

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

## Minutes

### Meeting Cape Cod Commission Harborview Conference Room 3195 Main Street, Barnstable, MA 02630

October 18, 2018

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

Town	Member	Present
Barnstable	Fred Chirigotis	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	Absent
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓ (arrived at 3:25 p.m.)
Provincetown	Cheryl Andrews	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	Absent
Minority Representative	John Harris	✓
Native American Rep.	David Weeden	Absent
Governor's Appointee	Michael Maxim	✓

The Cape Cod Commission Meeting was called to order on Thursday, October 18, 2018 at 3:00 p.m. in the Harborview Conference Room, 3195 Main Street, Barnstable, MA. Roll was called, and a quorum was established.

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

• **Public Hearing: Wireless Monopole/Mashpee Fire Station #2 (TR18012):** Continued public hearing from September 17, 2018. Following presentations, public testimony and discussion, the Commission deliberated on the Development of Regional Impact (DRI) project proposed by Blue Sky Towers II, LLC to construct a 150-foot tall wireless communications monopole with appurtenant equipment and supporting site improvements on land owned by the Town of Mashpee at Mashpee Fire Station #2. Following deliberation, the Commission voted with 13 votes in favor and one opposed (John Harris) to close the public hearing. Following the close of the public hearing, the Commission voted to adopt the draft written DRI decision and approve the project with 11 votes in favor and three opposed (Richard Conron, Cheryl Andrews, John Harris).

### **■ EXECUTIVE DIRECTOR'S REPORT**

Executive Director Kristy Senatori provided the following report:

- The Regional Policy Plan (RPP) update is out for public comment through November 19. The first RPP public hearing was held on October 11<sup>th</sup> in Sandwich; the second public hearing was held on October 17<sup>th</sup> in Truro and the final public hearing is scheduled for October 24<sup>th</sup> at the Cape Cod and Islands Board of Realtor's office in West Yarmouth at 6:00 p.m. and the public is welcome to attend.
- The Commission convened all the project partners and held the kickoff meeting for the Southeast New England Partnership monitoring grant last week.
- Commission staff have been asked to participate in the Three Bays Nonpoint Source Nutrient Management Problem Formulation workshop on October 30; a joint project between Barnstable Clean Water Coalition and the Environmental Protection Agency Office of Research and Development.
- The Commission is working with the Cooperative Extension to provide technical assistance to several towns on their Executive Office of Energy and Environmental Affairs (EOEEA) funded Municipal Vulnerability Preparedness grants. Agreements have been signed by Eastham, Bourne, Wellfleet/Truro, and Barnstable is also expected to participate.
- The second round of Community Resiliency by Design Workshops for the towns of Falmouth, Eastham and Orleans are scheduled for October 23<sup>rd</sup> at 6:30 p.m. at the Falmouth Town Hall and November 8<sup>th</sup> at 6:30 p.m. at the Orleans Council on Aging.

### **■ WIRELESS MONOPOLE/MASHPEE FIRE STATION #2 (TR18012)**

Chair Harold Mitchell noted that this is a continued hearing from September 17, 2018 on the Development of Regional Impact (DRI) project proposed by Blue Sky Towers II, LLC to construct a 150-foot tall wireless communications monopole with appurtenant equipment and supporting site improvements for personal wireless service use on land owned by the Town of Mashpee at Mashpee Fire Station #2 located at 101 Red Brook Road in Mashpee, MA.

The DRI subcommittee reviewed the minutes of the October 9, 2018 subcommittee meeting. Ernest Virgilio moved the approve the minutes, Richard Roy seconded the motion and vote called on the motion passed with a unanimous vote by the subcommittee.

Attorney Liz Thompson, attorney for the applicant Blue Sky Towers LLC, said the proposal is for a 150-foot monopole wireless communications tower located at 101 Red Brook Road in Mashpee. She provided an overview of the project and said it was the result of a Request for Proposals (RFP) issued by the Town of Mashpee and Blue Sky Towers LLC was the successful bidder. She said the project will provide multiple benefits in that the town will maintain control over the site, it provides a source of revenue to the town and the project will provide wireless service to an area where a gap in coverage exists, where there is a critical need for infrastructure and Verizon Wireless and T-Mobile are fully committed to co-locate on this facility upon approval. She said the proposed facility can also accommodate up to two additional wireless service providers below where Verizon Wireless and T-Mobile will be locating and said that would limit the need for additional new wireless communication towers in the area in the future.

Jesse Moreno, project engineer, provided an overview of the site plans and said the proposed project is on the same parcel as Mashpee Fire Station #2. He discussed the type of equipment that will be located within the compound, the array of antennae, cabinets mounted on a pad and the existing access drive to the Fire Station that will be used.

Dan Brown, on behalf of Verizon Wireless, said the proposed project will improve capacity in the gap of service. He provided an overview of the site plans, coverage maps in the area and explained what is being proposed.

Richard Kariuki, T-Mobile engineer, provided an overview of a map showing the existing coverage for T-Mobile and the gap in coverage. He showed the new site with coverage at 135 feet, at 110 feet and at 85 feet. He said the higher height of 135 feet would provide good coverage for that area.

Attorney Liz Thompson explained the balloon test performed by the applicant on April 14, 2018 and photo simulations provided by the applicant. She said the balloon was flown at 150 feet and 125 feet. She said that the 150-foot height provides optimal coverage for Verizon Wireless and T-Mobile and said if the wireless communication tower height is lowered so is the coverage and the taller height would accommodate two additional providers in the future. Attorney Thompson said they believe this is a critical facility that will improve critical emergency calls and the project benefits outweigh the detriments.

David Maxson, Commission wireless consultant with Isotrope Wireless, said the Commission's Wireless Technical Bulletin is first looked at to see what is recommended or required. He said he worked with the coverage maps Verizon Wireless and T-Mobile used and he is comfortable in the way they analyzed their coverage. He said he concurs that the proposed facility will be compliant with safety standards and said a noise study was conducted. He said the proposed project is on town property, the town put it out for bid therefore the town supports the project. He referred to the proposed height and said as the height goes down it diminishes coverage. He said there was some concern raised by residents asking why the project is not closer to New Seabury. He said a lot of that land is conservation and not available for development. He said the proposed project will increase coverage substantially and the facility will address the need for emergency calls.

Jon Idman, Chief Regulatory Officer at the Commission, said the decision represents the subcommittee's recommendation on the project and the draft decision contains all the findings necessary to grant Development of Regional Impact (DRI) approval subject to the conditions in the draft decision. He said the Commission's wireless consultant attended the public hearings/meetings and provided a written report, reviewed the applicant's materials and discussed potential project alternatives with the applicant. Mr. Idman provided an overview of the project benefits and detriments and said they were derived from the subcommittee's review of all reports, presentations and testimony. He said the subcommittee found that coverage was inadequate in south Mashpee and felt that the improvements in wireless coverage was a great benefit and the height would allow other national carriers to co-locate and provide improved coverage; and they found that improvements in public safety communications was especially critical. He said the subcommittee identified that there might be some localized increased visual impacts on neighboring properties closer to the proposed tower and they concluded that the benefits were greater than that identified detriment. He said if approved by the Commission, the Mashpee Planning Board will undertake zoning review for the project. He said wireless is allowed by special permit in the underlying residential zoning district and the Planning Board as part of its special permit review can allow towers up to 200 feet. He said because of some ambiguities in the Town's existing zoning, some commenters questioned whether the project site is located within the town's Wireless Overlay District. He said it is Commission staff's opinion, the Mashpee Town Planner's and Town Counsel's opinion that the project is located within the Wireless Overlay District given the language and purpose of the overlay.

