

# CAPE COD COMMISSION

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**DATE:** July 28, 1999 #TR98035

**APPLICANT:** Seacoast Limited Partnership  
19 Brentwood Lane  
Yarmouthport, MA 02675

**FROM:** Cape Cod Commission

**RE:** Development of Regional Impact Decision  
#TR98035 Development of Regional Impact Enabling  
Regulations, Section 9(n)

**PROJECT:** Seacoast Inc. / Sandwich Tower  
Sandwich, MA

**BOOK/PAGE:** Book 6643, Page 14

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY:

The Cape Cod Commission (Commission) hereby approves with conditions the application of Seacoast Inc./Sandwich for the proposed tower located off of Bay View Road, East Sandwich as a Development of Regional Impact (DRI) pursuant to Chapter A, Section 3(i) of the Commission's Regulations of General Application for a communications tower of 180 feet in height with locations for a minimum of four licensed wireless carriers, one 12x30 and two 10'x20' equipment shelters, and two 10'x20' equipment pads at the base of the tower. In the sole event that Sandwich regulatory authorities do not permit a height above 150' for the monopole the Commission hereby approves the project as a lattice tower up to 150' in height.

### PROJECT DESCRIPTION:

The project applicant originally proposed the construction of a new 150' lattice type, self-supporting communications tower to be located near Bay View Road in East Sandwich in the southerly portion of an undeveloped, wooded 17.5 acre property. Due to the site characteristics and the location of the site in an area of single family residences and regionally important open space, the Commission determined that a 180' monopole using dual polarization technology, while taller would have fewer visual

Seacoast Tower, Sandwich, MA  
July 28, 1999 Decision - TR98035



impacts on the surrounding community. There has been significant opposition to this project from neighboring residents in large part related to concerns regarding visual impacts. The estimated site coverage of the proposed communications tower is 5,200 square feet.

The parcel proposed as a location for the 180' wireless service monopole is located within the Town of Sandwich wireless overlay zone near Bay View and Chase Roads close to Route 6 in East Sandwich. The proposed communications tower would be a co-location facility. Co-location facilities are specifically designed to accommodate more than one carrier. The tower has four committed carriers.

#### **JURISDICTION:**

The proposed project is being reviewed as a Development of Regional Impact (DRI) under Chapter A, Section 3(i) of the Commission's Regulations of General Application which state that "Construction of any wireless communications tower exceeding thirty five (35) feet in height from the natural grade of the site on which it is located" is presumed to be a Development of Regional Impact.

#### **PROCEDURAL HISTORY:**

A hearing officer opened a pro-forma hearing on Monday, September 28, 1998 and continued the Public Hearing to Tuesday, October 13, 1998. A Public Hearing was held on Monday November 9, 1998 and the Subcommittee continued the Public Hearing to December 7, 1998. A hearing officer held a pro-forma hearing on December 7, 1998 and continued the Public Hearing to December 23, 1998. A Hearing Officer closed the Public Hearing on December 23, 1998. The applicant entered into a sixty day extension agreement on January 28, 1999.

The applicant signed a further thirty day extension agreement on March 3, 1999. The applicant signed a further thirty day extension agreement on April 5, 1999. The Subcommittee held a public hearing on April 8, 1999 that was continued to April 29, 1999. A Public Hearing was held on April 29, 1999 and the subcommittee continued the hearing to the May 20, 1999 Commission Meeting. The applicant signed a further thirty day extension agreement May 21, 1999. A hearing officer continued without testimony the Public Hearing at the June 3, 1999 Commission Meeting. The Hearing was continued on June 3, 1999 without testimony to the July 1, 1999 Commission Meeting. The Subcommittee held a meeting on June 22, 1999. The applicant signed a further thirty day extension agreement on June 23, 1999. A hearing officer continued without testimony the Public Hearing at the July 1, 1999 Commission Meeting to a hearing on July 22, 1999. The Subcommittee held a hearing on July 22, 1999 that was continued to the July 29, 1999 Commission Meeting..

