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CAPE COD
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DEVELOPMENT OF REGIONAL IMPACT DECISION

Project: Wakeby Road Wireless Communications Facility (CCC File No. 17019)

Property Owner: Barbara M. LaFlam

Project Applicants: Eco-Site LLC and T-Mobile Northeast LLC
c/o Attorney Ricardo Sousa
Prince Lobel Tye LLP
One International Place, Suite 3700
Boston, MA 02110

Project Site/Location: o Wakeby Road, Barnstable (Marstons Mills), MA 02601

Title Reference: Deed Book 27207 Page 5

Assessors ID: Map 13 Parcel 003

Date: November 9, 2017

SUMMARY

The Applicants, Eco-Site LLC (Eco-Site) and T-Mobile Northeast LLC (T-Mobile), propose to construct a 145-foot monopole-style wireless communications tower and associated improvements for personal wireless service on an undeveloped 17.74± acre property.

The Cape Cod Commission (Commission) hereby approves with conditions the Project as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act). This decision is rendered pursuant to a vote of the Cape Cod Commission on November 9, 2017.

FINDINGS

The Cape Cod Commission finds as follows:

GENERAL FINDINGS

GF1. This Project is a mandatory Development of Regional Impact (DRI) pursuant to Section 3(i)(1) of the Commission's *Enabling Regulations*, revised November 2014, as the "*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, ...*".

GF2. Section 7(c)(viii) of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact (Enabling Regulations)* contains the standards for DRI approval, which include consistency with the Cape Cod Commission Act, Cape Cod Regional Policy Plan (RPP), District of Critical Planning Concern (DCPC) implementing regulations (as applicable), municipal development bylaws or ordinances, and applicable Local Comprehensive Plans. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

GF3. The Project was reviewed subject to relevant issue areas of the 2009 RPP, amended August 2012, and corresponding standards applicable and material to the Project, and the Commission's Technical Bulletin 97-001, "Guidelines for DRI Review of Wireless Communication Towers".

GF4. The DRI application was received on July 31, 2017. The mandatory DRI referral was received by the Commission from the Town of Barnstable on August 4, 2017. The Applicants submitted additional materials in August and September 2017. The DRI application was determined to be complete, sufficient to proceed to substantive public hearings, which were held by a DRI subcommittee on September 27, 2017 and October 26, 2017, during which time the Applicants submitted additional materials for review. Commission staff prepared a report on the Project, dated September 22, 2017, for the subcommittee hearings. At the October 26, 2017 hearing, the subcommittee voted to recommend approval of the Project to the full Commission and directed staff to prepare a draft DRI decision for the Commission's consideration. The October 26, 2017 hearing was continued to November 9, 2017 for the full Commission's review and consideration of the Project and of the draft DRI decision.

GF5. T-Mobile is licensed by the Federal Communications Commission (FCC) to construct and operate a wireless telecommunications network in various markets throughout the country, including the Commonwealth of Massachusetts and the Town of Barnstable.

GF6. Under its license from the FCC, T-Mobile is obligated to provide reliable wireless communications service to the population of the Town of Barnstable.

GF7. Without the proposed facility, T-Mobile cannot provide reliable service to the Town of Barnstable pursuant to the Telecommunications Act of 1996 and its license issued by the FCC.

GF8. Designing and constructing a telecommunication system that provides seamless coverage requires a grid of radio transmitting and receiving links located up to two (2) miles apart, which, based on network and site topography features, operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground; antennas are located where the signal is not obstructed or degraded by buildings or geographical features.

GF9. A significant gap in wireless telecommunications coverage was identified by T-Mobile, who employed a Site Acquisition Specialist to identify potential parcels for construction of a wireless telecommunications tower. Criteria for site selection included: existing structures of sufficient height where an antenna installation could provide adequate coverage; a parcel within the search area where a tower of sufficient height could be constructed; a location that will provide adequate coverage to the gap in T-Mobile's network; a willing landowner with whom commercially reasonable lease terms can be negotiated.

GF10. T-Mobile was unable to identify a suitable existing location to co-locate its proposed wireless facility. A Site Analysis performed by T-Mobile found no existing structures in the area with the height necessary to provide adequate wireless coverage, as the geographic area defined by T-Mobile where a significant service gap exists consists of mostly single-family homes, fresh water ponds, conservation lands, and other undeveloped lots.

GF11. The Applicants maintain that the Project Site is the most suitable one for the Project in light of potential alternative sites due to the willingness and authority of the Property owner to enter into a lease agreement with the Applicants, the Property's significant existing vegetation, and the location of the Property to provide adequate coverage within the identified service area gap. The proposed wireless telecommunications facility will provide reliable coverage to the targeted sections of the Town of Barnstable and immediately surrounding area.

GF12. Potential alternative sites identified for construction of the Project were rejected due to lack of property owner interest in entering into a lease agreement with the Applicants at the time of property research, site constraints, or the properties were determined to be too far from the needed coverage area.

GF13. The Project includes the installation of a 145-foot multi-user monopole-style wireless communications tower and associated improvements for personal wireless service use in a 50'x50' leased compound on the Property. The proposed wireless tower will include twelve (12) wireless communications panel antennas and two (2) square dish antennas at a centerline height of 140 feet, and a GPS antenna providing Enhanced Emergency Service (E911). Associated appurtenances include equipment cabinets on concrete pads, and Remote Radio Heads ("RRH") with accessory junction boxes and surge suppressors to be mounted alongside the antennas. The antennas will be connected via cabling inside the monopole and through a proposed ice bridge to the ground based equipment. A gravel access driveway to the tower facility, stormwater management, underground utilities, 8-foot high chain link fence, landscaping, and vegetated buffer zone are also proposed (collectively, the Project).

GF14. The Project Site is approximately 45,500 SF (1.04 acres) of a larger ~17.74-acre Property. The Project Site consists of a 50'x50' fenced equipment compound, a 15-foot wide landscaped easement around the compound, a 12-foot wide gravel access drive within a 40-foot wide utility easement, the stormwater management system, and 35-foot vegetated buffer zone around the limit of disturbance.

GF15. The Applicants have provided appropriate and sufficient documentation and analyses to evidence need and demand for the Project, and have provided documentation consistent with the Commission's Wireless Technical Bulletin. The Project is proposed to be implemented and constructed in accordance with the following application materials, information, and documents submitted during the DRI review process:

See Exhibit A attached hereto and incorporated herein

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GF16. The Project has been designed to accommodate three (3) wireless telecommunications carriers in addition to the co-applicant T-Mobile, and will provide personal wireless service to a portion of Barnstable, Mashpee, and Sandwich.

GF17. Applicant Eco-Site has provided a copy of a lease with the Property owner over that portion of the Property constituting the Project Site. The term of the lease is 10 years, with four (4) renewal options of an additional five (5) years each, for a total of up to 30 years.

GF18. Applicant Eco-Site has agreed to the Abandonment requirements of the Wireless Technical Bulletin, which outlines the removal of a personal wireless service facility when the operation of that facility has been discontinued.

GF19. The Project is consistent with the Barnstable Local Comprehensive Plan by minimizing development in a Low Density Residential area, supporting upgrades to telecommunications infrastructure, providing well maintained public facilities to serve future communication needs of the community that are equitably distributed with minimal environmental and community character impacts, and the Marstons Mills Village Plan Heritage Preservation Strategy of retaining natural vegetation within development sites as a visual buffer along roads.

GF20. The only DCPC applicable to the Project is the Cape-wide Fertilizer Management DCPC. Barnstable adopted a fertilizer (nutrient) management ordinance as implementing regulations pursuant to this DCPC (Chapter 78 of the General Ordinances of the Code of the Town of Barnstable, "Fertilizer Nitrogen and Phosphorous Control"). The Applicants do not propose to manage turf with fertilizer applications, and thus the implementing regulations do not apply to the Project.

GF21. The following local reviews, actions, permits, licenses and approvals are required for the Project:

- A. Site Plan Review;
- B. Zoning Board of Appeals Dimensional Variance for the height of the tower;
- C. Building permit.

GF22. The Project is consistent with municipal development ordinances, provided the Applicants obtain all necessary local permits, licenses, and approvals. The Zoning Ordinance of the Town of Barnstable (Chapter 240), Article X (Personal Wireless Communication) allows for the installation and construction of personal wireless facilities and associated equipment in all zoning districts, subject to Site Plan Review and issuance of a building permit. The maximum building height in the RF district is 30 feet; therefore, the Applicants will need a Dimensional Variance for the height of the tower from the Barnstable Zoning Board of Appeals. As noted by the Applicants, in *Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland*, 231 F.Supp. 2d 396, 406-407 (D. Mass. 2002), the "need for closing a significant gap in coverage, in order to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required." T-Mobile will require variances as it cannot close a significant gap in coverage without installing the proposed facility in an area that limits structures to a height of 30 feet.

GF23. The Property is located within the town Resource Protection Overlay District, the purpose of which is to protect surface water and groundwater quality, and reduce development potential in an area where additional residential development could face a shortfall in public facilities. The Project use is not a prohibited use within this District.

GF24. The Commission received comments from the Town's Planning and Development Department Director, Elizabeth Jenkins, on behalf of the Town at the subcommittee hearing on September 27, 2017, indicating Project consistency with town development ordinances and the Town's Local Comprehensive Plan.

GF25. The probable benefits of the Project include:

- A. The Project will limit the development potential of a 17.74-acre wooded residential lot in a Resource Protection Area.
- B. The Project will provide additional vegetated buffering to screen ground-level equipment and maximizes the vegetated buffer of existing vegetation.
- C. The Project will provide additional and enhanced personal wireless service to portions of Barnstable, Mashpee and Sandwich.

The probable detriments of the Project include:

- A. The Project requires removal of some natural site vegetation.

REGIONAL POLICY PLAN FINDINGS

The following are Findings related to the Project's consistency with RPP issue areas that are applicable, relevant and material to, and within the scope of, the Project:

Land Use

LUF1. The RPP Land Use goals aim to minimize adverse impacts of development on the land by using land efficiently, protecting sensitive resources, and directing growth to appropriate areas.

LUF2. The Property is in a residential district, 17.74 acres, undeveloped, and wooded, and is located within a Resource Protection Area on the town adopted Land Use Vision Map (LUVVM). The area of disturbance for the Project will be 13,500 square feet (0.3 acres).

LUF3. A letter provided by the property owner states that future development of this parcel is contingent on the proposed wireless tower being located at this site. Should the tower be located on this Property it would effectively limit development on a 17+ acre wooded residential lot in a Resource Protection Area for the life of the tower, which could be 10-30 years.

LUF4. RPP Minimum Performance Standard (MPS) LU2.2 (Co-location of Telecommunication Facilities) requires that the Applicants demonstrate the design of the facility can accommodate two (2) or more co-locators. The facility provides spots for a total of four (4) co-locators; wireless carrier T-Mobile is a co-applicant. The Applicants have contacted additional carriers serving Cape Cod to offer an opportunity to co-locate on this tower, and have provided the Commission with letters committing to allow for future co-location.

LUF5. MPS LU2.2 directs applicants to the Commission's Technical Bulletin 97-001, "Guidelines for DRI Review of Wireless Communication Towers" for guidance on locating and design of wireless towers. The Commission has retained a wireless technical consultant,

Isotrope, LLC, who reviewed the Project relative to, among other things, consistency with this Technical Bulletin. Isotrope submitted reports to the Commission titled:

Initial Comments on DRI Application for Wakeby Road Cell Tower, dated September 26, 2017

Response Memo to T-Mobile Supplemental Submission on the Wakeby Road Tower Application by Eco-Site, dated October 24, 2017

The wireless consultant concluded that the Project would fill a significant gap in T-Mobile's wireless coverage, and the Project design would maximize co-location potential.

LUF6. The Project is consistent with guidance contained in Technical Bulletin 97-001, including limitations on operational noise and emissions levels, and minimum 'Fall Zone' distance.

LUF7. The Project will provide access to emergency responders through enhanced emergency service (E911) by installing one (1) E911 Global Positioning System (GPS) antenna.

Economic Development

EDF1. The aim of Economic Development Goal 4 (Infrastructure Capacity) is to provide adequate infrastructure that meets community and regional needs, expands community access to service, and improves the reliability and quality of services. This tower will provide improved personal wireless service to portions of Barnstable, Mashpee, and Sandwich.

EDF2. The Applicants have provided coverage analysis to evidence need and demand for the Project.

Water Resources

WRF1. The Project Site is in the Popponesset Bay watershed, which is a nitrogen impaired watershed and has an U.S. Environmental Protection Agency (EPA) approved nitrogen Total Maximum Daily Load (TMDL).

WRF2. The nitrogen load of the Project will be approximately 0.1-ppm (parts per million), which meets the 5-ppm Nitrogen Loading Standard under General Aquifer Protection (Goal WR1) and Wellhead Protection Areas (Goal WR2 – Drinking Water Quality and Quantity), the 1-ppm Nitrogen Loading Standard for Potential Public Water Supply Areas (Goal WR2), and the TMDL nitrogen loading standard for nitrogen-impaired Marine Water Recharge Areas (Goal WR3).

WRF3. The Project Site is within a Zone II Wellhead Protection Area. Due to the type of use, the Commission does not anticipate quantities of any hazardous materials to exceed normal "household quantities." The Applicant has agreed to limit the use of backup generator fuel to propane or natural gas, which poses little to no risk of harm to related drinking water resources.

WRF4. The Project Site is within a Freshwater Recharge Area for Santuit Pond. Given that the Site is located over 2,000 feet away from Santuit Pond, no significant impacts to the pond are anticipated (Goal WR4 – Freshwater Ponds and Lakes).

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WRF5. The Project Site is within a Potential Public Water Supply Area (PPWSA); however, it is unlikely that a drinking water supply well would be located on or near this Site.

WRF6. There are no existing stormwater management features on-site. The proposed stormwater system includes a grassed conveyance swale with a riprap apron at the lowest depression point, where water will infiltrate, and will provide treatment for the first inch of runoff from the gravel compound and access road, and has been designed to accommodate at least the 25-year, 24-hour storm. Though there is not anticipated to be a significant amount of stormwater generated by the Project, the Project includes stormwater management consistent with Goal WR7 (Stormwater Quality) and associated MPSs.

WRF7. The Stormwater Pollution Prevention Plan (SWPPP) and site plans contain proper design and details regarding erosion and sediment control plans during construction. The included Stormwater Maintenance Procedures also address requirements for inspection, monitoring, operation and maintenance of the stormwater system.

WRF8. The Project does not include any managed (i.e. fertilized) turf.

Natural Resources

NRF1. The Applicants provided a Natural Resources Inventory (NRI) consistent with the requirements of Wildlife and Plant Habitat MPS WPH1.1 (Natural Resources Inventory). The NRI states the Property contains upland woodland vegetation typical of Cape Cod, and does not identify any specimen trees or unusual plant or wildlife habitat or individuals.

NRF2. The Property is not mapped for state listed rare species habitat per the 14th edition of the Massachusetts Natural Heritage Atlas (effective August 1, 2017), but the Applicants have provided a letter from the MA Natural Heritage and Endangered Species Program (NHESP) indicating that no impacts to state-listed species are anticipated. The Applicants have also provided correspondence from the U.S. Fish and Wildlife Service indicating that impacts to the federally listed Long-Eared Bat are not anticipated.

NRF3. There are no wetlands mapped on the site, and the closest mapped vernal pool is approximately 1,000 feet from the Project Site.

NRF4. The Project Site is located within a Significant Natural Resources Area (SNRA) due to mapped PPWSA.

NRF5. The RPP Open Space standards require that an applicant permanently restrict open space as mitigation for areas of new disturbance proposed by a project. DRIs located in SNRA are required to provide permanently protected open space in an amount equivalent to twice the total development footprint of a project. As the area of disturbance for this Project is 13,500 SF (0.3 acres), the amount of protected open space would be 27,000 SF (0.6 acres). Locating the Project farther back on the Project Site allows for better visual buffering (though this requires more disturbance than if the tower were located closer to Wakeby Road).

NRF6. Eco-Site will enter into a Buffer Zone Agreement with the Property owner to preserve a designated area of existing mature trees and vegetation totaling approximately 32,000 SF (0.73 acres) immediately adjacent to the Project limit of disturbance which will effectively provide protected open space for the life of the Project (potentially up to 30 years or longer). Some

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revegetation of these disturbed areas would likely be required if and when the Project is “abandoned” and decommissioned.

NRF7. The location of the Project on the Property effectively limits the development potential of the Property during the life of the Project.

NRF8. The Project design and Buffer Zone Agreement are consistent with the Open Space requirements of the RPP, therefore, permanently protected, conservation restricted open space is not required for the Project.

Transportation

TF1. Access to the tower will require a new curb cut on Wakeby Road at the location of the access driveway.

TF2. Cape Cod Commission staff estimates that the sight distance available for the access driveway will be more than 400 feet for both directions of travel, which exceeds the minimum of 200 feet required for a road with a 30-mph operating speed (Wakeby Road is classified as “Thickly Settled” with an advisory speed of 30 mph) (MPS TR1.8 – Sight-distance Requirements).

TF3. As the Project will not generate traffic other than trips relating to construction and bimonthly maintenance visits, no sustained, regional transportation impacts are anticipated from this Project.

Heritage Preservation

HPF1. The Project is located outside of town historic districts, and is approximately one (1) mile from the closest inventoried historic structure or site. The Applicants filed a Project Notification Form with the Massachusetts Historical Commission (MHC) and prepared an archaeological assessment for the area where disturbance is proposed. The Project Site was not found to be archaeologically sensitive, and the Applicants received a determination from MHC that the Project is unlikely to affect significant historical or archeological resources.

Community Character

CCF1. The RPP Community Character standards aim to minimize regionally significant, visual impacts from wireless communications towers.

CCF2. A visibility analysis for the proposed Project shows that the tower will be visible year-round along Wakeby Road adjacent to the Property, and northeast of the Property along a portion of Mockingbird Lane south of Doves Lane. The tower will be visible seasonally to the west of the Property on Gallagher Lane, along a portion of Meiggs Backus Road, and northeast along Doves Lane around Cardinal Lane. These areas are all outside of historic resource areas and distinctive scenic landscapes. Photosimulations provided by the Applicants show that the visual impact on the surrounding area will be minimal.

CCF3. The facility is not visible from tested locations at and around Long Pond, Santuit Pond, and the Ryder Conservation Land.

CCF4. The proposed tower will be set back 286 feet from Wakeby Road.

CCF5. Existing vegetation on the Property, along with proposed landscaping around the equipment compound, will screen both the tower and the chain link fence surrounding the equipment compound.

CCF6. Eco-Site has proposed a Buffer Zone Agreement with the Property owner to protect 32,000 SF (0.73 acres) of existing mature trees and vegetation around the Project Site. The proposed buffer zone of existing vegetation is adequate to provide screening for the tower, and as such, is consistent with RPP performance standards relating to Community Character.

CONCLUSION

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

1. Subject to and upon satisfaction of the conditions identified in this decision, the Project is consistent with the Act and the 2009 Regional Policy Plan (as amended).
2. The Project is consistent with Barnstable's Local Comprehensive Plan.
3. The Project is consistent with municipal development ordinances, subject to the Applicants obtaining all required local approvals, licenses, and permits for the Project.
4. There are no DCPC Implementing Regulations applicable to the Project.
5. The probable project benefit is greater than the probable project detriment.

The Commission hereby grants DRI approval for the construction of a wireless communications facility to be located at 0 Wakeby Road, Barnstable, MA described herein, subject to the following conditions:

CONDITIONS

C1. When final, this decision shall be valid and in effect for a period of seven (7) years, and local development permits may be issued pursuant hereto for a period of seven (7) years from the date of this written decision. This decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicants), and a copy of this decision has been recorded with the Barnstable Registry of Deeds, and registered with the Barnstable Land Court, as applicable. The Applicants shall bear the costs of recording or registering this decision.

C2. This decision shall be appurtenant to and run with the Project Site on the subject Property. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicants, its successors, and assigns.

C3. The Project shall be undertaken, constructed, operated, and maintained in accordance with the Findings and Conditions set out herein, including the plans and documents referenced below:

Site Plan Set titled "Eco-Site, Site Name: Mockingbird Ln_Baker, Site #: MA-0045", prepared by NB+C Engineering Services, dated July 27, 2017

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Sheet T-1: Title Sheet
Sheet C-1: Overall Site Plan
Sheet C-2: Site Plan
Sheet C-3: Elevation
Sheet C-4: Erosion & Sedimentation Control Plan & Notes
Sheet C-5: Erosion & Sedimentation Control Details
Sheet C-6: Details

Stormwater Pollution Prevention Plan, prepared by NB+C Engineering Services, dated October 11, 2016, revised July 27, 2017

Buffer Zone Agreement between Eco-Site and Barbara M. LaFlam and Robert E. Baker, with Exhibit A: Overall Site Plan, Sheet C-1, prepared by NB+C Engineering Services, dated July 27, 2017

Noise Report: Letter to Eco-Site from NB+C Engineering Services re: Proposed Generator Letter for Eco-Site: MA-0045 Mockingbird Ln_Baker (o Wakeby Road), dated October 25, 2017

Tree Planting Detail, Sheet C-8, prepared by NB+C Engineering Services, dated July 27, 2017, revised October 25, 2017

Emissions Report: Letter from Donald L. Haes, Jr., Ph.D., CHP re: Installation of radio base station antennas and associated equipment for the proposed personal wireless services facility to be located on a proposed monopole at o Wakeby Road, Barnstable, MA, dated October 11, 2017

When and as any plans and documents required to be submitted as Conditions of this decision are reviewed and approved by Commission staff, such plans and documents shall be deemed incorporated into the approved Project plans and documents referenced herein, and the Project shall similarly be undertaken, constructed, operated, and maintained in accordance with the same. Failure to comply, and remain in compliance, with all findings and conditions stated herein may be deemed cause to revoke or require modification to this decision. This decision does not permit any other work or development at the Project Site or Property, including tree and vegetation clearing and removal, except as authorized herein.

C4. Prior to commencement of Project construction, the Applicants shall:

- a. submit final project plans as approved by state, federal, and municipal authorities for review by Commission staff who will determine their consistency with this decision. If Commission staff determines that the final plans are not substantially consistent with the approved Project plans and documents referenced in Condition C3, the Commission requires that the Applicants seek a modification to this decision for further review and approval of the Project changes in accordance with the "Modification" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought;

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b. provide evidence to the Commission that a copy of this decision has been provided to and received by the general contractor for the Project. Copies of this decision and approved Project plans and documents referenced herein shall be maintained on-site during Project construction.

C5. Prior to and as a condition to issuance of a Building Permit by the Town and commencing Project construction, the Applicants shall obtain a Preliminary Certificate of Compliance from the Commission that evidences 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.

C6. Prior to and as a condition to use and operation of the Project and issuance of a Certificate of Use/Occupancy/ Building Permit sign-off for the Project by the Town, the Applicants shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

C7. Prior to the issuance of a Preliminary Certificate of Compliance, the Applicants shall have obtained all necessary federal, state, and municipal permits, licenses, and approvals (except for a local Building Permit) for the Project, and provide copies of the same to the Commission.

C7(a). The Project's consistency with municipal development by-laws, regulations or ordinances shall be evidenced and confirmed by the Applicants obtaining all said necessary municipal permits, licenses and approvals.

C8. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of any Certificate of Compliance. At the time the Applicants request 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 Applicants hereby authorize, site inspections upon reasonable notice to the Applicants, as such visits are needed. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicants in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

C9. The Applicant shall consummate the Buffer Zone Agreement referenced in Condition C3 herein. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide Commission staff a copy of the executed Buffer Zone Agreement.

C10. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicants shall install one (1) E911 Global Positioning System (GPS) antenna.

C11. The Applicant Eco-Site shall donate space on the wireless communications tower for telecommunications-related equipment of the town of Barnstable, should the town desire to arrange with the Applicant to place and maintain equipment on the tower.

C12. Any backup generator for the Project shall only be fueled by propane or natural gas. If there are to be multiple backup generators used as part of the Project, routine generator testing shall only be performed, as necessary, on separate weekdays. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicants shall establish and provide to Commission staff a written protocol where each additional co-locator carrier will only perform routine generator testing on separate weekdays.

C13. Notification shall be provided to the Commission and town at such time that the personal wireless service facility owner plans to abandon the facility. Upon abandonment of the facility, the facility owner should physically remove the personal wireless service facility within 90 days from the date of abandonment. "Physically remove" includes, but is not limited to: removal of antennas, mount, equipment shelters and security barriers from the subject property; proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading should remain after removal of the personal wireless service facility. If the facility owner fails to remove a personal wireless service facility, the town shall have the authority to enter the subject property and physically remove the facility.

SEE NEXT PAGE FOR SIGNATURES

Exhibit A
General Finding GF15
Application and Review Materials

Application for Development of Regional Impact Review Approval and Dimensional Variance for a Wireless Communication Facility, prepared by Prince Lobel Tye LLP, dated July 28, 2017

Barnstable Board of Zoning Appeals Application, dated March 8, 2017, and Supporting Statement prepared by Prince Lobel Tye, dated July 28, 2017

Cape Cod Commission DRI Application, dated July 28, 2017, and Supporting Statement prepared by Prince Lobel Tye, dated July 28, 2018

Town of Barnstable Certified Abutters List, dated March 30, 2017

Site Plan Set titled "Eco-Site, Site Name: Mockingbird Ln_Baker, Site #: MA-0045", prepared by NB+C Engineering Services, dated July 27, 2017

Sheet T-1: *Title Sheet*

Sheet C-1: *Overall Site Plan*

Sheet C-2: *Site Plan*

Sheet C-3: *Elevation*

Sheet C-4: *Erosion & Sedimentation Control Plan & Notes*

Sheet C-5: *Erosion & Sedimentation Control Details*

Sheet C-6: *Details*

Photographic Simulation Package and Viewshed Map, prepared by Virtual Site Simulations, LLC

Affidavit of Site Acquisition Specialist, prepared by Keenan Brinn of Network Building + Consulting, dated July 28, 2017

Existing Tower Inventory

RF Affidavit Statement of Need, prepared by Ryan Monte de Ramos

Existing and Proposed 2100 MHz Radio Frequency Coverage Maps

Continuous Wave Report (CW Drive Test), prepared by T-Mobile

PCS Broadband Licenses (4) – T-Mobile

FAA Tower Construction Notification

Letter to the Commission from Eco-Site re: Written Commitment to Allow for Future Co-Location for the Proposed Telecommunications Facility Located at 0 Wakeby Road, Barnstable, MA 02601, dated April 7, 2017

Letters to Verizon Wireless, Sprint New England, and AT&T Mobility New England from Eco-Site re: Opportunity to lease space on a proposed telecommunications tower to be constructed at 0 Wakeby Road, Barnstable, MA 02601, dated April 7, 2017

Letter to the Commission from Attorney Donald W. Abel, Jr., re: Eco-Site/T-Mobile DRI Application, dated July 14, 2017

Buffer Zone Agreement between Eco-Site and Barbara M. LaFlam and Robert E. Baker, with Exhibit A: Overall Site Plan, Sheet C-1, prepared by NB+C Engineering Services, dated July 27, 2017

Lease Agreement between Eco-Site and Barbara M. LaFlam, dated January 19, 2017

Nitrogen Loading Calculations, prepared by NB+C Engineering Services, dated October 28, 2016

Noise Report: Letter to Eco-Site from NB+C Engineering Services re: Proposed Generator Letter for Eco-Site: MA-0045 Mockingbird Ln_Baker (0 Wakeby Road), dated October 19, 2016

Stormwater Pollution Prevention Plan, prepared by NB+C Engineering Services, dated October 11, 2016, revised July 27, 2017

Letter to Eco-Site from MA Division of Fisheries and Wildlife re: NHESP File No. 16-36038, dated October 14, 2016

Natural Resources Checklist and Exemption Review, prepared by CBRE and Letter from U.S. Fish and Wildlife Service re: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project, dated August 2, 2016

Letter to MA Historical Commission from CBRE re: Proposed Telecommunications Facility, dated October 11, 2016

Letter to the Commission from NB+C Engineering Services re: Eco-Site Mockingbird Ln_Baker, dated July 27, 2017

MA Historical Commission determination, dated July 13, 2017

Natural Resources Inventory (Plant and Wildlife Habitat Assessment), prepared by CBRE, dated June 16, 2017

FAA Frequency Notification, dated October 11, 2017

Emissions Report: Letter from Donald L. Haes, Jr., Ph.D., CHP re: Installation of radio base station antennas and associated equipment for the proposed personal wireless services facility to be located on a proposed monopole at o Wakeby Road, Barnstable, MA, dated October 11, 2017

Additional Continuous Wave Report (CW Drive Test), prepared by T-Mobile, received October 19, 2017

Existing and Proposed 700 MHz Radio Frequency Coverage Maps

Noise Report: Letter to Eco-Site from NB+C Engineering Services re: Proposed Generator Letter for Eco-Site: MA-0045 Mockingbird Ln_Baker (o Wakeby Road), dated October 25, 2017

Additional Continuous Wave Report (CW Drive Test), prepared by T-Mobile, received October 26, 2017

Tree Planting Detail, Sheet C-8, prepared by NB+C Engineering Services, dated July 27, 2017, revised October 25, 2017

SIGNATURES

Executed this 9th day of Nov 2017.

Harold W Mitchell
Signature

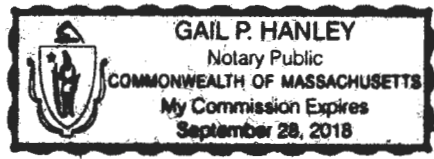
Harold W Mitchell chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss November 9, 2017

Before me, the undersigned notary public, personally appeared

Harold W. Mitchell, in his/her capacity as Chairman 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.



Gail P. Hanley
Notary Public
My Commission Expires: 9-28-18