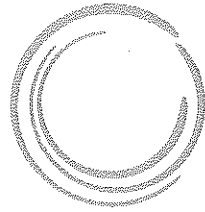


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CAPE COD
COMMISSION

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DATE: July 21, 2011

TO: Brian Sullivan
JLee Consulting
753 Forest Street, Suite 110
Marlborough, MA 01725

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact

PROJECT APPLICANTS: Metro PCS, Massachusetts LLC
285 Billerica Road
Chelmsford, MA 01824

and

American Tower Corporation
10 Presidential Way
Woburn, MA 01801

PROPERTY OWNER: Gilbert Allenby
PO Box 31
Falmouth, MA 02451

PROJECT # TR97031

PROJECT: Omnipoint Communications Enterprises, Inc./Falmouth
American Tower Corporation

LOCATION: 1006 East Falmouth Highway
East Falmouth, MA 02536

LOT/PLAN: Deed, Book 4435, Page 083;
Lot Book 227, Page 27 and Book 70, Page 39



MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the Development of Regional Impact decision dated April 9, 1998 for the Omnipoint Tower Proposal/Falmouth project is hereby amended by a vote of the Regulatory Committee of the Cape Cod Commission on July 21, 2011 to extend the existing 90-foot tower by an additional 10 feet, add an additional antenna array, and expand the ground equipment area (expansion of 16'x40') to accommodate associated equipment. All findings and conditions attached to the original decision continue to apply except as modified herein.

Minor Modification #2:

On July 5, 2011 the Cape Cod Commission's Regulatory Committee determined that the proposal constitutes a Minor Modification Type #2 in accordance with the Commission's *Enabling Regulations*, and _____ the decision on July 21, 2011.

The following findings shall be modified to read as follows (**bold** type indicates added text, deleted text is shown as struck-out):

2. The project site is 11.6 acres. **All ground equipment will be located within a 56'x40' fenced compound.** ~~of which the applicant proposes to lease a 40'x40', 1600 square foot area.~~
13. ~~The site is visible from residences on the south side of Route 28 and landscaping is required to make the project less visible.~~
Site photos provided by the applicant on July 5, 2011 demonstrate that dense vegetation currently exists in the area and serves to screen the tower facilities from the neighboring abutters.
14. The Commission's ~~previous~~ radiofrequency consultant, Walter A. Cooper of Flack & Kurtz, ~~recommends that a new~~ **recommended that the original** tower be limited to 80 feet in height. **The Commission found that it was appropriate to allow the tower to be 90-feet in height to accommodate three carriers. In early January 2000, a fourth carrier also began leasing space on the 90-foot tower from Omnipoint Communications. Later that year American Tower Corporation acquired the Tower from Omnipoint Communications. American Tower Corporation and Metro PCS are seeking to extend the existing tower. Application materials indicate in order for Metro PCS to also co-locate on the existing tower without interfering with the existing four carriers, it is necessary to extend the tower by an additional 10-foot (for a tower with a total height of 100 feet).**
15. The Cape Cod Commission finds that it is appropriate to allow the tower to be ~~90~~ **100** feet in height to ensure that ~~all three~~ **five** carriers can be located on it **without causing signal interference. The Commission further finds that this co-location will reduce the need for additional towers.**

16. ~~There are additive effects of radiofrequency radiation from co-locators.~~
A study submitted on behalf of the Applicant by Donald L. Haes, Jr., Ph.D., CHP (Radiation Safety Specialist) dated July 2, 2011, calculated the "worst-case" Radio Frequency scenario to estimate the highest Radio Frequency fields possible from operation of the tower, taking into account all five carriers. The calculations indicate a maximum potential Radio Frequency exposure at ground level to be less than 1% of the current Radio Frequency exposure guidelines. The report states *"This result means that there could be more than 100 similar additional installations at this location, and still be within Federal and State guidelines for Radio Frequency exposure."*

In a letter dated September 19, 2010, the Commission's radiofrequency consultant, David Maxson of Isotrope Wireless writes that *"Typical wireless facility arrays that are more than 30 feet above ground earn a presumption that they are inherently compliant with FCC limits [47 CFR 1.1307 Table 1]. Further, towers typically have their lowest antennas mounted two to four times higher [60 to 120 feet above ground] than the 30 foot threshold. Consequently, the emissions of a typical fully-occupied tower facility are many orders of magnitude below the FCC limits and there is no practicable way to exceed the limits either purposefully or inadvertently. Therefore, there is essentially no risk of non-compliance with FCC RFE requirements once a tall facility has been initially evaluated and approved."*

As all of the antenna arrays/personal wireless service facilities are located 58 feet above ground level or higher, the Commission finds that the tower does not currently pose any risk of exceeding FCC guidelines for Radio Frequency Radiation exposure.

The following conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is shown as struck-out):

1. ~~All conditions shall be met and the facility shall not become operational and shall not be used for commercial purposes prior to the issuance of a Certificate of Compliance by the Cape Cod Commission. Prior to the time that a Certificate of Compliance is needed by the applicant, notification shall be given to the Cape Cod Commission at least 30 days in advance to allow time for staff to inspect the site and ascertain that all conditions have been met.~~
Prior to the Town of Falmouth issuing a modified Special Permit for the project, the Applicant shall obtain a Preliminary Certificate of Compliance that states that all conditions in this decision pertaining to a Preliminary Certificate of Compliance have been met. Prior to the Metro PCS antenna array becoming operable, the Applicant shall obtain a Final Certificate of Compliance that states that all conditions in this decision pertaining to issuance of a Final Certificate of Compliance have been met. The Applicant shall notify Commission staff in writing at least thirty (30) calendar days prior to its intent to seek a Certificate of Compliance. Such notification shall include a list of key contact(s), along with their telephone numbers and email addresses, for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this

condition, if needed, and inform the Applicant in writing of any deficiencies and corrections needed. The Commission has no obligation to issue any Certificate of Compliance unless and until all conditions are complied with.

2. The project is approved for a ~~90-foot~~ **100-foot** telecommunications monopole which will locate ~~up to three~~ **a total of five** personal wireless service facilities. **Any additional antenna arrays/personal wireless service facilities shall require approval by the Commission through a modification pursuant to the Modifications Section of the Commission's *Enabling Regulations*.**
3. ~~All three wireless carriers are required to supply the Commission's radiofrequency consultant with RFR data showing all calculations and assumptions, using "worst case" calculation method in accordance with FCC OET Bulletin 65, dated August, 1997.~~ **The Applicant or, if directed by the Applicant, the wireless carriers located on the tower, shall submit an evaluation of noise and/or Radio Frequency Energy Exposure (by calculation or measurement as necessary) within thirty (30) days of receipt of a written request by the Cape Cod Commission staff. The Cape Cod Commission staff will make such a written request only when there is significant information indicating that the noise and/or Radio Frequency Energy Exposure generated by the facility has or may have changed in a manner that may exceed or closely approach the respective regulatory limits. The Commission shall identify the method to be employed to address the concern, consistent with good engineering practice. Any Radio Frequency Energy Exposure evaluation should be signed and certified by a qualified Radio Frequency engineer, stating that Radio Frequency Energy Exposure calculations and/or measurements are accurate and whether they show compliance with FCC Guidelines as specified in sub-section VI C (Radiofrequency Radiation Standards) of the Technical Bulletin. Any noise evaluation should be signed and certified by an engineer qualified to measure and evaluate acoustic noise in the environment, stating that the noise calculations/measurements are accurate and whether they are compliant with Commission requirements as specified in sub-section VI B (Noise Standards) of the Technical Bulletin.**
4. The project includes ~~three~~ **one** equipment storage shelters at the base of the monopole **and four concrete pads with cabinets located on them. All equipment shall be located within a 56'x40' fenced compound.** All storage shelters will be contained within the fenced area. ~~The Omnipoint storage shelter will be 70"H x 51" W x 28" D with up to two other storage cabinets of a similar size.~~
8. Upon completion of construction, the ~~monopole~~ **10-foot extension** will be painted white in color to **match the existing monopole. Documentation that this has been completed shall be provided to Commission staff for review and approval prior to the issuance of a Final Certificate of Compliance.**
9. Upon completion of construction **of the 10-foot extension**, the applicant will re-install at the top of the structure a red, non-flashing, double aviation obstruction light, as

manufactured by Rohn, model number OB2 or FAA-approved equivalent to be agreed upon by the Falmouth Air Park. Lighting of the monopole is to be provided 24 hours per day and obstructed from ground visibility to any practical extent. **Documentation that this has been re-installed shall be provided to Commission staff for review and approval prior to the issuance of a Final Certificate of Compliance.**

10. The applicant will provide a color, one-page flyer which shows a site plan showing the **100-foot** personal wireless facility in relation to the Falmouth Air Park. The flyer will also include a color picture of the installed monopole with antenna arrays and will provide detailed information about its height, color, location, lighting, and surrounding area vegetation in reference to the Falmouth Air Park. One thousand copies of the color flyer will be made available to the Falmouth Air Park within one week of the construction of the monopole. **Documentation that this has been completed shall be provided to Commission staff for review and approval prior to the issuance of a Final Certificate of Compliance.**
- ~~11. Landscaping based on a landscape plan submitted by a licensed architect is required which will provide a 6-foot high berm on the south side of the site with appropriate plantings per the Commission's letter and memo of March 19, 1998. The landscape plan shall be submitted to the Cape Cod Commission staff for approval and will be filed with this decision. Plantings consistent with the approved plan must be installed prior to receiving a Certificate of Compliance for the Commission.~~
- ~~12.11.~~ The applicant **American Tower Corporation** is required to post a bond in an amount to be determined by the Town of Falmouth for future dismantling, removal, and site restoration costs of the facility. **The applicant shall provide documentation for Commission review and approval that this has been provided to the Town of Falmouth prior to the Commission issuing a Preliminary Certificate of Compliance. This is to be provided to the Town of Falmouth at the time of the building permit.**
12. The tower extension and associated work shall be performed in accordance with the following plan set entitled *"metro PCS Unlimit Yourself – HYN0020A, ATC East Falmouth, Site Type: Colocation on Existing Monopole" last revised 12/16/09* and contains the following sheets:
 - Title Sheet, Drawing NO: T-1
 - General Notes, Drawing NO: GN-1
 - Plot Plan & Notes: Drawing NO: C-1
 - Compound Plan & Elevation, Drawing NO: A-1
 - Equipment Plans, Sections & Details, Drawing NO: S-1
 - Antennae Mounting Plan, Schedule & Details, Drawing NO: S-2
 - One Line Diagram, Risers, & Details, Drawing NO: E-1
 - Grounding Details, Drawing NO: E-2

This plan set is attached as Exhibit A and incorporated by reference. Any deviation from this plan shall require approval by the Commission through a modification pursuant to the Modifications section of the Commission's *Enabling Regulations*. The

