



# 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](mailto:frontdesk@capecodcommission.org)

**DATE:** June 19, 2003

**CO-APPLICANTS:** Watts Family Nominee Trust (Peter Watts, Trustee) &  
AT&T Wireless  
C/o Peter Watts, 23 Falmouth-Sandwich Road  
Forestdale, MA 02644  
(508) 477-7206

**RE:** Development of Regional Impact  
Cape Cod Commission Act

**PROJECT #:** TR02023

**PROJECT:** Watts Family Farm Wireless Telecommunications Facility  
23 Falmouth-Sandwich Road, Sandwich, Massachusetts

**MAP/PARCEL:** Map 6/Parcel 296, Watts Family Nominee Trust, Lot 91, Plan 61390-0  
Map 2/Parcel 2, Watts Children Nominee Trust, Lot 89, Plan 61390-0

**LAND COURT:** Doc#: 314,555 Cert.of Title: 92606  
Doc#: 500,106 Cert.of Title: 500106

---

## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Watts Family Nominee Trust and AT&T 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 Watts Family Farm Wireless Telecommunications Facility Sandwich, Massachusetts. The decision is rendered pursuant to a vote of the Commission on June 19, 2003.

### PROJECT DESCRIPTION

The applicants originally proposed a 180-foot lattice tower capable of accommodating six carriers with associated ground-based equipment on a 6,400 square-foot portion of the subject property.

Following the original application submittal, the tower design was modified to a monopole tower and the Commission approval reduces the height to a 150-foot tower. Construction of the tower is conditional on the FAA determining that lighting will not be required for air navigation. The



monopole will be constructed of galvanized steel and the equipment shelters and monopole will be enclosed within an 8-foot high chain link fence. Carriers will locate their ground-based equipment either in shelters or on concrete pads. The fence will have green vinyl slats inserted into the chain link to screen views of the visible equipment. Landscaping is also proposed to buffer the equipment from adjacent properties to the west.

The proposed site is located within a low density residential zone (R-2) and is within the Sandwich Wireless Telecommunications Overlay District which allows towers of up to 150 feet by special permit from the Planning Board.

#### **PROCEDURAL HISTORY**

The tower was referred to the Cape Cod Commission (CCC) as a mandatory Development of Regional Impact (DRI) by the Sandwich Planning Board on June 7, 2002, and received by the Cape Cod Commission on June 7, 2002. A duly noticed pro-forma public hearing was opened on August 1, 2002 by a hearing officer and closed on October 28, 2002 by a hearing officer. On November 6, 2002, a substantive public hearing was held at Forestdale School, Sandwich. The 60-day decision period was extended on November 6, 2002 to end on March 26, 2003. The 60-day decision period was further extended on February 13, 2003 to end on September 12, 2003.

Subcommittee meetings were held to discuss the project on February 13, 2003 and May 5, 2003 and a Subcommittee meeting was held on May 19, 2003 at which staff was directed to prepare a draft decision approving the project with conditions and to forward the project to the full Commission. A final public hearing for the project was held before the Cape Cod Commission on June 19, 2003 at which the Commission voted 13 to 4 to approve the project as a DRI, subject to conditions.

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

##### *Applicants Submittals:*

- DRI Application with attachments, dated 8/7/02.
- Letter dated September 4, 2002 from Mr. A. Singer.
- Facsimile (20 pages) dated August 8, 2002, received on September 12, 2002 from Mr. F. Parisi.
- Facsimile (10 pages) dated August 8, 2002, received on September 16, 2002 from Mr. F. Parisi.
- Letter with attachments dated October 4, 2002, from Mr. F. Parisi.
- Facsimile (8 pages) dated October 18, 2002, from Mr. F. Parisi.
- Letter with attachments dated October 24, 2002, from Mr. F. Parisi.
- Letter with attachments dated October 25, 2002, from Mr. A. Singer.
- Facsimile (2 pages) dated October 30, 2002, from Mr. F. Parisi.
- Letter with attachments dated January 31, 2003, from Mr. F. Parisi.
- Letter with attachments dated February 6, 2003, from Mr. F. Parisi.
- Facsimile (4 pages) dated February 13, 2003, from Mr. Michael Giaimo.
- Letter dated February 21, 2003, from Mr. P. Watts.
- Letter with attachments dated April 2, 2003, from Mr. F. Parisi.
- Letter with attachments dated May 5, 2003, from Mr. J. Keene, Jr.
- Letter with attachments dated May 9, 2003, from Mr. F. Parisi.
- Letter with attachments dated May 14, 2003, from Mr. F. Parisi.
- Letter with attachments dated May 15, 2003, from Mr. A. Singer.

- Letter with attachments dated May 15, 2003, from Mr. A. Singer.
- Facsimile dated May 30, 2003, from Mr. A. Singer.
- Facsimile dated June 4, 2003, from Mr. A. Singer.
- Facsimile dated June 10, 2003, from Mr. A. Singer.
- E-mail dated June 11, 2003, from Mr. A. Singer.
- Facsimile dated 6/17/03 from Mr. F. Parisi with attachments

*Federal and Local Submittals:*

- DRI Referral Form and attachments dated 6/7/02 from Sandwich Planning Board.
- E-mail dated 11/7/02 from Brian Nickerson, Planner at Mass. Military Reservation.
- Letter dated 2/26/03 from Col. J. Materia, Dept. of the Army and Air Force.
- Letter dated 2/27/03 from Lt. Col. T. A. Mullen (Mass. Air National Guard).
- E-mail dated 4/17/03 from Mr. R. Burt, 102<sup>nd</sup> Fighter Wing at Mass. Military Reservation.
- E-mail dated 4/28/03 from Mr. A. Cases, FAA.
- Letter dated 5/13/03 from Mr. D. Newman, Sandwich Fire Chief.
- Letter dated 5/13/03 from Mr. M. Miller, Sandwich Police Chief.
- Letter dated 5/19/03 from Lt. Col. T.M. Lynch (Mass. Air National Guard).
- E-mail dated 6/4/03 from Ms. J.A. Buntich, Director of Planning and Development, Town of Sandwich.
- Letter dated 6/16/03 from Mr. A. Cases, FAA.

*Interested parties Submittals:*

- Letter dated 11/6/02 from Mr. E. Angley.
- Letter submitted by hand on 11/6/02 from Mr. A and Ms. P Constantine.
- Letter dated 11/6/02 from Ms. P. Constantine.
- Letter dated 11/6/02 from Ms. I. Constantine.
- Correspondence submitted by hand on 11/6/02 from Mr. E. Angley.
- Letter submitted by hand on 11/6/02 from Mr. A and Ms. P Constantine.
- Email dated 11/6/02 from Mr. A. Constantine.
- Letter submitted by hand on 11/7/02 from Ms B. Smith.

*Other Submittals:*

- Report dated 10/9/02 issued by David P. Maxson.
- Report dated 10/29/02 issued by David P. Maxson.
- Report dated 2/10/03 issued by David P. Maxson.
- Report dated 2/14/03 issued by David P. Maxson.
- Report dated 4/16/03 issued by David P. Maxson.

The application and notice of the public hearing relative thereto, the Commission's staff reports, correspondence, notes and exhibits, minutes of subcommittee meetings and hearings, and all submissions received in the course of the proceedings, are incorporated into the record by reference.

**TESTIMONY**

*November 6, 2002 Public Hearing:*

The Subcommittee heard oral testimony from the following:

Mr. A. Singer and Mr. F. Parisi described the project and Mr. Parisi stated that no existing structures were available. Mr. L. Teves (Verizon) and Mr. A. Savant (AT&T), spoke about carrier coverage in the vicinity and the needed height for the tower. Mr. F. Parisi discussed the tower design and engineering limitations and noted T-Mobile's interest in the tower.

Mr. P. Dascombe presented the staff report. Mr. D. Maxson discussed the feasibility of existing structures.

Chief M. Miller, Sandwich Police, discussed the need for additional public safety antennas in the area. Chief Newman, Sandwich Fire, also discussed the need for additional public safety antennas in the area.

Ms. S. Munsey spoke in support of the project.

Ms. J. Hamilton, Mr. H. Hamilton and Mr. R. Stavrakas raised concerns over health impacts and visual impacts associated with the project.

Mr. E. Angley said that the existing structures had not been explored adequately.

Mr. A. Constantine voiced his opposition and concerns over lighting. Mr. C. Gardner raised concerns over visual impacts.

Mr. D. Cody said public safety antennas could be located on existing structures or ICE's tower approved in Mashpee.

#### 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 the Watts Family Nominee Trust (Peter Watts, Trustee) & AT&T Wireless, 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:*

**Finding 1:** The proposed project is located within the Sandwich Wireless Telecommunications Overlay District on a site at 23 Falmouth-Sandwich Road in Sandwich, Massachusetts. The area to be used for this facility consists of approximately 6,400 square feet of land for a 150-foot telecommunications monopole that will provide locations for a total of 6 carriers, with additional space for public safety antennas. The equipment shelters/pads will be located within this area. The co-applicant (Watts Nominee Trust) owns the subject property and has signed a lease with the co-applicant (AT&T Wireless) and others that provides for the use and operation of a monopole wireless communications structure, equipment shelter, and site access.

**Finding 2:** A review of the proposed Watts Family Farm tower has been conducted by David Maxson of Broadcast Signal Lab, the Commission's consultant on wireless facilities projects. He received copies of all material from the applicants. His reports analyze the proposal and supporting material provided from the prospective carriers, including drive test data, and his analysis indicates that there is a need for additional wireless facilities to provide reliable service

along this portion of Route 130. His analysis of coverage, height, lighting requirements, number of viable carriers at the proposed location and availability of existing structures weighs favorably with the documented visual impact evidence, and the Commission finds that the proposed facility as conditioned is in keeping with the goals of minimizing visual impact and encouraging multiple users on wireless communications towers.

**Finding 3:** Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communication Towers*, section IV.A requires applicants to locate on existing structures wherever feasible and that the applicants shall have the burden of proving that there are no feasible existing structures upon which to locate. Terracord, LLC, representing the co-applicants, conducted searches for existing structures on which to locate, including municipal, private and commercial structures, and was unable to identify possible existing structures that would provide adequate coverage in this part of Sandwich. Terracord submitted information to support this position and why they were deemed to be unsuitable. Commission staff, in conjunction with Mr. Maxson, used the Cape Cod Commission map of potential wireless communications facilities to determine that existing structures were in the vicinity and available, such as the Forestdale School and Mashpee water tanks. These existing structures were determined to not be suitable to provide adequate coverage in the area by themselves but could be used to supplement wireless coverage provided from a new tower.

**Finding 4:** The Regional Policy Plan (MPS 4.4.2.1) and Technical Bulletin 97-001, requires telecommunications facilities to locate on existing structures, and/or to co-locate with other carriers wherever feasible to minimize their visual and environmental impacts. AT&T is a co-applicant for the project and Verizon and T-Mobile have supported the applicant's proposal, although no contracts for this tower have been submitted. The approval is conditioned to require a minimum of two carriers to locate on the tower, and therefore the Commission finds the project to be consistent with the minimum performance standards of the RPP.

**Finding 5:** The applicants have offered to provide space on the monopole and within the equipment shelters for Public Safety Service antennas, including Sandwich Police and Fire. In a letter dated April 2, 2003 the applicants have offered this space at no cost.

**Finding 6:** The project is not located within a historic district, and the Massachusetts Historical Commission has determined in correspondence dated September 3, 2002 that the project is unlikely to have impacts on significant historic or archaeological resources.

**Finding 7:** The Town of Sandwich has adopted zoning by-laws establishing requirements, standards and procedures to regulate the permitting and installation of communication structures and buildings within the Town. The proposed monopole is within the Sandwich Wireless Telecommunications Overlay District, which allows towers of up to 150 feet by special permit from the Planning Board.

**Finding 8:** During the course of the Commission review of the project, the Town raised an issue regarding the property's conformity with the frontage requirements of the Sandwich by-laws. In an email dated June 4, 2003, Ms. Jo Anne Buntich, Sandwich's Director of Planning and Community Development, states that the proposed site is not currently eligible for a special permit for any use, as it does not have the required frontage. As a special permit is required for a telecommunications tower under the Town by-laws, the applicants would need to remedy this situation before a special permit can be issued. Therefore, a condition requiring that all necessary

local approvals be secured prior to issuance of a preliminary Certificate of Compliance is included in this decision. As conditioned, the Commission finds that the project will be consistent with local zoning and Wireless Telecommunication Overlay District requirements.

*Height:*

**Finding 9:** Analysis by Mr. David Maxson, Broadcast Signal Lab, suggests that providers will obtain reasonable coverage with a 150 foot tower and that such a height would not effectively prohibit service in the area. Given the availability of nearby existing facilities that can supplement remaining gaps in network coverage and the Regional Policy Plan goal of maximizing co-location and minimizing visual impacts, adequate coverage for six carriers may be obtained by a tower of 150' in height. Furthermore, the Commission finds that lowering the tower to 150 feet does not prohibit service and that there is little improvement of coverage at the 180-foot height originally proposed. The Commission finds that the visual impacts of a 180-foot tower with lights did not justify the additional height originally requested.

**Finding 10:** Section VII of Technical Bulletin 97-001 stated that "licensed carriers should share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities". The alternative to a 150-foot tower at this location would be a lower tower, or no tower, which would likely mean that additional towers would be needed in the Route 130 corridor in Sandwich. Analysis of the existing structures and their availability and the relative needs of the carriers in the area indicate that there is a need for a tower in this area to provide space for all the carriers to complete their network in the vicinity. Existing structures in the area would supplement wireless coverage from the tower. The proposed project limits the number of cellular towers by maximizing co-location, and is therefore consistent with the guidelines.

**Finding 11:** The applicants submitted documentation from the FAA dated December 19, 2001 that determined a facility of 190 feet at this location poses no hazard to air navigation if the tower was lighted. The subcommittee found that the 24-hour lighting of the tower, especially at night, had negative visual impacts. Testimony provided by Mr. Parisi at the May 19, 2003 subcommittee meeting indicated that the FAA would not require lights below 155 feet and the FAA made a determination on June 16, 2003 that a 150 foot tower would not be required to have air navigation lighting. The Commission finds that the visual impacts of the tower would be significantly reduced if the decision were conditioned such that an un-lighted, 150-foot tower would be permitted.

**Finding 12:** At the May 19, 2003 subcommittee meeting, a letter was submitted from Lt. Col. T. Lynch representing the Air Force indicating that the Massachusetts Military Reservation representatives had calculated that the originally proposed 180-foot tower would require raising a Minimum Descent Altitude for the base. The May 19, 2003 letter also requested that the tower be lowered to 143 feet. The subcommittee also heard testimony from the applicants that local aviation concerns are normally submitted to the FAA and incorporated into the FAA determination. Mr. Angel Cases of the FAA stated in an electronic mail dated April 28, 2003 that the concerns of the air base had been withdrawn and the FAA's December 19, 2002 determination remained valid. The Commission finds that the appropriate procedure had been followed through the FAA to address any concerns over air navigation. The 150-foot tower approval would also be conditional on the FAA determining that no hazard to air navigation exists and that no lights would be required.

*Public Safety and Noise:*

**Finding 13:** Technical Bulletin 97-001, Section V.D. states that for safety reasons, business or institutional uses should not be located within the fall zone. There are currently animal shelters located within 50 feet of the tower base, with the remainder of the area a fallow field. The tower is designed such that in the event of a collapse, the tower collapses in on itself limiting the area at risk on the ground. The Commission finds that a 50% reduction in the fall zone (to 75 feet) and relocation of the animal shelters outside the fall zone would prevent any adverse safety impacts and not result in any negative visual impacts. The approval is conditioned so that the animal shelters located on the property are relocated such that they are located outside the fall zone and that the equipment shelters will be the only structures located within the fall zone.

**Finding 14:** Under the Technical Bulletin, ground-mounted personal wireless service facilities should not generate noise from equipment and/or wind in excess of 50 dB at the property line. The applicants submitted an Environmental Sound Assessment prepared by Modeling Specialties for existing and anticipated noise levels at the site. Based on the analysis, Modeling Specialists concluded that the existing sound levels at the site are 50 dBA, and that the proposed equipment is predicted to make no measurable increase in these levels and therefore the facility should not cause non-compliant noise levels. The Sound Assessment contains a description of noise mitigation of the generator with specialized equipment attached to the generator ("a critical grade silencer that provides up to 40 dBA sound reduction"). The decision will be conditioned to require that all equipment complies with the 50dBA limit and verification of this be submitted on an annual basis. The Commission finds that as conditioned, the sound level at the property line is acceptable and consistent with the Technical Bulletin guidelines.

**Finding 15:** The Commission is aware of the possible environmental effects associated with the radio frequency emissions of cellular facilities. Carriers are required to meet the FCC standards for human exposure to radio frequency emissions to ensure that radio frequency emissions associated with proposed wireless communication facilities are within allowable levels. Section IX of the Technical Bulletin requires the monitoring and maintenance of a wireless communications facility after it has been constructed. Ambient noise and RFR measurements must be taken prior to construction of the monopole, followed by measurements of RFR and noise levels taken 90 days after operation begins and at annual intervals thereafter.

*Community Character:*

**Finding 16:** Based on a crane test performed on September 18, 2002 as well as photosimulations, several locations were identified from which the tower would be visible. Locations with minimal public views include portions of Falmouth-Sandwich Road adjacent to the site, Laurel Circle and glimpses from Route 130 near the MMR runway. Areas with more significant, although distant public views include Scotch Pine Lane, County Farm Road and Deep Wood Road. Equipment shelters or cabinets would only be visible from a distance from the properties along Deep Wood Drive and from the site itself.

**Finding 17:** In a letter dated June 4, 2003, the applicants propose to enclose the leased area with an 8-foot-tall, chain link fence with green vinyl slats, which the Commission finds is consistent with the Wireless Technical Bulletin. Equipment in the fenced area/compound will either be placed on a concrete pad or within a shelter. The applicants propose to relocate 30 evergreen trees that are currently on-site in order to provide further buffering and screening to the more open views from the west. The approval is conditioned on these trees being grouped on the

western side of the fenced compound and the applicants have agreed to maintain the landscaping to ensure survival. Shelters were originally designed in a manner consistent with Cape Cod architectural styles, however, the installation of slats in the fencing in combination with proposed landscaping means that the shelters will not be visible. Therefore, the applicants have withdrawn the equipment shelter design shown on Sheet A-2 of the plans dated 3/27/03 and will submit the shelter designs prior to issuance of a preliminary Certificate of Compliance.

**Finding 18:** The applicants proposes to access the tower and associated equipment via an existing driveway entrance, and therefore no clearing of existing vegetation will be required. A dense and deep wooded buffer in excess of 200 feet will remain undisturbed to the east and north of the tower. Existing agricultural buildings and smaller natural buffers provide screening from the south side of the property, and a narrower, naturally vegetated buffer approximately 30 feet wide exists on the western side of the property.

**Finding 19:** The applicants propose to construct the monopole and antenna mounts of hot-dipped galvanized steel, which will be allowed to weather to a gray tone. The Commission finds that as the site is remotely located with limited visual impacts on the surrounding area, that this choice of color is consistent with the goals of the Technical Bulletin.

**Finding 20:** Section VI(A)(5)(a) of the *Guidelines for Development of Regional Impact Review of Wireless Communication Towers* 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. In a facsimile dated May 30, 2003 the applicants states that "neither T-Mobile nor AT&T will utilize ground lighting." It also stated that "all exterior ground lights, whether for Verizon or any other carrier, shall be fully shielded and shall comply with all requirements of Technical Bulletin 95-001.

**Finding 21:** Proposed signage will consist of an identification sign, which will not be internally lit or flashing. The sign will be designed in accordance with the Sandwich sign regulations.

**Finding 22:** The Commission finds that the combination of design related factors described above (in findings 18 through 23) is sufficient to limit adverse community character impacts and is consistent with the Wireless Technical Bulletin.

*Natural Resources and Open Space:*

**Findings 23:** The project site is located in a Significant Natural Resources Area (SNRA) as mapped by the RPP due to the presence of potential public water supply. The site is located within a fallow field.

**Finding 24:** According to the plans revised 3/27/03, the total new disturbed area associated with the project is the 6400 sq. ft area within the facility fence. Based on the project's location in SNRA, the open space requirement is equivalent to twice the square footage of the disturbed area, or 12,800 sq. ft. The applicants have agreed to meet the open space requirement through a cash contribution to the Sandwich Land Bank. Based on recent conservation purchases in Sandwich, the per acre price is \$52,800, and consequently the cash contribution is \$15,515.

*Hazardous Materials:*

**Finding 25:** The project is required to comply with MPS 4.3.1.1, 4.3.1.2, 4.3.1.3 and 4.3.1.4 of the 2002 RPP. MPS 4.3.1.3 of the 2002 RPP applies to this project as the project site is located in a Potential Public Water Supply Area (PPWSA) as mapped for the 2002 RPP.

**Finding 26:** Information has been submitted from AT&T, T-Mobile and Verizon regarding the carriers' compliance with these standards in letters dated October 7, 2002, April 3, 2003 and May 30, 2003. Neither AT&T or T-Mobile proposes to use an equipment shelter and therefore neither will use a generator or air conditioning units. Verizon proposes to use a shelter with a generator and battery back-up, as well as air conditioning units. The applicants' April 3, 2003 letter agrees to a condition that thermostats will be digital and not mercury-containing. In addition, the applicant's May 30, 2003 letter agrees to use only incandescent lights rather than fluorescent lights, and that any on-site generators be limited to compressed gas. To ensure compliance with all hazardous materials standards for all potential six carriers, additional conditions will be added that limit the amount of hazardous materials and wastes attributable to both the construction and post-construction phases of this project to meet all requirements of the 2002 RPP. Other conditions will be placed on the project to insure compliance with the 2002 RPP and Technical Bulletin 97-001. The Commission finds that the project as conditioned is consistent with the requirements of these MPSSs.

*Other Issues:*

**Finding 27:** There are no anticipated transportation impacts from the proposed project.

**Finding 28:** The proposed project is in an unmanned, private and secured compound. It is only accessed by trained technicians for periodic routine maintenance, and therefore does not require any water or sanitary sewer service.

**Finding 29:** To prevent the monopole being left abandoned or vacated, the applicants agree to provide written notice to the parcel owner, other carriers, the Commission and the town of Sandwich upon cessation of use. If abandoned, the applicants will be required to physically remove the monopole and all associated equipment. The applicants will also be required to provide a security (cash, bond or other) to be retained by the Town of Sandwich, in an amount to be determined by the Town, to cover the expense of removal in the event that the company cannot or will not remove the structure.

### CONCLUSION

Based on the findings above, the Commission hereby concludes:

- The proposed project is consistent with the applicable Minimum Performance Standards of the Regional Policy Plan.
- The proposed project is consistent with the Sandwich Comprehensive Plan and local development by-laws.
- The benefits of the proposed project outweigh the detriments resulting from the development. This is supported by the facts that the project as approved would provide improved wireless communications service in an area of Sandwich that is currently under-served (Finding 2), and the proposed project will provide space for local public safety communications antennae at no charge (Finding 5).

The Commission hereby approves with conditions the application of Watts Family Nominee Trust (Peter Watts, Trustee) & AT&T Wireless for the proposed wireless communications facility in Sandwich, MA as a Development of Regional Impact, provided the following conditions are complied with.

## CONDITIONS

Based on the findings above, the Commission hereby attaches the following conditions.

**Condition 1:** 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.

**Condition 2:** The applicants shall obtain all necessary Federal, state and local permits for the proposed project.

**Condition 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.

**Condition 4:** Prior to the issuance of a Building Permit for any phase of construction, the applicants 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. The applicants shall obtain the first Final Certificate of Compliance from the Commission only when two carriers are located and ready to operate on the tower. The applicants shall obtain the first Final Certificate of Compliance prior to any carriers operating their equipment on the tower. Additional or subsequent Final Certificates of Compliance shall be required for each subsequent carrier locating on the tower. Notification of the need for a Final Certificate of Compliance shall be given to the Commission at least 30 days in advance of the intended start of operations for each carrier, to allow time for staff to inspect the site and ascertain that all conditions have been met.

**Condition 5:** The applicants shall submit an application for a 150-foot tower at the proposed location to the FAA, for a determination of the towers potential as hazard to air navigation. The Commission intends that the 150-foot height permitted shall not require lighting by the FAA. Therefore, prior to issuance of a preliminary Certificate of Compliance, the applicants shall submit documentation from the FAA verifying that the tower does not present a hazard to air navigation and does not require lighting.

**Condition 6:** The proposed structure shall be constructed as a monopole to a height of 150 feet and designed to accommodate standard antenna arrays for at least six carriers with accessory equipment located within an equipment shelter or on a pad, as shown on the Site Plan dated 3/27/03 (Sheet C-1), and the Enlarged Site Plan and Elevation dated 3/27/03 (Sheet A-1). Plans submitted to the Town of Sandwich for a Special Permit from the Planning Board shall be similar in design to the monopole shown on the Enlarged Site Plan and Elevation dated 3/27/03, but shall clearly show the tower not to exceed 150 feet. The monopole shall be galvanized steel, with galvanized antenna mounts. The applicants shall not clear vegetation or disturb any area outside of 15 feet from the perimeter of the leased area. The tower shall only be constructed with a minimum of two wireless telecommunication carriers.

**Condition 7:** The applicants will provide space on the monopole and within the fenced compound for public safety communications system at no cost.

**Condition 8:** The amount of hazardous materials and wastes attributable to both the construction and post-construction phases of this project shall not exceed 25 liquid gallons or its approximate dry weight equivalent on site at any time.

**Condition 9:** On-site fueling and refueling of construction equipment shall be prohibited. On-site servicing of all construction equipment shall be limited to lubrication of fittings and joints.

**Condition 10:** Equipment buildings/shelters and pads shall be constructed of an impervious surface, free of gaps and cracks, and without floor drains.

**Condition 11:** All carriers locating on the site shall be limited to use of propane or compressed gas fuels or battery packs to provide emergency or backup power to telecommunications and associated equipment. There shall be not more than one on-site emergency generator, and it shall be sized to accommodate any carriers that wish to use it for backup power, and shall be restricted to propane or other compressed gas fuel.

**Condition 12:** All on-site air conditioning units shall use digital thermostats instead of a mercury switch, and all equipment buildings/shelters shall use incandescent lights for interior lighting instead of fluorescent bulbs.

**Condition 13:** Any and all ground exterior lighting for the site shall be limited to incandescent bulbs that are fully shielded according to Technical Bulletin 95-001. All ground exterior lighting shall also comply with all other requirements and standards of Technical Bulletin 95-001. All proposed lighting shall be shown on a plan submitted for Commission staff review and shall be approved prior to the issuance of a preliminary Certificate of Compliance. Prior to issuance of a Final Certificate of Compliance by the Cape Cod Commission, staff shall conduct a site inspection to verify the types and shielding of ground exterior light fixtures.

**Condition 14:** All signage shall comply with the requirements of the RPP and all local and FCC regulations. Details of the sign shall be submitted for Commission staff review and shall be approved prior to the issuance of a preliminary Certificate of Compliance.

**Condition 15:** Prior to issuance of a preliminary Certificate of Compliance for any phase of proposed construction, the applicants shall submit final plans as approved by local boards, for review by Commission staff to determine their consistency with this approval. This plan shall clearly show the proposed equipment shelter elevations, landscaping, fencing, lighting and provide a tower elevation plan showing the position of each committed carrier on the monopole. Any identified changes from this decision will be subject to Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 6/3/99 and as amended from time to time.

**Condition 16:** Prior to the issuance of a preliminary Certificate of Compliance, the applicants shall provide the Cape Cod Commission with bona fide, non-contingent, signed contracts from a minimum of two personal wireless service carriers, each to occupy the tower for a minimum of five years.

**Condition 17:** Prior to the issuance of preliminary Certificate of Compliance, the applicants shall provide the Cape Cod Commission with a \$15,515 check made payable to the Barnstable County Treasurer in compliance with the open space requirements for this project. The Cape Cod Commission shall in turn disburse \$15,515 to the Town of Sandwich Land Bank Fund following receipt of a proposal for the acquisition of open space consistent with Commission requirements.

**Condition 18:** Prior to the issuance of a preliminary Certificate of Compliance, all co-locators on the monopole shall provide to the Commission and the Sandwich Board of Health a report of Radiofrequency Radiation expected to be generated from their antennas, showing all calculations and assumptions.

**Condition 19:** Prior to the issuance of a preliminary Certificate of Compliance, the applicants shall submit a report of the ambient and existing conditions of Radiofrequency Radiation (RFR) and noise at the site to the Commission and the Sandwich Board of Health. After the monopole is constructed and operational, the applicants shall submit an annual report of measurements of RFR and of noise/sound measurements from the tower, inclusive of all carriers operating on the tower at that time. The schedule for this annual report shall be the date of issuance of the first Final Certificate of Compliance. The applicants shall also submit to the Commission and the Sandwich Board of Health RFR and noise reports for each carrier within 90 days of each carrier commencing operations. The noise report shall be conducted and signed by an acoustical engineer and show that the facility continues to meet the maximum noise threshold of 50 dBA at the property boundary.

**Condition 20:** Prior to the issuance of a preliminary Certificate of Compliance, the applicants shall submit a plan that shows the location of the 30 proposed evergreen trees to be relocated to screen the western side of the fenced enclosure. This plan shall clearly identify the species and sizes of these trees. The trees shall be grouped and installed prior to the issuance of a final Certificate of Compliance and maintained to ensure survival.

**Condition 21:** Prior to the issuance of a preliminary Certificate of Compliance, the applicants shall provide a bond in an amount to be determined by the town of Sandwich, to be held for the purposes of removal of the tower facility, including all above-ground and below ground equipment, structures and appurtenances, and site restoration. This bond shall be held by the Town, and documentation provided to the Commission. The bond shall be returned to the applicants at such time that the monopole is removed by the applicants and the site restored to its original condition.

**Condition 22:** Prior to issuance of a Final Certificate of Compliance by the Cape Cod Commission, staff shall conduct a site inspection to verify compliance with the limitation on on-site fuel use and that equipment buildings/shelters have been constructed without floor drains. If, based on the site inspection, the site is found not to be in compliance with the Commission's decision, the applicants shall modify the project to conform to the decision. Such modification shall take place prior to issuance of the Final Certificate of Compliance.

**Condition 23:** If all required site work is not complete at the time a Final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall be equal to 150% of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The escrow amount shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the applicants, with interest, upon completion of the required work. All site work shall be completed within three months of the issuance of a Final Certificate of Compliance.

**Condition 24:** Prior to the issuance of a final Certificate of Compliance, a field inspection shall be conducted by Commission staff to verify compliance with the conditions noted above.

**Condition 25:** The applicants shall maintain the monopole 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.

**Condition 26:** If the applicants decide to abandon the monopole, it shall notify the property owners, the town of Sandwich and the Cape Cod Commission 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 abandonment. Within 90 days of abandonment, the applicants shall physically remove the monopole and accessory buildings, including all antennas, mounts, footings, and security barriers, as well as remove and properly dispose of any waste material from the site, and restore it to its original condition. The monopole shall be considered abandoned if it is not used for a period of at least six (6) months. Should any antennas become abandoned for more than six months, the applicants shall remove the antenna array. The applicants will be required to post a performance bond in accordance with Condition 21 of this decision.

The Commission hereby approves with conditions the application of Watts Family Nominee Trust (Peter Watts, Trustee) & AT&T Wireless for the proposed wireless communications facility in Sandwich, MA as a Development of Regional Impact.

Robert D. Deane  
Robert D. Deane, Chairman

6/30/03  
Date

**Commonwealth of Massachusetts**

Barnstable, ss.

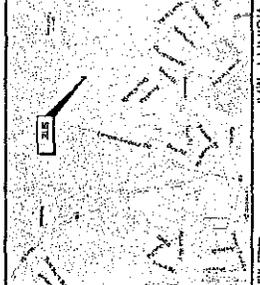
On this 30<sup>th</sup> day of June, 2003, before me personally appeared Robert Deane, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that executed the same as his free act and deed.

Katharine L. Peters  
Notary Public  
Commonwealth of Massachusetts

My Commission expires:



VICINITY MAP SCALE: 1/8" = 100'



