



# CAPE COD COMMISSION

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DATE: February 21, 2002

TO: Dan Bilezikian  
Cingular Wireless

FROM: Cape Cod Commission

RE: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Cingular Wireless  
580 Main Street  
Bolton, MA 01740

PROJECT #: TR# 20064

PROJECT: Cingular Cell Tower -Truro  
5 Town Dump Road  
Truro, MA 02666

BOOK/PAGE: 1367 / 1123

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Cingular Wireless as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c.716 of the Acts of 1989, as amended, for the proposed Cingular Cell Tower in Truro, MA. The decision is rendered pursuant to a vote of the Commission on February 21, 2002.

### PROJECT DESCRIPTION

Cingular Wireless proposes to build a cellular communications tower of 190 feet within the rear section of the Truro landfill, a parcel of 13.8 acres along Route 6, south of the Pamet River. The tower is proposed as a lattice structure providing space for Cingular and five co-locators, each of whom would place a standard array of antennas on the tower. To accommodate future additional co-locators, the tower will be made extendable up to 230 feet. The tower and accessory equipment shelters are proposed to be contained within a fenced area of 4,000 square feet. The

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accessory structures are proposed to include three prefabricated equipment shelters of 200 to 360 sq.ft., four equipment pads of 24 to 100 sq.ft., and a 500-gallon underground storage tank for propane as fuel for backup generators. The tower would be in the furthest section of the parcel from Rt. 6, beyond the active transfer station facilities and the capped landfill area. Presently the rear area of the landfill parcel is completely cleared of vegetation. It is used to store piles of sand and other material for the town's DPW, and has a firing range for the Truro police department. The parcel is town-owned, but lies within the general boundary of the Cape Cod National Seashore, which surrounds three sides of the parcel. Across the state highway from the landfill parcel is a garage and facilities for the state highway department. The site is within the Seashore District of Truro, on a town-owned parcel.

### **PROCEDURAL HISTORY**

The project was referred to the Commission by the Truro Planning Board on August 9, 2001. The Commission received the referral on August 10, 2001. A duly noticed public hearing was conducted pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on October 2, 2001 at the Truro Central School. The subcommittee held a public meeting on November 7, 2001 to deliberate on the project. The public hearing was closed by a hearing officer on December 28, 2001 and the record was left open for submission of written materials until February 21, 2002. The subcommittee held a second public meeting on January 24, 2002. At this meeting, the subcommittee voted unanimously to recommend to the full Commission that the project be approved as a DRI, subject to conditions. The subcommittee met to review a draft decision on February 12, 2002. The final public hearing was held before the full Commission on February 21, 2002. At this hearing, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

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

#### From the Applicant:

- DRI application, site plans, and supporting information, prepared by SFC Engineering Partnership, received July 16, 2001
- Copy of Lease agreement between Cingular Wireless and Town of Truro, faxed July 24, 2001
- Viewshed map, photographs, propagation maps, and drive-test data, received September 20, 2001
- Letter from Cingular Wireless about cellular network coverage in Truro, received September 24, 2001
- Schematic elevation drawing of existing cell tower in Truro at police/fire station, faxed October 9, 2001
- Letter, photo-simulations, co-locator coverage maps, design plans and drawings for equipment shelters, received November 1, 2001
- Revised propagation maps, received November 27, 2001
- Map showing points of additional photographs taken for submission to Massachusetts Historical Commission, received November 28, 2001
- Letter and elevation drawing of tower options, received December 5, 2001
- Copies of letters sent by Cingular to co-locators, received December 31, 2001

- New photo-simulations, letters from co-locators, revised elevation drawings, comparative propagation maps, letter from monopole manufacturer, received January 4, 2002
- Copy of letter from Verizon Wireless to Cingular, faxed January 7, 2002
- Copy of letter from Voicestream Wireless to Cingular, received January 16, 2002

From Cape Cod Commission staff or Consultant:

- Print-out of photographs taken during crane test, August 7, 2001
- Confirmation letter of DRI application receipt, sent to Cingular Wireless, August 13, 2001
- Staff Report, September 16, 2001
- Letter to SFC Engineering, October 5, 2001
- Memo to subcommittee, November 1, 2001
- Memorandum from Andrea Adams to Van Morrill, concerning Hazardous Materials and Lighting, November 2, 2001
- Project review status memo, November 7, 2001
- Memorandum from Gay Wells to Van Morrill, summarizing project issues, November 7, 2001
- E-mail message to SFC Engineering, November 8, 2001
- Letter to SFC Engineering, November 13, 2001
- Memorandum to SFC Engineering, December 11, 2001
- E-mail message to subcommittee, December 20, 2001
- E-mail message to Cingular and SFC Engineering, December 20, 2001
- Supplemental Staff Report, January 18, 2002
- Summary Review of Proposed Tower report, prepared by David Maxson of Broadcast Signal Lab, received January 24, 2002

From Federal, State or Local officials:

- Copy of Truro Planning Board minutes of meeting May 17, 2000, received July 26, 2001
- DRI referral from Truro Planning Board, received August 10, 2001
- Letter from Maria Burks, Cape Cod National Seashore, received September 25, 2001
- Letter from Taya Dixon, Massachusetts Historical Commission, received December 12, 2001
- Letter from Harrison Gruman, Cape Cod National Seashore, received January 24, 2002

From the Public:

No letters or other correspondence received

From other parties:

- Site map of Truro landfill and capped area, prepared and faxed by East Cape Engineering Inc., December 11, 2001

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated in the record by reference.

## **TESTIMONY**

The Commission subcommittee heard oral testimony at the public hearing on October 2, 2001. Dan Bilezikian of Cingular Wireless reviewed basic elements of the proposal. George Fredette of SFC Engineering Partnership discussed the reasons for the proposed location and other features of the tower. Van Morrill, a Commission planner, summarized the comments of the staff report. David Maxson, the Commission's consultant on wireless facilities, explained the proposed tower's visibility, propagation coverage, and other technical issues.

Public comments and questions from the audience were made. Ansel Chaplin stated that a monopole might reduce the tower's visual impact, and alternately suggested that a taller tower than the proposed height might be worthwhile. Ken Brock noted that the FAA requires lighting for towers of 200 feet or higher, but might waive that requirement for this tower, since it would lie in a topographic low point. Brenda Boleyn expressed a preference for a monopole design and noted that towns are required to accommodate cellular towers because of the 1996 Federal Telecommunications Act. Edward Pare, an attorney for Sprint PCS, stated his support of Cingular's proposal, noting that Sprint would be one of the co-locators.

## **JURISDICTION**

The proposed project qualifies as a Development of Regional Impact under Chapter A, Section 3(i) of the Commission's Regulations of General Application which states that "construction of any wireless communication 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.

## **FINDINGS**

The Commission has considered the application of Cingular Wireless for the proposed Cingular Cell Tower in Truro, MA, and based on consideration of such application and upon the information presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

### General

1. The proposed project is a cellular/wireless lattice communications tower, 190 feet in height, to hold antennas in a standard array and a microwave dish for Cingular Wireless and up to five additional wireless companies. The plan approved for this project is the "Site Development Plan" dated May 21, 2001. It will be located within the Town of Truro's municipal landfill, a town-owned parcel of 13.8 acres along Route 6 in Truro. The tower and accessory equipment structures will be in the back area of the parcel, beyond the active transfer station facilities and the capped landfill. The tower and equipment structures will lie within a fence-enclosed area of 4,000 square feet.
  
2. The proposed tower is needed to provide signal propagation in the southern half of Truro for Cingular's wireless communications network. Cingular and two other cellular companies have stated that there are significant gaps in their network coverage in the southern part of Truro, which creates the need for a new tower in this area. The proposed tower will provide space for additional cellular companies that also need to improve their network coverage in this region.

