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CAPE COD
COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE: OCTOBER 1, 2015

TO: FRANCIS D. PARISI, GENERAL COUNSEL, VARSITY WIRELESS INVESTORS LLC

PROJECT APPLICANTS/
LESSEES: VARSITY WIRELESS INVESTORS, LLC
346 CONGRESS STREET, SUITE 703, BOSTON, MA 02210
AND
BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION
LTD D/B/A VERIZON WIRELESS
C/O MICHAEL S. GIAIMO, ROBINSON & COLE LLP
ONE BOSTON PLACE, 25TH FLOOR, BOSTON, MA 02108

PROPERTY OWNER: WENDON REALTY TRUST
724 ROUTE 6
WELLFLEET, MA 02667

PROJECT NUMBER: TR15011

PROJECT: WELLFLEET COMMUNICATION CELL TOWER

PROJECT SITE: 724 ROUTE 6, WELLFLEET, MA 02667

TITLE REFERENCE: DEED BOOK 11440 PAGE 272
DEED BOOK 28288 PAGE 41
DEED BOOK 28288 PAGE 44

ASSESSOR'S MAP/PARCEL: 42-43-1

SUMMARY

The Cape Cod Commission (Commission) hereby approves, with conditions, the application by Varsity Wireless Investors, LLC (Applicant) as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the *Act Establishing the Cape Cod Commission*, c. 716 of the Acts of 1989, as amended, (Act) and Sections 3 and 7 of the Commission's *Enabling Regulations*, as amended (*Enabling Regulations*), for construction of the proposed 90-foot Wireless Communication Facility located at 724 Route 6 in Wellfleet, MA (Project). This decision is rendered pursuant to a vote of the Commission on October 1, 2015.

PROJECT DESCRIPTION

The Applicant is proposing to install a 90-foot multi-user monopole type personal wireless service facility in order to close a gap in wireless coverage for Verizon Wireless in this area of Wellfleet. The monopole proposes external antennas, and can accommodate up to a total of 5 wireless service providers antennas and equipment. The proposed 57' x 57' compound area, primarily located in a previously disturbed gravel parking area, will be surrounded by an 8' tall stockade fence.

Verizon Wireless proposes a 12 panel antenna array, 4 antennas per sector, to be located at a centerline elevation of 87 feet above ground level. Remote Radio Heads ("RRH") with accessory junction boxes and surge suppressors will be mounted alongside the antennas. The antennas will be connected via cabling that will run from the antennas, inside the tower and through a proposed ice bridge to the ground based equipment.

Access to the personal wireless service facility will be over a 15' wide access easement from Route 6 over existing parking areas and driveways to the proposed facility. Utilities will be run underground within easement areas to serve the facility.

The Applicant is the lessee on the project site pursuant to a lease recorded with the Barnstable Registry of Deeds in Book 28288 Page 44.

JURISDICTION

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Sections 3(i)(1) of the Commission's *Enabling Regulations* (revised November 2014) as the construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located.

The project is being reviewed in light of the 2009 Regional Policy Plan (RPP), as amended August 2012, which is the RPP in effect at the time of the first public hearing on the application.

Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include consistency with the Act, the RPP, Districts of Critical Planning Concern (DCPCs) (as applicable), municipal development by-laws, and the Local

Comprehensive Plan. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

PROCEDURAL HISTORY

A mandatory DRI referral from the town of Wellfleet Planning Board was received by the Commission on June 11, 2015. The DRI application was received on July 11, 2015. The Applicant submitted additional materials in August 2015. The DRI hearing period was opened for procedural purposes by hearing officer on August 7, 2015 at Cape Cod Commission offices located at 3225 Main Street, Barnstable, Massachusetts. The DRI application was deemed complete, sufficient to proceed to a substantive public hearing, on August 11, 2015.

