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CAPE COD  
COMMISSION

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## Minutes

### Meeting

#### Cape Cod Commission

First District Courthouse • Assembly of Delegates Chambers  
3195 Main Street, Barnstable, MA 02630

November 9, 2017

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	Absent
Mashpee	Ernest Virgilio	Absent
Orleans	Len Short	✓
Provincetown	Vacant	Vacant
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	Absent
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	✓
Governor's Appointee	Michael Maxim	Absent

The meeting of the Cape Cod Commission was called to order on Thursday, November 9, 2017 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum was established.

## **SUMMARY OF ACTIONS TAKEN/VOTES:**

**Approval of Minutes:** The minutes of the September 14, 2017 Commission meeting were unanimously approved.

**Public Hearing: Eco-Site, LLC Wireless Communication Monopole-Wakeby Road #TR17019** — The minutes of the October 26, 2017 public hearing were unanimously approved by the subcommittee. Following presentations, public testimony and discussion, the Commission deliberated on the Development of Regional Impact (DRI) application submitted by Eco-Site, LLC and T-Mobile Northeast, LLC for proposed construction of a 145 foot-monopole with twelve (12) antennas and appurtenant equipment located at 0 Wakeby Road in Marstons Mills, MA. Following deliberation, the Commission voted unanimously to close the public hearing and voted unanimously to adopt the draft written DRI decision for the project and approve the project as recommended by the subcommittee, subject to the conditions in the DRI decision.

### **■ MINUTES**

The minutes of the September 14, 2017 Commission meeting were reviewed. Roger Putnam moved to approve the minutes, Michael Skelley seconded the motion and a vote called on the motion passed with a unanimous vote.

### **■ EXECUTIVE DIRECTOR'S REPORT**

Deputy Director Kristy Senatori said the Section 208 Area-wide Water Quality Management Plan Implementation Report was filed with the Department of Environmental Protection (DEP) on October 31, 2017 and the DEP will be submitting the report to the Environmental Protection Agency. She said the first round of meetings for the stakeholder working groups for the National Oceanic and Atmospheric Administration (NOAA) Coastal Resiliency Grant will begin in December. Ms. Senatori reported on recent presentations by Commission staff and said Monica Mejia, hydrologist at the Commission, has resigned from her position and Commission staff wish Ms. Mejia the best in her future endeavors.

### **■ ECO-SITE LLC WIRELESS COMMUNICATION MONOPOLE-WAKEBY ROAD #TR17019**

Chair Harold Mitchell read the hearing notice and opened the public hearing at 3:05 p.m. He said the Commission will hear presentations and take public testimony on the Development of Regional Impact (DRI) application submitted by Eco-Site, LLC and T-Mobile Northeast, LLC for the proposed construction of a 145 foot-monopole with associated equipment and site development.

The subcommittee reviewed the minutes of the October 26, 2017 public hearing. Roger Putnam moved to approve the minutes, David Weeden seconded the motion and a vote called on the motion passed with a unanimous vote.

Attorney Daniel Glissman, with the law firm Prince Lobel Tye representing Eco-Site, said the co-applicant T-Mobile identified a gap in coverage, once a gap is identified they work with companies like Eco-Site and the proposed wireless telecommunication tower will fill that gap. With the use of PowerPoint slides he provided an overview of the proposed project and highlighted the compound showing the vegetated buffer area and the 145-foot monopole style telecommunication tower and said T-Mobile will be installing twelve antennas. He discussed the proposed Erosion and Sedimentation Plan and said the applicant will enter into a Buffer Zone Agreement with the property owner to preserve 32,000 square feet of tree buffer. Attorney Glissman talked about the need, the coverage gap, proposed coverage with the tower in existence and said the Commission's consultant has determined that there is a gap in T-Mobile coverage. He said two balloon tests were conducted and he referred to photo simulations showing the proposed tower at 145 feet and 125 feet and referred to slides showing seasonal visibility with trees leafed. Attorney Glissman concluded by saying the proposed tower is necessary to fill a gap for T-Mobile and it will provide benefits to residents.

Michele White, Regulatory Officer at the Commission, with the use of PowerPoint slides said the project comes to the Commission as a mandatory Development of Regional Impact (DRI) pursuant to Section 3(i)(1) of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact* for construction of any wireless communication tower exceeding 35 feet in overall height and Section 7 which allows the Commission to waive standards outside the scope of the project. She provided a procedural history on the project and said the Commission received an application for the project in July, public hearings were held in September and October and the Commission's wireless consultant is David Maxson of Isotrope LLC. She said at the October 26, 2017 public hearing the project subcommittee determined that the project would fill a gap in coverage and voted to recommend approval of the project to the full Commission.

Ms. White said the area is mapped as a Resource Protection Area on the Land Use Vision Map (LUV) and she then reviewed Regional Policy Plan (RPP) issue areas for land use, economic development, water resources, natural resources, open space, transportation, heritage preservation and community character. She said the project area is outside of historic resource areas and distinctive scenic landscapes; photo simulations of the proposed tower reveal minimal visual impacts and it is not visible from Long Pond, Santuit Pond and the Ryder Conservation Land; and the project will provide visual buffering as the tower is set back 286 feet from Wakeby Road and the applicant will enter into a Buffer Zone Agreement with the property owner. Ms. White said the project is consistent with Barnstable's Local Comprehensive Plan, Barnstable has adopted Implementing Regulations for the Cape-wide Fertilizer Management District of Critical Planning Concern however they are not applicable as the applicant is not proposing to manage turf with fertilizer applications, and Elizabeth Jenkins from the town of Barnstable has provided testimony that the project is consistent with local development bylaws. Ms. White explained consistency with the Commission's Wireless Technical Bulletin and she noted suggested probable project benefits as additional and enhanced wireless service to portions of Barnstable, Mashpee and Sandwich; additional vegetated buffering to screen ground-level equipment and maximizes the vegetated buffer of existing vegetation; and the project will limit the development of a 17.74-acre wooded residential lot in a Resource Protection Area. She noted one probable project detriment as removal of some natural site vegetation.

Chair Harold Mitchell said he served as Chair of the subcommittee and everything the subcommittee asked for is in the DRI decision. He said this is an excellent project.

Charles McCaffrey inquired about the appropriate color for a tower. Michele White said it has been found in the past the color gray to blend in with the sky is least evident.

Chair Harold Mitchell called for testimony from federal, state, local officials and the public. Seeing none Chair Mitchell called for a motion to close the public hearing. A motion to close the public hearing was moved by Len Short, seconded by Jack McCormack and a vote called on the motion passed with a unanimous vote.

Jack McCormack moved the Commission adopt the draft written DRI decision for the project, and approve the project as recommended by the subcommittee, subject to the conditions in the DRI decision. Michael Skelley seconded the motion and a vote called on the motion passed with a unanimous vote.

■ **NEW BUSINESS:** *Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.*  
No new business was taken up.

A motion was made to adjourn at 3:25 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary

## **List of Documents Used/Presented at the November 9, 2017 Commission Meeting**

- Handout material: November 9, 2017 Commission meeting agenda.
- Handout material: September 14, 2017 Draft Commission meeting minutes
- Handout material: Eco-Site, LLC Wireless Communications Monopole-Wakeby Road Draft Development of Regional Impact Decision
- Material Presented: PowerPoint presentation on the Eco-Site, LLC Wireless Communications Monopole-Wakeby Road project prepared and presented by Cape Cod Commission Staff.
- Material Presented: PowerPoint presentation on the Eco-Site, LLC Wireless Communications Monopole-Wakeby Road project presented by Attorney Daniel Glissman.