3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD COMMISSION

Date: March 13, 2014

To: John R. Champ
Industrial Tower and Wireless, LLC
40 Lone Street
Marshfield, MA 02050

Re: Monopole Telecommunications Facility
Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

Project #: TR-13018

Applicant: Industrial Tower and Wireless, LLC

Co-Applicants: Cellco Partnership D/B/A Verizon Wireless
400 Friberg Parkway, Westborough, MA 01581

AT&T Mobility
550 Cochituate Road, Suites 13 & 14, Framingham, MA 01701

MetroPCS
285 Billerica Road, Chelmsford, MA 01824

Owner: Midway Trap & Skeet Club of Falmouth, Inc.

Property: 284 Old Meetinghouse Road
Falmouth, MA 02540

Assessors Map/Parcel:	Map 28	Parcel 5
Deed Book/Page:	Book 1080	Page 324

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves, with conditions, the application of Industrial Tower and Wireless, LLC *("Applicant")*and the co-applications of Cellco Partnership D/B/A Verizon Wireless, AT&T Mobility, and MetroPCS 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, and Sections 3and 7 of the Cape Cod Commission *Enabling Regulations*, as amended, (herein, *"Enabling Regulations"*) for construction and operation of a 150-foot wireless telecommunications monopole with antenna mounts and associated ground-mounted equipment within a 10,000 square foot area,

construction of a gravel road and drainage at 284 Old Meetinghouse Road, East Falmouth, MA ("Project"). This decision ("Decision") is rendered pursuant to a vote of the Commission on 3/13/14.

PROJECT DESCRIPTION

The Applicant, Industrial Tower and Wireless (ITW), proposes to lease a portion of the land owned by the Midway Trap and Skeet Club of Falmouth for the Project; the project site includes the leased area, including the fall zone for the monopole, the access road, and potential onsite open space. The monopole is designed with space for five (5) carriers, though the application proposes initial co-location by only three carriers (AT&T, Metro PCS, & Verizon), leaving space for two as yet unidentified future carriers. The wireless carriers will utilize either equipment shelters or cabinets for the ground-mounted telecommunications equipment.

PROCEDURAL HISTORY

The project was referred to the Commission as a mandatory DRI by the Town of Falmouth Zoning Board of Appeals through Sari Budrow, Zoning Administrator, on October 22, 2013. On November 13, 2013, the DRI application was deemed substantially complete. In accordance with the Commission Act, the Commission is required to open the public hearing within sixty (60) days of the receipt of a DRI referral. This was done procedurally by Hearing Officer on December 20, 2013 at the Cape Cod Commission office. A visibility test and a Commission site visit were held on January 29, 2014. The first substantive public hearing on this project was held on January 29, 2014 beginning at 5:00 PM at the Falmouth Public Library, 300 Main Street, Falmouth. Mr. Jonathon Idman, the Commission's Chief Regulatory Officer, acted as a Hearing Officer. He heard testimony on the project. Mr. Idman continued the public hearing to February 13, 2014 full Commission meeting at the First District Courthouse, Assembly of Delegates Chambers, Barnstable.

On February 13, 2014, the full Commission heard testimony on the proposed Project. The Commission heard a presentation by Commission staff and representatives from the Applicant.
The Commission voted to continue this public hearing to February 27, 2014 full Commission meeting at the First District Courthouse, Assembly of Delegates Chambers.

On February 27, 2014, the Commission heard presentations by Commission staff, their wireless consultant, Mehran Nazari, the Applicant, and public testimony and discussion on the 150 foot tall wireless communication monopole for three (3) co-locators, including associated equipment and site work located at 284 Old Meetinghouse Road, East Falmouth, MA. Following the presentations, the Commission voted to approve the Falmouth Wireless Communication Monopole application as a Development of Regional Impact with 11 votes in favor and 1 vote opposed, and directed Commission staff to draft a decision in accordance with their findings. The public hearing was closed and the Commission moved to hold a public meeting to review the draft decision on Thursday, March 13, 2014 at 3:00 PM in the Innovation Room, at the Strategic Information Office (SIO) building, 3195-3225 Main Street, Barnstable County Complex, Barnstable, MA.

TABLE 1: Materials Submitted for the Record

Materials from Cape Cod Commission	***Date Sent***
Letter, Gail Hanley (GH) to John Champ (JC), ITW: DRI notice	10/29/13
Email, Andrea Adams (AA) to Commission Staff: Seeking comments	10/29/13
Memo, Leslie Richardson (LR) to AA: Comments on project	10/31/13
Email, AA to JC: Steps in the DRI review	11/1/13
Email, AA to Commission Staff: Reminder about DRI comments	11/5/13
Email, Steven Tupper (ST) to AA: Comments on project	11/5/13
Email, Sarah Korjeff (SK) to AA: Balloon test and viewshed analysis	11/5/13
Email, Ryan Bennett (RB) to AA: Application complete for land use	11/6/13

Email, AA to JC: Looking for balloon test and viewshed analysis	11/7/13
Commission Request for Quotations (RFQ) for Wireless Consultant	11/7/13
Email, AA to Prospective Wireless Consultants: RFQ for services	11/7/13
Email, Mehran Nazari, AdGen Telecom Group: Response to RFQ	11/7/13
Letter, Mehran Nazari (MN): Hard copy of response to RFQ	11/7/13
Email, MN to AA: W-9 Form and no conflict of interest	11/18/13
Letter, AA to JC: Application not complete	11/13/13
Email, AA to SK: Information from JC on visibility test	11/13/13
Email, AA to JC: Language of MPS WR1.2	11/21/13
Email, AA to James Sherrard (JS): Stormwater calculations	11/21/13
Letter, Maria McCauley, to MN: Draft contract for services	11/22/13
Email, AA to Peter Hargraves (PH): Copy of Wireless Technical Bulletin	11/25/13
Email, AA to PH: Copy of ITW's earlier balloon test (PAL report)	11/25/13
Email, JS to AA: Reviewed stormwater calculations	11/25/13
Email, AA to Commission Staff: Prepare staff report comments	11/25/13
Memo, AA: Memorialize selection of Mehran Nazari as consultant	11/25/13
Executed contract with Mehran Nazari for services *(signed 11/27/13)*	11/27/13
Email, AA to JC: Information to include in DRI application	12/3/13
Email, AA to Joseph Andrews (JA): Copy of ITW's earlier balloon test (PAL report)	12/5/13
Email, AA to Commission Staff: Prepare staff report comments	12/6/13
Email, AA to JC: Can burn application to a CD	12/10/13
Email, AA to JS: Completeness comments and letter to ITW	12/10/13
Email, ST to AA: Staff Report comments	12/12/13
Email, AA to Commission Staff: Reminder for Staff Report comments	12/12/13
Letter, AA to JC: Data to wireless consultant	12/17/13
Email, AA to JC: Email of 12/17/13 letter	12/17/13
Email, AA to JC: Cost estimate for wireless consultant's review	12/17/13
Email, AA to JC: Copy of wireless consultant's cost estimate	12/17/13
Email, AA to JS: Additional materials from ITW	12/18/13
Email, MN to AA: Please send hard copy and CD of application	
Email, AA to MN, wireless consultant: Scheduling, etc.	12/19/13
Letter, AA to MN: Copy of DRI application on CD	12/19/13
Hearing Notice *(procedural only)*	12/20/13
Minutes, Hearing Officer *(procedural only)*	12/20/13
Colored map, Prime Agricultural Soils (dated 12/20/13)	12/20/13
Email, AA to MN: Tracking copy of DRI application (CD)	12/20/13
Email, AA to JC: Request another paper copy of DRI application	12/20/13
Email, MN to AA: Not received the CD	12/28/13
Email, AA to Commission Members: Establish a Subcommittee	12/30/13
Email, AA to MN: Tracking CD copy of DRI application	12/30/13
Email, AA to MN: Letter with paper copy of DRI application and CD	12/30/13
Email, AA to JC: Information on project's consistency with LCP	12/31/13
Email, AA to Brian Currie (BC), Town Planner: Tests of approval	12/31/13
Email, AA to JC: Still seeking information on LCP consistency	12/31/13

Email, AA to BC: Date for public hearing and visibility test	12/31/13
Email, AA to Jonathon Idman (JI): Brian Currie's comments	1/2/14
Email, AA to MN: Tentative date for hearing and site visit/balloon test	1/2/14
Email, AA to MN: Tracking second package with hard copy and CD	1/2/14
Email, AA to JC: Coordinate balloon test	1/6/14
Email, AA to JC: Location of public hearing on 1/29/14	1/6/14
Email, AA to Commission Members: Using a staff Hearing Officer	1/6/14
Email, JS to AA: Water Resources comments	1/7/14
Phone Log, AA to JA: Balloon test and public hearing	1/7/14
Email, AA to MN: Date of balloon test and public hearing	1/7/14
Staff Report	1/14/14
Email, AA to JC: Copy of staff report	1/14/14
Email, AA to Commission staff: Staff Report	1/14/14
Email, MN to AA: List of questions about DRI application/carrier data	1/16/14
Email, AA to Sam Houghton (SH), Falmouth newspapers: Information about the project and balloon test	1/16/14
Email, AA to Sam Houghton, Falmouth newspapers: Balloon test	1/16/14
Email, AA to JC: Information received from members of the public	1/17/14
Email, AA to JC and BC: Interim report from MN	1/17/14
Email, AA to JI: MN's interim report	1/17/14
Email, AA to MN: Proposed amendments to his interim report	1/17/14
Email, MN to AA: Okay with proposed amendments to his report	1/17/14
Email, AA to SK: Copies of public comments received to date	1/21/14
Email, AA to JA: Comments received for the record	1/23/14
Email, AA to JC, BC and Commission Staff: Comments from JA	1/23/14
Email, JI to AA: Continue the hearing to 2/13/14 Commission meeting	1/24/14
Email, AA to Kevin Delaney (KD), ITW: Emails received	1/27/14
Email, AA to MN: Next steps and discuss data from ITW and carriers	1/27/14
Email, AA to MN: More coverage data from ITW and carriers	1/28/14
Email, AA to JC: Will send consultant's report as soon as possible	1/28/14
Email, AA to JC: MN's interim report	1/28/14
Email, AA to Commission Members from Bourne, Falmouth, Provincetown, Sandwich and Minority Representative	1/28/14
Email, AA to Mary O'Connor: Did not receive her comments	1/28/14
Email, AA to JI: Copy of PAL report showing balloon test and photo simulations	1/28/14
Email, JI to AA: Copy of new article in the *Falmouth Enterprise*	1/28/14
Hearing Notice, Hearing Officer *(Substantive)*	1/29/14
Sign In Sheet for Public Hearing (2 pages)	1/29/14
Second Interim Report from Wireless Consultant (MN)	1/29/14
Sign Up Sheet to Receive Materials Distributed by the Commission at the Public Hearing: David Weeden *(Staff Report, 2nd Consultant's Report, PAL Report with Photo Simulations)*	1/29/14
Commission staff Power Point for public hearing	1/29/14
Email, AA to JC and KD: Wireless consultant's second interim report	1/29/14
Email, AA to PH: Wireless consultant's second interim report	1/29/14