Five companies have indicated their commitment to co-locate on the tower: Nextel Communications, AT&T Wireless, Voicestream Wireless, Sprint PCS, and Verizon Wireless. This capacity for additional carriers meets Minimum Performance Standard 4.3.2.1 of the Regional Policy Plan, which requires new communications facilities to provide co-location in order to minimize visual impacts.

3. The Town of Truro presently has one cellular tower, located behind the police/fire station along Route 6 in the northern part of Truro. Truro officials and citizens have expressed the goal of building only one new cell tower in the town, as far as possible. The proposed tower would provide the necessary coverage for Cingular and five other carriers while minimizing the need for an additional tower.

4. Elevation drawings submitted January 4, 2002 show the location of antennas for the five co-locating wireless companies on the tower at 10-foot intervals, in a standard array. Cingular will have antennas at 190 feet and a microwave dish at 180 feet. Nextel will have antennas at 170 feet, AT&T at 160 feet, Voicestream at 150 feet, Sprint PCS at 140 feet, and Verizon at 130 feet.

5. The proposed tower complies with Truro's Local Comprehensive Plan (LCP). The town initiated its planning process for wireless facilities after completion of its LCP.

6. Cingular Wireless (formerly "Cellular One") signed a lease with the Town of Truro on May 16, 2000 for the use of a portion of the town landfill parcel for the construction and operation of a cellular communications tower. The lease covers a period of ten years, starting from the date of operation.

7. The site is within the "Seashore District" under Truro's zoning bylaws. Public utilities, including communication towers, are an allowed use in this District. The zoning bylaws require Cingular Wireless to obtain a Special Permit from the Truro Planning Board in order to build and operate the proposed tower. Cingular is seeking waivers from the local zoning bylaw on the height limit of 150 feet and from the minimum setback distance of the tower's height.

8. The Cape Cod Commission's Technical Bulletin 97-001 (*Guidelines for DRI Review of Wireless Communications Towers*), states that a proposed tower should meet standards for location, dimensions, setbacks, design, noise, Radiofrequency Radiation (RFR), hazardous materials, co-location, monitoring, and abandonment. The proposed Cingular tower meets the guidelines of the Technical Bulletin.

9. A summary review of the proposed Cingular tower was prepared by David Maxson of Broadcast Signal Lab, the Commission's consultant on wireless facilities projects. He received copies of all material from the applicant and attended the subcommittee hearings and meetings. His report analyzes Cingular's proposal and supporting material, and indicates that the proposed 190-foot tower would meet the Commission's goals of towers having multiple carriers and minimal visual impact, as well as the needs of the wireless carriers for sufficient network coverage.

### Location

10. Truro's municipal landfill was selected by the applicant as the site for this tower because no other suitable sites exist within the town. Cingular did an alternatives analysis of possible tower sites on existing structures and of available land in the town, and found no feasible or available sites other than the landfill parcel. The town of Truro designated this parcel as its preferred site for a cell tower during the process of capping the landfill because it is town-owned and already disturbed. This designation was confirmed at a special Town Meeting on November 16, 1999. During the capping process, a paved road was built over the cap and a electric utility conduit was placed under the road to provide access to a tower in the back area of the parcel.

11. The town landfill parcel was identified as a potential location for a cellular tower by the Lower Cape Wireless Working Group, according to the report "The State of Wireless Facilities on Lower Cape Cod" prepared by Broadcast Signal Lab in November 2000. The report noted that the landfill site is not an optimal location because of its unequal distance between the other nearest towers, but was considered a satisfactory site.

### Dimensions

12. The Technical Bulletin states that, in general, the height of a wireless service facility should not be more than 10 feet above the average building height or tree canopy if there are no buildings within 300 feet of the site. There are no buildings within 300 feet of the proposed site. If a town has established a wireless overlay district, then towers of up to 150 feet in height may be allowed. While not technically in a wireless zoning overlay district, Truro's zoning bylaw for cell towers states that new towers may be constructed up to 150 feet. The proposed location in the back area of the town landfill is lower than the surrounding terrain by approximately 20-to-40 feet. Cingular has proposed a tower of 190 feet because this height is the minimum necessary to provide sufficient coverage for its cellular network. Correspondence from the co-locators indicates that their position on a 190-foot tower would also be the minimum required height to provide sufficient coverage and remove the need for additional towers for their network. If the tower were built at 150 feet, there would be a probable need in the future for another tower in Truro.

13. The Technical Bulletin states that a fall zone should be equal to the height of the proposed tower, but allows for a reduction of that zone by half of the proposed height if a better design would result. The proposed tower site, the back area of the Truro landfill, is limited in area because of existing uses and configuration of the parcel, which includes storage piles for road maintenance and a police practice firing range. The landfill itself was recently capped (1998-1999), with a covering that extends from the transfer station area into the back area. There are wetlands outside the parcel boundary whose 100-foot buffer extends into the landfill parcel. Due to these siting constraints, the furthest from the parcel boundary that the proposed tower could be placed is 100 feet, which gives a fall zone just over half of the suggested length. Abutting the town landfill is a forested section of the Cape Cod National Seashore land, accessible only by gated fire roads. There are no houses or other structures within 600 feet of the proposed tower. The proposed tower would have minimal visible impact by locating in the rear of the landfill parcel. Space constraints of the landfill parcel preclude another location on the site. Therefore, a fall zone of 100 feet is acceptable for this proposed tower.

### Scenic Landscapes and Vistas

14. Section VI-A of the Technical Bulletin states that wireless facilities should not be located in areas open to view from public roads, recreational areas or residential development. The proposed cellular tower and associated buildings would be visible from two public roads and one recreational area. The tower would be over 800 feet from Route 6, the only public road close to the site. The abutting Cape Cod National Seashore land is a forested area accessible only by gated fire roads, and thus not an area of general public recreation.

15. A viewshed map of the tower's visibility in Truro was prepared by SFC Engineering, based on a crane test on August 7, 2001, when a crane at the site was raised to 190 feet. The viewshed map indicates that the tower would be visible at the entry to the landfill as well as a small portion from points along Toms Hill Road and Jilmar Lane, approximately 1.5 - 2 miles from the proposed site. The map also indicated sections of road from which a tower would be visible if trees and vegetation were not present.

16. The crane was also visible from a youth hostel along North Pamet Road and from the top of Bearberry Hill along that road. Bearberry Hill is approximately 1.5 miles away from the site, and the only point within the Cape Cod National Seashore that would have visibility of the tower. National Seashore staff requested that the applicant explore options having less visual impact, such as a monopole or flush-mounted antennas on the tower.

17. SFC Engineering prepared photo-simulations of how a tower would appear from Bearberry Hill in four different configurations of tower type and antenna-mounting type: a monopole flush-mounted, a monopole with standard mounting (space diversity), a lattice flush-mounted, and a lattice with standard mounting.. The photos suggest that among the options shown there are noticeable but minor differences in the apparent width and bulk of the structure as viewed from Bearberry Hill.

18. Cingular Wireless and two of the co-locators stated that their cellular network would not be adequately serviced if the tower were constructed as a monopole, or if flush-mounted antenna arrays were used, due to substantial diminishment of the effectiveness of the antennas and a reduction in operational flexibility. The applicant demonstrated a probable need for an additional tower in Truro if this tower were built as a monopole or with flush mounting.

19. The town landfill and proposed tower are not within any historic districts in Truro. In a letter of December 12, 2001, the Massachusetts Historical Commission confirmed that the proposed tower would not be visible from, nor impact, any historic districts.

### Design Standards

20. The Cingular tower is proposed to be constructed of galvanized steel, gray in color, with gray exterior cables. The proposal indicates that the site would have several red-pine trees placed around the tower and equipment shelter enclosure.

