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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission First District Courthouse • Assembly of Delegates Chambers 3195 Main Street, Barnstable, MA

October 1, 2015

The meeting was convened at 3:05 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	Absent
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	Absent
Provincetown	Mark Weinress	Absent
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	Absent
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Danielle Hill	✓ (<i>arrived at 3:27 p.m.</i>)
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, October 1, 2015 at 3:05 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

■ SUMMARY OF ACTIONS TAKEN/VOTES:

Continued Public Hearing: Wellfleet Wireless Monopole #TR15011

Following presentations, discussion and deliberation on the Development of Regional Impact (DRI) application by Varsity Wireless Investors, LLC and Bell Atlantic Mobile of Massachusetts Corp, Ltd., d/b/a Verizon Wireless for the proposed 90-foot high multi-user monopole type communications tower and associated improvements located at 724 Route 6 in Wellfleet, MA, a motion was made and seconded to close the public hearing. The motion passed with a unanimous vote of the Commission. Following that a motion was made and seconded to adopt the draft written DRI decision as recommended by the DRI subcommittee and to approve the project subject to the conditions set out in the decision. The motion passed with a unanimous vote of the Commission.

■ MINUTES

The minutes of the September 17, 2015 Commission Meeting were reviewed. Elizabeth Taylor moved to approve the minutes. Harold Mitchell seconded the motion.

Michael Skelley inquired about a meeting agenda item to discuss Commission rules for conducting business at Commission meetings that he had requested at a previous Commission meeting.

Paul Niedzwiecki, Executive Director, said that agenda item would be taken up in a workshop setting and members will be notified when the workshop is scheduled.

A vote on the motion to approve the minutes of September 17, 2015 passed with 11 votes in favor and 2 abstentions.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said there is still an opportunity to participate in an Open Meeting Law webinar scheduled on October 13, 2015. He said anyone interested in participating should contact Jessica Wielgus at the Commission office to register for the webinar. He said Commission staff made a presentation before the New England Water Pollution Control Commission and he noted a few staff changes at the Commission. He said Planner Garry Meus is moving to Montreal and there is an opening for his position as community design planner at the Commission; Chase Gruber has enrolled in a program in Washington, DC and there is an opening for his position as geospatial analysis and noted that there is also an opening for an affordable housing planner at the Commission as well. Mr. Niedzwiecki extended well wishes on behalf of the Commission to both Mr. Meus and Mr. Gruber. He said the Regional Policy Plan (RPP) stakeholder workshops will be continuing at the Commission.

■ CONTINUED PUBLIC HEARING: WELLFLEET WIRELESS MONOPOLE #TR15011

Chair Richard Roy read the hearing notice for the Wellfleet Wireless Monopole project and opened the public hearing at 3:15 p.m.

The DRI subcommittee for the Wellfleet Wireless Monopole project reviewed the minutes of the September 22, 2015 hearing. Royden Richardson moved to approve the minutes and Michael Skelley seconded the motion. A vote on motion to approve the minutes passed with a unanimous vote of the subcommittee.

Francis Parisi, of Varsity Wireless representing the applicant, said they are seeking approval of a Development of Regional Impact (DRI) to construct a 90-foot tall monopole tower at 724 Route 6 in Wellfleet. He said no variances are required and only a special permit is needed from the Wellfleet Planning Board. He said Varsity Wireless builds, owns and operates communications infrastructure needed to deliver consumer and public safety-based communications services to the public. He said Varsity's infrastructure provides its customers and the communities they serve with creative, cost efficient solutions for the growing demands for wireless service. He said all of their facilities are built with co-location in mind to minimize the aesthetic impact and negative perception of new cell sites deployed to enhance those important services. He said 70% of calls made to 911 are from a cell phone and today's smartphones

generate 50 times more mobile traffic than traditional cell phones and for tablets it's 120 times more traffic. He said Route 6 is a very highly travelled corridor in the lower Cape and this was a suitable location to address the coverage gap in that area and said there were no other suitable alternatives. He said the proposed development is on the eastern side of Route 6 in South Wellfleet and the facility will not be seen from Route 6 or by abutters because of the vegetation in the area. Mr. Parisi referred to PowerPoint slides showing an aerial view of the site and said it was designed to meet and satisfy all the requirements of the Wellfleet Zoning Bylaw and the Commission's guidelines—*Technical Bulletin 97-001 Guidelines for DRI Review of Wireless Communications Towers*. He said a balloon viewshed analysis was done and they put the balloon up at 110 feet and 90 feet to see the difference in structures. He said the facility will be a 50 x 50 foot compound located within a stockade fence and the facility will be a monopole. He referred to PowerPoint slides showing the site plan, the compound design and tower design. He discussed existing wireless facilities and the gap in coverage in the southern section of Wellfleet. He discussed alternatives that they looked at and said the proposed site, height and design is the only feasible alternative and the traditional monopole is the best and only alternative. He said Varsity Wireless respectfully requests approval to construct the wireless communications facility as proposed.

Jeff Ribeiro, Regulatory Officer at the Commission, provided an overview of the findings and conditions in the draft written decision and said the project was reviewed by staff and a DRI subcommittee. He said the subcommittee found that the proposed project conforms with Minimum Performance Standards (MPSs) in the Commission's Regional Policy Plan (RPP), the applicant considered alternative sites, it meets setback requirements, and the equipment shelter is fully screened and there are no concerns in the project design. He said the subcommittee found that a monopole with antennae provides the least amount of impact and radiofrequencies are under levels in the Commission's Technical Bulletin. Mr. Ribeiro said a balloon test was performed and photographs taken are deemed to be actual depictions. He said the subcommittee found that the proposed project would provide a number of benefits and the only detriment being that the proposed project would add additional clutter and impact to the vista from the Marconi Station viewing platform. Mr. Ribeiro said Commission staff found that it would not present a significant impact to the vista. He said Wellfleet's Local Comprehensive Plan (LCP) speaks to keeping the town's communications infrastructure up-to-date. He the project is consistent with local development bylaws and the Town's LCP subject to obtaining local permits for the project; the project is not located within a District of Critical Planning Concern (DCPC) and other than the Cape-wide Fertilizer Management DCPC for which Wellfleet did not adopt implementing regulations pursuant to that DCPC, there are no DCPC implementing regulations with which the project must be consistent. He said the subcommittee found that the probable benefit of the project is greater than its probable detriment and recommends approval, with conditions, of the DRI application of Varsity Wireless Investors.

David Maxson, certified wireless communications professional with Isotope Wireless, provided an overview of the technical review report on the project by Isotope Wireless. He talked about alternative structures and agreed that the applicant had demonstrated that the proposed project site is the most feasible location and design alternative and that there is a gap in coverage in that area of Wellfleet. He said the Telecommunications Act of 1996 has a role in the decision-making process and part of due diligence is determining that there is a gap in coverage. He said the Commission needs to decide if there is or is not a significant gap in coverage. He said this has been one of his simpler reviews and the applicant has gone for a height that is not overbearing and the proposal is slightly more intensive in use.

Jackie Etsten inquired about the diameter of the monopole.

Francis Parisi said the monopole is tapered; it starts at 4 feet and ends at 3 feet.

Royden Richardson said he sat on the subcommittee and heard an individual say that although he didn't want to see an impact to the vista because of the lack of reception in the area the project should be approved.

Chair Richard Roy called for testimony from federal, state and municipal entities. There was no testimony given.

Chair Richard Roy called for testimony from the general public. There was no testimony given.

Jackie Etsten said she believes the project is needed but she is concerned that it's in an area with little development and that should be looked at in the future.

Jack McCormack said the demand for telecommunications has increased rapidly.

Chair Richard Roy called for a motion to close the public hearing on the project. The motion was moved by Elizabeth Taylor and seconded by Richard Conron. The motion passed with a unanimous vote.

Chair Richard Roy called for a motion to adopt the draft written DRI decision as recommended by the DRI subcommittee and approve the project subject to conditions set out in the decision. The motion was moved by Michael Skelley and seconded by Elizabeth Taylor.

A vote called on the motion to adopt the draft written DRI decision and approve the project subject to conditions set out in the decision passed with a unanimous vote.

Michael Skelley asked that an agenda item to discuss Commission rules be added to the next agenda.

Chair Richard Roy said the Commission will do that and said it would be taken up in a workshop setting as was noted earlier by Mr. Niedzwiecki.

A motion was made to adjourn at 4:10 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Jack McCormack, Secretary

List of Documents Used/Presented at the October 1, 2015 Commission Meeting

- Minutes of the September 17, 2015 Commission meeting.
- Handout material: October 1, 2015 Commission meeting agenda.
- Handout material: Draft Development of Regional Impact (DRI) Decision for Wellfleet Wireless Monopole project.
- Material presented: PowerPoint presentation on the Wellfleet Wireless Monopole project prepared and presented by Francis Parisi of Varsity Wireless Investors, LLC.