Email, AA to PH: Photo simulations of monopole	1/29/14
Copy of PAL report with photo simulations *(Handout at public hearing)*	1/29/14
Hearing Outline	1/29/14
Minutes, Public Hearing, Hearing Officer *(Approved)*	1/29/14
Email, AA to Kathy Johnson: Staff Report, consultant's report and PAL report with photo simulations as distributed at 1/29/14 hearing	1/30/14
Email, Lloyd Johnson: Staff Report, consultant's report and PAL report with photo simulations as distributed at 1/29/14 hearing	1/30/14
Email, AA to David Weeden (DW), Wampanoag Tribe: Staff Report, consultant's report and PAL report and photo simulations distributed at the 1/29/14 public hearing *(3 Emails because of size)*	1/30/14
Email, AA to DW: Suggest he contact Sarah Korjeff for PAL report	1/30/14
Email, MN to Kevin Delaney, ITW: Discuss data submitted	1/30/14
Email: AA to SH: Examples of monopole and lattice cell facilities	2/3/14
Email, AA to SH: Correction of wrong hearing date in Email	2/3/14
Memo: AA to File: DRI Application deemed complete on 1/29/14	2/3/14
Email, GH to Michael Palmer, Falmouth Town Clerk: Notice, Continued Public Hearing (2/13/14)	2/5/14
Continued Public Hearing Minutes at the Full Commission (See Commission Minutes)	2/11/14
Email, JS to AA: Information satisfies the concerns	2/13/14
Third Interim Report from Wireless Consultant (MN)	2/13/14
Sign In Sheet for Cape Cod Commission Meeting/Hearing	2/13/14
Power Point Presentation given by Commission Staff	2/13/14
Continued Hearing Minutes at full Commission Meeting (See Commission Minutes)	2/13/14
Email, GH to Michael Palmer, Falmouth Town Clerk: Notice, Continued Hearing (Hearing Notice attached for 2/27/14)	2/14/14
Email, AA to Peter Hargraves: Suggestions on how to submit comments to the record	2/14/14
Email, MN to AA: Seeking confirmation that invoice received	2/18/14
Email, AA to KD: Forward comments from Zimmerman	2/18/14
Email, Gail Coyne, Finance Director, to MN, AA: Invoice processed and payment sent	2/18/14
Email, AA to KD, JC, Brian Currie: Transmit comments from Dawicki, Dutra, Hargraves, and Zimmerman	2/20/14
Email, SK to AA: Comments on Historic Preservation/Community Character	2/20/14
Hearing Notice, Continued Hearing	2/27/14
Email, JI to KD: Will review comments on vegetated buffer	3/6/14
Email, AA to Commission Member Mary Pat Flynn: How to rehabilitate herself by watching video of the 2/27/14 Commission meeting and form indicating she has rehabilitated herself	3/7/14
Email, JI to KD: Plan provided is not sufficient to meet buffering standards as required by RPP	3/7/14
Email, JI to KD: Will provide copy of Regional Policy Plan buffering standards on 3/10/14 as he is out of the office	3/7/14
Email, AA to Commission staff: Copy of draft decision	3/10/14
Email, AA to KD, JC, and Brian Currie: Copy of draft decision	3/10/14
Email, AA to Commission Members: Copy of draft decision available on Member's Share Point site	3/10/14

Email, JI to KD: Discussion of request for options in draft decision for open space	3/10/14
Email, AA to KD, JI: Corrections to draft decision and changes to WRC2	3/11/14
Email, AA to KD, JI: Send updated version of draft decision with more changes	3/12/14
Email, AA to KD: Updated draft decision	3/12/14
Email, AA to Commission Members and staff: Updated draft decision	3/12/14
Email, AA to KD: Copy of Commission meeting Agenda	3/12/14
Email, AA to Brian Currie: Copy of updated decision and meeting Agenda	3/12/14
Materials from Applicant	***Date Received***
Email, John Champ (JC), ITW to AA: Received letter regarding referral	11/1/13
Email, JC to AA: New carrier information and other studies	11/1/13
Email, JC to AA: Updated site plan, updated sound study, carrier information and revised cover letter	11/5/13
Email, JC to AA: PALs report regarding viewshed/balloon test	11/12/13
Updated Abutters List	11/21/13
Email, JC to AA: Stormwater drainage calculations	11/21/13
Email, JC to AA: Question regarding MPS WR1.2	11/21/13
Email, JC to AA: Map showing 400 foot radius around cell site	11/21/13
Bound copy of updated DRI application and CD of application	12/10/13
Email, JC to AA: Seeking estimate for services from wireless consultant	12/17/13
Email, JC to AA: Seeking detailed consultant's estimate	12/17/13
Copy, Fee payment check for consultant services (from ITW, LLC)	12/20/13
Analysis of Local Zoning and Cape Cod Commission Requirements (1 pg.)	12/20/13
Email, JC to AA: Submitted an analysis on 12/20/13 by hand	12/31/13
Email, JC to AA: Believes analysis of LCP also addressed	12/31/13
Email, JC to AA: ITW concurs with Town Planner's analysis	1/6/14
Copy, Fee payment for noticing hearing	1/16/14
Email, JC to AA: Acknowledge receipt of public comments	1/23/14
Email, Kevin Delaney (KD), ITW to AA: Responses to wireless consultant's report	1/24/14
Email, KD to AA: Responses to wireless consultant's report	1/27/14
Email, KD to AA: Confirm receipt of two Emails with more data	1/27/14
Email, KD to AA: Waiting for more data from carriers	1/27/14
Email, KD to AA: Additional data from Verizon	1/27/14
Email, JC to AA: Seeking copy of Commission consultant's report	1/28/14
Email, KD to AA: Stormwater operations/maintenance plan	1/29/14
Email, JC to AA: Believe ITW submitted information that Commission's wireless consultant is looking for	1/29/14
Copy of Power Point presentation given by ITW at public hearing and CD	1/29/14
Email, KD to AA: Additional data from Verizon	1/30/14
Email, KD to MN, AA: Additional data from Metro PCS	1/31/14
Email, KD to MN, AA: Additional data from AT&T	2/3/14
Email, JC to AA: Applicant's representatives present at 1/29/14 hearing	2/5/14
Email, Richard Voci, ITW, to JS: Information on groundwater level	2/12/14
Email, KD to MN: AT&T drive test data	2/12/14
Power Point Presentation given by ITW	2/13/14

Email, KD to MN, AA: Seeking MetroPCS data, but other carriers will not supply the drive test data because they consider it proprietary	2/13/14
Email, KD to MN, AA: Information from Donald Haes on RFR	2/13/14
Email, KD to MN, AA: Drive test data from MetroPCS	2/20/14
Email, KD to AA: Updated Site Plan Sheet #3	3/3/14
Email, KD to JI: Discussion of vegetated buffer	3/6/14
Email, KD to JI: Request copy of Regional Policy Plan buffer standards	3/7/14
Email, KD to JI: Request to provide options in the draft decision for open space	3/10/14
Email, KD to AA, JI: Corrections to spelling, and proposed change to WRC2	3/11/14
Materials from Public Agencies/Towns/State/Federal	***Date Received***
DRI Referral Form with plans attached	10/22/13
Email, Brian A. Currie, AICP, Falmouth Town Planner: Comments on consistency with LCP and local Bylaws	1/2/14
Materials from Members of the Public	***Date Received***
Email, Peter Hargraves (PH) to Andrea Adams (AA): Comments on project and Commission process	11/20/13
Email, PH to AA: Thank you for information	11/26/13
Email, Joseph Andrews (JA) to AA: Review process and site visit	12/5/13
Email, PH to AA: Information and comments for the record	12/5/13
Email, JA to AA: Comments for the record	1/23/14
Email, PH to AA: Balloon test and hearing still on?	1/28/14
Written Comments: Kathy Johnson (Received at hearing)	1/29/14
Written Comments: Peter Hargraves (Received at hearing)	1/29/14
Email, David Weeden: Looking for complete PALs report/archeology	1/30/14
Written Comments: Megan and Matthew Palanza	2/1/14
Written Comments: Shelley Dawicki (Received at hearing)	2/13/14
Written Comments: Peter Hargraves (Received at hearing)	2/13/14
Email, Peter Hargraves to AA: Additional copy of written comments and question on how to submit comments to the record	2/13/14
Email, Robert and Karen Dutra: Comments	2/15/14
Email, Andrew W. Zimmerman and Susan L. Connors: Comments	2/17/14

TESTIMONY

January 29, 2014 Public Hearing

Attorney Jeffrey Angley, representing ITW, described the proposed project. Attorney Angley said the Application could not acquire the written confirmation or representation from the Town of Falmouth Water Department concerning the designation of the project site as a Potential Public Water Supply Area because such written confirmation is done to the Zoning Board and during the permitting process of a project. He noted that the radiation study in the DRI application concluded that this site would generate a full capacity less than 1% of the maximum exposure, therefore complying with the safety requirements.

Kevin Delaney, ITW explained the placement of a security gate to be located off of Old Meetinghouse Road, noting that one utility pole would be on-site while all other utilities would be located underground. Mr. Delaney explained the requirement for each service carrier to be installed with a 10 foot distance from each other on the monopole. He explained the carriers' coverage gaps with the use of

a Propagation Studies Map for each service provider. He displayed examples from the balloon test illustrating the different visual impacts of the project

Ms. Adams, Commission Senior Regulatory Planner, described DRI thresholds in Commission's *Enabling Regulations* for the construction of a Wireless Communication Tower exceeding 35 feet in overall height from natural grade. She summarized the staff's analysis of the project relative to the Regional Policy Plan. She described recommendations for addressing noise impacts and discussed the proposed project's consistency with Falmouth's Municipal Development ByLaws and the Local Comprehensive Plan. She presented the information on the consistency with Districts of Critical Planning concerns. Ms. Adams summarized the report of the Commission's wireless consultant.

Mrs. Alice Cowan spoke against the project. Mrs. Shelley Dawicki spoke against the project. Mrs. Kathy Johnson spoke against the project, and submitted a copy of her comments for the record.

Mr. Joseph Andrews, spoke against the project. Mr. Andrews represented his interests, as well as those of the Tony Andrews Farm. Mr. Ron Sanchez spoke against the project. Mr. Peter J. Hargraves spoke against the project and submitted a copy of his comments for the record. Mr. Frederick McArdle spoke against the project. Mr. Peter Elmer spoke against the project.

A member of the public who did not provide his name asked the audience if any of the Skeet Club members was present in order to get their point of view on the project. He questioned the validity of cell phone reception in terms of dropped calls within the area and the study on radiation levels.

Attorney Angley responded to public comment noting the project will not include a lightning rod atop the monopole, that the light atop of the monopole tower will not be a down light and that per the Applicant's research for this project he has not received indication of property values declining within the area.

Mr. Hargraves posed a question on light pollution from the monopole. Mr. Angley responded by explaining that the light pollution from the monopole would be minimal.

Mr. Sanchez posed a question on the validity of the balloon test and wanted to know if any other test would be administered. Mr. Angley responded by explaining that another test could be done with a crane, but because of the wooded area on the property, that would not be possible.

Mrs. Hannah Landers posed a question on the intensity of use of the driveway leading to the shelter facility. Mr. Angley and Mr. Delaney responded that once the structure is operational, it will be visited approximately once a month and that the site is remotely monitored.

Mrs. Dawicki posed a question concerning the designation of 41,900 square feet to be conservation area when the Applicant does not own the property of the project. Mr. Angley clarified that this arrangement could be done through an agreement with the property owner.

Mr. Johnson posed a question about the light marking the monopole for aviation safety. Mr. Angley explained that the light would be solid red at night and a white strobe light during the day.

A member of the audience who did not identify themselves posed a question pertaining to the other uncommitted arrays that have not been committed to by service providers, and if these would also include other forms of communication or technological development. Mr. Angley explained that the monopole is designed for telecommunication purposes and that any other form of service would need to be reviewed by the Commission.

A member of the audience who did not identify himself posed a question pertaining to service and coverage within the area. Mr. Angley explained that from the propagation studies from each carrier, the coverage gaps depicted in the studies are what this project seeks to eliminate.

A member of the audience who did not identify himself posed a question about lightning strikes with this specific type of structure. Mr. Angley responded by saying that cellular monopoles are grounded and do not require a lightning rod.

Mr. Idman, as Hearing Officer, continued the public hearing to February 13, 2014 at 3PM at the Assembly of Delegates Chamber, First District Court building, Barnstable, MA.

February 13, 2014 Continued Public Hearing Before the Full Commission

Andrew Putnam said he is employed by Verizon. He recused himself from the public hearing and left the meeting room.

Attorney Jeffrey Angley, representing ITW, said the property is owned by Midway Trap and Skeet Club and the site for the 100 foot x 100 foot compound will be leased. He described the project site. He said there are no alternative sites; there is nothing available that reasonably complies with the Cape Cod Commission Act. He said it meets the minimum/maximum level for radiofrequency exposure.

Kevin Delaney, ITW, referred to PowerPoint slides and described the tower and related equipment.

