



CAPE COD COMMISSION

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DATE: May 21, 2001 MOD-TR98035 (Modification/type 2)
(Third of 3 modifications)

TO: Seacoast Limited Partnership
19 Brentwood Lane
Yarmouthport, MA 02675

FROM: Cape Cod Commission

RE: Modification of an Approved DRI Decision
Section 9(n) of Enabling Regulations

APPLICANT: Richard Joyal
Seacoast Limited Partnership

PROJECT: Seacoast Inc./Sandwich Tower
Sandwich, MA

BOOK/PAGE: Book: 6643 Page: 14

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Richard Joyal, Seacoast Limited Partnership, for a modification to an Approved Development of Regional Impact Decision under Section 9(n) of the *DRI Enabling Regulations* for the sole purpose of reflecting changes to the site plan, specifically, relocation of a propane tank within the project site area.

The changes are hereby approved as a Minor Modifications #2 under Section 7 of the *Administrative Regulations* (as revised). This decision is rendered pursuant to a vote of the Commission's Regulatory Committee on May 21, 2001.

PROJECT DESCRIPTION, MATTERS AT ISSUE and PROCEDURAL HISTORY

The Commission approved the project, with conditions, in a decision dated July 28, 1999, which approved the construction of a dual polarization monopole type telecommunications tower of 180 feet in height with locations for a minimum of five (5) licensed wireless carriers, one 12ft by 30ft and two 10ft by 20ft equipment shelters and two 10ft by 20ft equipment pads at the base of the tower.

On May 16, 2001, the Commission received two enlarged site plans for the Seacoast Wireless facility site located on Chase Road in Sandwich. No narrative was supplied with the plans. However, based on previous telephone conversations between the project applicant, Richard Joyal, and the Commission staff, it was determined that one of the carriers scheduled to locate on the previously approved monopole wanted to move a proposed 500 gallon propane storage tank from one part of the site to another.

On May 21, 2001, Mr. Joyal attended a Regulatory Committee meeting where this project was discussed.

Under Section 7.0 of the *Administrative Regulations*, any proposal which would include “a substantially similar proposal to the original project but [which] involves a minor change of use, a minor change to the site plan, or a technical correction or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition” is subject to Commission review as a modification, specifically a Minor Modification Type #2. The *Regulations* go on to stipulate that proposed changes which can be deemed a Minor Modifications Type #2 “shall not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and/or RPP.”

COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

No comments from the public were received at the May 21, 2001 Regulatory Committee meeting on this project. Staff described the project. Mr. Joyal presented a set of plans depicting a revised location for a 500 gallon propane tank to be located next to a pre-existing equipment cabinet. He explained that Verizon Wireless was requesting a modification to allow the re-location of the propane tank to the Northeast corner of the fenced area.

The Commission’s Regulatory Committee considered the impacts and changes to the July 28, 1999 DRI Decision that would result from shifting the previously-approved propane tank to a different location within the project site area. At this meeting, the Regulatory Committee voted unanimously to consider the change a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised).

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Revised plans for Verizon Wireless 5/16/01

B. Materials submitted by Cape Cod Commission:

Memo, to Regulatory Committee 5/16/01

Note: No written materials or verbal comments were submitted on this modification request by State officials, Town officials or the Public.

The information and notice of the public hearings relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and meetings and all submissions received in the course of the original DRI proceedings, including materials submitted on file TR-98035 and all subsequent modification decisions, are incorporated into the record by reference.

JURISDICTION

The proposed changes to the Seacost Limited Partnership/Seacoast Inc/Sandwich Tower project qualify as a modification to an approved DRI Decision under Section 9(n) of the DRI *Enabling Regulations*.

FINDINGS

The Commission's Regulatory Committee finds that the proposed site plan changes to the Seacoast Inc. wireless facility (TR-98035) as shown on the plan entitled "As-Built Elevation and Enlarged Site Plan, Sheet A-1" (dated 05/5/01, Turning Mill Consultants, Inc for Verizon Wireless Communications), which shows the relocation of a 500 gallon propane tank within the fenced area, is a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised).

No conditions of the original DRI decision or subsequent modification decisions are amended or changed by this decision.

David J. Ansel
David J. Ansel
Chair, Regulatory Committee

6/21/01
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 21st day of June, 2001.

Katharine L. Peters
Name of Notary

My Commission expires:

