



TOWN OF YARMOUTH

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Planning
Division

MEMORANDUM

To: John H. McCormack, Chair
Cape Cod Commission Regulatory Committee

Cc: Jordan Velozo, Regulatory Planner – Cape Cod Commission

From: Kathy Williams, Town Planner

Date: May 31, 2021

Subject: Blue Sky Towers Monopole – CCC File No. 21005
1044 Route 28, South Yarmouth, MA
YARMOUTH PERMIT REQUIREMENTS

As requested, this Memo provides an outline of the permitting process in the Town of Yarmouth for the proposed Blue Sky Towers Monopole at 1044 Route 28, South Yarmouth. A separate comment letter will be provided on the Development of Regional Impact (DRI) application.

Brief Description: Based on the application materials filed with the Commission, the applicant is proposing to construct a 120 foot tall monopole located just off the parking lot in a currently wooded area of the Our Lady of the Highway property at 1044 Route 28, South Yarmouth. The cell tower will have exposed antennas for up to four separate carriers. The ground equipment, generators, and LP gas tanks for the four carriers will be located on concrete pads behind a 6' chain link fence with barbed wire, screened with evergreen trees 4' to 6' tall at planting. The grade at the cell tower will be raised to 13.6 with the grade in the adjacent parking area being at 10.

Zoning: The property is located within the B2 Business District. The property abuts residential zoning districts to the north and most of the eastern property line. The property is also located in the Village Centers Overlay District (VCOD) Village Center 4 (VC4). This is an optional overlay district to incentivize redevelopment of Route 28 while requiring strict design standards. The project is being developed using the underlying B2 zoning district.

Communication Facilities are considered an F7 use per Section 202.5 – Use Regulation Table. Communication facilities may be permitted in the B2 zoning district only under a Special Permit issued by the Zoning Board of Appeals (ZBA) pursuant to Section 408 of the Zoning Bylaw.

The main goal of Section 408 is to facilitate the availability of wireless service to the residents of Yarmouth while minimizing adverse visual and environmental effects and impact of communication antennas, communication buildings, and communication towers on the vistas of the community through careful design, siting, and vegetative screening.

Per Section 408.4.1, the Board of Appeals may alter or waive one or more of the requirements of Section 408 if it finds that the alteration or waiver of the requirement(s) will not derogate from the intent of the bylaw. Based on the current design, required waivers may include, but are not limited to, the following:

- 408.7.1 General. All Communications Facilities shall be designed and sited so as to have the least adverse visual effect on the environment.
- 408.7.5.1 Scenic Landscapes and Vistas - Personal Wireless Service Facilities shall not be located within open areas that are discernable from public roads, recreational areas, or residential development.
- 408.7.6.1 Height, General. Regardless of the type of mount, Personal Wireless Service Facilities shall be no higher than ten feet above the average height of buildings within 300 feet of the proposed facility.
- 408.7.6.2 Height, Ground-Mounted Facilities. Ground-mounted Personal Wireless Service Facilities shall not project higher than ten feet above the average building height or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height.
- 408.7.10.3 Camouflage by Vegetation: If Communications Facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted Personal Wireless Service Facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility.

Prior to submitting to the ZBA for a Special Permit, the project will need to go through the following:

- Design Review with the Design Review Committee per Section 103.4.
- Site Plan Review per Section 103.3 of the Bylaw.

Any other non-land use town permits, such as permits for the LP Gas tanks, and any further relief required of the ZBA will be identified during the Site Plan Review process.