Jon Idman, Chief Regulatory Officer at the Commission, said he served as Hearing Officer at the first public hearing. With the use of PowerPoint slides Mr. Idman discussed the project's consistency with Development of Regional Impact standards of approval including consistency with the Regional Policy Plan's applicable issue areas. He said in regard to the Commission's Technical Bulletin 97-001, Mehran Nazari, the Commission's wireless consultant with the AdGen Telecom Group, has provided guidance on location, co-location, and facility need, among other things. He said Mr. Nazari will present to the Commission on February 27, 2014.

Andrea Adams, Senior Regulatory Planner at the Commission gave an overview of comments on the project by Mehran Nazari, the Commission's wireless consultant.

Elizabeth Taylor inquired about application materials containing information on the width of the buffer to adjacent properties and inquired about vegetation. Ms. Taylor inquired about a Conservation Restriction (CR) on leased land.

Kevin Delaney referred to the section of the application materials that contain the information. He said it has been in agreement with the Skeet Club that that area will go into a CR in perpetuity.

Ernest Virgilio inquired about FAA information regarding height, a lightning rod and the type of lighting being used.

Kevin Delaney said the Applicant has never proposed a lightning rod. He said in regard to marking the monopole for aviation, will be a medium dual lighting system—a strobe light that is white during the day and red at night. He said the system uses LEED lights and it would be directed upward.

Jackie Etsten inquired about the terms of the proposed lease and asked who is issuing the CR; the applicant or the owner.

Kevin Delaney said it's a 99-year lease. He said information has been submitted to the Commission with the Application Materials under Tab 4 of the application.

Attorney Jeffrey Angley said it would be the owner of the Skeet Club; he has agreed to the CR.

Harold Mitchell said concerns neighbors have are with the 12 foot wide road and asked why 12 feet and how far back the fencing would be so it's not a problem to neighbors. He asked if the project is limited to five carriers.

Attorney Jeffrey Angley said fencing is at the end of the compound 20 feet in. He said it would be surrounded by trees and vegetation and the 12 foot wide road is needed for construction in order to transport the 12 foot wide equipment shelter to the site.

Kevin Delaney said the tower has the capacity for five carriers. He said it could be structurally upgraded in the future if need be.

John Harris inquired about the service gap profile and asked how many people were involved and how many people are being serviced. He asked who determines a gap.

Kevin Delaney said the profile takes people within the gap and people driving through the gap. He said depending on frequency level and technology used there are gaps. He said a gap is the result of a test of major carriers; they determine the gap.

Joy Brookshire inquired about abandonment and who would take it down, who maintains the site, and a bond.

Kevin Delaney said they have a bond with the Town of Falmouth. He said ITW would maintain the grounds and if they were no longer there, then the person who purchases the land would take over the maintenance. He said ITW maintains all their sites.

Peter Hargraves said residents are opposed to the location because of the quality and character of the neighborhood.

Robert Beardsley read from a letter that he sent to Mary Pat Flynn opposing the cell tower on Old Meetinghouse Road.

Paul Egasti said he has concerns about the Skeet Club.

Shelley Dawicki said she is a direct abutter and she is opposed to the project.

Attorney Jeffrey Angley said the CR that is being proposed is not for public use; it's proposed for open space preservation and a dedicated conservation area. He said he understands people worry about impacts, however, there will be no traffic impacts, there will be no use of water and no impact on water quality, there will be no hazardous materials—using propane nothing liquid—it's an impervious area so no impact, generators are used when there is loss of power, and the sound study commissioned by the Applicant complies with sound requirements of the Commission that includes when the generator is running. He said there is a gap in coverage, the tower will provide coverage for a wide area not just for those right under the tower, the gap in coverage is carrier driven, and carriers have identified their needs. He said he does not follow concerns about safety at the Skeet Club and said they do not believe there is a safety risk. He said he would question what constitutes a requirement for a large contribution

and said there are no significant impacts from the proposed project. He said they can't deny cell towers are visible but there is a vegetative buffer and they believe this is a well screened project.

Andrea Adams said regarding an on-site donation of open space, that Commission staff did contact Brian Currie, Falmouth Town Planner, to see if there was a preference but the Commission has not heard from Mr. Currie. She said regarding noise the Commission does have a requirement. She said the Flax Pond contribution was only mentioned to weigh potential benefits and said that is optional.

Jack McCormack inquired about antenna arrays that are used inside a monopole.

Kevin Delaney said arrays are usually inside when there is a capacity issue. He said if the arrays are placed inside you would need a 200 foot monopole; the tower would have to be much higher to accommodate that.

Len Short questioned whether the generators would be used only in case of an emergency.

Attorney Jeffrey Angley said they would be used when there is loss of power and they would run once a week for testing.

Austin Knight inquired about safety of propane tanks from the firing range and asked if there would be berms on the site.

Kevin Delaney said there would be no berms on the site. He said the propane tanks would be underground and bullets would be outside of that zone.

Richard Roy moved to continue the public hearing to February 27, 2014 at 3:00 pm in the First District Courthouse, Assembly of Delegates Chambers. Ernest Virgilio seconded the motion. The motion passed with a unanimous vote.

February 27, 2014 Continued Public Hearing Before the Full Commission

Andrew Putnam said he is employed by Verizon. He recused himself from the public hearing and left the meeting room.

Mehran Nazari, the Commission's wireless consultant, presented background information on the project and added that per the provided additional information, all wireless carriers for this project have coverage issues.

Attorney Jeffrey Angley, representing ITW, reiterated that the proposed telecommunication facility will improve service to the public and improve public safety. He noted that an existing and significant natural buffer that decreases the visual impacts of the tower. Mr. Angley further stated the Applicant has agreed to contribute $5,000 to the study area for Flax Pond.

Kathy Johnson spoke against the project. Mrs. Johnson was concerned with the width of the 12 foot driveway leading to the telecommunication facility. Mr. Angley responded by stating that the driveway would be of a length of 540 feet. Mrs. Johnson asked if there was any input possible from the public on the design of the tower once the Commission approves the project.

Deputy Director Patty Daley responded by stating that this is the appropriate moment during the process to inquire on the design of the tower. Ms. Daley added that if the desire is to favor a different design for the tower, that this would be the appropriate time to enter it into the record.

Mrs. Johnson stated that the design of the monopole could resemble that of a camouflage tree.

Ms. Etsten referred to a memo from the Commission's wireless consultant stating that the carriers are utilizing a Remote RF Head for their 4G deployment which would require additional equipment to be mounted onto the tower and therefore impact the loading and the visual impact of the tower. Mrs. Etsten inquired of the possibility for containing the arrays and reducing the tower height would lessen the visual impact of the monopole for the abutting residents.

Jon Idman reminded Commission members of previous testimony from the Applicant with regard to this question that indicated to incorporate the arrays within the monopole, that height of the monopole would reach in excess of 200 feet.

Ms. Brookshire inquired on the location of the closest telecommunication tower closest to the project site.

Mehran Nazari, the Commission's wireless consultant, directed the Commission's attention to the graphic from his earlier presentation with the locations of the existing towers, and the location of the proposed monopole. Mr. Nazari explained that the distance from the closest existing tower was approximately 1.5 miles away to the Southeast of the site. He also noted that because of the different heights of the different carriers, their propagations would differ in distance. Mr. Nazari also explained that their overlap would be minimal but sufficient. Mr. Nazari noted that the Applicants displayed the conditions for the existing sites which display the areas not being covered and that they also provided drive-test data that mimics actual customer experience, which is very different from a stationary position. Mr. Nazari explained that signals are highly directional and that they change depending on lengths and elevations of where the customer experience is located.

Mr. Richardson inquired on the noise pollution to be emitted from the monopole.

Ms. Adams, Senior Regulatory Planner at the Commission addressed the question by referencing two studies completed by Cavanaugh Tocci Associates, Inc. for the Applicant which included that the facility would not exceed 50db at the property boundary.

Mr. Roy inquired on the needs and demand for this proposal. Mr. Roy had concerns of the growth with respect to the number of arrays on the tower.

Mr. Idman reminded the Commission members that the only proposal before the members is for the project with three known co-locators. Any additional co-locater would have to go through the DRI modification process before being erected.

Mr. Roy indicated that his question was in reference to the number of monopoles within the area and if more would be required in the future.

Mr. Nazari explained that this would depend on the technology and the use. Mr. Nazari described the new technology depended on use and that the more the user uses one site, the footprint of coverage is reduced. Mr. Nazari added that the users do not just work off of one tower, but mainly use a combination of towers within the area.

Mr. Knight asked for clarification regarding the voluntary contribution toward the Flax Pond study.

Mr. Idman responded by stating that the contribution would go into an escrow fund to fund a pond assessment to acquire information responsive to the water quality issues for that pond. Mr. Idman

stated the contribution from the Applicant is completely voluntary and could be seen as a project benefit.

Ms. Brookshire gave the example of a previous telecommunication project that was reviewed where there were extensive efforts toward providing a natural buffer to the tower. Ms. Brookshire inquired on what measures through the natural environment would be used to lessen the visual impacts of this tower.

Attorney Jeffrey Angley responded by indicating that the only cleared area would be reserved to the project site of 10,000 square foot compound and the driveway, and that the rest of the site would remain protected within a Conservation Restriction. Mr. Angley noted that the other option would be a monetary contribution.

Mrs. Brookshire inquired on the potential of visual impact to the tower and to what extent it would be visible.

Mr. Angley indicated that only from certain portions of Old Meetinghouse Road would the tower be visible and that the site itself would retain its natural setting apart from where the facility shelters would be. Mr. Angley also indicated that from the different surveys of the site, the visual simulations of the tower depict how much of an impact the tower would have.

Mr. Virgilio stated that galvanized steel was used for the monopole; it would also need to be maintained because of the interconnected parts for the tower. Mr. Virgilio inquired if all of the pieces to the tower were galvanized.

Mr. Angley indicated through his client that yes, all pieces are galvanized.

Ms. Etsten inquired on the arrays for the telecommunication monopole, and if there were any measure to reduce the visual impact of the arrays.

Mr. Nazari responded by stating that there are no measures to reduce the number or size of the arrays to the monopole because the carriers will be using them for their different technologies for their different frequency bands. Mr. Nazari indicated that there may be the possibility in the future to lessen the arrays on the tower as they decommission their existing networks, but at the present, the proposed numbers of arrays are needed.

Mrs. Etsten inquired on if there were any other alternative type of design.

Mr. Nazari responded by indicating that the stealth monopole could be an option, but it would increase the total height of the tower because of the space and location needed for the arrays of each carrier. Mr Nazari indicated that instead of the arrays being separated horizontally, they would need to compensate for their distance vertically.

Chair McCormack asked for more information on the propagation studies.

Mr. Nazari explained that the nature of the propagations is to be predictions on demand. Mr. Nazari indicated that he relies on the carriers' data. Mr. Nazari added there he does not have reason to believe that the results of the studies are false or incorrect.

Mr. Angley clarified in response to an earlier statement about the entrance drive, that the driveway leading to the facility shelter for the monopole does have a curve in its design.

Mr. Harris posed the question of how long have the existing towers been in existence and are the existing towers supplying what they were originally applied for. Mr. Harris also inquired about the demand for this tower.

Mr. Nazari responded by stating that the proposed site area for the monopole was not the result of adding or migration to newer technologies, but always had coverage gap issues. Mr. Nazari also pointed out that most carriers are pursuing a replacement to wire lined service, and in order to achieve this type of replacement and service, carriers are involving newer technologies and more sites for the use of telecommunication towers to give similar service to customers than the traditional wire lined service. Mr. Nazari explained the changes in technology and the needs and demands of mobile devices. Mr. Nazari described how current devices use less power but use a lot more data than the first portable devices from the 1980s. Mr. Nazari indicated that carriers are faced with the increase demand by their subscribers to deliver a higher broadband service while being faced with the demand to increase the amount of cell towers to meet that requirement. Mr. Nazari emphasized that the portable devices are the key driving force to the technological demand.

Mr. Knight inquired on the information of a subdivision to be located on a portion of the Tony Andrews Farm site.

Mr. Idman stated that there are plans for a subdivision on that property.

Ms. Brookshire inquired on the lease for the proposed monopole on the Midway Trap and Skeet Club property, and the protection associated to it if the owner looks to sell the property in the future.

