



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

Date: October 30, 2000

Re: Development of Regional Impact Modification Request
Cape Cod Commission Act

Applicant: Nextel Communications of the Mid-Atlantic, Inc.
Hartwell Avenue
Lexington, Massachusetts 02421
(617) 839-6617
John R. Lawless, Project Manager

Project #: TR98047

Project: Nextel Tower/Wellfleet
Gross Hill Road, Wellfleet, Massachusetts

Lot/Plan: Map A/Parcel 6 Land Court Title # 31260A

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Nextel Communications of the Mid-Atlantic, Inc. for a Modification #2 of the Development of Regional Impact approval dated August 26, 1999 qualifying under Section 9(n) of the DRI Enabling Regulations, as amended, for the Nextel Tower in Wellfleet, Massachusetts. The Minor Modification decision is rendered pursuant to a vote of the Commission's Regulatory Committee on October 30, 2000.

PROJECT DESCRIPTION

The project includes a 140-foot high, five carrier monopole with carriers at 140 feet, 130 feet, and 120 feet, and 2 users at 100 feet. The monopole will not be lit, and is proposed to be constructed of galvanized steel with a gray finish intended to blend into the skyline. Also included in the project is one 200-square foot prefabricated equipment shelter that measures 10' x 20', one 250 square foot equipment shelter that measures 10' x 25', is 10 feet high and which will be constructed on a poured concrete slab, and a 7.5' x 12.5' concrete pad on which several equipment cabinets will be located. The applicant proposes to enclose the 2,040 square foot leased area within an 8-foot tall wooden stockade fence to provide a visual buffer from abutting residences, and to provide additional landscaping to screen the project from adjacent residences and Gross Hill Road.



The project is proposed to be located at an existing Commonwealth Electric substation off Gross Hill Road in Wellfleet. Two sets of transmission line easements connect to the substation and cross the property from separate directions. The site has been cleared of vegetation due to construction and maintenance of the existing transmission lines and sub-station.

The Minor Modification request is to allow the applicant to resite the monopole to a different location within the previously approved lease area.

PROCEDURAL HISTORY

The original project was approved by the Cape Cod Commission on August 26, 1999. The applicant requested a Minor Modification to the Decision on October 20, 2000.

MATERIALS SUBMITTED FOR THE RECORD

From the applicant:

- Letter to Tana Watt, Cape Cod Commission Planner, from John R. Lawless dated and received October 20, 2000.
- Survey plan C-1 and Site Detail plan C-2, both last revised on 10/19/00.

From Cape Cod Commission staff:

- Memo from Tana Watt to Regulatory Committee dated 10/23/00.

DISCUSSION AT THE REGULATORY MEETING

Mr. John Lawless from Nextel Communications made the request to move the proposed tower site approximately 37', which would provide a setback of approximately 141 feet from Gross Hill Road, and to rotate the equipment shelter 90 degrees. He anticipated no additional impacts as a result of the relocation. Staff reported that the Modification request had been reviewed to determine if there were any increased impacts as a result of the modification request. Staff reviewed potential impacts to natural resources, visual resources and noise production. Staff recommended that the application be approved as a Minor Modification #2 because staff found no significantly increased impacts due to the relocation.

After discussion, the Regulatory Committee voted to approve the application as a Minor Modification #2.

JURISDICTION

The proposed Nextel Tower/Wellfleet project qualifies as a Minor Modification #2 of an approved Development of Regional Impact (DRI) under Section 9(n) of the DRI Enabling Regulations

FINDINGS

The Regulatory Committee has considered the application of Nextel Communications for the proposed Nextel Tower/Wellfleet, and based on consideration of such application and upon the information presented at the Regulatory Committee meeting and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General:

- 1) The proposed Modification would allow the relocation of a cellular tower monopole within the same lease area as was previously approved by the Development of Regional Impact Decision dated August 26, 1999.
- 2) Plans approved by this decision are a Survey Plan most recently revised and dated 10/19/00, and a Site Details Plan most recently revised and dated 10/19/00.
- 2) The Regulatory Committee finds that the resources protected by the Cape Cod Commission Act and the Regional Policy Plan will not be significantly impacted by the proposed relocation of the Nextel Tower to a new location within the lease area that is subject to a Development of Regional Impact Decision dated August 26, 1999.
- 3) The Findings of the August 26, 1999 Decision considered by this Modification review include Finding #22 relating to noise, Finding #27 relating to visual impacts and Finding #30 relating to natural resources. The Regulatory Committee finds that no modification to the following findings is necessary as a result of this approval:
 - Condition 22 stating that “Based on information provided by the applicant, the monopole is not expected to result in undue noise pollution in the surrounding residential area or generate noise from equipment and/or wind in excess of 50 db at the property line.”
 - Condition 27 stating that “The Commonwealth Electric substation and a cellular tower currently exist within the viewshed of the Old Kings Highway, a scenic road as designated by the Town of Wellfleet. As the proposed tower will replace the existing tower at the site in approximately the same location, it will not significantly degrade the existing viewshed from the scenic road.”
 - Condition 30 stating that “Massachusetts Natural Heritage and Endangered Species Program has stated that rare plants are known to occur near the proposed antenna site. A natural resources inventory prepared by ENSR indicates that “no specimens of prickly pear were documented in the field survey. No specimens of broom crowberry were found within the proposed lease area; however, a significant population of broom crowberry was found in the coastal heathland community located under the transmission line corridor in the southeastern corner of the site....Several broom crowberry plants occur within the layout of the proposed gravel access road from Gross Hill Road as shown on site plans”. The applicant has abandoned plans to use the access road here referred to.”

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes that the proposed Minor Modification #2 will not result in different or increased impacts to the interests protected by the Cape Cod Commission Act and the Regional Policy Plan.

The Commission hereby approves with conditions the application of Nextel Communications for the proposed Nextel Tower/Wellfleet as a Minor Modification #2, provided the following conditions are met:

CONDITIONS

GENERAL:

- 1) This DRI decision is valid for 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of the original written decision dated August 26, 1999.
- 2) Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.
- 3) The applicant shall obtain all state and local permits for the proposed project.
- 4) No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.
- 5) All Conditions of this Modification Decision and the Development of Regional Impact Decision dated August 26, 1999 shall be met prior to the issuance of a Final Certificate of Compliance.
- 6) The proposed Nextel Tower/Wellfleet shall be constructed in accordance with the following final plans:
 - Survey Plan most recently revised and dated 10/19/00;
 - Site Details Plan most recently revised and dated 10/19/00.
- 7) The facility shall not become operational and shall not be used for commercial purposes prior to the issuance of a Certificate of Compliance from the Cape Cod Commission.
- 8) The applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least thirty (30) days prior to the anticipated date of occupancy. Such notification shall include a list of key contact(s) for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition within seven (7) business days of such notification and inform the applicant in writing of any deficiencies and corrections needed. The applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless all conditions are complied with or secured consistent with this decision. The applicant agrees to allow Cape Cod Commission staff to enter onto the property which is the subject of this decision for the purpose of determining whether the conditions contained in the decision are met.
- 9) The applicant shall demonstrate that a copy of all Decisions related to this project have been provided to the general contractor prior to the start of construction, and in the case of co-locators, at least 60 days prior to installing any antenna arrays on the monopole.

The Cape Cod Commission hereby approves with conditions the application of Nextel Communications, as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Nextel Tower/Wellfleet located in Wellfleet, MA.

David J. Ansel
David Ansel, Regulatory Committee Chairman

10/30/00
Date

**Commonwealth of Massachusetts
Barnstable, ss.**

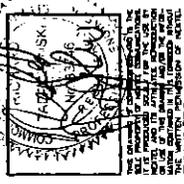
Subscribed and sworn to before me this 30th day of October 2000

Katharine L. Peters
Name, Notary Public

My commission expires:



SUBMITTALS	
F	10/13/89 REV. 5 FOR ZONING
E	10/04/89 REV. 4 FOR ZONING
D	8/28/89 REV. 3 FOR ZONING
C	8/02/89 REV. 2 FOR ZONING
B	8/10/89 REV. 1 FOR EXISTING
A	1/21/89 ISSUED FOR EXISTING



DRAWN BY: D.A.
 CHECKED BY: M.F.L.

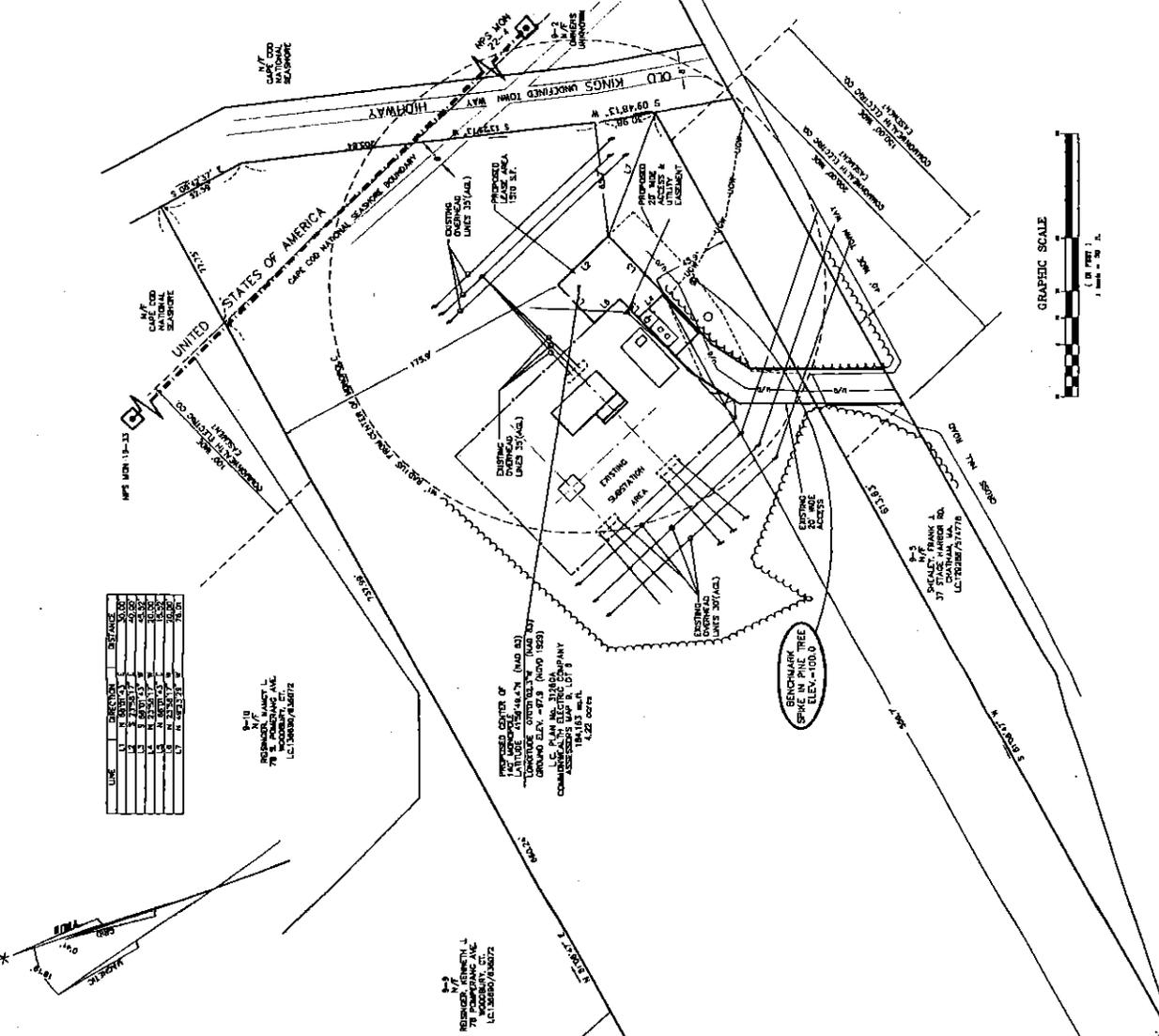
SITE NAME: WELLFLEET

SITE NUMBER: MA-0095C

SITE ADDRESS: CROSS HILL ROAD
 WELLFLEET, MASSACHUSETTS

SHEET TITLE: SURVEY PLAN

SHEET NUMBER: C-1



LINE	DIRECTION	BEARING	DISTANCE
1	S 89° 51' 30" W	100.00	100.00
2	S 89° 51' 30" W	100.00	100.00
3	S 89° 51' 30" W	100.00	100.00
4	S 89° 51' 30" W	100.00	100.00
5	S 89° 51' 30" W	100.00	100.00
6	S 89° 51' 30" W	100.00	100.00
7	S 89° 51' 30" W	100.00	100.00

PROPOSED CENTER OF GRAVITY
 LATITUDE: 42° 34' 41.7" N
 LONGITUDE: 71° 03' 00.0" W
 GROUND ELEVATION: 100.00
 COMPARISON WITH ELECTRIC COMPANY
 ASSUMED: 100.00 ± 0.10
 1/2" = 100.00'

PROFESSIONAL LAND SURVEYOR
 REGISTERED IN MASSACHUSETTS
 NO. 12345
 DATE: 10/13/89

PROFESSIONAL LAND SURVEYOR
 REGISTERED IN MASSACHUSETTS
 NO. 12345
 DATE: 10/13/89

LEGEND

- CONCRETE INTERVAL
- CONTIGUOUS INTERVAL
- PROPERTY LINE
- EXISTING OVERHEAD WIRE
- EXISTING CHAIN LINK FENCE
- EXISTING UTILITY POLE
- CENTRAL POINT (TBM)
- IRON PIPE (FOUND)
- STAKE (FOUND)
- WATER CANYE

ZONING INFORMATION

DISTRICT: R1

MIN. SETBACK: 30'

MAX. BUILDING HEIGHT: 35'

MAX. LOT COVERAGE: 30%

MAX. LOT AREA: 10,000 S.F.

