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CAPE COD
COMMISSION

Minutes
DRI Subcommittee Hearing
Wireless Communication Tower, Mashpee Fire Station #2
September 17, 2018
Cape Cod Commission Office, Ocean Room
3225 Main Street, Barnstable, MA

Subcommittee Members Present: Ernest Virgilio (Chair), Richard Roy, Harold Mitchell, Fred Chirigotis

Commission Staff Present: Jonathon Idman (Chief Regulatory Officer), Kristen Clothier (Regulatory Officer), Michele White (Regulatory Officer)

Minutes Summary

The Cape Cod Commission (Commission) Development of Regional Impact (DRI) subcommittee (Subcommittee) for a wireless communications tower (WCT) (Project) proposed by Blue Sky Towers II, LLC (Applicant) at Mashpee Fire Station #2, 101 Red Brook Road, Mashpee (Project Site), directed Commission staff to draft a DRI decision approving the Project consistent with Subcommittee discussion of the Project, for review by the Subcommittee.

Minutes

Ernest Virgilio called the meeting to order at 5:30PM.

Jonathon Idman read the hearing notice for DRI review of the Project proposed by the Applicant at the Project Site, noted receipt by Commission staff of additional public comment letters on the Project, and noted there would be an opportunity for public comment at the hearing. Mr. Virgilio asked for comments on the Project from Commission staff.

Mr. Idman gave an update on the Project since the first Subcommittee held public hearing on the Project on September 5, 2018: The Applicant provided the additional photo simulations requested by the Subcommittee at that hearing showing a mono-pine style WCT, and Commission staff received additional public comment letters which were added to the Project review materials. Mr. Idman stated the Subcommittee should discuss the Project and direct Commission staff how to proceed.

Mr. Virgilio asked for comments from the Applicant. Attorney Elizabeth Thompson, representing the Applicant, stated that the Applicant provided additional photo simulations of the proposed 150' WCT shown in the mono-pine style as requested by the Subcommittee, and included simulations showing the WCT painted light blue and light grey, from the most visible location. Atty. Thompson showed the Subcommittee those photo simulations and offered to answer questions.

Mr. Virgilio asked for Subcommittee questions. The Subcommittee expressed a preference for the mono-pine style WCT and for its branching to extend farther down the WCT to better blend in with the existing tree line as depicted in the 'mono-pine' photo simulations.

Fred Chirigotis asked about the town Wireless Facility Overlay District zone. Atty. Thompson stated the Applicant firmly believes that the Project Site is within the wireless overlay zone; the Town Planner and the Applicant's team individually analyzed the wireless overlay zone and determined that the Project Site is within that zone. The Assistant Town Manager submitted a warrant article for Town Meeting to affirm the Project Site location in the wireless overlay zone. Mr. Idman stated that Commission staff and the Commission's wireless technical consultant also did analyses of the wireless overlay zone and determined the operation of a WCT is allowed by Special Permit in the underlying zoning district.

Mr. Virgilio asked for public comment from public officials. Rodney Collins, Mashpee Town Manager, stated that Town Council agrees that the Project Site is within the wireless overlay zone.

Mr. Virgilio called for additional public comment.

Theresa Ronhock, Degross Road, asked if the Applicant is required to provide an abutter impact assessment. Mr. Idman stated no; Mr. Virgilio explained the Commission's public comment process and Mr. Idman commented on the Commission's focus of regional review. She asked if the Project Site is within the Mashpee National Wildlife Refuge. Mr. Idman said that it is Commission staff's opinion that the Project Site is within the wireless overlay zoning district, , thus it is staff's opinion that the project is located outside of the Mashpee National Wildlife Refuge.

She asked about the town zoning. Mr. Idman noted that the need for a zoning variance, if one were even required, would not necessarily require the Commission to deny the project, but might require that the Commission make particular findings about the project. She asked if the Applicant is required to consider other proposals, such as the distributed antenna system (DAS) proposal done for a third party which was submitted to the Commission with public comment. Mr. Idman stated that proposal was submitted anonymously, is not from the Applicant and was done for a third party; the Commission does not know if that proposal is viable or could substitute for the Applicant's proposal. Mr. Idman said that alternative sites were considered and addressed in the application, and the Subcommittee could ask the Applicant to analyze a DAS but as discussed at the first public hearing that type of system likely will not be comparable to the coverage area of or substitute for the proposed WCT.

Michael Ronhock asked if the WCT could be moved closer to Red Brook Road. He stated the Commission's wireless technical consultant report identified a parcel on Great Oak Road listed as 'owners unknown' that would place the WCT closer to a large concentration of potential wireless users within the coverage area, which Mr. Ronhock thought should have been included in the alternative site analysis performed by the Applicant. He did not prefer the mono-pine style WCT.

Another resident of Degross Road asked about noise related to the WCT. Mr. Idman stated the noise level would be below the standard of 50 dBA at the property line (based on existing ambient noise conditions) and noted that the MA Department of Environmental Protection is the enforcement authority. Atty. Thompson stated the Project complies with local and state noise standards and that level of noise would only be when the backup generator was running which would be for approximately 30 minutes during routine maintenance or in the event of a power outage.

Mr. Ronhock asked about any proposed lighting.

Diane Scannell, Degross Road, questioned if there were other properties that might be more suitable than the Project Site.

Barry Blake read a letter into the record (attached) which was provided to the Subcommittee. Mr. Blake further noted a WCT was previously proposed in New Seabury and he said that it was voted down by those residents, and that the Applicant's proposed WCT will still leave gaps of wireless coverage in the coverage area.

Mr. Virgilio asked for Subcommittee discussion and about the areas of gaps in coverage. Atty. Thompson stated a search area usually does not achieve 100% coverage but that wireless carriers have a federal mandate to provide coverage and can close gaps after a WCT is constructed, sometimes with another WCT or other types of wireless coverage systems such as small cell or DAS.

Atty. Thompson noted there are no requirements for the WCT to be lit, the Applicant is not proposing lighting for the Project, and lighting is not required for this WCT by the Federal Aviation Administration.

Mr. Idman stated that in situations where a parcel is assessed as 'owner unknown' the wireless carrier does not know who to contact about possibly using that parcel as a WCT site and thus may not be a viable site to consider as an alternative. He then noted that the Subcommittee should discuss siting and potential alternatives based on wireless coverage or regional detrimental impacts.

Richard Roy asked to see the wireless carriers existing and proposed coverage maps. Mr. Idman and Richard [Kariuki](#), an RF engineer and carrier consultant, showed and reviewed Verizon's maps and T-Mobile's maps, respectively.

Mr. Virgilio asked if wireless carriers could locate a WCT on a parcel with a conservation restriction. Atty. Thompson noted case law shows that siting WCTs on a parcel with a conservation restriction is not appropriate unless that is the only site available. Mr. Idman stated Commission staff would not normally recommend such siting to the Commission.

Mr. Virgilio asked about alternative sites. Atty. Thompson stated there are no other feasible sites due to either parcel size not being able to accommodate required WCT setbacks, or the interest of willing property owners, and she said that the town identified the Project Site through its Request for Proposals as a site that could benefit wireless coverage in the area. Mr. Idman stated that the Subcommittee could discuss alternative locations on the Project Site. The Subcommittee agreed that question had been addressed at the first public hearing.

Harold Mitchell asked if the Commission had jurisdiction to review abutting property values as related to the installation of a WCT. Mr. Idman stated the Commission has no standard on abutting property values, and that in his experience the Commission has not requested such a report for any type of project, but the Subcommittee more appropriately to its regional jurisdiction could ask the Applicant for an economic impact statement, which may likely show an economic value to the area due to increased wireless communication access. Mr. Idman stated that even if there is a decrease in property value to abutters the Commission can still approve the Project if the potential benefits of the Project are greater than the potential detriments of the Project.

Mr. Chirigotis made a motion to direct Commission staff to prepare a draft DRI decision consistent with the Subcommittees discussions for their further review. Mr. Mitchell seconded the motion which passed unanimously.

Mr. Mitchell made a motion to continue the public hearing to the full Commission meeting on October 18, 2018 at 3PM in the Barnstable County Complex Harborview Room. Mr. Roy seconded the motion which passed unanimously.

The Subcommittee directed Commission staff that the draft DRI decision should include: that backup generators provided by individual wireless carriers should be tested at separate times between the hours of 9AM-3PM weekdays; that the mono-pine limbs extend below the existing tree line by approximately 10-15' and the WCT structure be painted dark brown; that the Commission should recommend the town work with the Applicant on an appropriate maintenance protocol for this style of WCT.

Mr. Idman asked the Applicant to provide photo simulations of the mono-pine style WCT from all previously identified locations where the WCT will be visible and to provide updated engineering plans reflecting the mono-pine style WCT.

The Subcommittee noted some potential benefits of the Project are increased wireless coverage, the mono-pine style camouflaging of the WCT, the proposed height of the WCT will provide maximum wireless coverage to the coverage area, the WCT will allow for municipal EMS

infrastructure and provide for increased cellular access to emergency management systems; a potential detriment is possible impacts to abutting residential neighborhoods.

The Subcommittee and Applicants engineer discussed construction of the mono-pine style WCT, where the Applicants engineer noted that these WCTs generally need approximately 8-10' above the top of the highest wireless carrier's antenna panels to appropriately 'crown' the top of the mono-pine to increase the appearance of the structure as a tree.

Mr. Chirigotis made a motion to adjourn, Mr. Mitchell seconded. The motion passed unanimously, and the meeting ended at 6:55pM.

Respectfully submitted,

Ernest Virgilio, Chair, DRI Subcommittee

Date