#### **MATERIALS SUBMITTED FOR THE RECORD:**

*Materials Submitted by the applicant:*

- |   |         |
|---|---------|
| 1.) Development of Regional Impact Application                        | 5/14/98 |
| 2.) Copy of letter to prospective colocating wireless carriers        | 9/3/98  |
| 3.) Letter of commitment from Telecorp                                | 9/15/98 |
| 4.) Copy of Town of Sandwich Special Permit App. (dated 7/28/98)      | 8/5/98  |
| 5.) Town of Sandwich Project Description, DRI Referral (dated 8/5/98) | 8/7/98  |

Seacoast Tower, Sandwich, MA  
July 28, 1999 Decision - TR98035

6.) Letter from Broadcast Signal re: radiofrequency testing	9/15/98
7.) Letter from Pirod Inc. re: tower failure	9/15/98
8.) Site Plan - Proposed Tower Location	9/15/98
9.) Proposed Tower Location - Elevation View	9/15/98
10.) Copy of letter to abutters	10/21/98
11.) Memo from applicant addressing various site issues	11/5/98
12.) Proposed Tower Location - Revised Site Plan	11/6/98
13.) Letter from Alpine PCS	11/9/98
14.) Letter from Sprint PCS	1/11/99
15.) Letter, potential coverage info from TeleCorp	1/20/99
16.) Memo adding Sprint Spectrum as an applicant	1/27/99
17.) Extension Agreement	1/28/99
18.) Letter, potential coverage info from Nextel	2/15/99
19.) Extension Agreement	3/3/99
20.) Extension Agreement	4/5/99
21.) General Project Memo	4/9/99
22.) Letter of Commitment from Bell Atlantic Mobile	4/29/99
23.) General Project Memo	5/4/99
24.) Letter from Sprint PCS	6/9/99
25.) Extension Agreement	5/21/99
26.) Copy of Letter from Pirod Inc. (structural issues)	5/27/99
27.) Letter from Sprint PCS	5/27/99
28.) Copies of Letters from New England Paging and Thrucom	6/14/99
29.) Memo related to additional equipment shelters	6/21/99
30.) Extension Agreement	6/23/99

*Materials Submitted by the Town and State:*

1.) Federal Aviation Administration Notice	3/30/98
2.) Abutters List	8/3/98
3.) DRI Referral Form	8/7/98
4.) Letter from Sandwich Town Planner	10/9/98
5.) Copy of letter from ComElectric to Town	12/18/98
6.) Letter - Mass. Historical Commission	9/21/98
7.) Copy of letter from Town Planner	12/17/98
8.) Town Hearing Notice	1/5/99
9.) Town Hearing Notice	2/10/99
10.) Email message Town Planner	3/24/99
11.) Copy of Town Meeting Warrant	4/5/99
12.) Letter from ComElectric	4/6/99
13.) Copy of Letter from Cape Cod Compact	4/15/99
14.) Letter from ComElectric	4/28/99

*Materials Submitted by Other Interested Parties:*

1.) Letter opposing project - David & Colleen Mason	9/23/98
2.) Letter opposing project - Lawrence Mahan	9/25/98
3.) Fax opposing project - Aaron Silva	9/10/98
4.) Petition opposing project	9/23/98
5.) Press Release opposing project	10/1/98

6.) Letter opposing project - Robert & Elaine Bokanovich	10/2/98
7.) Letter opposing project - Anthony Forgione	10/2/98
8.) Letter opposing project - Dan Heldman	10/5/98
9.) Letter opposing project - Leo Archambault	10/13/98
10.) Letter opposing project - Brenda & Alan Archambault	10/13/98
11.) Letter opposing project - Brenda & Alan Archambault	11/9/98
12.) Letter opposing project - Virginia Sutherland	10/12/98
13.) Letter opposing project - Debra Cumming	10/12/98
14.) Letter opposing project - Lawrence Mahan	10/15/98
15.) Letter opposing project - Raymond & Virginia Bell	10/13/98
15.) Letter opposing project - Elizabeth Bisson	10/13/98
16.) Letter opposing project - Tim & Kimberly Kavanaugh	10/13/98
17.) Email - V. Sutherland	10/15/99
18.) Letter opposing project - Eben Corbiere	11/8/98
19.) Letter opposing project - Jennifer Strano	11/13/98
20.) Photos submitted of balloon test - V. Sutherland	11/5/98
21.) Letter opposing project - Claire & Eben Corbiere	11/20/98
22.) Letter opposing project - Sharon Judge	11/9/98
23.) Letter opposing project - Robert & Arlene Goldberg Hoxie	11/9/98
24.) Letter opposing project - Stephanie Foster	11/9/98
25.) Letter opposing project - Ruth & Dave Heldman	4/21/99
26.) Letter opposing project - Brenda & Alan Archambault	4/28/99
27.) Letter opposing project - Claire Corbiere	5/4/99
28.) Joint Letter opposing project	5/5/99
29.) Email - V. Sutherland	5/7/99
30.) Email - B. Archambault	5/7/99
31.) Letter opposing project - Don Bisson	5/11/99
32.) Letter opposing project - Stephanie Foster	5/9/99
33.) Letter opposing project - Michael Swift	5/11/99

The application and notice of the public hearing relative thereto, the Commission's staff reports, memos, course of the proceedings, including materials submitted on File TR98035, are incorporated into the record by reference.

#### TESTIMONY:

The subcommittee held a public hearing on October 13, 1998 in the Human Services Building, Sandwich. The applicant described the project as a 180' lattice structure with the proposed tower and all related base facilities to be located at the northerly end of a 17.5 acre parcel off of Chase Road in East Sandwich. Gay Wells presented the Staff Report. Richard McMahon, Virginia Sutherland, Steve Cumming, Hayley Sutherland, Steve Frye, Brenda Archambault, Stephanie Foster, and Michael Swift spoke against the project. The hearing was continued to November 9, 1999.

The subcommittee held a public hearing on November 9, 1998 in the Human Services Building, Sandwich. The applicant discussed changes to the project since the last hearing. Ken Kirkey presented the staff report. JoAnn Miller-Buntich, Sandwich Town Planner, commented on local zoning issues. Richard McFee, Virginia Sutherland, Steve Cummings, Steve Frye, David Dickman, Richard Mason, and Kim Kavanaugh all asked

for clarification of construction plans. Brenda Archambault, Arlene Hoxie, and Stephanie Froster spoke against the project. The hearing was continued to December 7, 1998 in the Human Services Building, Sandwich.

The subcommittee held a public hearing on April 8, 1999 in the Human Services Building, Sandwich. The applicant noted that Sprint is now a co-applicant on the project, and discussed the project's compliance with the Regional Policy Plan. Mr. Kirkey presented the staff report. Brenda Archambault, Eben Corbiere, Mr./Ms. Helman, Elizabeth Bisson, Stephanie Foster, Virginia Sutherland, Ruth Haligen, and Steve Frye spoke against the project. The hearing was continued until April 28 or 29, 1999.

The subcommittee held a public hearing on April 29, 1999 at the Human Services Building, Sandwich. Mr. Kirkey presented the staff report. Janet Stearns of Bell Atlantic Mobile, several representatives from Sprint, Michael Joyce of Nextel, and Dan Goulet of Telecorp commented on their companies' interest in locating on the proposed tower. Steve Frye, Virginia Sutherland, Bob Hoxie, Claire Corbiere, Brenda Archambault commented on concerns about the project. The subcommittee continued the hearing to the May 20, 1999 Commission Meeting, and voted to hold a subcommittee meeting on May 6, 1999 at the Commission offices.

The subcommittee held a meeting on June 22, 1999 at the Commission offices. Mr. Kirkey presented the Draft Decision. The applicant's attorney described the applicant's concerns related several issues including open space. The subcommittee discussed conditions of the Draft Decision.

The subcommittee held a public hearing on July 22, 1999 at the Human Services Building, Sandwich. Mr. Kirkey presented the Draft Decision. JoAnn Miller-Buntich, Sandwich Town Planner, commented on local zoning issues. Dale Halprin, Michael Davis, and Claire Corbiere asked questions about the Draft Decision. The Subcommittee continued the hearing to the July 29, 1999 Commission Meeting, and voted to hold a subcommittee meeting thirty minutes prior to the Commission Meeting to review the Draft Decision.

The subcommittee held a meeting on July 28, 1999 at the Assembly of Delegates chamber, Barnstable. Mr. Kirkey described some minor changes to the Draft Decision. The subcommittee discussed changes to the Draft Decision and approved the minutes of previous hearings and meetings.

#### **FINDINGS:**

The Commission has considered the applicant's application for a Development of Regional Impact review regarding the proposal by Seacoast Limited Partnership for a 180' wireless service monopole. Based upon consideration of such request, and information presented at the public hearings and submitted for the record, the Commission makes the following findings:

#### **General**

- G1. The proposed project is being reviewed as a Development of Regional Impact (DRI) under Chapter A, Section 3(i) of the Commission's Regulations of

Seacoast Tower, Sandwich, MA  
July 28, 1999 Decision - TR98035

General Application which state that "Construction of any wireless communications tower exceeding thirty-five (35) feet in height from the natural grade of the site on which it is located" is presumed to be a Development of Regional Impact.