MAX. LOT WIDTH: 100.00'

MAX. LOT DEPTH: 100.00'

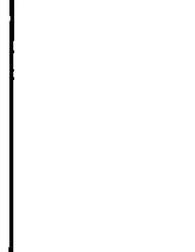
MAX. LOT AREA: 10,000 S.F.

MAX. LOT WIDTH: 100.00'

MAX. LOT DEPTH: 100.00'

FAA CERTIFICATION

I HEREBY CERTIFY THAT THE LATITUDE, LONGITUDE AND ELEVATIONS PRESENTED HEREIN MEET THE REQUIREMENTS OF THE FEDERAL AERONAUTICS ADMINISTRATION'S 14 CFR PART 150.51 (b) (1) AND (2) FOR AERONAUTICAL OBSTRUCTION SURVEYING.



GENERAL NOTES

- FIELD SURVEY DATE: OCTOBER 22, 1987
- NATIONAL DATUM: NORTH AMERICAN DATUM OF 1983
- HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983
- CENTER OF MURPHREE: LATITUDE: 42° 34' 41.7" N, LONGITUDE: 71° 03' 00.0" W, ELEVATION: 100.00
- OWNER: COMMONWEALTH ELECTRIC CO., 240 CHAMBERS STREET, WELLSFLEET, MA 01173
- SITE NAME: WELLSFLEET SUBSTATION
- VALUATION: MA-0095C
- CROSS HILL RD, WELLSFLEET, MA
- SITE ADDRESS: NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., 40 HARTWELL AVE, LEANINGTON, MA 01173
- APPLICANT:
- ADJACENT: WELLSFLEET, TOWN OF
- CONSTRUCTION TYPE: REPLACE TOWER
- DEED REFERENCE: DEED # 12345, 12345 & 67
- PLAN REFERENCE: 12345 & 67
- ELEVATIONS AND COORDINATES FROM FIELD SURVEY
- ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREIN IS BASED ON RECORDS AND PLANS OF RECORD. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO CONSTRUCTION. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITIES WHICH ARE NOT SHOWN ON RECORDS OR PLANS OF RECORD AND IS NOT THE RESULT OF A FULL BOUNDARY SURVEY.
- PROPOSED LEASE AREA DIMENSIONS SHOWN SET WITH THE P.L.A. FLOODPLAIN DISTRICT IS SHOWN ON MAP # 20001, DATED JULY 2, 1987 AND THE SUBJECT PROPERTY IS SUBJECT TO FLOOD PLAIN AREAS.
- NO SETBACKS WERE OBSERVED WITHIN 100' OF SITE PER VISUAL INSPECTION.
- THE P.L.A. FLOODPLAIN DISTRICT IS SHOWN ON MAP # 20001, DATED JULY 2, 1987 AND THE SUBJECT PROPERTY IS SUBJECT TO FLOOD PLAIN AREAS.
- NO SETBACKS WERE OBSERVED WITHIN 100' OF SITE PER VISUAL INSPECTION.

CERTIFICATION

I, THE SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREIN ARE THE LINES SHOWN ON THE RECORDS AND PLANS OF RECORD AND THAT THE LINES SHOWN ON THIS SURVEY PLAN ARE THE LINES SHOWN ON THE RECORDS AND PLANS OF RECORD AND THAT NO NEW LINES FOR DIVISION OF EXISTING OVERSEAS OR FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE MASSACHUSETTS REGISTRY OF PROFESSIONAL LAND SURVEYORS.

PROFESSIONAL LAND SURVEYOR
 REGISTERED IN MASSACHUSETTS
 NO. 12345
 DATE: 10/13/89

PROFESSIONAL LAND SURVEYOR
 REGISTERED IN MASSACHUSETTS
 NO. 12345
 DATE: 10/13/89

SUBMITTALS	
F	10/19/08 REV. 6 FOR ZONING
E	10/24/08 REV. 4 FOR ZONING
D	12/08/08 REV. 3 FOR ZONING
C	02/02/09 REV. 2 FOR ZONING
B	07/19/08 REV. 1 FOR ZONING
A	07/11/08 REV. 0 FOR ZONING

ATLANTIC DESIGN ENGINEERS, LLC.
 P.O. BOX 1015
 SALEM, MA 01970
 PHONE: (978) 462-4222



DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____

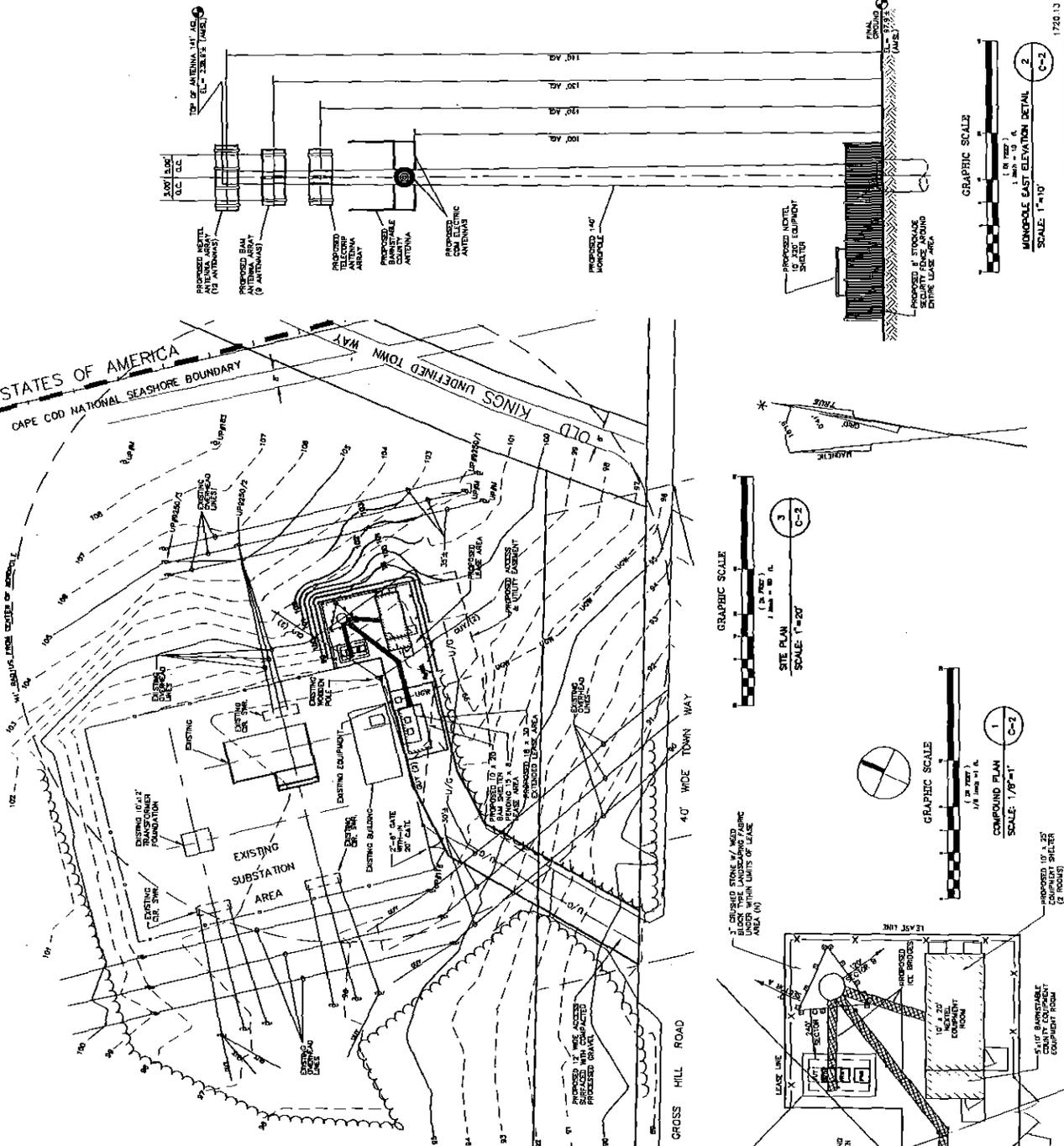
SITE NAME: WELLFLEET

SITE NUMBER: MA-0095C

SITE ADDRESS: CROSS HILL ROAD, WELLFLEET, MASSACHUSETTS

SHEET TITLE: SITE DETAILS

DRAWING NUMBER: C-2



SUPPLEMENTAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SITE DURING CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL CONSTRUCTION DEBRIS.
7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
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