Mr. Idman explained the balloon test that was conducted, the photo simulations based on the balloon test and said there were no adverse impacts to significant historic, cultural or scenic sites or vistas. He said the further one gets from the tower the less visible it is based on the balloon test and ground level views of the lower tower and compound are well screened by extensive existing vegetation and there are no adverse impacts. He said the subcommittee considered site and design alternatives on and off site with coverage maps and photo simulations which showed there would be loss of coverage at lower heights. He said the subcommittee determined this to be the best feasible proposal that balances coverage improvements, it provides realistic co-location potential for all four national carriers, it perhaps avoids other taller towers in the area, it provides the potential for supplemental small cell systems, it minimizes land disturbance as it is a site both with existing development and a sufficient natural area for screening. He said an advantage to locating on municipal land is having site control over the project. Mr. Idman explained the conditions in the draft decision and said the town has jurisdiction over any camouflage the tower might require and explained testing of generators during daytime weekday hours.



Elizabeth Taylor asked at 150 feet will there still be a need for a lower accessory tower for the New Seabury and Popponessett areas. David Maxson said perhaps sometime in the future.

Cheryl Andrews referred to Exhibit 14 Alternative Site Analysis and asked if there were any water towers in the area. Jon Idman said they do not have a map that shows that. He said Commission staff and Mr. Maxson looked at that and said the Exhibit comes from the applicant's application. Ms. Andrews referred to small cell systems and asked what the coverage would look like with a lower tower and small cell technology. Mr. Idman said the Commission responds to the application that is proposed before the Commission. David Maxson showed a coverage map by Verizon, the top tenant of the tower and T-Mobile. He said it's hard to assume approval at 125 feet that the applicant would agree to and adding small cell technology along with it. He said it could be done another way but it's not a realistic answer.

Chair Harold Mitchell called for public comment from federal, state and municipal entities and seeing none he called for testimony from the general public.

Teresa Ronhock, of 104 Degross Road, said they have heard the project is in a preferred location. She said former Town Planner Tom Fudala designed areas in Mashpee for zoning and he has said the project is not in a Wireless Overlay District. She said the proposed tower is a distance from the service area, it's next to a municipal fire department but it's not a municipal project. She said this was put on a Town warrant and it was unanimously turned down. She said abutters were not considered in terms of impacts and said an abutter's study was done showing a tax revenue loss because of the project.

Mike Ronhock, of 104 Degross Road, said the project does not comply with Mashpee's zoning. He said it's his understanding that the Commission's mission is to preserve the natural structure, wildlife and vistas and he cannot imagine the Commission allowing a monopole that is unnatural in structure. He said the tower could be placed on existing telephone poles and the town's Emergency Management System (EMS) does not require a 150-foot tower.

Richard Conron said is it fair to say it's primarily a local issue. Jon Idman said it's the opinion of the current Mashpee Town Planner and Town Manager that it is in the Wireless Overlay District and noted that the applicant will need to get a zoning permit. David Maxson said the applicant could receive a variance as there is a process for relief at the local level.

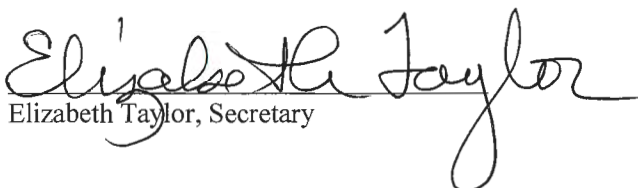
Jack McCormack moved to close the public hearing on the project, Elizabeth Taylor seconded the motion and a vote called on the motion passed with 13 votes in favor and one opposed (John Harris).

Jack McCormack moved to adopt the draft written Development of Regional Impact decision and approve the project subject to the conditions in the draft decision. Roger Putnam seconded the motion and a vote called on the motion passed with 11 votes in favor and three opposed (Richard Conron, Cheryl Andrews, John Harris).

■ **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 4:23 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

  
Elizabeth Taylor, Secretary

**List of Documents Used/Presented at the October 18, 2018 Commission Meeting**

- October 18, 2018 Cape Cod Commission Meeting Agenda.
- Mashpee Fire Station #2 Wireless Communications Monopole Draft DRI Decision.
- Site Plan of the Wireless Monopole proposed at Mashpee Fire Station #2.