The substantive hearing was opened and testimony taken by a Subcommittee of the full Commission on September 8, 2015, 5:00 PM at the Wellfleet Public Library located at 55 West Main Street, Wellfleet, Massachusetts. The Subcommittee consisted of Roger Putnam (Chair), Kevin Grunwald, Royden Richardson, Michael Skelley, Elizabeth Taylor, and Joyce Brookshire (Alternate). Elizabeth Taylor was not present at this hearing, and Joyce Brookshire participated as a regular member. The Subcommittee conducted a site visit prior to the hearing. The Subcommittee received testimony and a letter from the Cape Cod National Seashore, dated September 8, 2015, on the Project at the hearing. At this hearing, the Subcommittee voted to instruct staff to prepare a draft DRI decision consistent with the Commission's Staff Report and the subcommittee's discussion at the hearing, and to continue the hearing to 4:30PM, September 22, 2015 at Commission Offices, 3225 Main Street, Barnstable, MA.

At the continued public hearing on September 22, 2015 the Subcommittee was presented the draft DRI decision and received public testimony. Joyce Brookshire and Elizabeth Taylor were not present at this hearing. The Subcommittee voted to recommend the draft DRI decision for approval and adoption by the full Commission, and to continue the hearing to the next meeting of the full Commission at 3:00PM, October 1, 2015 at the Assembly of Delegates Chamber, First District Courthouse, 3195 Main Street, Barnstable, MA.

FINDINGS

The Commission hereby finds as follows:

GENERAL FINDINGS

GF1. A referral from the Town of Wellfleet Planning Board was received on June 11, 2015, referring the Project to the Commission as a mandatory DRI.

GF2. The Applicant submitted a DRI application on July 11, 2015; the DRI application was deemed complete on August 11, 2015.

GF3. As the date of the first public hearing on the Project was September 8, 2015, the Project was reviewed subject to the 2009 RPP, as amended August 2012.

GF4. The proposed development ("Project") consists of: the construction of a 90-foot multi-user monopole type personal wireless service facility (the monopole proposes external antennas, and can accommodate up to a total of 5 wireless service providers antennas and equipment); a 57' x 57' compound area, primarily located in a previously disturbed gravel parking area, surrounded by an 8' tall stockade fence and landscaping; and access over a 15' wide access easement from Route 6 over existing parking areas and driveways. Verizon Wireless proposes a 12 panel antenna array, 4 antennas per sector, to be located at a centerline elevation of 87 feet above ground level. Remote Radio Heads ("RRH") with accessory junction boxes and surge suppressors will be mounted alongside the antennas. The antennas will be connected via cabling that will run from the antennas, inside the tower and through a proposed ice bridge to the ground based equipment. Utilities will be run underground within easement areas to serve the facility.

GF5. The Project is proposed in accordance with the following plan sets and other information and documents referenced below:

"SITE NAME: WELLFLEET 6/ SITE NUMBER: VW-MA-0057" by ProTerra Design Group LLC:

Sheet T-1: *Title Sheet*, dated 5/4/15

Sheet C-1: *Abutters Plan*, dated 4/21/15

Sheet C-2: *Existing Conditions Plan*, dated 4/21/15

Sheet A-1: *Aerial & USGS Maps*, dated 5/4/15

Sheet A-2: *Compiled Plot Plan*, dated 5/4/15

Sheet A-3: *Compound Plan & Elevation*, dated 5/4/15

Sheet D-1: *Details*, dated 5/4/15

Sheet D-2: *Details*, dated 5/4/15

Sheet CA-1: *Co-Applicant Details*, dated 5/4/15

"Driveway Sight Distance Analysis along US Route 6" by ProTerra Design Group LLC, dated 10/22/14

"Limited Stormwater Hydrology Report" by ProTerra Design Group LLC, dated 10/22/14

"Recommended Long-Term Stormwater Pollution Prevention Plan and Operation & Maintenance (O&M) Plan" by ProTerra Design Group LLC, undated

"WPLED26 – RAB Lighting" details sheet prepared by Varsity Wireless, dated 9/16/15

"RF Report" by C Squared Systems LLC, dated 5/11/15, which includes coverage maps

"Maximum Permissible Exposure Study" by SAI Communications, dated 1/30/15

"Environmental Sound Assessment" by Modeling Specialties, dated 4/14/15

"Photographic Renderings" by Caron & Associates Design, dated 5/8/15

GF6. The Applicant has an executed assignment of a 50-year ground lease, with a memorandum of said lease rights recorded at the Barnstable County Registry of Deeds, for the lease area within the Project Site.

GF7. Based on correspondence dated August 12, 2015, Brian Carlson, Wellfleet Assistant Town Administrator, and review by Commission staff, the Project is consistent with local development by-laws and the Town's Local Comprehensive Plan (LCP), subject to obtaining necessary local permits from the town. Specifically, the Project furthers LCP goals by keeping the Town's communications infrastructure up to date, and wireless facilities are uses allowed by special permit in the underlying zoning district.

GF8. The Project Site is not located within a designated District of Critical Planning Concern (DCPC), other than the Cape-wide Fertilizer Management DCPC. Because no Town of Wellfleet implementing regulations have been adopted and are in effect pursuant to that DCPC, there are no DCPC implementing regulations with which the Project must be consistent.

GF9. The Commission finds that the probable benefits of the proposed development are:

- 1) Would limit visual clutter to views in South Wellfleet by providing for the co-location of up to five wireless carriers on a single monopole; and
- 2) Would provide greater access to wireless service for residents and visitors; and
- 2) Would provide greater ability to contact emergency services for residents and visitors.

GF10. The Commission finds that the probable detriments of the proposed development are:

- 1) Would add visual clutter to the view of south-bound motorists on Route 6 and to the scenic vista from the Marconi Station viewing platform.

GF11. The Commission finds after public hearings and consideration of all evidence before it that the probable benefit of the proposed development is greater than the probable detriment.

RPP CONSISTENCY

Land Use

LUF1. Minimum Performance Standard (MPS) LU2.2 (Co-location of Telecommunication Facilities) requires that Wireless Communication Tower be designed for two or more co-locators. The Applicant has designed the Project for five co-locators, meeting this requirement.

LUF2. MPS LU2.2 also requires that Wireless Communication Towers comply with the guidelines set out in Technical Bulletin 97-001 (DRI Review of Wireless Communication Towers). The Commission finds the Project conforms with these guidelines as follows:

LUF2(a). The Commission may require, at the Applicant's cost, the retention of a technical expert to assist in the project evaluation. The Commission retained Isotrope LLC, which submitted a technical review and report of the Project, dated August 4, 2015. Isotrope's report found that all application materials properly fulfilled the filing and technical requirements of Technical Bulletin 97-001. David Maxson, principal of Isotrope LLC, presented said report at the public hearing on September 8, 2015.

LUF2(b). The Applicant thoroughly considered alternative sites. There are no existing tall structures or other feasible sites in the coverage area suitable for use.

LUF2(c). The Project meets the setback requirement of the base of the tower being set back from property lines equal to the height of the tower, as the tower is 100' from property lines and 90' in height.

LUF2(d). As the Project is located within a local zoning district which allows for such use by special permit, the Commission may consider towers up to 150' in height.

LUF2(e). The Project proposes an equipment shelter that is fully screened from abutting properties and roadways by existing vegetated buffers as well as by an 8'-tall stockade fence and landscaping.

LUF2(f). The Project's design as a monopole with exterior antennas provides the least visual impact to achieve desired coverage results. The Project will be left as natural galvanized steel in a light gray tone that will blend with sky and clouds.

LUF2(g). The Project is not located within a historic district or abutting historic resources.

LUF2(h). Radiofrequency Radiation and Noise levels are under levels set out in the Technical Bulletin.

LUF2(i). Drive test data shows poor signal strength in the proposed coverage area. Independent technical review of the Commission's wireless consultant shows the Project will fill the gap in coverage.

LUF2(j). A balloon test was performed in accordance with Commission guidelines on April 26, 2015 with balloons at the proposed height of 90' and an alternate height of 110'. The balloon test was duly noticed. The balloon test is the principal basis of Caron and Associates Design's Photographic Renderings.

Economic Development

EDF1. The only MPS of the RPP issue area of Economic Development that applies to Wireless Communication Towers is MPS ED4.1 (Demonstrated Need and Public Benefit). The Project meets MPS ED4.1 as evidenced by the coverage gap shown in the application materials and corroborated by Isotrope LLC on behalf of the Commission.

Water Resources

WRF1. As the Project Site is not located within any Commission-mapped areas for the RPP issue area of Water Resources and no wastewater is associated with the Project, only MPS's under the RPP issue area of Water Resources Goal 1 (General Aquifer Protection) and Goal 7 (Stormwater) apply to the Project.

WRF2. Nitrogen loading calculations provided in the applicant materials show the Project meets MPS WR1.1 (Five-ppm Nitrogen Loading Standard).

WRF3. The Project is located within 400' of a mapped private well at the Eventide Motel to the south. As conditioned with the provision herein that the Project will use natural gas/propane for backup power and will not store other hazardous materials as defined by the RPP, the Project meets MPS WR1.2 (Identification of Drinking Water Wells).

WRF4. Given that the Project does not propose new groundwater withdrawals, is not a subdivision, and does not propose significant turf or landscaping, MPS's WR1.3 (Groundwater Study Requirement), WR1.4 (Cluster Development), and WR1.5 (Turf and Landscape Management Plan) do not apply to the Project.

WRF5. As conditioned with the provision herein that, pursuant to MPS WR7.10 (Stormwater Operation and Maintenance Plan), one year from completion of the stormwater system a Professional Engineer will inspect the system and submit a letter to Commission staff certifying that the system was installed and functions as designed, the project plans, Stormwater Hydrology Report, Stormwater Pollution Prevention Plan, and Operation and Maintenance Plan for the Project referenced herein and incorporated into this decision by Finding GF5 properly comply with the MPS's of RPP issue area Water Resources Goal 7 (Stormwater).

Natural Resources

NRF1. As the Project Site is not located in a coastal or marine area and there are no DEP-mapped wetlands in the vicinity of the Project Site, the MPS's of the RPP issue areas of Coastal Resources, Marine Resources, and Wetlands do not apply to the Project.

NRF2. By email dated December 9, 2014, Commission staff advised the applicant a Natural Resources Inventory (NRI) was not required to comply with MPS WPH1.1 (Natural Resources Inventory) as there is minimal new site disturbance associated with the Project.

NRF3. As the new site disturbance associated with the Project is limited in area and primarily occurring in previous disturbed areas, MPS WPH1.2 (Clearing and Grading) and MPS WPH1.3 (Wildlife and Plant Habitat) do not apply to the Project.

NRF4. The Applicant is required to file project plans with the NHESP due to the rare species habitat mapping at the site. According to the application materials, NHESP has indicated that the site is mapped for Eastern Box Turtle and that a turtle protection plan may be required during construction. The Applicant should provide the correspondence from NHESP indicating

the project's compliance with the Massachusetts Endangered Species Act, and/or any mitigation actions required to protect box turtles on the site. As conditioned with the provision herein that, prior to issuance by the Commission of a Preliminary Certificate of Compliance, Commission staff shall review and approve the measures set out in such correspondence, the Project meets MPS WPH1.4 (Wildlife and Plant Habitat).

NRF5. MPS WPH1.5 (Vernal Pools) does not apply to the Project as there are no identified vernal pools in proximity to the Project Site.

NRF6. MPS WPH1.6 (Invasive Species) does not apply to the Project as the NRI was waived due to the limited new site disturbance associated with the Project.

NRF7. As the new site disturbance associated with the Project is limited in area and primarily occurring in previously disturbed areas, MPS's of the RPP issue area of Open Space Protection and Recreation do not apply to the Project.

