



## CAPE COD COMMISSION

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E-mail: [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)

Date: June 16, 2003

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

Applicant: Verizon Wireless  
400 Friberg Parkway  
Westborough, MA 01581-3938  
(617) 839-6617

Contact: Earl W. Duval, Attorney at Law  
Duval, Bellone, Cranford & Celli, P.C.  
Boott Cotton Mills  
100 Foot of John Street  
Lowell, MA 01852

Project #: TR98047

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

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

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### DECISION OF THE CAPE COD COMMISSION

#### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Verizon Wireless, 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 June 16, 2003.

#### PROJECT DESCRIPTION

The approved project consists of a 140-foot high, five carrier monopole with carriers at 140 feet, 130 feet, and 120 feet, 100 feet and 80 feet. The project is located at an existing Commonwealth Electric substation off Gross Hill Road in Wellfleet.

The Minor Modification request is to allow Verizon to install a 12-panel antenna array at the previously approved 130' location on the monopole.

## FINDINGS

The Regulatory Committee has considered the application of Verizon Wireless for a modification to the approved 9-panel antenna array on the Nextel Tower/Wellfleet tower, 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 installation of a 12-panel antenna array.
- 2) Plans approved by this decision are a Site Plan and Enlarged Compound Plan dated 4/17/03, and a Construction Details and Monopole Elevation Plan dated 4/17/03.
- 3) 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 modification.
- 4) The Regulatory Committee finds that the modification request is reasonable and will provide Verizon Wireless with extra capacity.

## 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 Verizon Wireless 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:

- Site Plan and Enlarged Compound Plan dated 4/17/03;
- Construction Details and Monopole Elevation Plan dated 4/17/03.

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 Verizon 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 Nextel Tower/Wellfleet located in Wellfleet, MA.

David J Ansel  
David Ansel, Regulatory Committee Chairman

7/10/03  
Date

**Commonwealth of Massachusetts  
Barnstable, ss.**

Subscribed and sworn to before me this 10<sup>th</sup> day of July 2003

Katharine L. Peters  
Name, Notary Public

My commission expires:

