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CAPE COD
COMMISSION

Minutes
Cape Cod Commission DRI Subcommittee Public Meeting
Wireless Communications Tower/Mashpee Fire Station #2
(Commission File No. 18012)
October 9, 2018 at 5:00 p.m.
Cape Cod Commission Offices – Ocean Room
Barnstable, MA

Subcommittee Members Present:

Ernest Virgilio (Mashpee – Subcommittee Chair), Fred Chirigotis (Barnstable), Harold Mitchell (Sandwich), Richard Roy (Dennis), and David Weeden (Native American Representative)

Commission Staff Present:

Jonathon Idman (Chief Regulatory Officer) and Kristen Clothier (Regulatory Officer)

Minutes Summary: On October 9, the Cape Cod Commission’s DRI Subcommittee held a public meeting on a Development of Regional Impact (“DRI”): Wireless Communications Tower/Mashpee Fire Station #2 – Commission File No. 18012 (“Project”). The DRI is being reviewed pursuant to Section 13 of the *Enabling Regulations Governing Review of Developments of Regional Impact* (revised April 2018). At the meeting, Commission staff reviewed materials submitted since the public hearing and the draft DRI decision with the Subcommittee. Following Subcommittee discussion, the Subcommittee made a motion to recommend to the full Cape Cod Commission (“Commission”) that it adopt the draft written decision with amendments as discussed by the Subcommittee, and that the Commission approve the Project subject to the conditions in said decision. The continued public hearing with the full Commission will take place on October 18 in the Harborview Conference Room at 3:00 p.m. (3195 Main Street, Barnstable, MA).

Introduction and Project Overview

Ernest Virgilio, Subcommittee Chair, called the public meeting to order at 5:00 p.m. and asked Jonathon Idman, Chief Regulatory Officer of the Commission, to review the meeting notice.

Mr. Idman said that the Subcommittee public meeting was for a Development of Regional Impact: a proposed 150-foot-tall Wireless Communications Tower (“WCT”) by Blue Sky Towers II, LLC (“Applicant”) at Mashpee Fire Station #2, 101 Red Brook Road. Verizon Wireless and T-Mobile (“Carriers”) propose to initially locate on the WCT, as well as Town EMS. He noted that Commission staff would be audiotaping the meeting for the purpose of compiling minutes.

Mr. Virgilio made a motion to approve the minutes of the 9/5 public hearing. The motion was moved by Mr. Roy and seconded by Mr. Chirigotis. The motion was approved unanimously. Mr. Virgilio made a motion to approve the minutes of the 9/17 public hearing. The motion was moved by Mr. Mitchell and seconded by Mr. Roy. The motion was approved with one abstention (Mr. Weeden).

Note: Mr. Weeden, who was not able to attend the 9/17 public hearing, rehabilitated himself as a full voting member by reviewing the audio recording of the previous meeting and the Project materials prior to 10/9.

Mr. Idman noted that this was a public meeting, not a public hearing with a public testimony session. If the Subcommittee wants to allow any public testimony it would be at the discretion of the Chair. The public hearing of 9/17 was continued to the full Commission meeting on 10/18.

Mr. Weeden, as a matter of record, brought to the Commission's attention the following: a member of the public left a message on his work phone asking to talk about the Project; he did not call/speak with him.

Mr. Idman said that at the 9/17 public hearing the Subcommittee directed him to prepare a draft decision that would approve the Project subject to certain conditions. Before discussing the draft, he reviewed new developments related to the Project and additional materials submitted by the Applicant. He said that the Commission's Wireless Consultant, David Maxson, was in attendance and would be able to respond to questions.

Mr. Idman reviewed a development regarding a local zoning interpretation issue. Since the last meeting, the Selectmen attempted to put an article that would confirm that this particular property is in the Wireless Overlay Zone on the warrant for fall Town Meeting in Mashpee. The Planning Board voted not to recommend that zoning amendment. Mr. Idman said that it's not uncommon for a Town, when there is a pressing matter, to make an amendment in its zoning to confirm the accuracy of a certain set of circumstances. He also said that it is not the Commission's job to interpret the bylaws on behalf of the Town and that this matter does not foreclose the Commission's decision-making. Mr. Idman said that Commission staff, Mashpee Town Counsel, and the Mashpee Town Planner reviewed the local zoning ordinance and, notwithstanding the proposed zoning amendment, it is still their opinion that the Project is allowed by special permit in the underlying zoning district, is outside the Mashpee refuge, and is in the Wireless Overlay District (which allows wireless towers up to 200 feet in height by special permit). Town Counsel submitted confirmation in writing to this effect.

Photosimulations of the monopine option (requested by the Subcommittee/provided by the Applicant) were reviewed at the 9/17 public hearing. The Subcommittee then requested to see plans of the monopine design, which the Applicant has since provided. Mr. Idman suggested that the Subcommittee consider not mandating any particular camouflage but instead articulate in the decision that the Applicant has expressed a willingness to apply certain camouflage techniques and leave it up to the Town to decide. If the Town then chooses a camouflage technique, the Applicant doesn't have to come back to the Commission for review by way of modification.

Mr. Idman reviewed materials received from the Applicant since the 9/17 public hearing, including a compilation of the 39 different photosimulations received throughout the process. It was noted that the monopine can be effective camouflage but that it can also be polarizing; if this camouflage is to be employed, it should be done at the discretion of the Planning Board. Photosimulations included the monopine option brought all the way down to the treeline, as requested for review by the Subcommittee.

Mr. Weeden asked whether there was visibility from the Horatio Amos house; Mr. Idman said that the photosimulations show that the WCT would not be visible at the proposed 150-foot height. He also noted that there is very little visibility from Ockway Bay. Commission staff tried to identify the most significant historic and cultural resource areas that could be impacted; it provided these locations to the Applicant in advance of the balloon test for the photosimulations.

Mr. Idman said that it's important to have both Commission review and local review, as the visibility issues are primarily local in nature and will be reviewed by the Planning Board. Most of the visibility is from directly around the WCT, from Blue Castle Drive and Degross Road. Blue Castle Drive is an area that is all under construction; the Subcommittee and the Commission will have to decide how representative this area is, as depicted in the photosimulations, of visual impacts in general; lots on Degross Road have been denuded of vegetation for building purposes, and there will be construction and probably some additional planting in the

future. Mr. Idman also reviewed the photosimulations from the NEPA report. The photosimulations showed that the WCT would not be visible from a number of historic and cultural sites.

Mr. Idman reviewed the monopine plans. The height increases to 158 feet with the monopine. Mr. Weeden asked whether incremental spacing of foliage was specified on the plans. Mr. Idman said the plans received do not have a construction level of detail. The Applicant is willing to do this sort of camouflage, but he said that it should be up to the Town to decide whether this is the appropriate treatment; it gets at some of the more local issues involved.

Mr. Mitchell said that another problem with the monopine is that there are no 150-foot-tall trees in the area so it really stands out; in an attempt to try to cover the WCT up, it makes it more of an eyesore. He said that the monopole painted blue is a really good choice, it is hidden in the sky. He'd like to see if they can leave it up to the Town to see what they'd like to do. Mr. Idman said that the decision could be drafted to leave the camouflage and color options up to the Town. Mr. Mitchell also noted the issue of monopine maintenance. Mr. Idman and Mr. Maxson are not aware of the monopine treatment being used anywhere on Cape Cod. Mr. Maxson said that a monopine can be polarizing; some like it, some don't. Some monopines are done in the right context and you don't notice them; some stick out. Perhaps this is a reason to leave it up to the Town.

Mr. Maxson raised the question of height; the Commission's Wireless Technical Bulletin has a height limit of 150 feet. In the Town of Mashpee, WCTs can be up to a height of 200 feet (special permit in Wireless Overlay District). He asked whether the additional 8 feet of the monopine put the height over the Commission limit. Mr. Idman responded that the Technical Bulletin is guidance.

Mr. Weeden expressed his opinion that the monopine presented looked more appealing due to the density of foliage vs. a monopine with less dense foliage (if the constructed monopine actually mirrored the plans, which may be unlikely), but agrees that the height does stick out. Mr. Maxson said that one of the difficulties with the monopine would be making sure there is oversight so that it has the most natural appearance and conceals the antennas reasonably well.

Mr. Weeden asked how monopine coverage fares with osprey. Mr. Maxson responded that the monopine might repel osprey because it is less conducive to the way osprey build their nests.

Mr. Idman said that the value is that they now have a set of plans from the Applicant and an expressed willingness to do this type of treatment. If the Commission would like, they can leave the camouflage technique to the discretion of the local Planning Board, who can then get into construction details. Commission staff focused on regional impacts. They looked at whether there are any significant cultural or historic resources that would be visually impacted by the WCT and found that there aren't. It appears that when you get closer to the site there are some localized impacts.

Mr. Maxson said that since the Wireless Technical Bulletin has a height limitation, they need to be sure that anyone approving a monopine later doesn't need to come back to the Commission due to the additional eight feet in height. Mr. Idman said that if this is something the Subcommittee is interested in, then the draft decision can leave a camouflage technique up to the discretion of the local board and specifically reflect this set of plans so that the Applicant doesn't need to come back to the Commission for a modification if camouflage is selected.

Mr. Idman then reviewed the draft decision. He pointed to the benefits/detriments section (F26) and said that this analysis is the most important decision the Commission needs to make — whether the probable benefit of the proposed development is greater than the probable detriment of the proposed development. He reviewed the benefits outlined in the draft decision:

- A. The Project will address identified wireless coverage and capacity problems in south Mashpee, providing a needed service to a variety of users including area residents, the traveling public, and visitors who rely on such services for emergency communications, to operate their businesses, and to

communicate with friends and family either at home or in their vehicles. Wireless communications are used by many homeowners who have eliminated land lines and use of multiple wireless platforms create high data demand that will be served by the Project. The Project will allow for better and faster emergency responses by police and fire.

- B. The Project proposes immediate wireless carrier site-sharing and attractive opportunities for other national carriers to site-share on the proposed WCT, potentially eliminating or limiting the future need for additional wireless towers in south Mashpee.
- C. The Project is a type of infrastructure, which supports other uses and development.
- D. The Project is sited on municipal land, allowing an additional level of control over the proposed development by the Town, and a revenue stream from the lease to support Town operations and services.
- E. The Project accommodates Town of Mashpee EMS equipment, which will assist emergency services and communications in the Town.

In terms of detriments, F27 was reviewed: The probable detriment of the Project is that the proposed WCT may have visual impacts to some neighboring properties more acute than to properties in south Mashpee in general.

Mr. Mitchell requested that the last sentence of item A be broken into A and B in the draft decision, as this is a very important consideration.

Mr. Idman noted that there is a certain emergency services component to the carriers themselves that allow for 911 services and there is also the equipment that Town EMS wants to put on the WCT, so there are really two considerations dealing with emergency services.

Mr. Mitchell asked whether property value was brought into the decision. Mr. Idman said that this was discussed but not brought into the decision as this is more of a zoning issue; the Town is charged with dealing with zoning issues which are much more localized. The Commission is a regional review agency dealing with regional issues. If the Commission approves the Project, there are still many important issues for the Town to take up. Mr. Virgilio said that the Town will receive all the information, including the Commission decision; this does seem like it is a Town issue.

Mr. Weeden recalled that at the first public hearing, the point was made that if the WCT height was lowered to reduce visual impacts, it wasn't very effective in terms of the coverage Verizon Wireless and T-Mobile were trying to achieve. He asked whether additional carriers would be able to site on the WCT as described in item F26-B above. Mr. Idman said that if you go with a lower overall WCT height, you won't get optimal coverage for Verizon Wireless and T-Mobile, and there won't be realistic opportunities for additional carriers to come in and locate underneath them. You can have a 150-foot-tall WCT with four carriers, or a lower height WCT to minimize visual impact but you might then see another WCT built as additional carriers might not have coverage (and thus might not locate) at lower heights on a shorter WCT. The Subcommittee's direction for the draft decision was for the 150-foot-tall WCT with the potential for four carriers, which could potentially eliminate another macro tower in this area.

Mr. Virgilio asked about ground elevation variations in that area of south Mashpee. Mr. Maxson reviewed the impacts from variations in topography; a higher elevation area creates a radio shadow in the direction of Popponesset which is even true for the top two sets of antennas. The Subcommittee reviewed a topographic map of the coverage area. Mr. Idman said that coverage and siting is definitely a balance. He noted that the coverage area also includes an area to the northwest of the WCT; the coverage area proposed is greater than New Seabury. If the WCT were moved to New Seabury, they wouldn't have coverage to the northwest. Some of the properties considered in the alternatives analysis in the New Seabury area looked like they wouldn't satisfy the coverage requirements of the Applicant. When looking at the feasibility of a site, the willingness of the landowner to put a WCT there is also a factor.

In looking at the coverage map, Mr. Virgilio asked about other wireless towers in the area. Most were at similar heights to the proposed WCT, but one was at a height of 70 feet; he asked why this one wasn't at a similar

height to the others. Attorney Liz Thompson, attorney for the Applicant, responded that the coverage map was specific to Verizon Wireless antennas, not the heights of the wireless towers/structures. The 70-foot height just indicated the height of Verizon Wireless antennas, which Mr. Maxson subsequently determined were located on a monopole (not another structure). The total height of the monopole may be higher.

Mr. Idman continued with reviewing specific Conditions of the draft decision. C10 states that one backup generator is preferred or if not possible, then the separate generators should be tested at different times on weekdays during daylight hours. The draft decision does not include specific hours; the Town could set specific hours since they can enforce them.

Mr. Idman said that they should talk about what sort of recommendation the Subcommittee would like to make going forward. He reviewed the proposed amendments to the draft decision which were discussed by the Subcommittee, which included the possible approach to the camouflage, leaving it up to the discretion of the Town and not requiring further review by the Commission for the type of treatment the Town may choose. He mentioned there has been a lot of discussion, a lot of testimony. It's really about balancing all the equities. The benefits should reflect that this is like a piece of infrastructure. The Commission is looking to regional policies/regional initiatives. Sometimes what you are left with after regional review are some localized impacts.

Mr. Chirigotis said that as proposed this meets the criteria for DRI approval. A number of issues need to be addressed at the local level (ie. camouflage/aesthetics). The height as proposed meets the criteria. The zoning issues that have been brought up do not disqualify the Project from Commission approval. He would like to vote to move this forward to the whole Commission. He feels that the local issues will be dealt with at the local level.

Mr. Idman reviewed the details of how the Condition would be drafted to leave it up to the discretion of the Town to determine camouflage and/or paint, without requiring further modification or approval by the Commission.

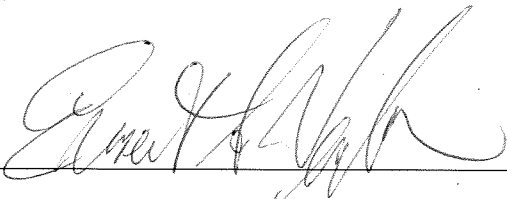
Mr. Virgilio reminded everyone of what the Subcommittee is charged with, to make a recommendation to the Commission, and that this then will go on to the full Commission of 19 Commissioners who will review the Project and make a decision. Mr. Idman noted that David Maxson would also be at the 10/18 public hearing.

Mr. Mitchell moved to recommend to the full Cape Cod Commission that it adopt the draft written decision for the Project with amendments as discussed by the Subcommittee, and that the Commission approve the Project subject to the conditions in said decision. Mr. Roy seconded the motion. The Subcommittee approved the motion unanimously.

Mr. Idman reminded everyone about the continued public hearing on October 18 before the full Commission in the Harborview Conference Room (3195 Main Street, Barnstable, MA) at 3:00 p.m.

Mr. Mitchell made a motion to adjourn, which was seconded by Mr. Virgilio and approved unanimously. The meeting was adjourned at 6:00 p.m.

Respectfully submitted,



Ernest Virgilio, DRI Subcommittee Chair

10-18-2018

Date

