

To:

Cape Cod Commission

Care of:

Jonathan Idman

This letter to the Cape Cod Commission is a request for denial of the application by Blue Sky Towers to construct a Cell Tower in Mashpee due to the lack of compliance as follows.

1)As per guidelines for DRI review of wireless communication towers section IV subsection A

***“If feasible, personal wireless service facilities should be located on existing structures, including, but not limited to; buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, Applicants are urged to consider the use of existing telephone and electric utility structures as sites for one or more personal wireless service facility. The applicant shall have the burden of providing that there are no feasible structures upon which to locate”***

A letter was sent to the Cape Cod Commission with an attached proposal that had been previously submitted to Peninsula Council i.e. New Seabury Homeowners Assoc. and received by Mike Richardson Executive Director. This proposal would utilize the existing structures and completely close the gap of wireless coverage in this area. As clearly stated in subsection A since this proposal would utilize existing structures it should take priority over construction of a single large tower should it be a viable option, which the previous Peninsula proposal is. In the event that for some reason this utilization of previous structures is not viable the applicant (Blue Sky Towers) bears the burden of proof to provide reason why it does not. As of this time, Blue Sky has not officially debunked the viability of this previous proposal.

2) Wireless Facility overlay District is defined per the Mashpee Zoning Bylaws, subsection 174-5 C.(2)

“[The Wireless Facility Overlay District shall include]...

***Lands in the Town which are not located within the boundaries of the Mashpee National Wildlife Refuge, within one thousand (1,000') of a Historic District or of structures or places listed in the Massachusetts State Register of historic places, within the Otis A.N.G.B Accident Prevention Zone [,] R-3 or R-5 zoning districts or within three hundred (300') feet of the right of way of any designated scenic roadway”***

The syntax of the exact wording in the bylaws is somewhat ambiguous because of the absence of a comma where one is clearly intended to be (Thomas Fudula, the former town planner who originally designated the areas has stated verbally that this is a typo and a comma should be present), and as such this parcel of land is not in the Wireless Facility Overlay District as it resides in zone R-3. This contradicts the stated opinion of the current town planner who opines that the stated location is within the Wireless Facility Overlay. It must be stated however, that while the current town planner gave his reasoning behind this opinion he never directly addresses this stipulation regarding R-3 and R-5 zoning in the bylaw when coming to his conclusion. Additionally the Town Planner seemingly contradicts himself by stating that while the site of the proposed tower “Is within the acquisition boundary of the

[Wildlife] refuge” (which should automatically withdraw it from eligibility to be an Overlay area) but attempts to completely dismiss this by stating it is “not technically included” but gives no reasoning as to why.

3) As per guidelines for DRI review of wireless communication towers section IV subsection C:

*“Height, Ground Mounted Facilities. **Ground mounted personal wireless service facilities (i.e. wireless communication towers) should not project higher than ten feet above the average building height or if there are no buildings within 300 feet, these facilities should not be projected higher than 10 feet above the average tree canopy height, measured from ground level (AGL).** If there are no buildings within 300 feet of the proposed site of the facility, all ground-mounted personal wireless service facilities should be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or proposed to be planted as part of the application”*

The verbiage in bold clearly states that any proposed tower should not extend more than 10 feet above the average tree canopy height in the area which is roughly 55-65 feet. This would allow for a maximum tower height of about 65-75 feet to be built at this location, far shorter than the proposed 150-foot monopole. The applicants attempt to skirt this regulation by mentioning they have requested a waiver, however, a waiver has not actually been granted and as such their adherence to this requirement should be enforced.

In regards to this waiver in question, the Mashpee Planning Board does command the power to grant an applicant permission to build a tower of up 200 feet providing said tower meets certain criteria. Among the criteria that the tower must adhere to is that there must be no serious impact to; “neighboring properties, residential areas ... or scenic vistas” but a proposed tower of such a height in this area would directly affect the neighboring residential areas by impacting the surrounding property values and ruining and their respective vistas. Blue Sky Towers and their affiliates have not provided ample evidence or assurance to the contrary in the form of an abutter impact study or otherwise.

This letter outlines a few of the major reasons as to why this proposed tower construction should be scrutinized further, if not scrapped all together. These same questions and many more valid issues were brought up in the independent investigation undertaken by David Maxon of Isotrope L.L.C on behalf of the commission. As Mr. Maxon asserts, not only has this process been dealt with the wrong way it is overwhelmingly likely that a single tower won’t be a complete fix anyway. Why unnecessarily burden residents with an unwanted solution that doesn’t solve the problem in the first place? In addition to attempting to skirt regulation, no attempt was made to consult the citizens that this tower would impact the most, not even as much as attempting to put the tower elsewhere on the nearly 30 acre property that would cause less impact to residents. We put good faith in the Cape Cod Commission that you will come to the logical and correct conclusion that the manner in which this project has been undertaken flies in the face of how a good community government should work: in service of the people that make up its community and believe it has their best interests at heart.

Thank you,

-Michael and Teresa Ronhock

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