voted Wednesday night to deny National Grid Communications permission to construct a 190-foot tall cellular tower on the lower slope of Bald Rock Mountain.

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Voting 3 to 1, the board voted against the proposal based on the lack of clear representation of how the monopole tower would appear.

"It was not clear to us how it was going to look," said planning board Chairman Lois Lyman.

In summary, the motion spoke to three sections of the ordinance, referring to view protection, use of the site and hillside development.



The Lincolnville Planning Board meeting included, from left, code enforcement officer Jana Wood, members Bob Winslow, Mike Ray, and Jay Foster, board attorney Bill Kelly, and Chairman Lois Lyman. (Photo by Lynda Clancy)

Those voting in favor of the motion to deny the application were Mike Ray, Jay Foster and Bob Winslow. Planning board member Donnie Heald voted against the motion, while Lyman, as chairman, abstained.

The planning board was considering the application from GridCom and Unicel under its commercial site plan review ordinance.



Lincolnvile Planning Board attorney Bill Kelly, with board Chairman Lois Lyman and board member Donnie Heald. (Photo by Lynda Clancy)

The planning board had already considered a GridCom/Unicel application last year under the town's wireless telecommunications ordinance. In March 2006, the planning board denied the permit. GridCom appealed, and the town's appeals board voted to send the matter back to the planning board for reconsideration.

The planning board again voted against permitting the project, and GridCom appealed once more to the Lincolnvile Appeals Board. On Nov. 16, that board voted in favor of Gridcom. A group of citizens subsequently appealed that town appeals board decision to the Waldo County Superior Court, where the case currently sits.



Jonathan Springer of Portsmouth, N.H.-based Bosen and Springer is GridCom's attorney. (Photo by Lynda Clancy)

The permit application filed with the town under its commercial site plan review ordinance was the second step in the GridCom/Unicel appeal for local approval. Gridcom submitted the tower application in August 2005, and said that one of the key design objectives of Unicel's system was to provide seamless coverage without gaps or dead spots in telephone reception.

Gridcom is a subsidiary of National Grid Wireless, based in Westborough, Mass., itself a subsidiary of the London-based National Grid Transco. Gridcom is a telecommunications infrastructure company providing communications infrastructure to businesses and government. Unicel, which offers the telephone service to customers, is owned by Rural Cellular Corporation of Alexandria, Minn.



Before the planning board meeting begins, at 6:15 p.m. on Feb. 28, in the Walsh Common of the Lincolnville Central School. (Photo by Lynda Clancy)

Wednesday night, the GridCom application fell under scrutiny when the board considered the town's commercial site review standards and criteria.

The ordinance states: "The application shall be approved unless the planning board determines that the applicant has failed to meet one or more of these standards or one or more of the standards set forth in Section 12 and Section 13. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met."

GridCom failed to meet criteria associated with view protection (Section 13.6, when a development is located within the viewshed it must be designed to minimize encroachment) and hillside development (Section 13.8, a development on a hillside visible from a public road or water body must be designed to fit harmoniously into its visual setting to the maximum extent possible).

To read Lincolnville's ordinance, see the link provided below.

Attorney Bill Kelly of Belfast is assembling the findings of fact for the planning board.

**Related Links:**

- [Lincolnville's Land Use Ordinance \(http://www.town.lincolnville.me.us/Ordinances.htm\)](http://www.town.lincolnville.me.us/Ordinances.htm) .

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