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January 31, 2017

**VIA UPS OVERNIGHT DELIVERY**  
**1Z 101 505 22 1011 874 2**

Town Council  
Town of Cape Elizabeth  
320 Ocean House Road  
Cape Elizabeth, ME 04107

**APPLICATION FOR  
REZONING**

**Applicant:** Global Signal Acquisitions IV, LLC (“Crown”)  
**Property Address:** 19 Wells Road, Cape Elizabeth, Maine  
Tax Assessors Map R05, Lot 30-0  
**Property Owner:** Penelope A. Jordan, Carol Anne Jordan, William H. Jordan, Jr.  
and Pamela Butterfield  
**Submission  
Deadline:** February 1, 2017  
**Town Council  
Hearing Date:** February 13, 2017

Dear Ladies and Gentlemen of the Town Council:

Our firm represents Global Signal Acquisitions IV, LLC (“Crown”) in their efforts to construct a wireless communication facility (the “Facility”) on property known as 19 Wells Road, Tax Map R05-30-0 (“Property”). Crown has entered into an Option and Lease Agreement (“Lease”) with the fee owners of the Property, Penelope A. Jordan, Carol Anne Jordan, William H. Jordan, Jr. and Pamela Butterfield (“Lessor”). The Lessor has given Crown and our firm, as an agent of Crown, permission to request whatever relief is deemed necessary to be able to build said Facility.

**I. PROJECT NARRATIVE:**

Crown seeks to construct a 180' monopole and a 75' x 75' fenced in equipment compound as more fully detailed on the attached plans (the "Plans"), to replace an existing communications facility on the abutting property, and to ensure uninterrupted network coverage to the Town of Cape Elizabeth (Town). Per the Plans, a Verizon Wireless antenna array will be relocated from the existing tower, also owned by an affiliate of Crown and located at 14 Strout Road (Tax Assessors Map R05, Lot 24) to the top of the monopole at a centerline height of 175'. An AT&T antenna array will also be relocated from the existing tower and placed on the proposed monopole at a centerline height of 165'. A proposed antenna array and dish owned by T-Mobile will be placed on the proposed tower at a centerline height of 152'. There will also be room for two additional carriers which promotes future collocation on the Facility. Additional equipment for the proposed Facility will be contained within the aforementioned equipment shelter, along with cable runs and appurtenances as detailed on the Plans. The entire Facility will be enclosed within an 8' tall chain link fence to prevent unauthorized access.

**II. REZONING REQUEST:**

The purpose of this correspondence is to request that a portion of the Property be rezoned into the Tower Overlay District. Currently the Property is zoned as Residence B. The Property is a large 67.87 acre parcel, consisting of two main areas. The southern portion of the Property is part of Jordan Farm, located north of Wells Road. The northern portion of the Property is a large rectangle shape area of remote, undeveloped, heavily wooded land. The Property currently abuts the Tower Overlay District located off of Strout Road and Spurwink Avenue. We would like to have the Tower Overlay District extended west to include Deer Run Road (a private way owned by the Lessor) and the portion of the Property north of Hockey Pond Road (the large rectangle area). As more fully detailed on the attached Map.

**III. SPIRIT OF THE ORDINANCE:**

Our proposal to extend the size of the current Tower Overlay District is harmonious with the spirit of the ordinance because it accommodates the need and growth of telecommunications within the Town and does not jeopardize public health, safety or welfare. The proposed tower location is approximately 242 feet from the existing Tower Overlay District, which supports the purpose as outlined in the ordinance for predictable and balanced regulations of telecommunication towers within the Town. The Property selected is large enough to ensure that the proposed Facility is within the setback requirements as stated in the ordinance. The Facility will not violate the maximum height limit defined in the ordinance. Also by amending the zoning map, the Property will conform to the proposed use. The proposed lease area is located in a relatively remote area that is not close enough to neighboring residences to be an eye sore,

yet provides a location that will ensure uninterrupted network coverage and will benefit public safety and welfare. As noted earlier, the proposed tower can accommodate two additional carriers and will promote colocation.

**IV. COMPREHENSIVE PLAN OF CAPE ELIZABETH:**

The proposed Facility will not change the current agricultural use of the southern portion of the Property, consistent with the vision as laid out in the 2007 Cape Elizabeth Comprehensive Plan, to encourage the preservation of working farms. The owners of Jordan Farm will receive a financial benefit to offset the higher taxes and to assist with their efforts to preserve their Property as a working farm. There will be minimum impact of the overall forestry of the lot, as the area that will be disturbed is a small portion of the Property, maintaining its rural character, another important goal of the Comprehensive Plan.

**V. PROPOSED FACILITY IS THE MOST FEASIBLE ALTERNATIVE:**

As previously mentioned, Crown currently owns the tower on the abutting parcel and has made numerous attempts with the property owner to renew their current lease. Crown has offered the landlord market rent for the space, however, despite its best efforts, they have been unable to reach a long term agreement. The new site does offer a very practical location. The new site is located right outside of one of the three parcels that make up the Tower Overlay District. The zoning ordinance of the town offers no alternatives with such a restricted Tower Overlay District, it could be perceived as discriminatory to have such a limited population of landowners monopolize the area where the proposed use is allowed.

**VI. ENCLOSED MATERIALS:**

Pursuant to the Cape Elizabeth Zoning Ordinance, please find enclosed 13 copies of the following materials and documents (unless otherwise specified below):

1. Complete Site Plans (11" x 17");
2. Letter of Authorization;
3. Map showing portion of property to be rezoned; and
4. Our Firm check for \$100.00, payable to the Town of Cape Elizabeth for the rezoning fee.

**VII. CONCLUSION**

We are formally requesting a hearing with the Town Council for the February 13, 2017 meeting to obtain their support, recommendation, and approval for the change in zoning.

We look forward to meeting with the Town Council to discuss the request contained in this letter. In the meantime, please let us know if you have any questions about this letter or the accompanying materials.

Very truly yours,



Victor Manougian

VVM:jal  
Enclosures

ec: Adam Barsotti, Esq. (w/o enc.)  
Ted Hixson (w/o enc.)  
Jesahel Trujillo (w/o enc.)  
Amber Holt (w/o enc.)  
Paul Peckens (w/o enc.)

**LETTER OF AUTHORIZATION**

*Penelope A. Jordan, Carol Anne Jordan, William H. Jordan, Jr. and Pamela Butterfield  
21 Wells Road,  
Cape Elizabeth, Maine, 04107*

November 25, 2016

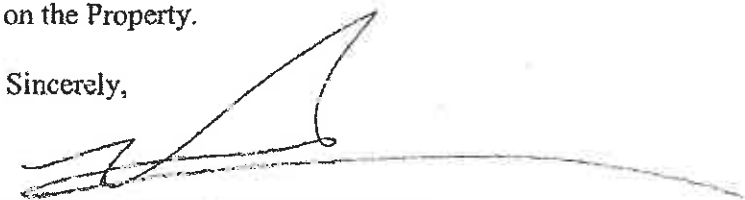
Planning Board  
Town Council  
Code Enforcement  
Zoning Board of Appeals  
Town of Cape Elizabeth  
320 Ocean House Road  
Cape Elizabeth, ME 04107

**Re: Authorization of Global Signal Acquisitions IV, LLC ("Crown")**

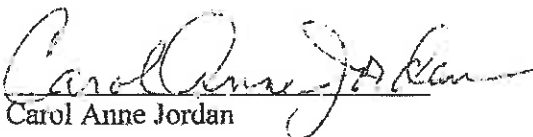
Dear Ladies and Gentlemen:

The undersigned, as owner of premises in the Town of Cape Elizabeth, located at 19 Wells Road, further described in the Cumberland County Registry of Deeds at Book 24242 Page 34 and Book 24242 Page 45 (the "Property"), hereby authorizes Global Signal Acquisitions IV, LLC ("Crown"), and its employees, agents, and consultants, to seek approval from the Town of Cape Elizabeth (including, but not limited to, re-zoning, building permit, site plan review, zoning and planning relief and special permit) in connection with the construction and installation of a wireless telecommunications facility on the Property.

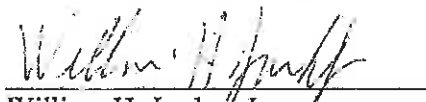
Sincerely,



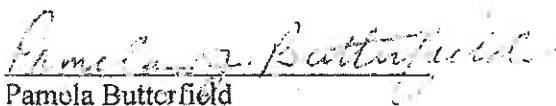
Penelope A. Jordan



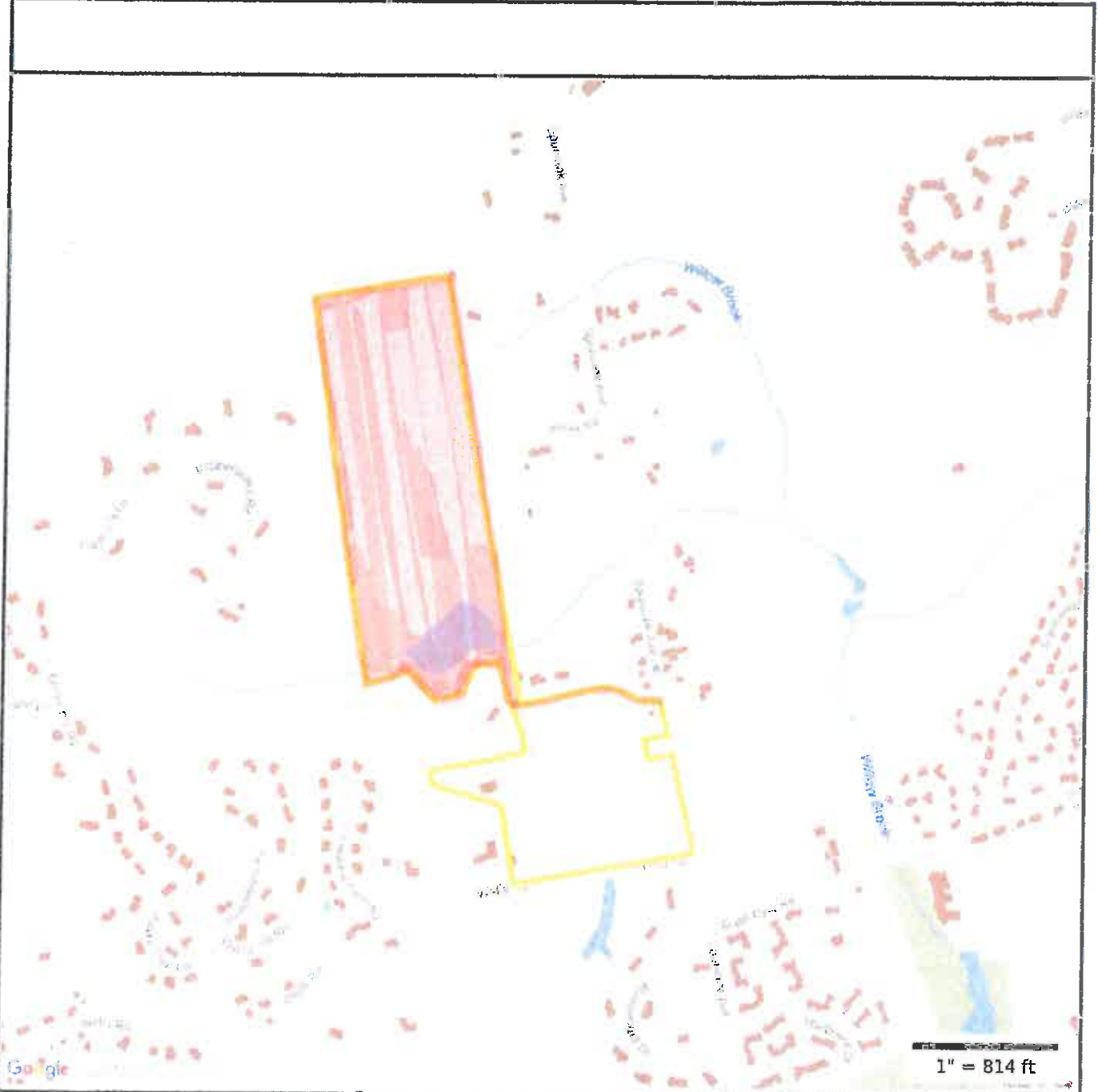
Carol Anne Jordan



William H. Jordan, Jr.



Pamela Butterfield

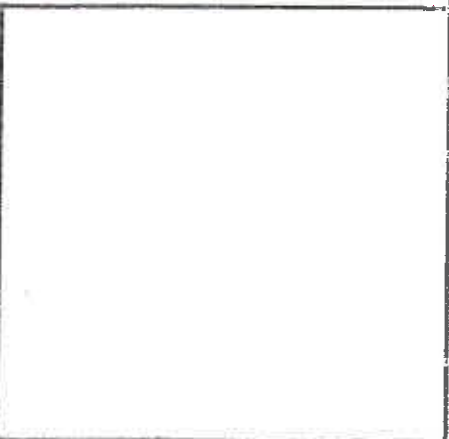


<b>Property Information</b>	
<b>Property ID</b>	R0503000000
<b>Location</b>	19 WELLS ROAD
<b>Owner</b>	JORDAN PENELOPE A JORDAN CAROL ANN

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Cape Elizabeth, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2016  
Properties updated 4/1/2016



MCLANE MIDDLETON, PROFESSIONAL ASSOCIATION  
P.O. BOX 326  
MANCHESTER, NH 03105

54-48  
114

212293

BANK OF AMERICA  
MANCHESTER, NH 03105

Date: 11/30/2016

Pay: \*\*\*\*\*One hundred and 00/100

\$100.00

Pay  
To  
The  
Order  
Of  
Town of Cape Elizabeth, Maine



AUTHORIZED SIGNATURE

⑈ 212293 ⑈ ⑆ 011400495 ⑆ ⑈ 9900 38627 ⑈

McLane Middleton, Professional Association

BANK OF AMERICA 212293

Check Date:  
11/30/2016

Check Amount:  
\$100.00

Reference:

Invoice Number	Invoice Date	Reference	Payment Amt
112016	11/30/2016		100.00

File Information

104618 100.00