Transportation

TRF1. Most MPS's of the RPP issue area of Transportation deal with transportation impacts from uses that generate traffic. The Project will not generate traffic other than trips relating to construction and to occasional maintenance activities. Thus the following RPP MPS do not apply: MPS TR0.1, MPS TR0.2, MPS TR0.4, MPS TR0.5, MPS TR1.2, MPS TR1.3, MPS TR1.5, MPS TR1.7, MPS TR1.9, MPS TR2.1, MPS TR2.2, , MPS TR2.3, MPS TR2.4, MPS TR2.5, MPS TR2.6, MPS TR2.7, MPS TR2.8, MPS TR2.9, MPS TR2.10, MPS TR2.11, MPS TR2.12, MPS TR2.13, MPS TR2.14, MPS TR3.1, MPS TR3.2, MPS TR3.4, MPS TR3.5, MPS TR3.6, MPS TR3.7, MPS TR3.8, MPS TR3.9 , MPS TR3.11, MPS TR3.12, MPS TR3.13, MPS TR3.14, MPS TR3.15, and MPS TR3.16.

TRF2. The Project proposes no new roadwork, thus the Project meets MPS TR0.3 (Permits for Roadwork prior to Construction).

TRF3. MPS TR1.1 (No Degradation of Public Safety) states that "*regardless of project traffic generation, DRIs shall not degrade safety for pedestrians, bicyclists, or motor vehicle operators or passengers.*" The Project will not generate traffic other than trips relating to construction and to occasional maintenance activities, meeting this standard.

TRF4. MPS TR1.4 (Standards for Driveway Construction) requires that "*the width of driveway and/or curb-cut openings to serve DRIs shall not exceed 12 feet per travel lane, except where deemed appropriate by the Commission.*" The Project Site will be accessed by a 15-foot wide access easement also an existing commercial driveway onto Route 6, meeting this standard

TRF5. MPS TR1.6 (Sight-distance Obstructions) requires that "*human-made objects such as signage, utility poles and boxes, and lighting to service DRIs shall be located to minimize visual obstruction and possible safety conflicts for the traveling public, including glare or other distractions for drivers, bicyclists, and pedestrians.*" Conditioned with the provision that, prior to issuance by the Commission of a Final Certificate of Compliance, Commission staff will

conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive, the Project meets MPS 1.6

TRF6. MPS TR1.7 (Bicyclists and Pedestrians Safety and Access/Egress Requirements) requires that *“site planning and access/egress for DRIs shall minimize adverse impacts on the adjacent road system and shall adequately and safely accommodate all users including pedestrians, bicyclists, and motorists.”* Based on the fact that the proposed project will not generate traffic other than trips relating to construction and to occasional maintenance activities, the site planning and access/egress for will not have adverse impacts on the adjacent road system, meeting MPS TR1.7.

TRF7. MPS TR1.8 (Sight Distance Requirements) requires that *“acceptable sight distances shall be met and maintained at all access and/or egress locations for DRIs regardless of project traffic generation.”* As detailed in the letter dated October 22, 2014 from Pro Terra Design Group, LLC, sufficient sight distance is available at the existing commercial driveway onto Route 6 that will be used to access the site, meeting MPS TR1.8.

TRF8. Materials submitted by the Applicant identify the impacts and includes analysis for the area impacted by the project, meeting MPS TR3.3 (Traffic Studies).

TRF9. MPS TR3.10 (Preserve Existing Right-of-Way) requires that *“existing transportation rights-of-way shall be preserved for transportation uses as well as to limit trip generation.”* Existing transportation rights-of-way are preserved; therefore, the project complies with MPS TR3.10.

Waste Management

WMF1. The Project does not propose the use or storage of hazardous materials as defined in the RPP.

WMF2. The Project Site is currently disturbed and cleared, the limited amount of construction for the Project will result in a minimal amount of construction and demolition wastes, and no waste will be generated by normal operation of the Project.

WMF3. Based on findings WMF1 and WMF2 above, the MPS's of the RPP issue area of Waste Management do not apply to the Project.

Energy

EF1. The MPS's of the RPP issue area of Energy do not apply to Wireless Communication Towers.

Affordable Housing

AH1. As no permanent jobs are associated with Wireless Communication Towers, the MPS's of the RPP issue area of Affordable Housing do not apply to Wireless Communication Towers.

Heritage Preservation/Community Character

HPCCF1. As no historic, cultural or archaeological resources are located in proximity to the Project Site, MPS's of the RPP issue area of Heritage Preservation/Community Character Goal 1 (Historic, Cultural, and Archaeological Resources) do not apply to the Project.

HPCCF2. As the Project is a Wireless Communication Tower, and the Project proposes an equipment shelter that is fully screened from abutting properties and roadways by an 8'-tall stockade fence, landscaping, and existing vegetated buffers, the only MPS's of the RPP issue area of Heritage Preservation/Community Character Goal 2 that applies to the Project are MPS HPCC2.3 (Avoid Adverse Visual Impacts), MPS HPCC2.11 (Exterior Lighting), and MPS HPCC2.12 (Signage).

HPCCF3. The Project, as shown on photographic simulations produced by Caron & Associates Design, dated May 8, 2015, on behalf of the Applicant and reviewed by Isotrope LLC on behalf of the Commission, is visible within the viewshed of the scenic vista, as recognized through previous planning exercises, of the Marconi Station viewing platform located within the Cape Cod National Seashore.

HPCCF4. MPS HPCC2.3 (Avoid Adverse Visual Impacts) requires development within scenic vistas to limit visibility of new development within the vista. Given the breadth of the viewshed, other existing development within the viewshed, and the Project's distance from the viewing platform, the Project will not have a significant detrimental impact on the scenic vista.

HPCCF5. Two small exterior lighting fixtures on the front and rear of the equipment shelter are the only exterior lighting proposed as part of the Project, with said fixtures shown on Sheet CA-1: *Co-Applicant Details* prepared by ProTerra Design Group LLC and dated 5/4/15. The Applicant submitted a fixture details sheet for this fixture which meets Commission standards and is incorporated herein under Finding GF5, meeting MPS HPCC2.11 (Exterior Lighting).

HPCCF6. As no signage is proposed, the Project meets MPS HPCC2.12 (Signage).

CONCLUSION

Based on the above findings, the Commission further finds that:

1. Subject to the Conditions, below, the Project is consistent with the Regional Policy Plan and the applicable minimum performance standards therein.
2. Based on correspondence dated August 12, 2015, Brian Carlson, Wellfleet Assistant Town Administrator, and review by Commission staff, the Project is consistent with local development

by-laws and the Town's Local Comprehensive Plan, subject to obtaining local permits for the Project.

3. The Project Site is not located within a designated District of Critical Planning Concern (DCPC), other than the Cape-wide Fertilizer Management DCPC. Because no Town of Wellfleet implementing regulations have been adopted and in effect pursuant to that DCPC, there are no DCPC implementing regulations with which the Project must be consistent.

4. With specific emphasis on Findings GF9, GF10, and GF11 herein, the probable benefit of the Project is greater than its probable detriment.

5. The Commission hereby approves, with conditions, the DRI application of Varsity Wireless Investors LLC and Verizon Wireless for construction and operation of the proposed 90-foot wireless communication monopole located at 724 Route 6, Wellfleet, MA subject to the following Conditions:

CONDITIONS

GENERAL CONDITIONS

GC1. This decision is valid for a period of 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision.

GC2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

GC3. Failure to comply, and remain in compliance, with all findings and conditions state herein, and with all related Commission laws and regulations, shall be deemed cause to revoke or modify this decision.

GC4. The Applicant shall obtain all necessary federal, state, and local permits for the Project. Specifically, prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall obtain all necessary municipal permits, licenses and approvals for the Project, including but not limited to a Planning Board Special Permit for Communication Structures.

