



CAPE COD COMMISSION

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Date: May 29, 2008

To: Industrial Tower and Wireless, LLC
40 Lone Street
Marshfield, MA 02050

From: Cape Cod Commission

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

Project Applicant: Industrial Tower and Wireless, LLC

Property Owner: Barnstable County Agricultural Society

Project: Barnstable Agricultural Society and Industrial Tower and Wireless, LLC.
wireless telecommunication facility, Barnstable County Fairgrounds

Location: 0 Nathan Ellis Highway, Falmouth, MA

Project #: TR# 07022

MAP/PARCEL: 18-3/001

BOOK/PAGE: 1411/576

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Industrial Tower and Wireless (ITW or Applicant) 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 150-foot ITW wireless tower (Project) in Falmouth, MA. The decision is rendered pursuant to a vote of the Commission on April 17, 2008.

PROJECT DESCRIPTION

ITW proposes to build a 150-foot monopole on a parcel of land to be leased from the Barnstable Agricultural Society located at 0 Nathan Ellis Highway, Falmouth, MA. The proposed wireless facility qualifies as a DRI pursuant to Section 3 of Enabling Regulations governing review of Developments of Regional Impact ("DRI Enabling Regulations"), Barnstable County Ordinance 90-12, in that the height of the monopole is more than 80 feet and the proposed occupied area ("facility") is greater than 1,300 s.f. The facility is to be situated on approximately 5,625 square feet of previously cleared, non-vegetated land and will provide space for up to five co-locators, each of which would place a standard array of antennas

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mounted on the monopole. The monopole will be located within a 75' by 75' compound area that will contain all necessary ground-based facilities and equipment for the antennas. This includes a proposal for up to five equipment cabinets placed at ground level, surrounded by a chain-linked fence. The compound is set back approximately 150 feet from Currier Road, and within 300 feet of abutting, undeveloped residential property. The remainder of the 15-acre site is wooded and is owned by the Barnstable Agricultural Society.

PROCEDURAL HISTORY

The Falmouth Zoning Board of Appeals referred the Project to the Commission on November 26, 2007. A duly noticed public hearing was conducted pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on March 19, 2008 at the Morse Pond School Library in Falmouth. This hearing was followed by a second public hearing of the subcommittee on April 17, 2008 to deliberate on the draft decision, and a final public meeting on May 15, 2008. 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 final public hearing was held before the full Commission on Thursday, May 29, 2008. At this hearing, the Commission voted _ - _ to approve the Project as a DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

Materials From the Applicant	Date Submitted
Town of Falmouth Zoning Ordinance	
Land Lease with the Barnstable Agricultural Society	11/22/06
Certified Abutter's List	5/20/07
Site Plan (<i>revised 2/20/08</i>)	4/5/07
Monopole Structural Analysis (<i>revised 3/25/08</i>)	2/16/06
Topography Map	11/26/07
Color Board, Photographs of similar facilities	11/26/07
FCC License	9/25/06
FAA Approval	3/8/07
Co-applicant Information from Verizon (2/20/07), T-Mobile (N/A), & Sprint/Nextel (10/18/06)	11/26/07
Environmental Sound Levels Evaluation	3/8/07
Radiofrequency Emissions Safety Study	1/11/07
Environmental Site Assessment	3/15/07
Letter from ITW to Massachusetts Historical Commission	2/21/07
Drive test Data	(N/A)
Existing Tower Inventory	(N/A)
Existing and Proposed Propagation Analysis (<i>revised 3/5/08</i>)	1/29/07
Search Area Analysis	11/26/07
Rejected Site Propagation Studies	1/29/07
Height Justification Propagation Studies	(N/A)
Site Photograph	(N/A)
NHESP determination letter	2/22/08
Hazardous Materials Memo from ITW	4/17/08
ITW Open Space Proposal	4/30/08
ITW Open Space Proposal – Revised (1)	5/8/08
ITW Open Space Proposal – Revised (2)	5/14/08

Materials From Federal, State or Local Officials	Date Submitted
Falmouth Planning Board, statement of allowed use by Special Permit	3/6/08

TESTIMONY

The March 19, 2008 public hearing came to order at 6:30 PM. Don Cody of ITW made the opening presentation for the applicant. John Champ, ITW Site Acquisition Specialist, presented the site, the existing use, and the alternative site search summary. He also provided a visual impacts presentation based on the February 21, 2008 balloon test. Staff provided an overview of issues associated with community character. Mehran Nazari of AdGen Telecom Group Inc. presented the technical Radio Frequency (RF) review of the proposed wireless facility.

Those members of the public in attendance spoke in favor of the project due to poor cellular coverage in the area.

Subcommittee members raised questions relating to; signal strength, the actual height of the tower as it relates to setbacks, landscaping, the lease agreement for the site, and noise issues as they relate to back-up generators. A motion was made to approve the project and continue the hearing to April 17th, 2008 for the purpose of considering a written decision on the project. The motion was seconded by Mr. Harding, followed by a unanimous vote. The hearing adjourned at 7:30 PM.

A second public hearing was held April 17, 2008 to review the draft decision and to discuss the open space mitigation proposal. The subcommittee directed staff to revisit the open space condition with the applicant, and voted unanimously to close the hearing.

A final public meeting was held May 15, 2008 to review the open space condition. The subcommittee voted to accept the final open space proposal, as presented by the applicant. The subcommittee voted unanimously to recommend to the full Commission that the Project be approved as a DRI, subject to conditions.

JURISDICTION

The proposed Project qualifies as a Development of Regional Impact under Chapter A, Section 3(i) (1) of the Commission's Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12 as amended which provides 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 a Development of Regional Impact.

FINDINGS

The Commission has considered the application of ITW for the proposed monopole at the Barnstable County Fairgrounds in Falmouth, MA, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

- F-1 The proposed Project is a cellular/wireless communications monopole, 150 feet in height, designed to hold up to five antenna arrays to be mounted on the monopole for T-Mobile, Verizon and Sprint/Nextel, as well as up to two additional wireless co-locators.
- F-2 The proposed Project would provide improved cellular phone service in East Falmouth to T-Mobile, Verizon and Sprint/Nextel customers.

- F-3 As the first substantive public hearing was held on March 19, 2008, this project was reviewed pursuant to the 2002 RPP and the requirements of Technical Bulletin 97-001 – *Guidelines for Development of Regional Impact Review of Wireless Communication Towers*.
- F-4 The project must be consistent with local zoning, and the Applicant will be required to obtain all zoning approvals. The Applicant will be required to obtain a Special Permit to permit a 150-foot wireless structure in the Agricultural A and Water Resource Protection Zoning Districts from the Town of Falmouth.
- F-5 The proposed Project will be constructed in accordance with the site plans submitted by Industrial Communication Engineering Division received by the Commission on November 26, 2007. The monopole and equipment compound will be located approximately 150-feet from Currier Road and 150-feet from a Residential Zoning District. The monopole and equipment cabinets will lie within a fence-enclosed area totaling 5,625 square feet.
- F-6 The proposed Project is needed to provide signal propagation in this area of East Falmouth for T-Mobile, Verizon and Sprint/Nextel's wireless communications networks. The proposed monopole will also provide space for up to two additional wireless carriers that may also need to improve their network coverage in this region. T-Mobile, Verizon and Sprint/Nextel have stated that there exist significant gaps in their network coverage, which creates the need for a new facility at the fairgrounds. The Regional Policy Plan (MPS 4.4.2.1) requires telecommunications facilities to locate on existing structures, or to co-locate with other carriers wherever feasible to reduce visual impacts. The Applicant has provided statements of commitment from T-Mobile, Verizon and Sprint/Nextel.
- F-7 Elevation drawings submitted by Industrial Communication Engineering Division received on November 26, 2007 show the location of five externally-mounted antenna arrays for the co-locating wireless carriers on the monopole at 10-foot intervals. T-Mobile will have an antenna at 150 feet. Verizon will have an antenna at 140 feet, while Sprint/Nextel will have an antenna at 120 feet. The two additional antenna arrays would be located at 130 and 110 feet.
- F-8 ITW signed a Site Lease Agreement (Agreement) with the Barnstable Agricultural Society for the use of 5,625 square feet of property for the construction and operation of a wireless communications facility. The lease covers a period of 10 (ten) years, which would begin thirty days following the issuance of a building permit for the monopole. Within 120 days of the termination or expiration of the Site Lease Agreement between ITW and the Barnstable County Agricultural Society, Lessee will remove all equipment and other materials from the site. ITW will then, to the extent reasonable, restore the portion of the site to its condition at the commencement of the Site Lease Agreement.
- F-9 Mehran Nazari of AdGen Telecom Group, the Commission's consultant on this wireless facility project, prepared a summary review of the proposed Project. He received copies of all materials from the Applicant and attended the public hearing and subcommittee meeting. His report analyzed ITW's proposal and supporting material, and indicated that the proposed 150-foot monopole would meet the Commission's goals of wireless facilities co-locating multiple carriers to minimize the number of wireless towers, as well as providing needed wireless coverage. The Commission adopts this testimony and finds that the monopole will provide needed wireless coverage.

- F-10 According to the Site Acquisition Specialist, the proposed Project site was identified as a potential location for a wireless facility after ITW completed an alternatives analysis of possible tower sites on existing structures and of available land in the town.
- F-11 Section IV.C of the Technical Bulletin states the applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of the application for DRI approval. The applicant (Tenant) has submitted a Site Lease Agreement with the Barnstable Agricultural Society (Landlord) dated November 22, 2006 that "hereby leases to Tenant the use of that portion of the Property sufficient for placement of Antenna Facilities, together with all necessary space and easements for access and utilities, as generally described and depicted in the attached Exhibit B (collectively referred to as the "Premises"). The Premises, located at 0 Nathan Ellis Highway comprises of 5,625 (75' x 75') square feet."
- F-12 Section V.B of 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. The height of the proposed monopole at the Barnstable County Fairgrounds site is higher than the surrounding canopy by approximately 100 feet. ITW has proposed a monopole of 150 feet because this height is the minimum necessary to provide sufficient coverage for its cellular network while providing adequate height for co-locators.
- F-13 Section V.D of the Technical Bulletin states that a fall zone should be equal to the height of the proposed monopole (150 feet). As designed, the proposed Project meets the guidelines of the Technical Bulletin. Also, as proposed, the 150-foot monopole would minimize visual impacts through the construction of a wireless facility of sufficient height to allow for the co-locating of up to five (5) wireless carriers, which may negate the need to construct additional wireless facilities in this area.
- F-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. Views of the proposed monopole and associated equipment compound would be minimal from Route 151, due to a vegetative buffer along Route 151 and the tower's setback from the road of approximately 500 feet. Additionally, the natural topography is such that the elevation drops from the road toward the site, which will provide additional screening to the base of the monopole and the equipment compound.
- F-15 Photos of the Project's visibility near the fairgrounds were prepared by ITW and Staff based on a balloon test conducted on February 21, 2008 when a balloon at the site was raised to 150 feet. The photos indicate that the monopole would be visible from several locations; from points along Plum Hollow Road, from points along Route 151, from the fairgrounds, and from points along Currier Road. For other locations, the public will have limited or obstructed views of the monopole between vegetation and buildings. The subcommittee finds that a combination of a limited public viewshed and a pale gray color is sufficient to limit the long-range visual impact of the project on the surrounding communities.
- F-16 The facility will be located within a Significant Natural Resource Area on a portion of the site that has been previously disturbed. As no vegetation will be removed the project will not adversely affect any environmentally sensitive areas.

- F-17 Technical Bulletin 97-001 states that to the extent that it extends above the height of the vegetation immediately surrounding it, the monopole should be painted a light gray or light blue hue to blend with the sky and clouds. The monopole will be constructed of steel and painted gray.
- F-18 A larger buffer of existing natural woodland vegetation to the east and west of the site provides, at minimum, approximately 300 feet of screening between the proposed site and all of the adjacent land uses to the north and south. Because the equipment compound is located in an open field that is used seasonally, the applicant is proposing to construct an eight-foot high chain linked fence around the compound and an additional landscaped buffer consisting of white fir and white pine species.
- F-19 The applicant states, and the Commission finds, that due to the land clearing operations that were previously conducted on the site, no trees will need to be removed for construction of the facility.
- F-20 When considering the visual impacts (including design, location, color, height and public views), the alternatives analysis, coverage and co-location capacity of the proposed project versus the alternative of using multiple shorter facilities (which would have less visual impact and less coverage), the Commission finds that these factors are sufficient to limit adverse community character impacts, and that the benefit of providing better coverage offsets the greater visual impact caused by height. The Commission further finds that the proposed facility is in keeping with the RPP goals of minimizing visual impacts and encouraging multiple carriers on wireless communication towers.
- F-21 According to information provided by the applicant, no lighting is required by the Federal Aviation Administration (FAA) because at 150 feet, the proposed monopole does not require FAA notification.
- F-22 According to Section VI-B of the Technical Bulletin, noise impacts from wireless facilities should not exceed 50 decibels (dB) at the property line. Cavanaugh Tocci Associates conducted a noise assessment on March 8, 2007 and found that the projected future antenna site sound will comply with CCC acoustical criteria. Their report also found that sound from the tower will be audible on the fairgrounds site in the vicinity of the tower, "but at sound levels below controversial voice level". Finally, their evaluation included a noise control performance specification for a future emergency generator of no more than 64dBA. The Commission adopts this testimony and finds that the noise impacts comply with the Commission's Technical Bulletin.
- F-23 Section VI-C of the Technical Bulletin requires authorization to certify that the Radiofrequency Radiation (RFR) from the proposed telecommunications equipment is compliant with federal and state safety standards. The applicant's radiation safety specialist has testified and the Commission finds that the proposed facility would comply with all regulatory guidelines for RF exposure.
- F-24 Section IX of the Technical Bulletin requires monitoring and maintenance of a cellular tower after it has been constructed. Measurements of noise levels must be taken 90 days after operation begins, and at annual intervals thereafter. At the present time, the Department of Public Health does not require the monitoring of wireless facilities.
- F-25 The site is located within a Potential Public Water Supply Area. As such, MPS 4.3.1.3 restricts the use and generation of hazardous wastes and hazardous materials.

- F-26 Site plans submitted by the applicant show space within the equipment compound capable of accommodating a total of five carriers. These Plans show use of both equipment cabinets and shelters. The proposed equipment cabinet will be occupied by Verizon and will be painted a non-reflective gray finish and will extend 4 feet above the height of the proposed fence. Based on the companies contacted by ITW, both batteries, an on-site generator and roll-up back-up generators will be used to provide for backup power by all co-locators.
- F-27 The Technical Bulletin specifies that the Commission may require full containment of any hazardous materials used on site, including provision of an enclosed containment area with a sealed floor without floor drains. Based on the application materials, it appears that one of the three proposed carriers will use equipment shelters: Verizon. Sprint/Nextel and T-Mobile will use equipment cabinets on a concrete pad. The equipment compound will also be constructed with space for an additional equipment pad and shelter. Site plans submitted with the application also show a propane fueled on-site generator.
- F-28 MPS 4.3.1.1 requires that *development and redevelopment shall make reasonable efforts to minimize their hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling. Applicants shall submit a plan to demonstrate how their project will achieve conformance with this standard.* The equipment shelter by the proposed carrier Verizon will generate hazardous waste in the future, primarily from interior lighting (fluorescent bulbs) and air conditioning units.
- F-29 MPS 4.3.1.2 requires that *development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. Applicants shall submit a plan to demonstrate how their project will achieve conformance with this standard.* The facility as presently configured will generate waste oil and other fluids from air conditioning units that will be part of the equipment shelter. It also includes an on-site transformer, which uses hazardous materials to function.
- F-30 MPS 4.3.1.4. requires that *development and redevelopment shall prepare an emergency response plan that identifies potential threats to employee safety and health and threats of environmental releases and describes ways to reduce those threats.* Based on E-mails received from the applicant's contacts in September 2007, Industrial Communications & Electronics (IC&E) will perform the site construction.
- F-31 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. The DRI application does not address whether this site will use ground lighting.
- F-32 Section VI(7)(B) of the Technical Bulletin states that *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 DRI application includes a report from Cavanaugh Tocci Associates, which assesses impacts from the proposed site using field measurements of the existing soundscape, as well as estimates for the amount and type of sounds generated by the monopole (wind noise), and the proposed telecommunications equipment shelters (HVAC noise). No estimates were provided for the proposed on-site generator, because its size, make and model were not known at the time of the DRI review.

- F-33 ITW provided a natural resources inventory conducted by Sabatia, Inc. that meets the requirements of the technical bulletin. No wetlands or vernal pools were identified in the vicinity of the site.
- F-34 The applicant filed a MESA (Massachusetts Environmental Species Act) Review request with the Natural Heritage Endangered Species Program (NHESP) to determine whether the proposed project would impact rare species or their habitat. A letter from the Massachusetts Division of Wildlife and Fisheries dated September 20, 2007 states that the project as proposed will not result in a "take" of state-listed rare species.
- F-35 The project site is located in a mapped Significant Natural Resources Area (SNRA) under the 2002 RPP due to the presence of several sensitive resource areas, including rare species habitat and public wellhead protection area. As such and in accordance with MPS 2.5.1.3 the applicant is required to provide permanently protected open space at a 2:1 open space to development area ratio. According to the project plans, the disturbed project area is approximately 5,625 s.f.; the open space requirement for the project therefore is 11,250 s.f. (5,625 x 2). The applicant has indicated that it intends to provide an equivalent cash contribution to meet the requirement.
- F-36 In accordance with *Guidelines for Calculation and Provision of Open Space in Developments of Regional Impact*, Technical Bulletin 94-001, Section 8(b), the Commission accepts the Applicant's use of the Predevelopment Fair Market Value method for calculating open space mitigation.
- F-37 There are no water resources or transportation impacts anticipated from the proposed Project's construction and operation.

CONDITIONS

- C-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.
- C-2 The Applicant shall obtain all necessary Federal, state and local permits for the proposed Project.
- C-3 Prior to the issuance of a Building Permit for development, 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 monopole becoming operable for the cellular networks, the Applicant shall obtain a final Certificate of Compliance from the Commission. Such Certificates of Compliance shall not be issued unless all conditions have been complied with. Notification of the request for a final Certificate of Compliance shall be given to the Commission at least 30 days in advance of the Project's start of operations, to allow time for staff to inspect the site and ascertain that all conditions have been met.
- C-4 The proposed Project shall be constructed as a 150-foot monopole with platform-style antenna mount for T-Mobile, Verizon and Sprint/Nextel and up to two (2) additional wireless carriers, with accessory equipment shelters, as shown on the site plans prepared by Industrial Communications Engineering Division dated February 19, 2008.

- C-5 No trees shall be removed for the construction of either the wireless monopole or the equipment compound.
- C-6 In accordance with finding's F-35 and F-36, prior to the issuance of a preliminary Certificate of Compliance, the applicant shall contribute \$16,031.25 (\$1.425 per sq. ft. x 11,250 s.f.) to the Barnstable County Treasury for the Town of Falmouth to fund open space acquisition in the town.
- C-7 The Applicant shall perform all repairs necessary to keep its equipment located on or about the leased premises in good condition, reasonable wear and tear and damage from the elements excepted. Said leased premises, tower and related equipment shall be maintained. Maintenance of the facility shall include, but not be limited to, structural integrity of the mount, implementing and maintaining a security barrier, painting, fencing and landscaping. The Applicant shall not build upon or disturb any areas other than the project area, as shown on the Site Plan received by the Commission February 20, 2008, and as identified under the lease agreement dated November 22, 2006 with the Barnstable County Agricultural Society.
- C-8 If ITW intends to abandon the Project, it shall notify the Commission Clerk and the Barnstable County Agricultural Society of this intention and the proposed date of abandonment, by certified U.S. Mail return receipt requested. Such notice shall be given no less than 30 days prior to the abandonment.
- C-9 All wireless carriers on the proposed monopole shall be limited to the use of either battery packs, a single on-site generator, or roll-up emergency generator to be fueled with natural gas or compressed gas to provide emergency or backup power to the facility and associated equipment.
- C-10 Prior to issuance of a building permit, the applicant shall submit for the Commission's files, for itself and for each of its tenant carriers, information that indicates all carriers have a way to dispose of hazardous wastes attributable to the site in a manner consistent with MPS 4.3.1.2 and the Massachusetts Hazardous Waste Regulations.
- C-11 Prior to issuance of a building permit, the applicant shall submit for the Commission's files, for itself and for each of its tenant carriers, information that the entity providing the overall site construction has a construction plan in place for the construction phase which is consistent with MPS 4.3.1.4.
- C-12 All equipment pads and shelters shall be designed and constructed without floor drains. All on-site transformer pads shall be sized to provide containment in the event of a potential leak of the transformer.
- C-13 All site carriers shall use compressed gas fuel or battery backup for provision of emergency power.
- C-14 The facility shall use incandescent (non-mercury) interior lighting for equipment shelters, as well as digital (non-mercury) thermostats.
- C-15 Any ground-based exterior lighting for the site shall be fully shielded in a manner consistent with Technical Bulletin 95-001 (as amended), shall be aimed towards the ground, and shall be equipped with a motion sensor or timer so as to turn the light off when people are not at the site.

- C-16 Any permanent on-site emergency generator shall be consistent with the recommendations of March 8, 2007 report from Cavanaugh Tocci Associates (submitted as Tab 16 of the May 24, 2007 Development of Regional Impact Application) with respect to sound attenuation and noise reduction.
- C-17 The monopole will be constructed of galvanized steel and will be gray in color. The equipment shelter will be constructed with materials of a neutral color, or painted with a neutral color.
- C-18 The project area shall be landscaped in accordance with the March 26, 2008 Landscape Plan, prepared by Industrial Communications Engineering Division, received by the Commission March 27, 2008, prior to issuance of a Final Certificate of Compliance.
- C-19 Prior to issuance of a Final Certificate of Compliance, Commission staff shall conduct a site inspection to verify compliance with Conditions C-12, C-13, C-14, C-15, C-16, C-17 and C-18. If, based on the site inspection, the site is found not to be in compliance with these requirements, then the Applicant shall modify the project to conform to this decision. Such modification shall take place prior to issuance of a Final Certificate of Compliance.

CONCLUSION

Based on the findings and conditions above, the Commission hereby concludes:

The Project complies with the applicable Minimum Performance Standards of the 2002 Regional Policy Plan and meets the guidelines of Technical Bulletin 97-001.

Provided that the Applicant obtains a special permit, the Project is an allowed use by local zoning. Granting DRI approval is in no way intended to support or oppose the grant of such waiver at the local level.

The proposed Project complies with the Falmouth Local Comprehensive Plan, which has been certified by the Cape Cod Commission.

The probable benefits of the proposed Project outweigh the probable detriments resulting from the development. This is supported by the facts that the Project as proposed would provide improved cellular phone service in East Falmouth to customers and the placement of this monopole would have a high probability of providing space for a majority of active wireless carriers in East Falmouth. These benefits outweigh the detriment of the visual impact resulting from the construction of the monopole at the Barnstable County Fairgrounds over-flow parking site at 0 Nathan Ellis Highway in Falmouth, MA.

The Cape Cod Commission hereby approves with conditions the application of Industrial Tower and Wireless, LLC. 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 Barnstable Agricultural Society and Industrial Tower and Wireless, LLC wireless facility in Falmouth, Massachusetts.

Elizabeth H. Taylor
Elizabeth Taylor, Chair — Vice chair
Commonwealth of Massachusetts
Cape Cod Commission

May 29, 2008
Date *[Signature]*

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

5/29, 2008
Elizabeth Taylor

Before me, the undersigned notary public, personally appeared *Elizabeth Taylor*, in his/^{Vice}her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public
My Commission Expires:
10/13/11