**GENERAL NOTES**

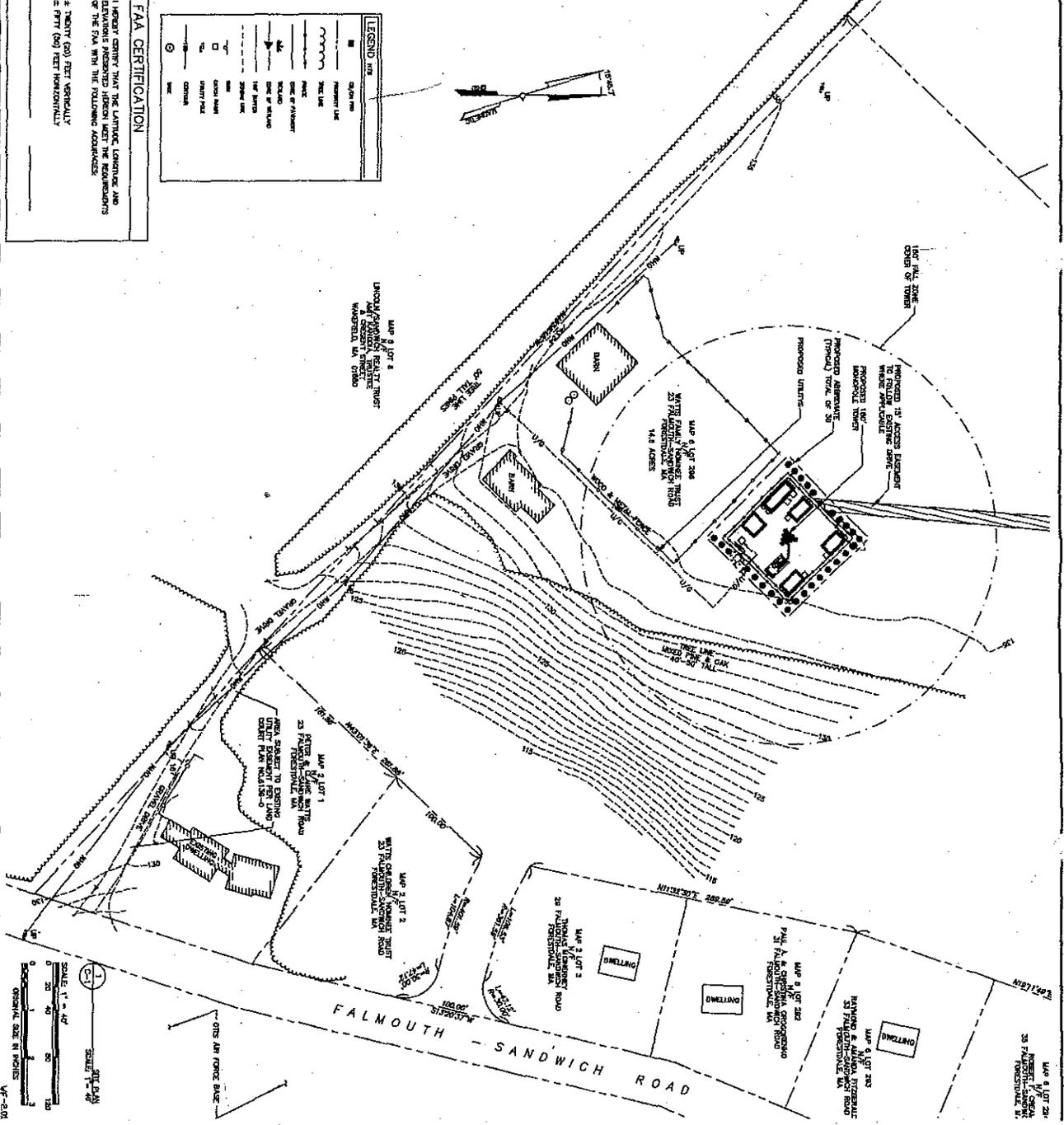
1. FIELD SURVEY DATE: JULY 23, 2008
2. VERTICAL DATUM: NATIONAL GEODESIC VERTICAL DATUM OF 1988 BY PLYMER GRS
3. HORIZONTAL DATUM: NAD 83 (NAD 83) BY PLYMER GRS
4. CENTER OF PROPOSED LOT AREA
5. OWNERS: LANDTRUST, INC. OF FALMOUTH, MASSACHUSETTS, 23 FALMOUTH-SANDWICH ROAD, FORESTDALE, MA 02544
6. SITE NAME: WATTS FARM
7. SITE NUMBER: N/A
8. SITE ADDRESS: 23 FALMOUTH-SANDWICH ROAD, FORESTDALE, MA 02544
9. APPLICATION: WATTS FARM, TRUST, 23 FALMOUTH-SANDWICH ROAD, FORESTDALE, MA 02544
10. CO-APPLICANT: WATTS FARM, TRUST, 23 FALMOUTH-SANDWICH ROAD, FORESTDALE, MA 02544
11. JURISDICTION: TOWN OF SANDWICH, MA
12. TAX ID: MAP 2 LOT 208
13. DEED REFERENCE: DEED # 2008-00000
14. PLAT REFERENCE: L&D # 2008-0
15. ZONE: R-2
16. DATE APPROVED BY COMMISSION: AUGUST 14, 2008
17. ALL INTERFERING UTILITIES AND OBSTRUCTIONS SHALL BE REMOVED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
18. APPROVED FOR THE TOWN OF SANDWICH, MASSACHUSETTS, BY THE ZONING BOARD OF SANDWICH, MASSACHUSETTS, ON JULY 23, 2008. THE ZONING BOARD OF SANDWICH, MASSACHUSETTS, HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING REGULATIONS OF SANDWICH, MASSACHUSETTS.
19. PROPERTY LINE AND PROPOSED LOT LINES ARE SHOWN AS DASHED LINES. THE RESULT OF A TOTAL BOUNDARY SURVEY.

**ZONING INFORMATION**

MIN. AREA:	MIN. FRONT YARD SETBACK:	MIN. SIDE YARD SETBACK:	MIN. REAR YARD SETBACK:	MIN. LOT WIDTH:	MIN. BUILDING HEIGHT:	MIN. BUILDING SETBACK:	MIN. LOT COVERAGE:	MIN. OPEN SPACE:
10,000 SQ. FT.	10 FT.	5 FT.	5 FT.	30 FT.	35 FT.	5 FT.	30%	10%

**SITE PLAN**

**CONRAD SWANSON Co., Inc.**  
LAND SURVEYORS  
1 DORSET AVENUE  
BELMONT, MASSACHUSETTS 02178  
(617) 892-8888



**FAA CERTIFICATION**

I HEREBY CERTIFY THAT THE LAYOUT, LOCATION AND DIMENSIONS PROPOSED HEREIN MEET THE REQUIREMENTS OF THE FAA WITH THE FOLLOWING ASSURANCES:

# TWENTY (20) FEET VERTICALLY ± FROM (50) FEET HORIZONTALLY ±

**LEGEND**

- PROPOSED LOT LINE
- EXISTING LOT LINE
- PROPOSED DRIVE
- EXISTING DRIVE

SCALE: 1" = 40'

SCALE: 1" = 40'

SCALE: 1" = 40'

SCALE: 1" = 40'

**TURNING MILL CONSULTANTS, INC.**  
CONSULTANTS FOR THE TOWN OF SANDWICH, MASSACHUSETTS  
13 FALMOUTH-SANDWICH ROAD  
FORESTDALE, MA 02544

**WATTS FARM**

**WATTS FAMILY NOMINEE TRUST**  
23 FALMOUTH-SANDWICH ROAD  
FORESTDALE, MA 02544

**SUBMITTALS**

A	7/29/08	ISSUED FOR REVIEW
B	8/6/08	ISSUED FOR ZONING
C	10/27/08	2008.2 TOWER/ACCESS

PROFESSIONAL STAMP

DESKMAN BR: R.C.M.  
CHECKED BR: R.C.M.  
SHEET TITLE: SITE PLAN  
SHEET NUMBER: C-1