21. The equipment shelters are designed as flat-topped buildings, 10 feet in height, constructed of a cement structure and corrugated steel walls. They will be surrounded by a chain-link steel

fence, 8 feet in height. The shelters and associated equipment will not be visible from the transfer station due to the mound of the landfill cap. The structures will be visible to Park Service vehicles or individuals walking on the fire road that runs behind the landfill parcel.

22. Cingular will apply to the Federal Aviation Administration (FAA) for a lighting waiver and expects approval of this request because the proposed tower will be under the 200-foot threshold of required lighting set by the FAA. Lighting of the equipment shelters will be needed, and must conform to the Commission's Technical Bulletin on Exterior Lighting (95-001).

#### Noise and Radiofrequency Radiation (RFR)

23. Noise impacts from cellular towers should not exceed 50 decibels (dB) at the property line, according to Section VI-B of the Technical Bulletin. Noise can be created by wind shear and resistance across the tower face, and by the operation of electrical equipment at the base of the tower. Noise from the tower and associated equipment will not exceed 50 dB, according to a report of sound impacts at a comparable cellular tower, prepared by Cavanaugh –Tocci Associates of Sudbury, Mass. The tower's cables are proposed to be bundled, in order to minimize wind resistance, sound impact and visual impact.

24. Section VI-C of the Technical Bulletin requires authorization to certify that the Radiofrequency Radiation (RFR) from the proposed tower is not a health concern. The applicant received a letter from the Massachusetts Department of Public Health, Radiation Control Program on July 12, 2001, approving the proposed tower at the Truro landfill.

#### Other Technical Bulletin issues

25. The Cingular tower is proposed to have a height of 190 feet and hold antennas for six wireless companies. If additional wireless carriers seek to establish a network in Truro, there might be a need for an additional tower or additional height for this proposed tower. To accommodate this need and prevent the need for an additional tower in Truro, the Cingular tower will be constructed as to allow the tower's height be extended up to 230 feet.

26. An extension of the tower height would be pursued only if Truro determined that it was necessary to accommodate additional wireless carriers, and only if a lighting waiver was granted from the Federal Aviation Administration (FAA), which generally requires that a tower have lighting if it is at least 200 feet high. The waiver might be considered because the tower lies in a topographic depression, surrounded by hills of 40 feet height, thus reducing the tower's relative height to the surrounding area. If a height extension were sought, it would be a major modification to this decision and would be required to undergo Commission review as such.

27. Section IX of the Technical Bulletin requires monitoring and maintenance of a cellular tower after it has been constructed. Measurements of RFR and noise levels must be taken 90 days after operation begins, and at annual intervals thereafter.

28. If the tower is no longer needed or not feasible to operate, Cingular may abandon it upon written notice to the town, other carriers, and the Commission. If abandoned, Cingular would be

required to physically remove the tower and all associated equipment. Cingular will be required to post a performance bond to cover the expenses of removal in the event that the company cannot or will not remove the structure. In the lease agreement, the town of Truro has the option to take ownership of the tower if Cingular abandons it.

#### Hazardous Materials

29. The site is not located in a Wellhead Protection District/Zone II or a Potential Public Water Supply Area. As such, Minimum Performance Standard 4.2.2.3 does not apply to this project.

30. Hazardous materials attributable to the Cingular tower include antifreeze, lube oil, battery acid in quantities of less than 10 gallons each (for the on-site generator), and a 500-gallon liquid propane tank. Cingular will place the propane tank underground, to remove the risk from damage from the adjacent police firing range.

31. The site plan also shows three future proposed equipment pads and two equipment shelters for a total of five co-locators. Verizon Wireless is one of the known potential co-locators. This company typically uses a diesel fuel powered generator at its cell sites. Other carriers may use battery backup power. However, according to a letter received on December 5, 2001, Cingular will make appropriate arrangements with other carriers to use one propane fuel supply on this site.

32. Cingular provided the Commission with proposed lease language for this site. This language prohibits use of any other hazardous materials on site and on-site disposal of hazardous wastes. It also provides that tenants will reimburse the Town of Truro for costs associated with future site testing to ascertain whether or not there has been an on-site release of hazardous materials.

33. A November 6, 2001 letter to the Commission from SFC Engineering Partnership, Inc. states that there will be no floor drains in equipment shelters.

#### Exterior Lighting

34. Section VI-A-5-a of the Technical Bulletin states that "lighting of equipment shelters and any other facilities on the ground" should be designed in accordance with the Commission's Technical Bulletin 95-001 on exterior lighting.

35. Cingular's equipment shelter proposes to have ground lighting consisting of incandescent bulbs at the entry door of the shelter activated by motion detectors.

#### Natural Resources

36. The proposed tower site is not located within a Significant Natural Resource Area, nor is it located within estimated habitat for rare species. The tower site is located more than 100 feet from a wetland located just off-site and utilizes a previously altered site. Consequently, the project complies with the requirements of MPS 2.3.1.2 and 2.4.1.2.

37. Due to the proposed site being cleared and already disturbed, a natural resources inventory was not required for the project, consistent with MPS 2.4.1.1.

38. As a project that redevelops a capped landfill in an area which is not mapped as a Significant Natural Resource Area, the proposed Cingular Tower in Truro is not required to provide open space, pursuant to MPS 2.5.1.4.

#### Other Regional Policy Plan issues

39. There are no water resources or transportation impacts anticipated from the proposed cell tower construction and operation.

### **CONCLUSION**

Based on the findings above, the Commission hereby concludes:

- The proposal meets the guidelines of Technical Bulletin 97-001 and the applicable Minimum Performance Standards of the Regional Policy Plan.
- Provided that the applicant obtains all permits required by the town of Truro, including a Special Permit from the Truro Planning Board and waivers for the proposed height and fall-zone setback, the project is in compliance with local development bylaws. The granting of the DRI approval is in no way intended to support or oppose the grant of these waivers at the local level.
- The proposed tower complies with Truro's Local Comprehensive Plan, which was certified before the town initiated the planning process for cellular towers.
- The benefits of the proposed project outweigh the detriments resulting from the development. This is supported by the facts that the project as proposed would provide improved cellular phone service in southern Truro to customers of six major wireless carriers (finding #2); the placement of this tower would have a high probability of being the only new tower needed in Truro (finding #3), the location would have minimal visual impact (finding #14), and the tower would be located in an already-disturbed site (finding #37). These benefits outweigh the detriment of the visual impact resulting from the construction of a wireless tower on locations in the town and Cape Cod National Seashore.

The Commission hereby approves with conditions the application of Cingular Wireless for the proposed Cingular Cell Tower in Truro as a Development of Regional Impact, provided the following conditions are met:

## CONDITIONS

### General

1. This DRI decision is valid for 7 years. Local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision. 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.
2. The applicant shall obtain all necessary Federal, state and local permits for the proposed project.
3. 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.
4. Prior to the issuance of a Building Permit for any phase of construction, the applicant shall obtain a preliminary Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to the issuance of a Building Permit have been met. Prior to the tower becoming operable for the cellular networks, the applicant shall obtain a final Certificate of Compliance from the Commission. Notification of the need for a final Certificate of Compliance shall be given to the Commission at least 30 days in advance of the tower's start of operations, to allow time for staff to inspect the site and ascertain that all conditions have been met.
5. Prior to issuance of a building permit for any phase of proposed construction, the applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 6/3/99 and as amended from time to time.
6. The proposed structure shall be constructed as a lattice tower at a height limited to 190 feet and mounted with standard antenna arrays for Cingular Wireless and up to five (5) additional wireless carriers, with accessory equipment shelters, a fuel tank for backup generators, and landscaping, as shown on the site plans dated May 21, 2001 prepared by SFC Engineering Partnership, Inc. The tower shall be steel gray in color, with gray cables. The cables shall be bundled and secured so as to minimize wind resistance.
7. The tower shall be built to have the capability of being extended up to 230 feet. Such an extension shall be pursued only if it is deemed necessary the Town of Truro to accommodate additional wireless carriers, and if the FAA grants a waiver from lighting the tower. If a height extension is sought, it shall be reviewed by the Commission as a major modification to this decision, as required by the Commission's Administrative Regulations and Technical Bulletin 97-001.
8. Prior to the issuance of a final Certificate of Compliance, the applicant shall submit a report of the ambient and existing conditions of Radiofrequency Radiation (RFR) and noise at the site. After the cellular tower is constructed and operational, the applicant shall submit a report of

measurements of RFR and of noise/sound measurements from the tower. The first RFR and noise reports shall be submitted to the Commission within 90 days of commencing operations, and at annual intervals from the date of issuance of the final Certificate of Compliance. The noise report shall be signed by an acoustical engineer and show that the tower continues to meet the maximum noise threshold of 50 dB at the property boundary.

9. Prior to the issuance of a final Certificate of Compliance, all co-locators on the tower shall provide to the Commission a report of Radiofrequency Radiation expected to be generated from their antennas, showing all calculations and assumptions. The carriers shall provide a copy of written clearance from the Massachusetts Department of Public Health that the RFR emissions are below the threshold levels established for public health.

10. The applicant shall maintain the cellular tower in good condition for the entirety of its operational period. Such maintenance shall include, but not be limited to, structural integrity of the mount and security barrier, painting, and landscaping. The applicant shall not build upon or disturb any areas other than those within 15 feet of the leased area to facilitate construction.

11. If Cingular Wireless intends to abandon the cellular tower, it shall notify the Commission and Town of Truro of this intention and the proposed date of abandonment, by certified U.S. Mail. Such notice shall be given no less than 30 days prior to the abandonment. Within 90 days of abandonment, Cingular Wireless shall physically remove the tower and accessory buildings, including all antennas, mounts, and security barriers, as well as remove and properly dispose of any waste material from the site, and restore the site to its original condition. The tower shall be considered abandoned if it is not used for a period of at least six (6) months.

12. Prior to the issuance of a final Certificate of Compliance, Cingular Wireless shall provide a bond of \$25,000 to the Town of Truro to be held for the purposes of removal of the tower facility. The bond shall be returned to the applicant at such time that the tower facility is removed and the site restored to its original condition or the town exercises the option to take ownership of the tower.

13. All wireless carrier companies on the proposed tower shall be limited to the use of propane, compressed gas fuels, or battery packs to provide emergency or backup power to the tower and associated equipment.

14. All equipment shelters shall be constructed with an impervious surface floor, without floor drains or sumps.

15. Prior to issuance of a Final Certificate of Compliance, Commission staff shall conduct a site inspection to verify compliance with the limitation on on-site fuel use and that equipment shelters have been constructed without floor drains. If, based on the site inspection, the site is found not to be in compliance with these requirements, the applicant shall modify the project to conform to the decision. Such modification shall take place prior to issuance of a Final Certificate of Compliance.

16. Any and all ground lighting for the site (including Cingular and other carriers) shall be limited to incandescent bulbs equipped with an external shield and directed downward. All site lighting shall also be motion-sensor activated.

17. Prior to issuance of a final Certificate of Compliance, Commission staff shall conduct a site inspection to verify the types and shielding of exterior light fixtures. If, based on the site inspection, the fixture types and shielding are found not to be in compliance with Condition #16, the applicant shall modify the exterior lighting to ensure conformance with that condition.

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The Cape Cod Commission hereby approves with conditions the application of Cingular Wireless 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 Cingular Cell Tower in Truro, Massachusetts.

  
Elizabeth Taylor, Chair *for*

2/21/02  
Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 21<sup>st</sup> day of FEBRUARY, 2002, before me personally appeared

ROBERT D. DEANE, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that HE executed the same as HIS free act and deed.



Notary Public

My Commission expires:

