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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission

February 27, 2014

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Michael Blanton	Absent
Brewster	Elizabeth Taylor	Absent
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Andrew Putnam	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Austin Knight	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓ (<i>left at 4:40 p.m.</i>)
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, February 27, 2014 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

Falmouth South Coast Watershed Comprehensive Wastewater Management Plan (CWMP)

The Cape Cod Commission (CCC) conducted a public hearing on the Falmouth South Coast Wastewater Comprehensive Wastewater Management Plan (CWMP) project. After presentations by CCC Staff, Eric Turkington, Chairman of the Falmouth Water Quality Management Company, and public testimony, the Commission voted unanimously to adopt the draft decision as written, and approve the Falmouth South Coast Wastewater Comprehensive Wastewater Management Plan (CWMP) project.

Falmouth Wireless Communication Monopole TR13018

The Cape Cod Commission (CCC) conducted a public hearing on the Falmouth Wireless Communication Monopole project. There were presentations by CCC Staff, their consultant, the applicant, and public testimony and discussion on the 150 foot tall wireless communication monopole for three (3) co-locators, including associated equipment and site work located at 284 Old Meetinghouse Road, East Falmouth, MA. Following the presentations, the Commission voted to approve the Falmouth Wireless Communication Monopole application as a Development of Regional Impact with 11 votes in favor and 1 vote opposed, and directed Staff to draft a decision in accordance with their findings. The public hearing was closed and the Commission moved to hold a public meeting to review the draft decision on Thursday, March 13, 2014 at 3:00 p.m. in the Innovation Room, at the Strategic Information Office (SIO) building, 3195-3225 Main Street, Barnstable County Complex, Barnstable, MA 02630.

■ **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Paul Niedzwiecki was unable to attend the meeting and in his place was Deputy Director Patty Daley. Ms. Daley reported on the several past and upcoming meetings of the Commission in regard to the Sub-Regional workgroup meetings on the 208 Plan updates, and informed the Commission members of the new location for upcoming Commission meetings at the Innovation Room at the SIO building. Jon Idman reminded the Commission members and attendees that copies of the campus map of the location of the SIO building were available as well on the back table.

■ **MINUTES**

The minutes of the January 30, 2014 Commission meeting were reviewed. Austin Knight moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with one abstention.

The minutes of the February 13, 2014 Commission meeting were reviewed. Austin Knight moved to approve the minutes. Roger Putnam seconded the motion. The motion passed with one abstention.

■ **FALMOUTH SOUTH COAST WATERSHED COMPREHENSIVE WASTEWATER MANAGEMENT PLAN (CWMP)**

Deputy Director Patty Daley introduced the project and presented positive remarks from Executive Director Paul Niedzwiecki. Eric Turkington, Chairman of the Falmouth Water Quality Management Company presented the project. The presentation included the history of Falmouth's Comprehensive Wastewater management Plan and Falmouth's plan to restore their estuaries with five major components: to sewer as little as possible; pursuing demonstration projects and evaluation through a rigorous monitoring program; incorporating proven non-traditional options into the CWMP using adaptive Management and Notice of Project Change; making necessary upgrade to wastewater treatment facilities; and funding projects with no tax rate increase. Some of the specific tasks included in the Final CWMP approved by the Secretary of Energy and Environment Affairs included:

- Nitrogen Control Bylaw for Fertilizer
- Shellfish Aquaculture
- Permeable Reactive Barriers
- Bourne's Pond Inlet Widening
- Denitrifying Septic Systems
- Eco-toilets
- Lower Little Pond Sewering
- Adaptive Management

Mr. Turkington gave a Powerpoint presentation explaining each item.

Jonathan Idman, Chief Regulatory Officer at the Commission, presented an overview of the draft decision for this application. Mr. Idman informed the Commission that the Town of Falmouth is mandated to meet Total Maximum Daily Loads (TMDL) as a matter of law and that the plan moves forward doing so at the lowest cost and the least amount of sewer as possible. Mr. Idman instructed the Commission that the decision before them contained all the findings to approve the plan as a Development with Regional Impact (DRI) with Conditions. One of the primary conditions was General Condition 11 (GC11), which requires the preparation of an Adaptive Management Plan (AMP). Mr. Idman explained that the AMP would need to include continuous assessment of the pilot/demonstration projects as presented by Mr. Turkington and encourage the use of alternative approaches and investigation of least costly (financial, social, environmental) solutions to meet TMDLs, which the AMP allows.

Mr. Idman also detailed to Commission members of another primary condition: General Condition 8 (GC8), which requires Notices of Project Change (NPC) proposed to the Massachusetts Environmental Policy Act (MEPA) to undergo a DRI modification process. Mr. Idman explained that the final MEPA certificate would require certain of the pilot projects to file NPCs with more detailed plans, including the inlet widening project at Bourne's Pond.

Mr. Idman described that the remaining conditions deal with the requirement to provide Commission Staff with plans for review and approval to ensure consistency with natural resources and other issue areas of the Regional Policy Plan (RPP).

Mr. Idman also mentioned that there was a water resource condition dealing with the allowed flow at the existing Wastewater Treatment Facility, for which upgrades are proposed.

Chair Jack McCormack opened the discussion to Commission members.

Commissioner Austin Knight inquired on the filtration zone and asked about maintenance for those areas.

Eric Turkington responded by indicating that a maintenance plan would require regular maintenance dredging to these areas.

Mr. Knight indicated his concern with the concept of dredging on the Cape, and the challenges requiring this practice to be conducted during specific times of the year.

Mr. Turkington explained that it is still very early in the process to be discussing on dredging in certain areas. Mr. Turkington added that once instructed on how to take on this type of maintenance, they would forward with that maintenance plan.

Gerry Potamis, Town of Falmouth, reiterated that the design was proposed to optimize the opening. That dredging should not be part of the maintenance, but the inlet be maintained. Mr. Potamus indicated that through the review process, this maintenance issue would be included within the conditions of approval for the project.

Commissioner Kevin Grunwald inquired on the cost of the sewer hook-ups through programs for low-income residents.

Mr. Turkington explained that there are tax credits, deferrals, and tax deductions available as programs. Mr. Turkington also explained that at the next Town Meeting, the question on what the actual cost per resident will be raised as a concern. Mr. Turkington also indicated that there was a special piece of legislation that would focus on three specific elements with concerns to cost:

- it would allow payments to be spread out 30years, instead of the 20years which the current State laws allows;
- it would allow the Town to set an interest rate of 0% interest; and
- it would allow for level payments.

Commissioner Joyce Brookshire indicated that the Town of Falmouth should be commended for the efforts on the project.

County Commissioner Mary Pat Flynn gave some history with this project of the Water Quality Management Committee and commended the group on the work and their creative efforts for this project.

Commissioner Leonard Short inquired on how to receive evidence on infraction of fertilizing within the restricted areas.

Mr. Turkington explained that the first thing to accomplish would be a mailing to make sure that residents, especially new residents be informed of the restrictions to the areas.

Deputy Director Patty Daley added that these were ongoing discussions with partners at the State level that by adopting a bylaw and agreeing to an education program could result in a nitrogen credit.

County Commissioner Mary Pat Flynn informed that the Cape Cod Cooperative Extension program, and that Bill Clark, the director of the program, is looking to hire to provide education opportunities to inform the residents in reducing the levels of nitrogen in their areas.

Mr. Turkington added that the conservation commission of the town is now including in their conditions that they have to abide by the bylaw and if they do not, it would be a direct violation of their order.

Federal, State, Regional, Municipal Testimony was called.

Public Testimony was called.

Gerry Potamis, Town of Falmouth, declined to speak.

Patricia Hanley spoke to the design of Site 7 where her agriculture land abuts. Mrs. Hanley mentioned that her property is 100FT to the edge of the sand beds to be used for Site 7, and not 100FT to the buffer for the Commission's information.

Gerry Potamis clarified that the disposal field has not been designed. Mr. Potamis added that a conceptual design is ongoing, and that once it goes through the permitting process, then that would be the appropriate time to consider the concerns of abutters, regulators, and the Cape Cod Commission. Mr. Potamis also pointed out that until we get to design, we cannot mitigate design.

Chair Jack McCormack moved to close the public hearing for the Falmouth South Coast Wastewater Comprehensive Wastewater Management Plan (CWMP) project. A motion was made and seconded to close the public hearing. The motion passed unanimously.

Chair Jack McCormack then moved to approve the project as a DRI as conditioned and adopt the draft decision. The motion was seconded and approved unanimously.

■ FALMOUTH WIRELESS COMMUNICATION MONOPOLE TR13018

Chair Jack McCormack noted that this is a continued hearing from February 13, 2014.

Andrew Putnam said he is employed by Verizon. He recused himself from the public hearing and left the meeting room.

Chair Jack McCormack introduced the project as the 150 foot tall wireless communication monopole for three (3) co-locators, including associated equipment and site work located at 284 Old Meetinghouse Road, East Falmouth, MA.

Jon Idman, Chief Regulatory Officer at the Commission clarified the objectives for this continued hearing. Mr. Idman explained that the requested information from the last hearing were submitted and reviewed, and that the Commission's wireless consultant, Mehran Nazari will be presenting his findings. Mr. Idman also informed the Commission to begin deliberation on the probable project benefits and detriments. Mr. Idman also stated that Commission should direct Staff toward drafting a decision for future consideration for the project.

Mehran Nazari presented background information on the project and added that per the provided additional information, all wireless carriers for this project have coverage issues.

Attorney Jeffrey Angley, representing Industrial Tower and Wireless (ITW), said the property is owned by Midway Trap and Skeet Club and the site for the 100 foot x 100 foot compound will be leased. Mr. Angley reiterated that the proposed telecommunication facility will provide the following;

- improve service to the public and improve public safety.
- improve coverage for tens of thousands of residents, visitors, and businesses within the area. Mr. Angley noted that per data recovered from Mass Highway, there are 18,860 trips per day passing through the intersection of Rte 28 and Old Meetinghouse Road; that 11,316 trips per day are passing through the intersection of Sandwich Rd and Brick Klin Rd, and that at the intersection of Carriage Shop Rd and Old Barnstable Rd, data accounted for 2,500 trips per day, and that at the intersection of Old Barnstable Rd and Hayway Rd, data accounted for 3,100 trips per day.
- an existing and significant natural buffer that decreases the visual impacts of the tower.
- the design of the monopole is one preferred by the Commission.

Mr. Angley further stated the project as proposed contained the following;

- the applicant has agreed to contribute \$5,000 to the study area for Flax Pond.
- improve the coverage gaps as reflected in the propagation data studies, and as confirmed by Mr. Nazari.

Mr. Angley encouraged the Commission, per the information provided by the applicant and the presentation of findings by the Wireless Consultant, Mr. Nazari, that the Commission move favorably with their decision for the project.

Federal, State, Regional, Municipal Testimony was called.

Public Testimony was called.

Peter J. Hargraves, of 31 Southview Way, declined to speak.

Kathy Johnson, of 311 Old Meetinghouse Rd, spoke against the project. Mrs. Johnson was concerned with the width of the 12FT driveway leading to the telecommunication facility.

Mr. Angley responded by stating that the driveway would be of a length of 540FT.

Mrs. Johnson was concerned that the driveway, because of its length, would appear like a highway from her property with an access gate. Mrs. Johnson was also concerned with the design of the monopole and asked about the preference of the Commission for this design instead of a camouflage tree design.

Chair Jack McCormack responded that the monopole design was preferred rather than guided or lattice design structures.

Mrs. Johnson asked if there was any input possible from the public on the design of the tower once the Commission approves the project.

Deputy Director Patty Daley responded by stating that this is the appropriate moment during the process to inquire on the design of the tower. Ms. Daley added that if the desire is to favor a different design for the tower, that this would be the appropriate time to enter it into the record.

Mrs. Johnson stated that the design of the monopole could resemble that of a camouflage tree. Mrs. Johnson also commented on the design of the driveway and preferred that the design of the driveway be curvilinear rather than rectilinear onto the telecommunication facility.

Mrs. Johnson indicated that when gathering with abutters to the project site, that none were asked or surveyed by the applicant or the carriers about their service within the area. Mrs. Johnson encouraged Commission members to come to the neighborhood and visit the different sites including Tony Andrews Farm, and experiment to see if anyone has any coverage issue while being there. Mrs. Johnson stated that the Midway Trap and Skeet Club would be the major benefactors from this project. Mrs. Johnson, indicated that a major loss to the neighborhood would be the loss of the Tony Andrews Farm. Mrs. Johnson indicated that this project would bring light pollution to the area and decrease the ability to star gaze. Mrs. Johnson also indicated noise pollution as a major detriment to the project; especially when there would be losses in power to the area. Mrs. Johnson also stated the increased amount of radiation this tower would bring to the area, as well as the loss in natural settings to the area because of the clearing of close to one acre of tree on the project site. Mrs. Johnson also stated the decrease in property values as a major detriment to the project. Mrs. Johnson urged the Commission to deny the project based on the information she delivered to the Commission.

Commissioner Jacqueline Etsten referred to a memo from the Commission's Wireless Consultant stating that the carriers are utilizing a Remote RF Head for their 4G deployment which would require additional equipment to be mounted onto the tower and therefore impact the loading and the visual impact of the tower. Mrs. Etsten inquired of the possibility for containing the arrays and reducing the tower height would lessen the visual impact of the monopole for the abutting residents.

Jon Idman reminded Commission members of previous testimony from the applicant with regard to this question that reflected that for a monopole to incorporate the arrays within the tower, that height of the tower would reach in excess of 200FT.

Commissioner Joyce Brookshire inquired on the location of the closest telecommunication tower closest to the project site.

Mehran Nazari directed the Commission's attention to the graphic from his earlier presentation with the locations of the existing towers, and the location of the proposed monopole.

Ms. Brookshire inquired if these existing towers were miles away from the proposed site.

Mr. Nazari responded by directing the Commission's attention to the legend from his graphic depicting distances. Per the graphic, Mr. Nazari explained that the distance from the closest existing tower was approximately 1.5miles away to the Southeast of the site.

Ms. Brookshire inquired on the maximum distance the signal from the proposed tower would reach and would there be overlapping with the existing towers.

Mr. Nazari responded that because of the different heights of the different carriers, their propagations would differ in distance. Mr. Nazari also explained that their overlap would be minimal but sufficient. Mr. Nazari noted that the applicant displayed the conditions for the existing sites which display the areas not being covered and that they also provided drive-test data that mimics actual customer experience, which is very different from a stationary position. Mr. Nazari explained that signals are highly directional and that they change depending on lengths and elevations of where the customer experience is located.

Ms. Brookshire stated that the proposed tower is meant to not only serve the existing residential area surrounding the proposed project site, but also focuses on filling the gaps from the existing telecommunication towers within the area of propagation.

Mr. Nazari agreed with Mrs. Brookshire's statement and added that per the propagation study, the tower will seek to provide adequate coverage to traveling customers, as well as abutting residences within the area.

Commissioner Royden Richardson inquired on the noise pollution to be emitted from the telecommunication tower.

Andrea Adams, Senior Regulatory Planner at the Commission addressed the question by referencing two studies completed by Cavanaugh Tocci Associates, Inc., which included that the facility would not exceed 50db at the property boundary. Ms. Adams also indicated that there are requirements and regulations per the applicant's information that restrict movement of equipment within the facility shelters, so as to not alter the noise levels of the equipment. Ms. Adams also indicated to the Commission members that a condition could be placed with the decision to verify noise post construction by an assessment to test the noise level of the equipment within the facility.

Commissioner Richard Roy inquired on the needs and demand for this proposal. Mr. Roy had concerns of the growth with respect to the number of arrays on the tower.

Jon Idman reminded the Commission members that the only proposal before the members is for the project with 5 co-locators. Any additional co-locator would have to go through the DRI modification process before being erected. Mr. Idman also commented on the right of first refusal question that was posed earlier during the public comment section, and reiterated that it was largely inapplicable with this case because it was not part of the proposal for the project.

Mr. Roy indicated that his question was in reference to the number of monopoles within the area and if more would be required in the future.

Mr. Nazari explained that this would depend on the technology and the use. Mr. Nazari described the new technology depended on use and that the more the user uses one site, the footprint coverage is reduced. Mr. Nazari added that the users do not just work off of one tower, but mainly use a combination of towers within the area.

Commissioner Austin Knight asked for clarification regarding the voluntary contribution toward the Flax Pond study.

Jon Idman responded by stating that the contribution would go into an escrow fund to eventually fund a full pond assessment to acquire information responsive to the water quality issues for that pond. Mr. Idman reiterated that, there was nothing required from the applicant and that the contribution from the applicant is completely voluntary and be seen as a project benefit.

Mr. Knight inquired who would pay for the remainder of the study.

Mr. Idman responded by stating that the initial \$15,000 figure was an approximation and that with the \$5,000 contribution, some interesting readings on water quality could be found. Mr. Idman also indicated that those funds could be combined to other existing funds toward other readings.

Commissioner Joyce Brookshire gave the example of a previous telecommunication project that was reviewed where there were extensive efforts toward providing a natural buffer to the tower. Mrs. Brookshire inquired on what measures through the natural environment would be used to lessen the visual impacts of this tower.

Attorney Jeffrey Angley responded by indicating that the only cleared area would be reserved to the project site of 10,000/square feet and the driveway, and that the rest of the site would remain protected within a conservation restriction. Mr. Angley noted that the other option would be a monetary contribution.

Mrs. Brookshire inquired on the potential of visual impact to the tower and to what extent it would be visible.

Mr. Angley indicated that only from certain portions of Old Meetinghouse Road would the tower be visible and that the site itself would retain its natural setting apart from where the facility shelters would be. Mr. Angley also indicated that from the different surveys of the site, the visual simulations of the tower depict how much of an impact the tower would have.

Commissioner Ernest Virgilio inquired on the maintenance to the monopole and the measures to prevent rust.

Mr Angley indicated through his client that the monopole would be galvanized steel.

Mr. Virgilio stated that galvanized steel would also need to be maintained because of the interconnected parts for the tower. Mr. Virgilio inquired if all of the pieces to the tower were galvanized.

Mr. Angley indicated through his client that yes, all pieces are galvanized.

Commissioner Jacqueline Etsten inquired on the arrays for the telecommunication monopole, and if there were any measure to reduce the visual impact of the arrays.

Mr. Nazari responded by stating that there are no measures to reduce the number or size of the arrays to the monopole because the carriers will be using them for their different technologies for their different frequency bands. Mr. Nazari indicated that there may be the possibility in the future to lessen the arrays on the tower as they decommission their legacy networks, but at the present, the proposed numbers of arrays are needed.

Mrs. Etsten inquired on if there were any other alternative type of design.

Mr. Nazari responded by indicating that the stealth pole could be an option, but it would increase the total height of the tower because of the space and location needed for the arrays of each carrier. Mr Nazari indicated that instead of the arrays being separated horizontally, they would need to compensate for their distance vertically.

Chair Jack McCormack asked for more information on the propagation studies.

Mr. Nazari explained that the nature of the propagations is to be predictions on demand. Mr. Nazari indicated that he relies on the carriers' data. Mr. Nazari added there he does not have reason to believe that the results of the studies are false or incorrect.

Mr. Angley clarified in response to an earlier statement about the entrance drive, that the driveway leading to the facility shelter for the monopole does have a curve in its design.

Commissioner John D. Harris posed the question of how long have the existing towers been in existence and are the existing towers supplying what they were originally applied for. Mr. Harris also inquired on are the demand for this tower.

Mr. Nazari responded by stating that the proposed site area for the monopole was not the result of adding or migration to newer technologies, but always had coverage gap issues. Mr. Nazari also pointed out that most carriers are pursuing a replacement to wire lined service, and in order to achieve this type of replacement and service, carriers are involving newer technologies and more sites for the use of telecommunication towers to give similar service to customers than the traditional wire lined service.

Mr. Harris inquired on the potential for the existing towers to be upgraded to respond to newer technologies.

Ms. Adams responded that telecommunication towers approved as previous DRIs are upgrading their facilities to respond to newer technologies as DRI modifications.

Mr. Harris questioned the reasoning behind the proposed tower and the validity of the technology changes in moving forward with the project per the existing surrounding towers.

Mr. Nazari explained the changes in technology and the needs and demands of mobile devices. Mr. Nazari described how current devices use less power but use a lot more data than the first portable devices from the 1980s. Mr. Nazari indicated that carriers are faced with the increase demand by their subscribers to deliver a higher broadband service while being faced with the demand to increase the amount of cell towers to meet that requirement. Mr. Nazari emphasized that the portable devices are the key driving force to the technological demand.

Mr. Harris thanked Mr. Nazari for his response.

Commissioner Austin Knight inquired on the information of a subdivision to be located on a portion of the Tony Andrews Farm site.

Jon Idman stated that there are plans for a subdivision on that property.

Commissioner Joyce Brookshire inquired on the lease for the proposed monopole on the Midway Trap and Skeet Club property, and the protection associated to it if the owner looks to sell the property in the future.

Jon Idman indicated that the lease would run with the land.

Commission member inquired on the light installed atop the monopole.

Andrea Adams indicated that the Federal Aviation Association (FAA) requires a warning light atop the tower that is beyond the scope of the Commission's minimum performance standard and technical bulletin focused on exterior lighting requirements. Ms. Adams also stated that if there are any ground mounted lights, those would be subject to Commission review. Ms. Adams also indicated that the lights within the shelter would be time-sensitive and only operational for maintenance purposes.

Commission Roger Putnam stated that the lights atop the tower have no horizontal displacement and are all vertically upward facing lights. Mr. Putnam added that their visibility is merely from aircraft altitudes, and not below.

Peter J. Hargraves, of 31 Southview Way, asked which noise standard the Commission was using for its review.

Andrea Adams stated that for the purposes of this application, the Commission was using the Regional Planning Policy (RPP) technical bulletin. Ms. Adams also referenced that the Commission had a modification process for its DRIs.

Mr. Hargraves inquired on the modification process and what it would entail.

Deputy Director Patty Daley explained that the Town Bylaws could be more restrictive than the requirements from the Commission, and that a modification would not likely be required in this case.

Mr. Hargraves asked about on the future Mason subdivision located on a portion of the Tony Andrews Farm property, and the regulation stating the height of structures could not be more than 10FT above houses within 300FT of the development. Mr. Hargraves inquired if this height violation was a Town of Falmouth issue or a Cape Cod Commission issue.

Mr. Idman explained that there was no violation because there was an exception related to a wireless overlay district. Mr. Idman also explained that the wireless telecommunication technical bulletin referenced predated the regulations for height restrictions for cell towers. Mr. Idman indicated that these structures are permissible through special permit in tandem to a wireless overlay district.

Ms. Daley indicated that the Town of Falmouth would have the final decision on height restriction.

Mr. Angley added that the sound standard is inaudible at 150FT at the boundary of the project.

Chair Jack McCormack moved to open the discussion on the project probable benefits and probable detriments.

Commissioner Royden Richardson made a motion that the increase in customer service and increase in public safety be a project benefit. The motion was seconded and passed unanimously.

Commissioner Roger Putnam inquired on having Commission Staff draft a report for the project benefits and detriments.

Jessica Wielgus, Commission Counsel clarified that the applicant submitted proposed probable benefits and that they may also consider any part of the project that had met the Best Development Practices for the project. Mrs. Wielgus also indicated that with respect to the actual deliberation of the project probable benefits and detriments, that this be a discussion exclusively among Commission members.

Andrea Adams clarified that the staff report by the Commission was unable to identify any Best Development Practices. Ms. Adams also noted that the applicant had proposed a \$5,000 voluntary contribution to Flax Pond.

Commissioner Austin Knight made the motion that the applicant's \$5,000 voluntary contribution be found to be a project benefit. The motion was seconded and passed unanimously.

Commissioner Joyce Brookshire asked why the voluntary contribution stated in the staff report was for \$15,000 to study of Flax Pond.

Jon Idman clarified that the initial amount depicted in the application was a rough estimate by the Water Resources department on a full assessment of Flax Pond. Mr. Idman stated that the voluntary contribution of \$5,000 would be beneficial toward acquiring a baseline for water quality for Flax Pond. Mr. Idman also added that per the technical bulletin, a monopole is technically not required and that a lattice tower could be approved.

Chair Jack McCormack made the motion that the monopole design be found to be a probable project benefit.

Commissioner Austin Knight clarified that the color be included in the discussion of the monopole design.

Commissioner Roger Putnam asked that additional designs for the tower be considered prior to a decision on design.

Mr. Idman clarified that the applicant's proposal for the cell tower is a monopole and that the discussion should revolve around that design rather than alternatives.

Mr. Putnam reiterated that the discussion should encompass alternative design as mentioned by the public.

Mr. Idman explained that Staff did consider alternative designs and that the monopole design was eventually preferred to a tree-like design structure.

Mr. McCormack added that a tree-like design for the monopole could have a more negative visual impact than the monopole design proposed by the applicant.

Mr. Richardson stated that in either instance, the monopole or tree-like design would still be considered a monopole design.

Chair Jack McCormack made the motion that the monopole design be found to be a probable project benefit. The motion was seconded and passed unanimously.

Commissioner Joyce Brookshire made the motion that the preservation of the natural buffer be found to be a probable project benefit. The motion was seconded and passed unanimously.

Commissioner Roger Putnam made the motion that the curve in the entrance driveway be found to be a probable project benefit. The motion was seconded and passed unanimously.

Commissioner Joyce Brookshire made the motion that the abandonment bond be found to be a probable project benefit.

Mr. Idman clarified that the abandonment bond would be more of a requirement placed on the applicant.

Ms. Brookshire made the motion that the abandonment bond be found to be a probable project benefit. The motion was seconded but failed by a vote of 5 approved, 6 opposed, and 1 abstention.

Commissioner Harold Mitchell made the motion to close the discussion on the project benefits. The motion was seconded and passed unanimously.

Commissioner Roger Putnam made the motion that the height of the monopole be found to be a probable project detriment. The motion failed with 5 votes in favor, 6 votes opposed, and 1 abstention.

Commissioner John D. Harris made the motion that the fact that some abutters to the proposed project site have various concerns and are against the project be found to be a probable project detriment.

Jessica Wielgus, Commission Counsel clarified that the Telecommunications Act of 1996 applies to the review of telecommunication towers. Attorney Wielgus added that the standards of the Commission being reviewed for the project meet the requirements of the Act. Attorney Wielgus cautioned the Commission to focus their review of probable detriments on aspects of public safety and welfare as related to individual abutter concerns.

Mr. Harris withdrew his motion for a project detriment.

Mr. Idman indicated that the visual impacts of the project be the focus of the Commission's review.

Commissioner Richard Roy made the motion that the probable project benefit of the proposed project is greater than the probable project detriment. The motion was seconded and carried with 1 vote in opposition.

Commissioner Richard Roy made the motion to direct Staff to draft a decision consistent with the Commission members' findings for consideration at the Commission's meeting on March 13th, 2014. The motion was seconded and passed unanimously.

Commissioner Richard Roy made the motion to close the public hearing. The motion was seconded and passed unanimously.

Chairman Jack McCormack announced that this matter would be taken up again on March 13th, 2014 at 3:00pm at the innovation Room of the Strategic Information Office (SIO) building. Mr. McCormack noted the building was adjacent to the Assembly on top of the hill and that there were campus maps available on the back table which showed its location.

■ OTHER BUSINESS

Commissioner Ernest Virgilio commended Executive Director Paul Niedzwiecki's presentation to the Mashpee Board of Selectmen.

Chair Jack McCormack encouraged Commission member to participate in Commission meetings because of past issues in having a quorum during the meetings.

Chair Jack McCormack spoke to the discussion from the previous meeting about the Massachusetts Ocean Management Plan and the updates needed for the plan. Mr. McCormack also invited members to consider the planning committee.

Commissioner Joyce Brookshire indicated that this committee does not meet often but discusses various issues of substance. Ms. Brookshire encouraged other Commission members to participate in the committee.

A motion was made to adjourn at 5:25p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Andrew Putnam, Secretary

List of Documents Presented at the February 27, 2014 Commission Meeting

- Handout material: February 27, 2014 Commission meeting agenda.
- Handout material: January 14, 2014 Commission Staff Report on the Wireless Communication Monopole.
- Handout material: February 27, 2014 Barnstable County Campus Map.
- Materials presented: PowerPoint slide presentation on the Falmouth South Coast Wastewater Comprehensive Wastewater Management Plan (CWMP)
Application prepared by Eric Turkington, Chairman of the Falmouth Water Quality Management Company
- Materials presented: Draft Decision Presentation on the Falmouth South Coast Wastewater Comprehensive Wastewater Management Plan (CWMP)
Material presented by Jonathan Idman, Chief Regulatory Officer for the Commission.
- Materials presented: PowerPoint slide presentation on the Wireless Communication Monopole DRI
Application prepared by Mehran Nazari, wireless consultant for the Commission.