



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898

MEMORANDUM

TO: Cape Cod Commission
FROM: Jon Idman, Town of Brewster, Director of Community Planning & Land Use
RE: DRI Comments
Proposed Long Pond Road/ Millstone Road Monopole (CCC File No. 24012)
DATE: November 1, 2024
CC: Peter Lombardi, Town Manager
Elizabeth Taylor, Brewster CCC Representative

The Town regularly receives calls and comments from year-round and seasonal residents, businesses, and visitors expressing concerns about the state of wireless services, particularly regarding life safety issues.

The proposed facility aims to improve co-applicant Verizon's wireless services within the Town, and it includes provisions for other providers to co-locate on the tower/compound. The applicant maintains that the project will help close a significant gap in wireless coverage and capacity for Verizon in the Town; in reviewing the applicant's permitting submissions to the CCC, proposed coverage maps seem to support this position.

Town staff conducted a formal pre-application review meeting with the applicant's team in accordance with the Brewster Code. During the pre-application review, Town staff and the applicant explored potential municipal land within the intended coverage area for the project but concluded that no suitable land was available. The Town's industrial district, located approximately two miles east along Freemans Way, houses at least two existing wireless communication towers. Verizon is already located on a tower within the industrial district.

This project will necessitate zoning variances from the Zoning Board of Appeals, including with respect to required fall zones and setbacks. The primary reason for these variances is that the proposed site lies outside the Town's personal wireless services overlay district, where such facilities are permitted by special permit.

The zoning bylaw provides that this overlay district is made up primarily of the industrial district and municipally-owned land. It's important to note that the Town's current wireless facility zoning is somewhat outdated, which seemingly aims to locate towers as if they are quasi-industrial land uses, without respect to the practical requirements of modern wireless networks.

In addition to zoning variances, the project will require site plan review, a stormwater management permit, and a water quality certificate from the Planning Board, given its location in a Zone II. It's also worth noting that diesel is not a preferred fuel source for backup generators in this area.

Since the Town's pre-permitting review, the applicant has adjusted the project's site location, moving it further back on-site into a residential district and away from both the historic and commercial district portions of the site. While I'm not suggesting that a formal or full alternative siting analysis is necessary,

it could be beneficial for the CCC to weigh the advantages and disadvantages of both the original and proposed locations.

The original site offered several potential benefits, such as being situated in a commercial district more suited to the project, requiring less extensive zoning variances, disturbing less wooded area, and being located further from residential abutters. However, it also posed challenges, including potentially greater visibility from major public roadways.

It is my understanding that the applicant revised the site location outside the historic district due to concerns that the historic district committee might deem the original siting inappropriate, leading to possible disapproval. It's important to remember, however, that the same federal preemption principles under the Telecommunications Act of 1996 and "eligible facilities requests" per Section 6409 of the Spectrum Act that support the variance request and future changes to the facility, if approved, will also apply to decisions made by the local historic district committee. Moreover, under the Old King's Highway Act, the local committee can approve a project that does not align with district guidelines if substantial hardship is demonstrated due to unique circumstances.

I recommend that, as a condition of any approval, the CCC require the applicant to donate location on the tower and in the compound for municipal E911 services equipment and facilities, ensuring vital emergency services are adequately supported.