Mr. Idman indicated that the lease would run with the land.

Mr. Roger Putnam stated that the lights atop the tower have no horizontal displacement and are all vertically upward facing lights. Mr. Putnam added that their visibility is merely from aircraft altitudes, and not below.

Mr. Hargraves asked which noise standard the Commission was using for its review.

Ms. Adams stated that for the purposes of this application, the Commission was using a 50 dB at the property line noise standard.

Mr. Hargraves asked about on the future subdivision located on a portion of the Tony Andrews Farm property, and the regulation stating the height of structures could not be more than 10 feet above houses within 300 feet of the development. Mr. Hargraves inquired if this height violation was a Town of Falmouth issue or a Cape Cod Commission issue.

Mr. Idman explained that there was no violation because these structures are permissible through a Special Permit which acts as a wireless overlay district.

Ms. Daley indicated that the Town of Falmouth would have the final decision on height restriction.

Mr. Angley added that the sound standard is inaudible at 150 feet at the boundary of the project.

Chair Jack McCormack moved to open the discussion on the project probable benefits and probable detriments.

Mr. Richardson made a motion that the increase in customer service and increase in public safety be a project benefit. The motion was seconded and passed unanimously.

Mr. Knight made the motion that the applicant's $5,000 voluntary contribution be found to be a project benefit. The motion was seconded and passed unanimously.

Chair McCormack made the motion that the monopole design be found to be a probable project benefit. The motion was seconded and passed unanimously.

Ms. Brookshire made the motion that the preservation of the natural buffer be found to be a probable project benefit. The motion was seconded and passed unanimously.

Mr. Roger Putnam made the motion that the curve in the entrance driveway be found to be a probable project benefit. The motion was seconded and passed unanimously.

Chair McCormack made the motion to close the discussion on the project benefits. The motion was seconded and passed unanimously.

Mr. Roy made the motion that the probable project benefit of the proposed project is greater than the probable project detriment. The motion was seconded and carried with two votes in opposition.

Commissioner Richard Roy made the motion to direct Commission staff to draft a decision consistent with the Commission members' findings for consideration at the Commission's meeting on March 13, 2014. The motion was seconded and passed unanimously.

Commissioner Richard Roy made the motion to close the public hearing. The motion was seconded and passed unanimously.

Chairman McCormack announced that this matter would be taken up again on March 13, 2014 at 3:00 PM at the innovation Room of the Strategic Information Office building.

JURISDICTION

The proposed Project qualifies as a Development of Regional Impact pursuant to Section 3(i)(1) of the *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) as *"construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located...that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1300 square feet."*

FINDINGS

The Commission hereby finds as follows:

GENERAL FINDINGS

GF1. The Project includes the proposed construction and operation of a 150-foot wireless telecommunications monopole with external antenna mounts and associated ground-mounted equipment within a 10,000 square foot compound; proposed construction of a gravel access road and drainage; provision for the required fall zone area; retention of an existing naturally vegetated buffer sufficient for screening the structures proposed as part of the Project; and proposed on-site open space, at 284 Old Meetinghouse Road, East Falmouth, MA.

GF2. The Applicant, Industrial Tower and Wireless (ITW), has leased a portion of the 19+ acre land owned by the Midway Trap and Skeet Club of Falmouth. The Applicant has submitted a copy of the lease to the Commission evidencing sufficient rights to proceed with this application.

GF3. The monopole is designed with space for five (5) carriers, though the application proposes initial co-location by only three carriers (AT&T, Metro PCS, & Verizon), leaving space for two as yet unidentified future carriers. The wireless carriers will utilize either equipment shelters or cabinets for the ground-mounted telecommunications equipment. Any carrier proposing to occupy any of the two remaining spaces shall apply for a modification to this decision.

GF4. The Project requires mandatory DRI review pursuant to Section 3(i)(1) of the *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) as *"construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located...that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1300 square feet."*

GF5. The first substantive Development of Regional Impact public hearing on the Project was held on January 29, 2014, and therefore the applicable Regional Policy Plan in effect for purposes of the Development of Regional Impact Review is the 2009 Regional Policy Plan, as amended August 17, 2012.

GF6. Section 13 of the Cape Cod Commission Act (Act) and Section 7(c)(viii)[2] of the Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) states in part that the Commission shall approve, or approve with conditions, a DRI if the Commission finds after a public hearing that the proposed development is consistent with the Local Comprehensive Plan of the Municipality in which the proposed development is located if the municipality has adopted a Local Comprehensive Plan (LCP) which has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan. According to a January 2, 2014 Email from Brian A. Currie, Falmouth's Town Planner, this criterion is not applicable to the proposed project because Falmouth's LCP does not address wireless facilities. Based on an Email received on January 6, 2014 from John Champ, ITW's representative, ITW concurs with Mr. Currie's analysis. As such, the Commission finds the proposed Project is consistent with Falmouth's LCP.

GF7. Section 13 of the Cape Cod Commission Act (Act) and Section 7(c)(viii)[3] of the Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) states in part that the Commission shall approve, or approve with conditions, a DRI if the Commission finds after a public hearing that *"the proposed development is consistent with municipal development by-laws..."* By a Memorandum received December 20, 2013, the Applicant suggests that the proposed use is allowed in the underlying Agricultural A zoning district, and states that the project requires a zoning special permit as the tower is proposed in excess of 50 feet in height. The Applicant states that the project site is not within or near wetland resource area (which is supported by the NRI), and thus suggests that no approval or relief from the Falmouth Conservation Commission is necessary. According to a January 2, 2014 Email from Brian A. Currie, Falmouth's Town Planner, the proposed project requires a zoning Special Permit, and that the proposed development is consistent with Falmouth's municipal development by-laws, provided a Special Permit is obtained.

GF8. Section 13 of the Cape Cod Commission Act (Act) and Section 7(c)(viii)[4] of the Commission's *Enabling Regulations* (revised June 25, 2013; Revised Fee Schedule Effective July 1, 2013) states in part that the Commission shall approve, or approve with conditions, a DRI if the Commission finds after a public hearing that, *"if the proposed development is located in whole or in part within a designated District of Critical Planning Concern, it is consistent with the regulations approved or adopted by the Commission pursuant to Section 11 of the Act."* The proposed Project is not located on

land designated within the Black Marsh/ Sippewissett District of Critical Planning Concern (DCPC) which is located entirely within Falmouth, MA.

GF9. As identified by the Cape Cod Commission at its public hearing on February 27, 2014, the benefits of the proposed Project include:

1. Increased customer service and better communication for public safety officials,
2. The Applicant's voluntary $5,000 contribution towards a study of Flax Pond,
3. The monopole design,
4. The maintenance of a vegetated buffer, and
5. A curve in the access drive which limits visibility from and to Old Meetinghouse Road.

GF10. The Cape Cod Commission did not find any probable project detriments at its public hearing on February 27, 2014.

LAND USE/GROWTH MANAGEMENT FINDINGS

LUGMF1. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Cape Cod Commission (Commission) finds that Land Use Minimum Performance Standard (MPS) LU1.1 (Development Location), MPS LU1.2 (Compact Development) and MPS LU2.1 (Connections to Existing Infrastructure) are outside the scope of this Project and therefore do not apply to this project.

LUGMF2. The Commission finds that a minimum of two or more co-locators have been incorporated into the Project (AT&T, Metro PCS and Verizon) as required by MPS LU2.2 (Co-Location of Telecommunications Facilities), and as such, the proposed Project is consistent with this standard.

LUGMF3. MPS LU 3.1 (Buffers to Agricultural Uses) requires new development located adjacent to land in active agricultural production to provide sufficiently protective buffers to such use. Also, MPS LU3.2 (Impacts to Agricultural Lands) requires that development unrelated to agricultural operations be designed so as to avoid or minimize development on lands capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use. The Commission finds that the project avoids land with prime agricultural soils and thus land capable of sustained agricultural production, as evidenced by the Barnstable County Soils Survey for this site

LUGMF4. The Commission finds that only the minimum amount of clearing necessary to construct the Project is proposed. The Commission finds that the remaining vegetation will be sufficient to buffer the Project from adjacent lands that have an agricultural use (the Tony Andrews Farm and Coonamessett River cranberry bogs). The Commission further finds the Project avoids land with prime agricultural soils and thus land capable of sustained agricultural production, as evidenced by the Barnstable County Soils Survey for the Project site. As such, the Commission finds proposed Project is consistent with MPS LU3.1 and MPS LU3.2.

WATER RESOURCES FINDINGS

WRF1. The Project is proposed on a larger 19.313 acre parcel at 284 Old Meetinghouse Road in Falmouth, MA. The Project involves a total disturbed area of 20,950 square feet, and is situated in a Marine Water Recharge Area (MWRA) contributing to Great Pond; a Fresh Water Recharge Area (FWRA) contributing to Flax Pond; and a Potential Public Water Supply Area (PPWSA) as shown on the Water Resources Classification Map I in the 2009 Regional Policy Plan (as amended). The Project includes construction of a gravel road providing access to a 100 foot by 100 foot gravel compound containing the monopole, drainage areas, enclosed shelters, concrete pads, a generator and a propane tank.

WRF2. The Project is not located within a Wellhead Protection Area (WHPA) or a Water Quality Improvement/Impaired Area (WQIA) as shown on the Water Resources Classification Map I in the RPP. In addition, the Project proposes no wastewater related infrastructure. As such, the Commission finds that the Minimum Performance Standards in Water Resources Section 5 (Water Quality Improvement Areas) and Section 6 (Public and Private Wastewater Treatment Facilities), and MPS WR2.3, WR3.6, WR4.1 and WR4.3 do not apply to the proposed Project.

WRF3. The Commission finds that the estimated nitrogen loading for the Project is less than 5 kg-nitrogen/year, which translates to a value under 0.1 ppm when both the 19.313 acre parcel and the wireless facility compound are used. As such, the Commission finds the Project meets MPS WR1.1 and MPS WR2.1 (Five-ppm Nitrogen Loading Standard) and MPS WR2.6 (One-ppm Nitrogen Loading Standard).

WRF4. Pursuant to MPS WR1.2 (Identification of Drinking Water Wells), the Applicant has provided an aerial image showing no visible private wells within 400 feet of the project site.

WRF5. As the Project proposes no groundwater withdrawals, no subdivision of land, and no landscaped or turfed area, the Commission finds that MPS WR1.3 (Groundwater Study Requirement), MPS WR1.4 (Cluster Development) and MPS WR1.5 (Turf and Landscape Management Plan) do not apply to the proposed Project.

WRF6. Under the MPS for Water Resources Goal 3, for projects located in MWRAs where a critical nitrogen limit has been determined, DRIs are required to limit the project's nitrogen load to the greater of the critical load or the site's existing load. A critical nitrogen loading rate (CNLR) for the Coonamessett River, a contributing watershed to Great Pond, has been determined through the Massachusetts Estuary Project (MEP) Great/Perch Pond, Green Pond and Bournes Pond Report. The CNLR, as defined in the RPP, is the nitrogen load a coastal embayment or estuary can assimilate without resulting in eutrophication. The CNLR for the project site in the Flax Pond sub-watershed is 53.58 kg-N/yr. The Commission finds that the Project will contribute less than 5 kg-nitrogen/year to the proposed site and, as such, the Commission finds the Project meets MPS WR3.1 (Critical Nitrogen Load Standard for Development).

WRF7. As a CNLR has been established for the Great Pond embayment, the Commission finds that MPS WR3.2, MPS WR3.3, MPS WR3.4 and MPS WR3.5 do not apply.

WRF8. The proposed Project site contributes to Flax Pond, a freshwater body in the Town of Falmouth. Flax Pond has no documented water quality problems and as such, the Commission finds that MPS WR4.2 does not apply to the proposed Project.

WRF9. Although not required pursuant to MPS WR4.2, the Commission finds that a voluntary monetary contribution from the Applicant of $5,000.00 could be used to fund some level of assessment of Flax Pond, which has not been previously assessed, and is found to be a project benefit. The Commission also finds that it is appropriate to condition the decision to require payment of the $5,000.00 contribution prior to issuance of a Preliminary Certificate of Compliance by the Commission, and prior to commencement of any development activity as defined by the Commission Act.

WRF10. The Commission finds that the Project's impervious cover is limited to the concrete equipment pads and minimal storage shelter roof area; the remainder of the compound, and access road, is composed of pervious, gravel area. Drainage in the compound will be controlled by infiltration through the gravel layer and into the native soils directly underneath, while drainage from the access road will

be discharged into a grass lined swale running parallel with and along the southerly portion of the road. The grassed swale will provide a 90% removal of Total Suspended Solids (TSS) and is sized to handle frozen flow conditions and capture a 100 year, 24 hour storm event consistent with 310 CMR 10.00 and the Massachusetts Stormwater Handbook, as amended. As the access road is unpaved, will not be a through-way for heavy or public use, and will not contain parking areas, the Commission finds that the Applicant has provided a reasonable stormwater treatment system for the Project, and further suggests that pre-treatment of TSS loads and demonstrated nutrient reduction are unnecessary to ensure appropriate stormwater management and protection. On these bases, the Commission also finds the proposed Project meets MPS WR7.1 (No New Direct Discharges of Untreated Stormwater), MPS WR7.2 (On-Site Infiltration), MPS WR7.3 (Roof Runoff), MPS WR7.4 (Biofiltration Practices), MPS WR7.5 (Structured Infiltration Devices), and MPS WR7.6 (Impervious Surfaces).

WRF11. The Commission finds the Town of Falmouth does not have a Land Use Vision Map, that the Project is not redevelopment, and that the project is not located in WQIA. Based on these factors, the Commission finds that MPS WR7.7 (Structured Infiltration Devices in Designated Mapped Areas) does not apply.

WR12. The Commission finds that the maximum high groundwater level for the site is in compliance with MPS WR7.8 (Minimum Two-foot Separation to Groundwater).

WRF13. Based on a review conducted by Commission of the Erosion Control Plan sheet in the Applicant's Site Plan set, the Commission finds that Project meets MPS WR7.9 (Best Management Practices during Construction), as the Erosion Control Plan specifies Best Management Practices for erosion and sedimentation controls.

WRF14. The Commission finds that it is appropriate to condition the Project to require that the Applicant provide a Stormwater Operations and Maintenance Plan certified by a Professional Engineer pursuant to the requirements in MPS WR7.10. The Commission finds that it is appropriate to require such certification by a Professional Engineer that the stormwater system is operating as designed in said Plan shall be provided to the Commission one year after construction of the system has been completed to ensure compliance with MPS WR7.10.

WRF15. Because the Project is not located within a WHPA, the Commission finds that MPS WR7.11 does not apply.

ECONOMIC DEVELOPMENT FINDINGS

EDF1. The Commission finds that MPS ED1.1 (Location in Economic Centers), which requires that developments be located in Economic Centers or Industrial and Service Trade Areas, does not apply to the Project because this MPS does not apply to residential subdivisions or wireless communication towers

EDF2. The Commission finds that MPS ED1.2 (Industrial and Service Trade Areas) does not apply to the Project because this MPS does not apply to residential subdivisions or wireless communication towers.

EDF3. The Commission finds that MPS ED1.3 (Waiver) does not apply to the Project because neither MPS ED1.1 nor MPS ED1.2 apply to the Project.

EDF4. MPS ED1.4 (Resource-based Economic Areas) requires that development shall not eliminate or significantly impair the current and future function of working agricultural land, working waterfronts and harbors, fin- and shell-fishing grounds, and recreational areas. The Commission finds the Project

is adjacent to the Tony Andrews Farm and Coonamessett River cranberry bogs, which is working agricultural land, but not to any working waterfronts, harbors, fin- and shell-fishing grounds, or recreational areas. The Commission also finds that given the limited disturbed area, the wide vegetated buffer between the project and working agricultural lands, and the nature of a wireless monopole (it is a relatively passive use) that the Project will not eliminate or significantly impair the current or future function of the working agricultural land adjacent to the project.

EDF5. The Commission finds that MPS ED2.1 (Gaming) does not apply to the Project because it does not involve Class III gaming.

EDF6. The Commission finds that there is a gap in the service area around the proposed monopole for the three known co-applicant carriers (AT&T, MetroPCS, and Verizon) that evidence regional demand, and will improve availability, reliability, and quality of services by allowing these co-locators to fill the "gap" in regional demand. Though consumer prices will likely not be significantly reduced by this single project alone, overall it will improve the carriers' cost of delivering services. As such, the Commission finds the Project is consistent with MPS ED4.1 (Demonstrated Need and Public Benefit).

COASTAL & MARINE RESOURCES FINDINGS

CMRF1. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds that the Regional Policy Plan's Coastal and Marine Resource Issue Areas are outside the scope of this Project (as the Project is inland and away from any such resources) and therefore do not apply.

WETLANDS FINDINGS

WETF1. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds the Wetlands Sub-issue Area of the Regional Policy Plan is outside the scope of this Project (as there are no wetlands within the project site, and the Project does not propose alteration to wetlands or the 100 foot buffer to wetlands) and therefore does not apply.

WILDLIFE AND PLANT HABITAT FINDINGS

WPHF1. The Commission finds the Applicant has provided a Natural Resources Inventory consistent with the requirements of Technical Bulletin 92-002. Accordingly, the Commission finds the Project is consistent with MPS WPH1.1 (Natural Resources Inventory).

WPHF2. The Commission finds the Project has a limited development foot-print, resulting in less than an acre of disturbed area, and limits the overall impacts to the site from clearing and grading as much as feasible. Accordingly, the Commission finds the Project is consistent with MPS WPH1.2 (Clearing and Grading).

WPHF3. The Commission finds that while the Project will disturb wooded habitat, the Project will not have significant impacts on habitat values due to the relatively small development footprint and size of the disturbed area, the fact that there is still a continuous wildlife corridor, and due to the low-activity use of the site. Accordingly, the Commission finds s the Project is consistent with MPS WPH1.3 (Wildlife and Plant Habitat).

WPHF4. According to information submitted for the record, this location of the Project is not mapped for rare or critical species habitat, and thus filing with the Natural Heritage and Endangered Species Program is not required. In addition, the Natural Resources Inventory submitted by the Applicant did not identify rare species on the site. Accordingly, the Commission finds that MPS WPH1.4 (Rare Species) does not apply to the Project.

WPHF5. The Commission finds that there were no vernal pools identified on the site, per the findings of the Natural Resources Inventory. In addition, the Natural Heritage and Endangered Species Program has not mapped this site for potential vernal pools. Accordingly, the Commission finds that MPS WPH1.5 (Vernal Pools) does not apply to the Project.

WPHF6. The Commission finds that the Natural Resources Inventory did not identify invasive species on this site. As such, the Commission finds that MPS WPH1.6 (Invasive Species) does not apply to the Project.

OPEN SPACE PROTECTION & RECREATION FINDINGS

OSRF1. The Commission finds that the Project site is mapped as a Significant Natural Resource Area (SNRA) due to the presence of Potential Public Water Supply Area (PPWSA). At the same time, the Commission finds that MPS OS1.3 provides that for projects located within a Potential Public Water Supply Area, Applicants may provide the Commission with written supporting information from the Town or Water District that demonstrates that the area will not be considered as a Potential Public Water Supply Area, allowing the Commission to remove the SNRA designation from the land. During the course of the DRI review, the Applicant did not provide the Commission with written supporting information from the Town or Water District that demonstrates that the area will not be considered as a Potential Public Water Supply Area.

OSRF2. The Commission finds that while the Project will disturb wooded habitat, the Project will not have significant impacts on open space values due to the size of the disturbed area, the fact that there is still a continuous wildlife corridor, and due to the proposed low-activity use on the site. Based on these factors, the Commission finds the Project is consistent with MPS OS1.1 (Clustering of Development).

OSRF3. As this Project is located in SNRA, the proportionate open space requirement is twice (2:1) the total proposed developed/disturbed area. The application materials indicate that the total proposed developed/disturbed area is 20,950 square feet; the open space requirement is therefore 41,900 square feet. The Applicant has proposed to protect 41,900 square feet of on-site undisturbed land through a Conservation Restriction, or alternatively, through cash payment in lieu of on-site open space. The Applicant has proposed to protect on-site open space in the northwest corner of the site. This location is not adjacent to existing protected open space, but is adjacent to undeveloped lands or agricultural fields, to the west of the site. Based on this, the Commission finds that the proposed Project is consistent with MPS OS1.2 (Open Space Connections). The Commission finds the proposed on-site open space is adjacent to working agricultural land, consistent with MPS OS1.3 (Open Space Requirements).

OSRF4. The Commission finds that the provision by the Applicant of 41,900 square feet of onsite open space subject to a Conservation Restriction is consistent with MPS OS1.3. As an alternative to provision of on-site open space, the Commission finds that MPS OS1.3 allows Applicants to satisfy the open space requirements of MPS OS1.3 through a cash contribution, at the discretion of the Commission. The Commission finds that it is appropriate to allow the Applicant the option of providing open space on-site, or by providing a cash payment in lieu of permanently restricting on-site open space through a Conservation Restriction.

OSRF5. The Commission finds that it is appropriate to condition the Project to require the Applicant to identify a grantee and secure its commitment to accept and hold the proposed Conservation Restriction, and to require the Applicant to submit a draft Conservation Restriction and plan for Commission staff review and approval, or to make an equivalent cash payment in lieu of restricting on-site open space, prior to issuance of Preliminary Certificate of Compliance.

OSRF6. The Commission finds that if PPWSA designation and thus SNRA designation did not apply to the Project site, then the proportionate open space requirement to proposed developed/ disturbed area would be 1:1 pursuant to the MPS OS1.3. MPS OS 1.3 also provides that for projects located within a Potential Public Water Supply Area, an Applicant may provide written documentation from the Town or Water District that demonstrates to the Commission that the Project site will not be considered as a Potential Public Water Supply Area, which would allow Commission to remove the SNRA designation from the land. The Commission finds that it is appropriate to remove the SNRA designation from the Project site, in which case the proportionate open space requirement would be 1:1 (20,950 square feet), provided that, prior to issuance of a Preliminary Certificate of Compliance, the Applicant submit written documentation from the Town or Water District demonstrating, to the satisfaction of Commission staff, that the Project area will not be considered as a Potential Public Water Supply Area.

OSRF7. The Commission also finds that the cash mitigation calculated in accordance with MPS OS1.3 and using current Assessor's data for the Town of Falmouth is $56,003.00 as an equivalent to 41,900 square feet and $28,001.00 for 20,950 square feet of onsite open space.

OSRF8. The Commission finds that the other provisions of MPS OS1.3 do not apply to this Project, specifically: the Applicant is not currently proposing off-site open space or to meet the requirement with a cash contribution; the Applicant is not seeking a credit for low impact development or to protect land with existing restrictions; and the project is not proposed in a Growth Incentive Zone or Economic Center.

OSRF9. The Commission finds that MPS OS1.4 (Sensitive Natural Resources) does not apply as the Project site does not contain significant natural or fragile areas as enumerated in this minimum performance standard.

OSRF10. The Commission finds that MPS OS1.5 (Residential Cluster) does not apply because the Project is not a subdivision of land.

OSRF11. The Commission finds the Project meets MPS OS1.6 (Sensitive Open Space Resources) based on the wide vegetated buffers proposed to the existing agricultural use on adjacent land; the relatively passive site use proposed; and the configuration of the proposed open space adjacent to the neighboring agricultural use.

OSRF12. The Commission finds the Project is not located within a Growth Incentive Zones/Economic Centers, and therefore, that MPS OS1.7 (Open Space in GIZ/Economic Centers) does not apply.

OSRF13. The Commission finds that the Project does not propose a parking garage, and therefore, that MPS OS1.8 (Open Space Requirements and Parking Garages) does not apply.

