

Approved 10/28/2024



CAPE COD
COMMISSION

Quaker Road Monopole DRI Subcommittee Meeting

CCC File No. 24011

Minutes | October 10, 2024 at 5:00p.m.

Via Zoom

Roll Call/Attendance

John Druley, Chair	Present
Catherine Ledec	Present
Stephen Mealy	Present
Richard Roy	Present

Summary of Actions Taken/Votes at Meeting

- Vote to continue the public hearing to October 23, 2024 at 5:00pm on Zoom

Minutes

John Druley, as Chair, called the hearing to order at 5:00pm. He read opening statements and took attendance by roll call. In attendance were John Druley, Catherine Ledec, Stephen Mealy, and Richard Roy.

The Chair then asked the Applicant to present the Project.

Attorney Francis Parisi presented for the Applicant, Vertex Towers, with the assistance of a PowerPoint presentation. He introduced himself and discussed the needs of the carrier for the Project, Verizon wireless. He said wireless services are important to public safety, noting news reports about poor wireless coverage on Cape Cod. He discussed the area of the coverage gap in North Falmouth to the west of Route 28. He then showed a propagation map showing the coverage gap and the associated drive test data for the same. He said that the proposed site was the least visible and the only viable option to meet this gap, showing the alternative site analysis. He discussed the local zoning and permitting requirements.

Mr. Parisi described the site, setbacks, and monopole design using project plans. He noted RF limits will be complied with. He then presented propagation maps with the proposed tower, showing the coverage gap largely filled. He noted a balloon test was performed and photo simulations were developed, which were included in the application. He showed some of the simulations included in the application, as well as photos and photo simulations taken during a second balloon test on October 3rd.



Mr. Parisi discussed the report by the CCC's wireless consultant. He said that he largely agreed with the findings of the report. He said that the tower was designed for colocation, which influenced the height of the tower. He stated that the CCC staff has noted the required alternative site analysis was not provided. He said that the height was the minimum to fill Verizon's gap while also providing colocation opportunities. He then showed propagation maps showing improved Verizon coverage at the proposed height versus lower heights. Mr. Parisi introduced Keith Vellante, C Squared Systems, who described the coverage gap maps in the application.

Mr. Parisi requested a waiver of the Regional Policy Plan's Open Space mitigation requirement. In particular he stated a cash contribution was inappropriate because Open Space is not applicable or appropriate for the Project. He then provided an overview of the Telecommunications Act of 1996, stating that local authorities may not deny applications such that they would prohibit the provision of wireless services. He said restated his request for waivers and said they would be willing to work with the property owner on a conservation restriction.

The Chair recognized Alex Peterson, Regulatory Planner, to present Commission staff comments. Mr. Peterson presented comments based on the CCC Staff Report, dated October 8, 2024 with the assistance of a PowerPoint presentation, both of which are attached hereto. He stated that the Project is located in a Suburban Development Area Placetype and described the standards of review for a DRI.

He then provided a brief overview of the comments in the Staff Report organized by the applicable and material issue areas of the RPP. He addressed the RPP objectives related to community design, cultural heritage, water resources, open space, and capital facilities and infrastructure. Mr. Peterson noted that staff will need to review additional materials, including items in Mr. Parisi's presentation, to make recommendations on the Project's consistency with some RPP objectives. He then discussed the request for a waiver of the open space offset requirement. He said that staff recommended the cash contribution be provided to meet this requirement and outlined the standards for granting a waiver of compliance with the RPP. Technical Bulletin 97-001, noting that Verizon is the only carrier currently committed to the tower.

Mr. Peterson then asked for comments from the wireless consultant retained by the CCC, Michael Lawton of Isotrope Wireless.

Mr. Lawton discussed the materials submitted by the applicant, including propagation maps and drive test data. He said that the materials included some typos and asked for clarification the height of the proposed tower and the dates when the drive test data was obtained. He said that he will review the updated materials and provide a response to the subcommittee.

The Chair asked the subcommittee for initial questions.

The Chair recognized Dan Cunha for a public comment. Mr. Cunha identified himself as the director of business and operations for the parish. He said that Saint Eizabeth church made an agreement with Vertex to provide a cell tower on the property. He said that the church is not willing to give a conservation restriction on the land. He also said that the church has heard concerns from neighbors about the tower and will be asking Vertex to stop the process.

The Chair asked for questions from subcommittee members.

The Chair recognized Catherine Ledec. Ms. Ledec said that before she asked her questions, she would like clarification on the process going forward in light of Mr. Cunha's comments.

Jordan Velozo, Chief Regulatory Officer, stated that she understood that the Applicant had permission to pursue the Project and the subcommittee should continue asking questions, and hear from Mr. Parisi for a response.

Ms. Ledec thanked the Applicant and staff for their presentations. She asked about stormwater runoff and whether the project site is uphill from the adjacent wetlands.

Scott Adams, the Applicant's engineer, stated that the site is uphill and approximately 200 feet away from the wetlands. He said that the site is designed to capture all runoff before it reaches the wetlands.

Ms. Ledec said that the project relies on trees for screening and asked what would happen if those trees were cleared in the future. She asked if there is a commitment by the property owner to keep the trees intact and undisturbed.

Mr. Parisi stated that he is willing to discuss that, but it is not a requirement of the regulations.

Ms. Ledec said that she found the Applicant's suggestion for placing a conservation restriction on the property a creative option for protecting the treed space for the long term and worth discussing. She said she does not support waiving the open space requirement for this project.

The Chair recognized Stephen Mealy. Mr. Mealy asked for clarification on the area of site disturbance and whether it includes work in the parking lot area.

Jessica Rempel, Natural Resources Analyst, responded that the application stated 9,900 square feet of disturbance. She said staff would review the updated materials to see if they contain more details on the calculation.

Mr. Mealy asked about the request for a waiver of the noise monitoring requirements and the number of generators on site.

Mr. Parisi responded that Verizon will have their equipment on site which includes a generator. He said that other carriers will also have separate equipment. He said that the waiver of ambient noise

measurement makes sense given the site is located in the woods behind a parking lot and at least 300 feet from the closest residence.

Ms. Velozo responded that given the project's location away from any residences, staff don't object to waiving the ambient noise measurement requirement.

Mr. Mealy stated that he agreed with Ms. Ledec's comment on not waiving the Open Space offset requirement and would like to see an updated calculation of the fee.

The Chair then asked for public comment, starting with public officials.

Hearing no further comment, the Chair asked the subcommittee for further discussion.

Mr. Mealy asked what the next steps are for the project, given the comments made by the church official earlier.

Mr. Parisi said that he was surprised by Mr. Cunha's comments. He said that they have been working with the church for over a year and have a long-term agreement. He said he will reach out to the landowner to hear their concerns and would like to move forward with the Commission. Ms. Velozo agreed that the hearing process can continue.

Mr. Peterson noted that new application materials were discussed at the hearing and asked the Applicant when staff can expect to receive those materials for review before the next hearing. Mr. Parisi clarified which materials he would be sending and indicated that he could deliver those tomorrow.

The Chair asked members if they would be available on October 23, 2024 for a continued hearing. All members indicated they would be available.

The Chair then asked for a motion to continue the public hearing to October 23, 2024 at 5:00pm to be held virtually via Zoom. Ms. Ledec made the motion, and Mr. Mealy seconded. The Chair took a vote by roll call. All members voted in favor of the motion and the hearing was continued.

List of Materials Used/Presented

- Staff Report, dated October 8, 2024
- PowerPoint Presentation by Staff
- PowerPoint Presentation by Applicant