- G2. The portion of the project site directly impacted by the proposed wireless service facility not including the proposed access road to the tower encompasses 5,200 square feet. This site is a small portion of the 17.5 acre parcel where the project is proposed. The proponent seeks approval for a 180' dual polarization monopole within the project site. The proponent also seeks approval for the construction of three individual equipment shelters, and two equipment pads on the project site.

One 10' x 20' equipment shelter would serve the general equipment needs of the tower. A second 12' x 30' equipment shelter is proposed for use by one of the project's wireless carriers and a third approximately 10' x 20' equipment shelter is proposed to serve two paging companies (New England Paging & Thrucom) that seek to locate on the proposed tower. Two 10'x20' equipment pads are proposed for use by one of the project's wireless carriers. The applicant seeks approval of an access road that would traverse the majority of the property from Chase Road to the proposed tower.

- G3. The parcel where the project is proposed was included in the Sandwich Wireless Overlay District approved by Town Meeting voters on May 14, 1998. The Town of Sandwich Planning Board referred the project as a mandatory referral to the Cape Cod Commission on August 7, 1998. Due to neighborhood and community opposition to the proposed project voters at a Special Town Meeting removed the project site from the wireless overlay district on March 22, 1999. Prior to 3/22/99 the applicant filed a preliminary subdivision plan. As a result the proposal is grandfathered from the zoning change.

- G4. M.P.S. 4.3.2.1 requires that "whenever feasible, new telecommunication facilities shall be required to co-locate with existing facilities in order to minimize their visual impacts. Existing structures in East Sandwich have been reviewed and considered by Commission staff and the applicant as potential alternative locations for this proposed wireless facility. There are no existing structures that could provide potential wireless coverage or colocation opportunities comparable to the proposed tower in the East Sandwich area.

- G5. Guidelines contained in Section VII of Technical Bulletin 97-001 ("Guidelines for DRI Review of Wireless Communication Towers") recommend that "licensed carriers should share personal wireless service facilities that are stand alone facilities." The proposed project is designed to maximize co-location, and therefore, is consistent with these guidelines.

- G6. Technical Bulletin 97-001, Guidelines for DRI Review of Wireless Communication Towers, requires co-location of personal wireless service facilities, where feasible and appropriate. The proposed Seacoast Tower will

provide wireless coverage for Bell Atlantic, Nextel, Sprint PCS, and Telecorp PCS.

## **Height**

- H1. For development of the proposed tower to proceed a variance related to fall zone/setback requirements from the Town of Sandwich Planning Board is required. Wireless Overlay District regulations related to setback/fall zone requirements limit allowable tower height at the location of the proposed tower to a height of approximately 120'.
- H2. It is possible through the Special Permit process for the Planning Board to waive setback requirements for personal wireless service facilities if the applicant can demonstrate control over adjacent property such that the fall zone of the telecommunications tower would be clear of any structures, excluding equipment shelters.
- H3. Town of Sandwich Wireless Overlay District regulations limit the height of any wireless tower to 150'. The Planning Board is authorized to waive the height of the tower up to 180' if the board deems that such a waiver is in the best interest of the town and the applicant demonstrates that strict adherence to the 150' maximum would effectively prohibit the applicant's ability to operate.
- H4. The applicant and the telecommunications carriers seeking to colocate on the proposed facility were requested to provide information pertaining to predicted coverage and height requirements for the proposed tower for review by the Commission's Technical Consultant. Review by the Consultant indicates that an overall height of approximately 180' for the Dual Polarization Monopole approved by this Decision is necessary for adequate coverage.
- H5. Information submitted by the carriers indicates that a lattice-type tower structure utilizing visible antenna arrays at the location of the proposed tower would require a height of approximately 150' for adequate coverage. The difference in height requirements relates to a modest reduction in coverage capability provided by flush mounted or internal dual polarization facilities in comparison to three-sided external arrays on a lattice structure. The coverage-related information provided by the applicant and the carriers was reviewed and verified by the Commission's consultant for the project.

## **Public Safety**

- P1. The Federal Aviation Administration does not require lighting for the proposed tower.

- P2. Telecommunications towers are designed in accordance with a national tower code referenced in the Massachusetts State Building Code. By code requirements, these towers are designed with a structural failure mechanism which allows bending and collapsing of the tower above its midpoint, which serves to reduce its fall zone considerably.
- P3. The Commission is aware and concerned about the cumulative health effects associated with cellular facilities. The Commission seeks to facilitate coordination with the Massachusetts Department of Public Health (MDPH) relative to this issue. Carriers are required to file with the FCC and with the MDPH to ensure that radiation emissions associated with proposed wireless communication facilities are at or below allowable levels.
- P4. Based on information provided by the applicant, this tower is not expected to result in undue noise pollution in the surrounding residential area.

#### **Natural Resources & Community Character**

- NR1. The project is located in a Significant Natural Resource Area as identified on the Cape Cod Regional Policy Plan maps due to the presence of unfragmented forest habitat and potential public water supply area. Several site characteristics provide habitat for wildlife, including a dominant Oak/Pine vegetational community, and a significant shrub layer.
- NR2. The project is located in an area of undeveloped, primarily wooded land and single family residences. A significant portion of the undeveloped land in the surrounding area is owned by the Town of Sandwich for conservation purposes and is part of the Maple Swamp Conservation Area. The developed area of the surrounding community is a rural residential area of single family homes on wooded lots. Many residents of the surrounding community have expressed opposition to the project. Several of the parcels that abut the project site encompass single family residences. The closest existing residence to the proposed tower site is located approximately 850' feet from the area where the base of the tower would be sited. Landscaping is required to make the project less visible from nearby residential properties and a proposed Cape Cod Pathways trail easement through the property. As proposed the tower would also be visible as part of the larger landscape from a number of residences and vantage points in East Sandwich.
- NR3. The proposed tower would be visible from Chase Road. Chase Road is a designated scenic road in the Town of Sandwich.
- NR4. Cape Cod Pathways, a program to create a network of pathways linking open space and trails on Cape Cod has identified the project site as a critical link in the primary East-West trail across Cape Cod.

- NR5. The proposed tower is not located in a District of Critical Planning Concern (DCPC) although it is possible that the tower would be visible from the proposed Three Ponds DCPC located to the south of the project site.
- NR6. The proposed tower is unlikely to affect significant historical or archeological resources as determined by the Massachusetts Historical Society.
- NR7. Guidelines contained in Section VII of Technical Bulletin 97-001 ("Guidelines for DRI Review of Wireless Communication Towers") state that any facility that extends above the height of the vegetation immediately surrounding it, should be painted in a light gray or light blue hue which blends in with the sky and clouds." The applicant proposes that the tower have a zinc galvanized exterior appearing gray in color.
- NR8. Section VI of Technical Bulletin 97-001 provides design standards which specify that "if personal wireless service facilities are not camouflaged from public viewing areas by existing buildings or structures, they should be surrounded by buffers of dense tree growth and understory vegetation to create an effective year round visual buffer.
- NR9. The project site is not located in a wellhead protection zone.
- NR10. A dense buffer of evergreen trees screening security fencing surrounding the proposed facility would minimize negative off-site visual impacts of the facility.

**Other Issues:**

- O1. Permanent standby emergency power will consist of propane fuel for use by the wireless carriers colocating at the proposed tower. If necessary, during an extended power outage, a portable emergency generator will be used to provide temporary emergency backup power. There will be on-site bulk storage of flammable fuels for operating an emergency generator for the Seacoast Tower. All carriers for the project are required to follow all hazardous materials Minimum Performance Standards (MPS) in the Regional Policy Plan for use, storage, and disposal of hazardous materials in order to ensure protection of water resources.
- O2. The Seacoast Tower facility would be an unmanned private and secured compound. Access would be limited to trained technicians for periodic routine maintenance and, therefore, does not require any water or sanitary sewer service.
- O3. There are no anticipated transportation impacts from the proposed project.

**CONDITIONS**

Based on the need to address the impacts noted in the findings above, the Commission hereby attaches the following conditions.

1. Prior to the filing of an application for a building permit, the proponent shall obtain a Partial Certificate of Compliance from the Commission. All conditions shall be met, and the facility shall not become operational and shall not be used for commercial purposes prior to the issuance of a Final Certificate of Compliance by the Commission. Prior to the time that a Final Certificate of Compliance is needed by the applicant, notification shall be given to the Commission at least 7 business days in advance to allow time for staff to inspect the site and ascertain that all conditions have been met.
2. The proposed tower will be developed as a dual polarization monopole with a height up to 180 feet, which will allow for the location of at least five wireless carriers. The proposed tower will be constructed according to plans to be reviewed and approved by the Cape Cod Commission Regulatory Committee prior to issuance of a building permit. Approval shall be granted if such plans are consistent with the terms and provisions of this decision. Use of the proposed facility shall be restricted to personal wireless services referenced in Section 704 of the Telecommunications Act of 1996. The Commission prefers a 180' monopole with dual polarization antennas over a 150' lattice structure because of the reduced visual impacts related to such a structure.

The Commission will approve as a minor modification the development of a lattice-type wireless structure with a maximum height of 150' only if the applicant applies and is not granted the necessary waivers and/or variances from the Town of Sandwich for approval at the municipal level of the 180' monopole recommended in this Decision. The applicant should apply to modify those Conditions described below that relate directly to the proposed 180' monopole approved as part of this Decision, as appropriate if a lattice tower with a maximum height of 150' is approved at the municipal level.

3. The monopole will utilize dual polarization technology and all antennas for the tower will be either flush mounted to the side of the monopole or incorporated within the tower itself. The only type of non-flush mounted antenna that may be attached to the monopole without the Commission's further review and approval are Global Positioning System (GPS) antennas. No more than three GPS antennas shall be attached to the monopole. The GPS antennas shall be limited to a maximum of three feet in length, and shall be attached to the monopole at a height limit no higher than ten feet above the treeline. Any cables or other attachments related to the GPS antennas shall be incorporated within the monopole. There will be no other types of antenna arrays, cables or other related equipment visible on the exterior of the tower beyond that related to flush-mounted antenna facilities and up to three GPS antennas. Antenna arrays, cables, and related equipment other than the maximum of three GPS antennas that vary significantly from the flush mounted dual polarization antennas approved as part of this Decision cannot be added nor may any other structural change resulting in a visible alteration of the proposed tower structure (or related facilities) proceed without the review and approval of the Cape Cod Commission.

4. The monopole tower will be designed and constructed with as narrow a profile as possible to reduce the visual impact of the facility without compromising the engineering requirements and structural integrity of the tower related to public safety concerns.
5. The proposed 180' monopole tower is the only personal wireless service facility that will be constructed on the parcel comprising the project site. No additional towers, monopoles, or other wireless service facilities may be constructed at this location.
6. Developments of Regional Impact located within a SNRA are required to permanently protect 65% of a project site as Open Space. Based upon the size of the project site (17.5 acres) the applicant is required to permanently protect approximately 11.4 acres of the project site as open space.
7. Prior to the issuance of a Partial Certificate of Compliance, the applicant shall convey approximately 11.4 acres of land for the purpose of permanent open space protection to the Town of Sandwich Conservation Commission or a conservation organization approved by the Cape Cod Commission staff. The form and content of the donation shall be approved by Cape Cod Commission counsel.

Alternately the applicant shall provide the Cape Cod Commission with a Conservation Restriction on approximately 11.4 acres consistent with Massachusetts General Laws Chapter 184, § 31-33 and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court which provides that the land shall be preserved as permanent open space. The restriction and site plan shall be executed and recorded and proof of recording shall be provided to the Commission prior to the receipt of a Partial Certificate of Compliance.

8. The applicant shall submit architectural elevation drawings for the three proposed equipment shelters and two 10' x 20' equipment pads to be reviewed by Cape Cod Commission Staff and approved prior to the issuance of a Partial Certificate of Compliance. The applicant shall also submit a landscape plan. The three equipment shelters at the base of the tower shall be constructed with wood shingle siding and pitched roofs. The shelters will be used solely for the storage of equipment related to the proposed wireless service facility. No vehicles may be stored at the project site.
9. For security purposes a locked gate painted brown or another earth tone shall be located at the entry to the access road to the proposed tower site.
10. The applicant shall submit a plan for the proposed access road to be reviewed by Cape Cod Commission Staff and approved prior to the issuance of a Partial Certificate of Compliance. The access road proposed through the property to the project site from Chase Road will be constructed in a manner that minimizes grading, is located a minimum of 60' from the easterly lot line of the property to

provide adequate buffering in relation to the adjacent lots, and if local regulations allow utilizes a pervious base material.

11. Any company or other party that intends to locate on the site is required to supply the Commission with radiofrequency radiation data showing all calculations and assumptions, using a "worst case" calculation method in accordance with FCC OET Bulletin 65, dated August 1997, sixty days prior to installing antennas on the tower.
12. Carriers locating on the proposed facility will receive written clearance from the Massachusetts Department of Public Health to ensure that radiation emissions associated with this proposed wireless communication facility are at or below allowable levels for public health purposes. Such clearance shall promptly be supplied to the Commission.
13. The applicant and all lessees shall ensure that contents of the three storage shelters, two equipment pads, containment measures, and fuel of all carriers shall meet all hazardous materials requirements in the Regional Policy Plan.
14. An existing trail traverses the southerly portion of the site to the south of the proposed tower site and has been considered as a potential location of the east-west cross Cape Pathways trail. The tower shall be sited in a location that allows for a Pathways trail easement across the southerly portion of the site.
15. Landscaping shall buffer the view of the tower from the surrounding area consistent with a Commission approved landscape plan prepared by a licensed landscape architect. The plan shall be submitted, reviewed by Cape Cod Commission Staff and approved prior to the issuance of a Partial Certificate of Compliance.
16. Upon completion of construction and prior to receipt of a Final Certificate of Compliance, Commission staff will verify that the tower is zinc galvanized in color (approximates gray).
17. All lighting at the site shall meet the requirements of the Commission's Technical Bulletin 95-001.
18. The equipment shelters proposed as part of this project shall be designed consistent with traditional Cape Cod architecture styles and materials, with a roof pitch of at least 10/12 and wood clapboard or shingle siding in keeping with the requirements of Technical Bulletin 97-001.
19. Should the tower become abandoned for more than six months the equipment shelters shall be removed and the site shall be restored to its prior state at the sole expense of the applicant.
20. Prior to receipt of a Partial Certificate of Compliance the applicant will provide an easement for a Cape Cod Pathways trail through the property to be reviewed and approved by Commission staff.

21. After the personal wireless service facility is operational, the applicant shall submit, within 90 days from the beginning of operations, and at annual intervals from the date of issuance of the DRI Final Certificate of Compliance, existing measurements of RFR from the personal wireless service facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards (subsection VI.C.) of Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communications Towers, Adopted 10/9/97; Revised 3/4/99.*
22. After the personal wireless facility is operational, the applicant shall submit, within 90 days from the beginning of operations, and at annual intervals from the date of issuance of the DRI Final Certificate of Compliance, existing measurements of noise from the personal wireless service facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards (sub-section VI.B) of Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communications Towers, Adopted 10/9/97; Revised 3/4/99.*
23. The applicant shall maintain the personal wireless service facility in good condition. Such maintenance includes, but is not limited to ensuring that the monopole remains a gray color, maintaining the structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
24. The applicant shall not build or disturb any areas other than those within the project site area, related to development of the access road between the project site and Chase Road, or the Cape Cod Pathways Trail proposed through the property.
25. The applicant is required to post a bond in an amount to be determined by the Town of Sandwich Planning Board. This is to be provided to the Town at the time of the building permit. The applicant shall cover costs for the removal of the wireless telecommunications facility in the event the town must remove the facility. *Sandwich Protective Zoning Bylaw 3890,*

## CONCLUSION

Based on the findings and conditions above, the Cape Cod Commission hereby concludes:

The benefits of the proposed development as conditioned outweigh the detriments. This conclusion is supported by the findings and conditions above. The proposed development as conditioned would be consistent with the Minimum Performance Standards of the Regional Policy Plan. The proposed development as conditioned is not consistent with Sandwich Zoning Bylaws. However, if a variance and/or waiver were granted at the municipal level development of the proposed tower could proceed. The

Cape Cod Commission recognizes that the granting or denial of a variance or waiver is a local decision.

The Commission hereby approves with conditions the Development of Regional Impact Application of Seacoast Limited Partnership for the Seacoast Tower in Sandwich, Massachusetts dated \_\_\_\_\_, pursuant to Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided the conditions noted above are met.

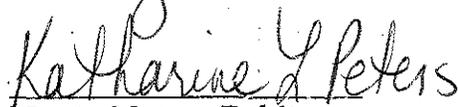
  
Thomas Broidrick, Chair

8/9/99  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Subscribed and sworn to before me on this 9<sup>th</sup> day of August 1999

  
Name, Notary Public



Seacoast Tower, Sandwich, MA  
July 28, 1999 Decision - TR98035