TRANSPORTATION FINDINGS

TF1. The Commission finds that the Project will not generate traffic other than automobile vehicle trips relating to construction and to occasional maintenance activities. Based on this, pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds that the following Regional Policy Plan Minimum Performance Standards are outside the scope of this project and therefore do not apply to the proposed project: MPS TR0.1, MPS TR0.2, MPS TR0.4, MPS TR0.5, MPS TR 1.1, MPS TR1.2, MPS TR1.3, MPS TR1.5, MPS TR 1.7, MPS TR1.9, MPS TR2.1, MPS TR2.2, , MPS TR2.3, MPS TR2.4, MPS TR2.5, MPS TR2.6, MPS TR2.7, MPS TR2.8, MPS TR2.9, MPS TR2.10, MPS TR2.11, MPS TR2.12, MPS TR2.13, MPS TR2.14, MPS TR31, MPS TR3.2, MPS TR3.4, MPS TR3.5, MPS TR3.6, MPS TR3.7, MPS TR3.8, MPS TR3.9, MPS TR3.11, MPS TR3.12, MPS TR3.13, MPS TR3.14, MPS TR3.15, and MPS TR3.16.

TF2. The Commission finds that it is appropriate to condition the Project to ensure compliance with MPS TR0.3 (Permits for Roadwork prior to Construction) by requiring that the Applicant submit any necessary approvals and permits from the Town of Falmouth, as applicable, to Commission staff prior to issuance of a Preliminary Certificate of Compliance.

TF3. MPS TR1.4 (Standards for Driveway Construction) requires that *"the width of driveway and/or curb-cut openings to serve DRIs shall not exceed 12 feet per travel lane, except where deemed appropriate by the Commission."* The gravel site drive, as presented on the site plan dated 12/7/12 is proposed as 12 feet wide, and flares out with radii to approximately 24 feet when it intersects with Old Meetinghouse Road; also the location of the proposed driveway onto Old Meetinghouse Road does not conflict with existing nearby driveways or intersections; therefore, the Commission finds the proposed Project complies with MPS TR1.4.

TF4. MPS TR1.6 (Sight-distance Obstructions) requires that *"human-made objects such as signage, utility poles and boxes, and lighting to service DRIs shall be located to minimize visual obstruction and possible safety conflicts for the traveling public, including glare or other distractions for drivers, bicyclists, and pedestrians."* The Commission finds that it is appropriate to condition the Project to comply with MPS TR1.6 (Sight-distance Obstructions) with the provision that, prior to issuance by the Commission of a Final Certificate of Compliance, Commission staff will conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TF5. MPS TR1.8 (Sight Distance Requirements) requires that "*acceptable sight distances shall be met and maintained at all access and/or egress locations for DRIs regardless of project traffic generation.*" Based on a site visit by Commission Transportation staff, the Commission finds acceptable sight distances are available at the proposed site driveway.

TF6. The Commission finds that it is appropriate to condition the project to require the Applicant to maintain brush trimming along the western side of Old Meeting House Road on the curve just south of the proposed site drive to maintain acceptable sight distances, and to ensure compliance with MPS TR1.8.

TF7. Based on information submitted for the record, the Commission finds the information submitted constitutes an appropriate traffic study such that the project complies with MPS TR3.3 (Traffic Studies).

TF8. MPS TR3.10 (Preserve Existing Right-of-Way) requires that "e*xisting transportation rights-of-way shall be preserved for transportation uses as well as to limit trip generation.*" The Commission finds that existing transportation rights-of-way are preserved and not impacted by the Project, with the only project development feature affecting an existing transportation right of way being a portion of the gravel access path to the facility as it intersects with Old Meetinghouse Road. Based on this, the Commission finds the Project complies with MPS TR3.10.

ENERGY FINDINGS

EF1. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds that the Regional Policy Plan's Energy section does not apply to wireless communication facilities.

HERITAGE PRESERVATION AND COMMUNITY CHARACTER FINDINGS

HPCCF1. The Commission finds the Project is located near the Tony Andrews Farm and the Coonamessett River cranberry bogs, which are on the State's cultural resource inventory and were identified in a recent heritage landscape inventory of Falmouth. The Commission also finds that the

wooded landscape and topography between the proposed facility and these cultural resources, and the choice of a monopole structure and its narrow profile will limit project visibility.

HPCCF2. The Massachusetts Historical Commission (MHC) reviewed the proposed project and determined in a letter dated January 29, 2013 that it would have *"no adverse effect" on the Hatchville historic area or the Coonamessett River Cranberry Bogs."* The MHC letter does not address the adjacent Tony Andrews Farm, but the Commission finds that the visual impact there will be limited by existing vegetation and will not be substantial. The Commission also finds the Project will not directly impact any historic structures and will not have significant impacts on the setting of any cultural landscapes, and therefore, the Project is consistent with MPS HPCC1.1 (Historic Structures) and MPS HPCC1.2 (Cultural Landscapes).

HPCCF3. An archaeological survey was conducted by the Applicant's consultant, PAL, and no significant historic or archaeological resources were found. MHC also reviewed the archaeological survey report and determined in a January 29, 2013 letter that no further survey work is needed. Based on this information, the Commission finds the Project does not impact any archaeological sites, and so complies with MPS HPCC1.3 (Archaeological Sites).

HPCCF4. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds that the Minimum Performance Standards under Goal HPCC2 which deal with building, parking, exterior lighting, signage and landscape design (MPS HPCC 2.4 to MPS HPCC2.12) are outside the scope of this project and therefore do not apply because of the unique characteristics of a wireless telecommunication facility.

HPCCF5. Because the Project is not strip development and does not require or propose any changes to existing roadways, the Commission finds that MPS HPCC2.1 (Strip Development) and MPS HPCC2.2 (Protection of Existing Roadway Character) do not apply.

HPCCF6. The Commission finds that the Project avoids adverse visual impacts to scenic resources through its siting well within a wooded landscape and set well back from scenic roads and vistas. The Commission also finds that the Project is not located in an historic district, and is not within a defined scenic landscape or vista, though heritage landscapes were identified nearby (as noted above) and were found to be outside the area of visual impact based on the applicant's crane test and visibility assessment. The Commission further finds that Falmouth's Local Comprehensive Plan does identify the cranberry bogs at Old Meetinghouse Road and Old Barnstable Road as a scenic area. However, this intersection is a more than ½ mile away from the proposed monopole, and is outside the range of the visibility assessment that was done. Based on this information, the Commission finds the visual impact on this area would be minimal because of the distance, topography and wooded areas in between, and that the Project is thus consistent with MPS HPCC2.3 (Avoid Adverse Visual Impacts).

HPCCF7. The Commission finds that MPS HPCC2.14 (Roadway Appurtenances) does not apply to this Project because no roadway appurtenances are proposed.

HPCCF8. MPS HPCC2.13 (Underground Utilities) requires that *"utilities for all development...shall be placed underground except where the presence of natural features such as wetlands or archeological resources prevent such placement."* According to site plans included with the DRI application, the telecommunications and power cables for the proposed equipment compound will be placed under the proposed entrance road. As such, the Commission finds that the Project is consistent with this MPS HPCC2.13.

AFFORDABLE HOUSING FINDINGS

AHF1. As a non-residential DRI, the Commission finds that all of the Minimum Performance Standards under Goals AH1 and AH2 do not apply.

AHF2. The MPS under Affordable Housing Goal 3 deal with (Non-residential) commercial DRIs. As a commercial DRI, the Commission finds the Project falls under the *Other* category for the purpose of the Affordable Housing mitigation required under MPS AH3.1. Technical Bulletin #10-001 provides guidelines for the calculation of affordable housing mitigation for DRIs in the *Other* category, and it states that *"... buildings and/or facilities in which a calculation of building square footage is not feasible or appropriate.....will not be required to provide mitigation in the 'Other' category under AH 3.1."*

AHF3. The Commission finds that Affordable Housing mitigation is not necessary based on the limited square footage of this Project.

HAZARDOUS MATERIALS FINDINGS

HMF1. The Project site is located in a Potential Public Water Supply Area (PPWSA) as shown on the Water Resources Classification Map I in the 2009 Regional Policy Plan (as amended). As such, the Commission finds that MPS WM1.1 (Hazardous Materials/Waste Restrictions) and MPS WR2.2 (Prohibition on Hazardous Materials/Wastes) apply to the proposed project.

HMF2. MPS WM1.1 and MPS WR2.2 provide that development and redevelopment that involves the use, treatment, generation, handling, storage, or disposal of Hazardous Materials or Hazardous Wastes, with the exception of Household Quantities, shall not be permitted in Wellhead Protection Areas and Potential Public Water Supply Areas.

HMF3. The Application materials indicate the facility will have one or more permanent on-site gas-fired generators. To ensure consistency with MPS WM 1.1 and MPS WR2.2, the Commission finds that it is appropriate to condition the Project such that any such on-site generator must be *natural-gas* or *propane* fueled.

HMF4. To ensure consistency with MPS WM 1.1 and MPS WR2.2, the Commission finds that it is appropriate to condition the project that, prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, that the Applicant and co-locators shall submit for Commission staff review and approval a vehicle and equipment fueling protocol for the construction and operational phases of the project, which requires that refueling occur off-site outside of a PPWSA or demonstrate to the Commission that there shall be no greater than Household Quantities (as defined in the RPP) on-site at any one time of fuel, with a Commission-approved construction and operation phase Pollution Prevention and Emergency Response Plan in place (pursuant to MPS WM1.4) that specifies refueling method, and the type and quantity of fuel proposed.

HMF5. As the Project is not located in a Zone II, the Commission finds that the provision in MPS WR2.4 (Prohibited Uses under State Regulations) concerning uses prohibited in Zone IIs by state regulations does not apply.

HAZARDOUS WASTE MANAGEMENT FINDINGS

HWF1. WM1.5 requires that *"[a]ny development or redevelopment that uses, handles, generates, treats, or stores Hazardous Waste..."* be in compliance with the state's Hazardous Waste regulations and specifies three items be provided to show compliance with this requirement for purposes of Commission review: (a) registration with or notification to the Massachusetts Department of

Environmental Protection as a generator of Hazardous Waste, (b) a written plan or protocol to manage the Hazardous Waste prior to disposal, and (c) a signed contract with a registered, licensed company to dispose of the Hazardous Waste.

HWF2. To ensure compliance with MPS WM 1.5, as applicable, the Commission finds that it is appropriate to condition the Project to require the Applicant and the co-locators to provide a written plan for management and disposal of any Hazardous Wastes generated by facility operations and maintenance, as well as notification to or registration with the Massachusetts Department of Environmental Protection prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act.

SOLID WASTE MANAGEMENT FINDINGS

SWF1. MPS WM2.1 requires that *"[d]evelopment and redevelopment projects shall address the disposal of construction waste..."* and that *"a plan shall be provided to demonstrate how the applicant proposes to handle solid wastes, construction and demolition waste and recyclable materials currently categorized by the [DEP] as a waste ban material."* MPS WM2.2 describes the requirements of a construction and demolition (C&D) waste management plan. MPS WM2.3 requires a post-construction waste and recyclables management plan, and MPS WM2.4 addresses the management of "significant amounts" of food wastes.

SWF2. The Commission finds that it is appropriate to condition the Project to require the Applicant and the co-locators to provide a written plan for management and disposal to provide a written plan for management of land-clearing waste, construction and demolition wastes and recyclables generated by Project construction prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act.

SWF3. Pursuant to Section 7(c)(viii)(2)(d) of the Commission's *Enabling Regulations*, the Commission finds that MPS WM2.3 (Recycling post-construction) and WM2.4 (Food waste Management) are outside the scope of this Project and therefore do not apply to this Project.

WIRELESS COMMUNICATION TOWERS TECHNICAL BULLETIN FINDINGS

TBF1. Part V, Sections A and B of Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communications Towers* as amended indicates a preferred height for wireless telecommunications facilities of no higher than 10 feet above the average height of buildings within 300 feet and that if and, that if there are no buildings within 300 feet, the facility should project no higher than 10 feet above the average tree canopy height, surrounded by dense tree cover. However, notwithstanding the foregoing, Section V.C. of the Wireless Technical Bulletin recommends wireless service facilities up to 150 feet in height where the Town has established a wireless facility overlay district. The Wireless Technical Bulletin also states that monopoles are the preferred type of mount for taller structures.

TBF2. The Commission finds that the Town of Falmouth zoning provides for such an overlay zone, allowing for the height of the proposed monopole by Special Permit in this area of Falmouth, consistent with the Wireless Technical Bulletin. As further evidence of consistency, the proposed tower is a monopole surrounded by dense tree cover.