GC4(a). The Project's consistency with municipal development by-laws or ordinances shall be evidenced and confirmed by the Applicant obtaining all said necessary municipal permits, licenses and approvals.

GC5. No local permitting or permitting review for development work as approved herein, including but not limited to site work and installation of foundations or footings, shall be undertaken until this decision is final and the Commission Clerk certifies in writing that the decision appeal period has elapsed or if such an appeal has been filed, until the appeal has been finally dismissed, or is adjudicated or otherwise disposed of in favor of the Applicant.

GC6. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced herein under Finding GF5. Changes to the approved Project shall require modification to this decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All other plans and documents required to be submitted as conditions of this decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by Commission staff.

GC7. Prior to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with this decision.

GC8. Prior to issuance of any Preliminary Certificate of Compliance by the Cape Cod Commission for development as approved herein, the Applicant shall submit final project plans as approved, and permits, licenses and approvals issued, by state, federal, and local authorities for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those project plans approved, referenced and incorporated herein, the Commission shall require that the Applicant seek a modification to this decision for further review and approval of the project plan changes in accordance with the "*Modification*" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

GC9. Prior to issuance of a Preliminary Certificate of Compliance, but not until the appeal period for this decision has elapsed, or if such an appeal has been filed, until the appeal has been finally dismissed, or adjudicated or otherwise disposed of in favor of the Applicant, the Commission shall record a copy of this decision with the Barnstable Registry of Deeds, with recording costs borne by the applicant. This decision shall not be effective until a copy of the same has been so recorded.

GC10. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor(s).

GC11. Prior to building permit sign-off for the project by the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

GC12. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a certificate, it shall provide Commission staff a list of key project contact(s), along with

their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its compliance review, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

GC13. Changes to the Project, including but not limited to new or altered antennas for Verizon Wireless, additional antenna arrays for co-locators, or additional ground-based equipment for Verizon Wireless or for co-locators, shall require that the Applicant seek a modification to this decision for further review and approval in accordance with the "*Modification*" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

WATER RESOURCES

WRC1. The Project shall use natural gas/propane for backup power and shall not store other hazardous materials as defined by the RPP.

WRC2. Pursuant to MPS WR7.10 (Stormwater Operation and Maintenance Plan), one year from completion of the stormwater system, or prior to the issuance of a Final Certificate of Compliance, as the case may be, a Professional Engineer shall inspect the system and submit a letter to Commission staff certifying that the system was installed and functions as designed and approved.

NATURAL RESOURCES

NRC1. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide for review by Commission staff correspondence from NHESP indicating the project's compliance with the Massachusetts Endangered Species Act, and/or any mitigation actions required to protect box turtles on the site, with such mitigation actions at the further approval of Commission staff.

TRANSPORTATION

TRC1. Prior to issuance of a Final Certificate of Compliance, Commission staff shall conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

HERITAGE PRESERVATION/COMMUNITY CHARACTER

HPCC1. Existing vegetation on the Project Site shall be retained sufficient to visually buffer the Project from the roadway and neighboring properties.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 15th day of October 2015.

Richard E. Roy
Signature

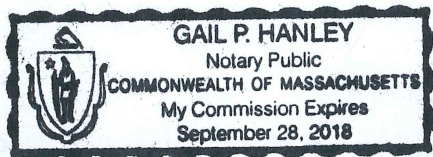
Richard E. Roy, Chairman
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss October 1, 2015

Before me, the undersigned notary public, personally appeared

Richard E. Roy, in his/her capacity as
Chairman of the Cape Cod Commission, whose name
is signed on the preceding document, and such person acknowledged to me that he/she
signed such document voluntarily for its stated purpose. The identity of such person
was proved to me through satisfactory evidence of identification, which was []
photographic identification with signature issued by a federal or state governmental
agency, [] oath or affirmation of a credible witness, or [☒] personal knowledge of the
undersigned.



SEAL

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18