TFB3. Technical Bulletin 97-001 states that all personal wireless service facilities and their equipment shelters should comply with the building setback provisions of the zoning district in which the facility is located. The Wireless Technical Bulletin also has a recommendation for a fall zone equal to the height of the facility to any property line, dwelling, road, business or institutional use.

TBF4. A 150-foot fall zone is proposed within the surrounding wooded landscape as required. The proposed project has three (3) confirmed carriers (AT&T, Metro PCS, and Verizon) and room for two additional future carriers.

TBF5. The Wireless Technical Bulletin states the wireless facility should be camouflaged within an existing structure; or blocked from public views by structures; or surrounded a year-round vegetated buffer. The Wireless Technical Bulletin recommends careful selection of materials and/or color for those portions of the tower not camouflaged and visible from locations further away from the site. The Wireless Technical Bulletin also states that to the extent that the facility extends above the height of the vegetation immediately surrounding it, the facility should be painted a light gray or light blue hue to blend with the sky and clouds.

TBF6. The Commission finds that the Project is consistent with the Wireless Technical Bulletin Design Standards for camouflage by choosing a location with large, existing vegetated buffers that effectively limit the monopole's visibility, by proposing a monopole rather than a lattice tower design, and by choosing a light grey color that blends well with the sky in various lighting situations.

TBF7. Technical Bulletin 97-001 states that equipment shelters should either be: underground; designed in a manner consistent with traditional Cape Cod architectural styles and use traditional materials; or be located behind an effective year-round landscape buffer and/or a fence.

TBF8. The Commission finds the proposed equipment shelters are surrounded by a security barrier as required, and are completely screened by the surrounding vegetation.

TBF9. Section VI(A)(5)(a) of the Wireless 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.

TBF10. The Commission finds, based on a June 21, 2013 letter from the Applicant that there may be exterior lighting associated with the project because the letter states that *"any carrier equipment shelter interior and exterior lighting"* will be *"green compliant...Outdoor lighting would be incandescent."*

TBF11. Based on this, the Commission finds that it is appropriate to condition the Project to require the Applicant and co-locators to use down-directed, fully shielded exterior lights, preferably on motion sensors or timers, for site illumination.

TBF12. The Commission also finds that it is appropriate to condition the Project to require Commission staff site visit to verify compliance with the requirements on exterior lighting for the Applicant and each co-locator.

TBF13. Section VI(B) of the Wireless Technical Bulletin states *"[g]round mounted personal wireless service facilities should not generate noise from equipment and/or wind in excess of 50 db at the property line."*

TBF14. The DRI application includes two evaluations of environmental sound levels of the proposed facility done by Cavanaugh Tocci Associates, Inc. One study is dated December 14, 2012 and evaluates the facility with installations by AT&T and Metro PCS. A supplemental study dated October 18, 2013 evaluates the facility with AT&T, Metro PCS and Verizon Wireless as co-locators. AT&T and Verizon propose to use equipment shelters. Metro PCS proposes to use a weather-proof equipment cabinet. The studies by Cavanaugh Tocci evaluate the proposed facility's acoustical levels based on Section VI(B)

of the Technical Bulletin, as well as the Town of Falmouth's and the Massachusetts Department of Environmental Protection's noise criteria.

TBF15. The Commission finds that the Project proposes to comply with the findings of the two evaluations of environmental sound levels of the proposed facility done by Cavanaugh Tocci Associates, Inc. to help with sound deadening in the following manner:

A. HVAC equipment for the AT&T equipment shelter should be oriented toward the South, facing the skeet/firing range, to maximize acoustical shielding for the nearest residences
B. HVAC equipment for the Verizon equipment shelter should be located in the South end of the building, facing the skeet/firing range, to maximize acoustical shielding for the nearest residences
C. AT&T's proposed outdoor emergency generator and Verizon's emergency generator in its equipment shelter should both have an acoustical limit of not more than 68 dbA at 23 feet, to minimize acoustical disturbance to potential future residences
D. The Verizon combustion/radiator air inlet and radiator air discharge openings in the equipment shelter should be fitted with a silencer, preferably with the silencer located within the building envelope of the equipment shelter
E. Both the AT&T and Verizon generators should be equipped with an acoustical enclosure as proposed by the manufacturer (Kohler)

TBF16. The Commission finds the Applicant and all co-locators proposed to implement the recommendations of the Cavanaugh Tocci acoustical with respect to sound deadening, and adding two more wireless carriers to the facility in the following manner, due to the potential for residential development adjacent to the facility:

1. If residences are constructed at some time in the future abutting the facility, a sound barrier to these residences shall be constructed, and

2. If additional wireless carriers are added within the two remaining co-locator spots on the monopole in the future, an acoustical evaluation of the facility will be conducted.

TBF17. Sections IX and X of the Wireless Technical Bulletin contain provisions relative to the maintenance and abandonment of wireless facilities, including potential bonding to address the same. The Commission finds that it is appropriate to require the Applicant to post an abandonment and site restoration bond to be held by the Town of Falmouth, in an amount acceptable to the Town of Falmouth, as a condition of project approval.

TBF18. Section XI of the Wireless Technical Bulletin contains provisions relating to General Criteria for Documenting Need for the Proposed Wireless Facility. The Commission finds that there is a need for the Facility based on items a to g, below.

a. Coverage or Capacity Problems

Based on information provided to the Commission, and analyzed by the Commission's Wireless Consultant, Mehran Nazari of AdGen Telecom Group, Inc., the Commission finds the propagation analysis for AT&T, Verizon Wireless & MetroPCS confirms current coverage gap in the area that is intended to be covered by the proposed site. Moreover, the drive test data for each carrier currently shows poor coverage in the intended coverage area.

b. Demonstration that Existing Structures Identified and Rejected

Based on information provided to the Commission, and analyzed by the Commission's Wireless Consultant, Mehran Nazari of AdGen Telecom Group, Inc., the Commission finds the Applicant has not been able to locate any manmade structure within its search area to meet the coverage area objectives of its anchor tenants (AT&T, Verizon Wireless & MetroPCS). A search of the available manmade database (FCC ASR and FAA BOS) has shown no viable existing structure within the area of interest. In addition, Commission staff reviewed the information submitted by the Applicant and concurred with the Applicant's findings concerning the potential alternative sites.

c. Demonstration that Proposed Location/Height will Solve Problem

Based on information provided to the Commission, and analyzed by the Commission's Wireless Consultant, Mehran Nazari of AdGen Telecom Group, Inc., the Commission finds the Applicants' prediction coverage plots from AT&T, Verizon Wireless & MetroPCS show that the areas around the proposed monopole do not currently provide/meet the minimum signal level for in-vehicle communication.

d. Demonstration that Height is Minimum Necessary to Achieve Coverage

The Commission finds, based on the information provided to the Commission and analyzed by the Commission's Wireless Consultant, Mehran Nazari of AdGen Telecom Group, Inc. that the proposed 150 foot height is the minimum necessary height to accommodate all the current and future carriers and provide adequate coverage for the co-locating carriers within their identified service gap.

e. Demonstration of Visual Impact

Based on information submitted to the Commission, the Applicant performed two balloon tests. The latest balloon test was duly noticed and performed on January 29, 2014. Photos of balloon test along public ways have been provided. The Town was given the opportunity to do so, but did not identify views of particular interest or concern.

f. Demonstration of Co-Location Capability

Based on information submitted to the Commission, the proposed monopole will initially accommodate antennas for AT&T, Verizon Wireless & MetroPCS plus two future additional carriers.

g. Radio Frequency Radiation (RFR)

The Commission finds, based on the information provided to the Commission and analyzed by the Commission's Wireless Consultant, Mehran Nazari of AdGen Telecom Group, Inc. that the Applicant has provided the RFR calculation analysis showing the worst case RFR exposure levels for the proposed antennas and transmitters for AT&T, Verizon Wireless and MetroPCS operation. The calculations and RFR levels are detailed in FCC Bulletin 65. Based on a review of the submitted report, the expected RFR levels are well within the RFR limits stated in FCC Bulletin 65.

CONCLUSION

Based on the above findings, the Commission hereby concludes and further finds that:

1. Upon satisfaction of the conditions identified in this decision, the Project is consistent with the Act and 2009 Regional Policy Plan (as amended);

2. The Project is consistent with Falmouth's Local Comprehensive Plan;

3. Provided the Applicant obtains all required local permits, licenses and approvals, including a zoning Special Permit, the proposed Project is consistent with Falmouth's local development by-laws/ordinances;

4. The proposed Project is not located within a designated District of Critical Planning Concern in Falmouth, other than the Cape-wide Fertilizer Management District of Critical Planning Concern;

5. The proposed project is consistent with the Cape-wide Fertilizer Management District of Critical Planning Concern because, although the Project Site is located within the Cape-wide Fertilizer Management District of Critical Planning Concern, as of the date of this decision, no Implementing Regulations have been approved by the Commission therefore there are no regulations with which the proposed project needs to comply; and

6. The probable project benefit is greater than the probable project detriment.

CONDITIONS

The Commission hereby approves, with conditions, the DRI application of Industrial Tower and Wireless, LLC, Cellco Partnership D/B/A Verizon Wireless, AT&T Mobility, and MetroPCS as a Development of Regional Impact subject to the following conditions:

GENERAL CONDITIONS

GC1. This decision is valid for a period of 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision.

GC2. Unless otherwise more specifically addressed or conditioned herein, this decision shall be appurtenant to and run with the property which is the subject project site.

GC3. The term "Applicant" as used herein shall include the heirs, successors, and assigns in interest, and its employees, representatives, and agents, and co-applicants, as the context implies. The decision shall be enforceable against the Applicant, the three named co-locating carriers, their heirs, successors, and assigns.

GC4.The Applicant shall obtain all necessary federal, state, and local permits for the proposed project. Specifically, prior to the issuance of a Preliminary Certificate of Compliance, the Applicant shall obtain all necessary municipal permits, licenses and approvals for the project including but not limited to a zoning Special Permit.

> GC4(a). The project's consistency with municipal development by-laws or ordinances shall be evidenced and confirmed by the Applicant obtaining all said necessary municipal permits, licenses and approvals.

GC5. Failure to comply, and remain in compliance, with all findings and conditions stated herein, and with all related Commission laws and regulations, shall be deemed cause to revoke or modify this decision.

GC6. No development, or application for local permits, licenses or approvals authorizing development work, as the term *"development"* is defined in the Cape Cod Commission Act (Act), including but not limited to vegetation removal, site work and installation of foundations or footings, and as approved herein, shall be undertaken until the Commission Clerk certifies in writing that the decision appeal period has elapsed or if such an appeal has been filed, until the appeal has been finally dismissed, adjudicated or otherwise disposed of.

GC7. Prior to issuance of any Preliminary Certificate of Compliance by the Cape Cod Commission for development as the term *"development"* is defined in the Cape Cod Commission Act, and as approved herein, the Applicant shall submit final project plans as approved by state, federal, and local authorities for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those project plans approved, referenced and incorporated herein, the Commissions shall require that the Applicant seek a modification to this decision for further review and approval of the project plans in accordance with the *"Modification"* section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

GC8. All development shall be undertaken and constructed consistent with the following project plans entitled *Industrial Communications Falmouth MA,* latest revision date as shown, prepared by Industrial Communications Engineering Division, 40 Lone Street, Marshfield, MA for the co-applicants Cellco Partnership D/B/A Verizon Wireless, AT&T Mobility, and MetroPCS:

- Title Sheet, latest revision date of 10/3/13
- Sheet 1: Aerial Overlay, latest revision date of 10/3/13
- Sheet 2: Proposed Site Plan, latest revision date of 10/3/13
- Sheet 3: Tower Elevations & Details, latest revision date of 2/26/14
- Sheet 4: Site Construction Details, latest revision date of 10/3/13

All other plans required to be submitted as conditions of this decision shall hereby be incorporated into this condition as and when received, reviewed and approved by Commission staff.

GC9. Unless otherwise more specifically addressed or conditioned herein, prior to issuance of a Building Permit or undertaking any development as the term *"development"* is defined in the Act, including but not limited to vegetation removal, site work and installation of foundations or footings, and as approved herein, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the project is in compliance with this decision. Such Certificate of Compliance shall not be issued unless and until all applicable, required conditions have been satisfied.

GC10. Prior to the issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been provided to the general contractor(s) at least thirty (30) calendar days prior to commencement of any development, as the term *"development"* is defined in the Cape Cod Commission Act and as approved herein.

GC11. Prior to facility operation, the Applicant shall obtain a Final Certificate of Compliance from the Commission that states that all conditions in this decision required to have been satisfied prior to the issuance of a Final Certificate of Compliance have been satisfied. Such Certificate of Compliance shall not be issued unless and until all applicable, required conditions have been satisfied.

GC12. Commission staff will undertake a review of a project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a Certificate, it shall provide Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its compliance review, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

GC13. If determined that any development work is incomplete at the time a Final Certificate of Compliance is sought by the Applicant from the Commission, the Final Certificate of Compliance may issue, at the discretion of the Commission, provided that the decision is still in force and effect, and that any incomplete work shall be subject to an escrow agreement in form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of the estimated cost of the incomplete work, including labor and materials. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The escrow funds account shall be maintained by the *Barnstable County Treasurer*. Commission staff shall review the work as it is completed for its consistency with the decision prior to authorizing any release of the escrow funds. Unexpended escrow funds shall be returned to the Applicant upon completion of the work.

GC14. Prior to the issuance of a Preliminary Certificate of Compliance, but not until the appeal period for this decision has elapsed, or if such an appeal has been filed, until the appeal has been finally dismissed, adjudicated or otherwise disposed of, the Applicant shall record a copy of this decision with the Barnstable Registry of Deeds, or as the case may be, register the same with the Barnstable Registry District of the Land Court, and provide written proof to Commission staff of such recording or registration. This decision shall not be effective until a copy of the same has been so recorded or, as the case may be, so registered.

GC15. Prior to the issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development as defined by the Commission Act, the Applicant shall provide to the Commission evidence of sufficient property rights satisfactory to Commission staff, under an amended lease or other mechanism, sufficient to ensure provision for the proposed monopole fall zone area and proposed on-site open space area, and retention of an existing, naturally vegetated buffer adequate to visually screen the Project from identified heritage landscapes and scenic areas, including the neighboring agricultural use and Old Meetinghouse Road.

GC16. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall update its monopole structural report/loading analysis consistent with the final approved plans referenced in condition GC8 herein.

GC17. Approval of additional co-locators for the two remaining spaces on the monopole as shown on the final approved plans as referenced in condition GC8 shall require modification of this decision.
GC18. An existing, naturally vegetated buffer adequate to visually screen the Project from identified heritage landscapes and scenic areas, including the neighboring agricultural use and Old Meetinghouse Road, shall be maintained on the 19+ acre Property. Prior to issuance of a Preliminary Certificate of Compliance, a plan shall be submitted to Commission staff for review to insure compliance with MPS HPCC2.3 (Avoid Adverse Visual Impacts). The plan shall depict the area on the property where vegetation shall be retained to provide adequate screening, which plan when approved shall be incorporated into the approved plans referenced in condition GC8 herein.

WATER RESOURCES CONDITIONS
WRC1. To ensure compliance with MPS WR7.10, the Applicant shall submit to the Cape Cod Commission staff a certification by a Professional Engineer that that stormwater system is operating as designed and approved one calendar year after construction of the system has been completed.

WRC2. In compliance with MPS WR2.2, no fueling or servicing of equipment which involves Hazardous Materials as defined by the 2009 Regional Policy Plan (as amended) except for natural gas or propane shall occur in those areas mapped as a Potential Public Water Supply Area on the 19.313 acre Project parcel.

WRC3. Prior to issuance by the Commission of a Preliminary Certificate of Compliance, and prior to the commencement of any development as defined by the Commission Act, the Applicant shall make a monetary contribution of $5,000.00 to the *Barnstable County Treasurer* care of the Cape Cod Commission. Said fund shall be used towards funding a pond assessment of Flax Pond in Falmouth, which may include a water quality analysis (e.g. phosphorous, nitrogen, chlorophyll-a content, D.O. profiles and secchi depth), a determination of the ponds physical features (e.g. area, volume and bathymetry) and estimation of phosphorus and nitrogen budgets, as funds allow.

HAZARDOUS MATERIALS AND HAZARDOUS WASTE CONDITIONS

HMWC1. To ensure compliance with MPS WM 1.1 and MPS WR2.2 any on-site generator shall be natural-gas or propane fueled.

HMWC2. To ensure compliance with MPS WM1.5, prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, the Applicant and all co-locators shall provide to the Commission for Commission staff review and approval a written plan for management and disposal of any Hazardous Wastes generated by facility operations and maintenance, as well as notification to or registration with the Massachusetts Department of Environmental Protection, if applicable.

SOLID WASTE CONDITIONS

SWC1. To ensure compliance with MPS WM2.1 and MPS WM2.2, prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, the Applicant and any co-locators shall provide a written plan for management and disposal to provide a written plan for management of land-clearing waste, construction and demolition wastes and recyclables generated by project construction.

TRANSPORTATION CONDITIONS

TC1. To ensure compliance with MPS TR0.3, prior to issuance by the Commission of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, the Applicant shall submit to the Commission copies of any necessary approvals and permits from the Town of Falmouth, as applicable.

TC2. To ensure compliance with MPS TR1.6, prior to issuance by the Commission of a Final Certificate of Compliance, and prior to facility operation, the Commission staff shall conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TC3. To ensure compliance with MPS TR1.8, the Applicant shall perform and maintain targeted underbrush trimming along the western side of Old Meeting House Road on the curve just south of the proposed site drive to maintain acceptable sight distances.

OPEN SPACE AND RECREATION CONDITIONS

OSRC1. Prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, including but not limited to vegetation removal, site work and installation of foundations or footings, and as approved herein, the Applicant shall identify the method of complying with MPS OS1.3 and with findings OSRF3, OSRF4, OSRF5, OSRF6 and OSRF7 by either 1) identifying a grantee and secure its commitment to accept and hold the proposed Conservation Restriction, and shall prepare a Conservation Restriction, consistent with M.G.L Chapter 184, Sections 31-33, inclusive, and an accompanying plan, benefitting the identified grantee, for Commission staff review and approval that permanently protects onsite area as described Open

Space finding OSRF3, or alternatively 2) pay to the *Barnstable County Treasurer* an equivalent amount as a mitigation payment for protection of off-site open space in the amount as specified in Open Space finding OSRF7, which payment shall be held in escrow to be used to protect or acquire open space in Falmouth consistent with MPS OS1.3.

OSRC2. In the event the Applicant seeks to remove the SNRA designation from the Project site, prior to issuance of a Preliminary Certificate of Compliance, and prior to the commencement of any development activity as defined by the Commission Act, including but not limited to vegetation removal, site work and installation of foundations or footings, and as approved herein, the Applicant shall submit written documentation from the Town or Water District demonstrating, to the satisfaction of Commission staff, that the Project site will not be considered as a Potential Public Water Supply Area.

OSRC3. If the Applicant chooses to protect on-site open space, then prior to issuance by the Commission of a Final Certificate of Compliance, and prior to facility operation, the Applicant shall provide to the Commission a copy of the Commission-staff approved Conservation Restriction and plan as recorded with the Barnstable County Registry of Deeds or registered with the Barnstable Registry District of the Land Court.

WIRELESS TECHNICAL BULLETIN CONDITIONS

TBC1. The monopole shall be painted and maintained with a light gray or light blue color.

TBC2. All exterior lights for any ground equipment (*i.e.* equipment shelters, BTS cabinets, etc.) shall comply with MPS HPCC2.11 and with the Commission's Technical Bulletin on Exterior Lighting.

TBC3. Prior to issuance by the Commission Preliminary Certificate of Compliance, the Applicant and all co-locators shall submit for Commission staff review and approval a plans, specs and cut sheets for any proposed exterior lighting at the Project site.

TBC4. If changes are made to the exterior lighting design, prior to selection and installation of the revised exterior lighting fixtures, the Applicant shall submit for Commission staff review and approval additional exterior lighting design information sufficient to allow Commission staff to determine if the proposed alternate fixtures are consistent with conditions relating to exterior lighting. Alternate exterior light fixtures found to be consistent with conditions related to exterior lighting then may be utilized upon written Commission staff approval.

TBC5. Prior to issuance by the Commission of a Final Certificate of Compliance, the Commission staff shall conduct a site inspection to inspect the installed exterior lighting for consistency with this decision and MPS HPCC2.11.

TBC6. Prior to issuance by the Commission of a Preliminary Certificate of Compliance, AT&T shall submit for Commission staff review and approval a revised plan which shows that the HVAC equipment for the AT&T equipment shelter is oriented toward the South, facing the skeet/firing range, to maximize acoustical shielding for the nearest residences, and that AT&T's proposed outdoor emergency generator has an acoustical limit of not more than 68 dbA at 23 feet, and is equipped with an acoustical enclosure to minimize acoustical disturbance to potential future residences.

TBC7. Prior to issuance by the Commission of a Preliminary Certificate of Compliance, Verizon shall submit for Commission staff review and approval a revised plan which shows the HVAC equipment for the Verizon equipment shelter is located in the South end of the building, facing the skeet/firing range, and that Verizon's emergency generator in its equipment shelter has an acoustical limit of not more

than 68 dbA at 23 feet, and that Verizon's combustion/radiator air inlet and radiator air discharge openings in the equipment shelter are fitted with a silencer, with the silencer located within the building envelope of the equipment shelter, so as to minimize acoustical disturbance to potential future residences.

TBC8. If residences are constructed at some time in the future abutting the facility, a sound barrier to these residences shall be constructed, the design of which shall be satisfactory to Commission staff.

TBC9. If additional wireless carriers are proposed to be added in the future, the Applicant and co-locators shall conduct a new acoustical evaluation of the facility, to determine whether the facility is in compliance with the noise limitations of the Cape Cod Commission's Wireless Technical Bulletin, as amended, and to establish an as-built noise baseline measure. This base line noise measure shall serve as the basis for any proposed changes to ground equipment in the future. Without limitation, any additional co-locators shall design their ground equipment to be consistent with this bas-line noise measure, this Decision, and the noise standards of the Wireless Technical Bulletin, as amended. Said evaluation shall be conducted in a manner consistent with Section VI(B) of the Cape Cod Commission's Wireless Technical Bulletin, as amended.

TBC10. Prior to issuance by the Commission of a Final Certificate of Compliance, the Applicant shall provide to the Commission evidence of a bond for site restoration and costs associated with abandonment of the wireless facility, in the event that use of the facility might be abandoned, in an amount acceptable to the Town of Falmouth, consistent with the costs for site restoration and facility abandonment, to be held by the Town of Falmouth.

TBC11. Not more than three months after the last of the three initial co-locators becomes operational, the Applicant to shall conduct actual RFR measurements outside the compound, the access road and other areas of interest upon the completion/installation of all antennae and carrier's equipment, to confirm consistency with the FCC Guidelines. The RFR measurement report shall use calibrated test equipment with the appropriate probe after all the carriers have become operational. The Applicant shall also post the required RFR signage on the equipment compound as per FCC Bulletin 65.

TBC12. Prior to issuance by the Commission Preliminary Certificate of Compliance by the Cape Cod Commission, the Applicant shall submit to the Commission a final construction drawing showing all the details of the proposed antennas, remote RF heads, and transmission lines for each carrier, stamped by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, which plan shall be incorporated into the approved plans described in condition GC8.

TBC13. Prior to issuance by the Commission Preliminary Certificate of Compliance by the Cape Cod Commission, the Applicant shall submit to the Commission a foundation design stamped by a PE licensed to practice in the Commonwealth of Massachusetts.

(Signature Page Follows)

SIGNATURES

Executed this 13 day of March 2014.

Signature

Jack McCormack, JR., Chair
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss 3/13, 2014

Before me, the undersigned notary public, personally appeared Jack McCormack, JR., in his/her capacity as Chair 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.

JONATHON D. IDMAN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 15, 2019

Notary Public

My Commission Expires: