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## DEVELOPMENT OF REGIONAL IMPACT DECISION

**Project:** Cotuit Wireless Communications Monopole (Commission File No. 17020)

**Project Applicants:** TowerNorth Development LLC  
AT&T Mobility LLC, Sprint Spectrum LP, T-Mobile Northeast LLC  
c/o Bert Stern, VP, Centerline Communications LLC  
95 Ryan Drive, Suite 1, Raynham, MA 02767

**Property Owner:** Cotuit Fire District

**Project Site/Location:** 414 Main Street, Barnstable (Cotuit), MA 02635 (Map 38 Parcel 4)

**Title Reference:** BCRD Deed Book 519 Page 123

**Date:** December 14, 2017

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### SUMMARY

TowerNorth Development LLC proposes to construct and install a 170' tall wireless communications monopole, along with supporting equipment and site improvements, to serve up to six personal wireless service carriers, including carriers T-Mobile, Sprint and AT&T, who were formerly located on a water tower at the Property that has recently been demolished.

The Cape Cod Commission (Commission) hereby approves with conditions the Project as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act). This decision is rendered pursuant to a vote of the Cape Cod Commission on December 14, 2017.

### FINDINGS

The Cape Cod Commission finds and determines as follows:

GF1. The Project described herein is a mandatory Development of Regional Impact (DRI) pursuant to Section 3(i)(1) of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact (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..."

GF2. Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards for DRI approval, which include consistency with the Cape Cod Commission Act, Cape Cod Regional Policy Plan (RPP), District of Critical Planning Concern (DCPC) implementing regulations (as applicable), municipal development bylaws or ordinances, and applicable Local

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

GF3. The Commission received a mandatory DRI referral from the Town of Barnstable for the Project on August 21, 2017. The Applicants submitted a DRI application package to the Commission, including supporting narrative, on September 6, 2017, and supplemental application materials were submitted throughout September and October 2017. The DRI hearing period for the Project was opened by Commission hearing officer on October 18, 2017. A Commission subcommittee held a public hearing on the Project November 21, 2017 at Freedom Hall in Cotuit. Commission staff prepared a staff report, dated November 13, 2017, for the hearing. At the November 21, 2017 hearing, the subcommittee voted to recommend approval of the Project to the full Commission and directed staff to prepare a draft DRI decision for the Commission's consideration. The November 21, 2017 hearing was continued to December 14, 2017 for the full Commission's review and consideration of the Project and of the draft DRI decision. The full Commission held a hearing and voted on the Project at its December 14, 2017 meeting.

GF4. Applicant TowerNorth Development LLC (TowerNorth) is a company focused on the permitting, design, construction and development of wireless infrastructure throughout the Eastern United States and currently owns and operates wireless facilities in New Jersey, Pennsylvania, Florida, New York and Ohio. TowerNorth is a subsidiary of Centerline Communications, LLC, a "turn-key" wireless services provider headquartered in Raynham, MA.

GF5. Co-Applicants T-Mobile, Sprint and AT&T are personal wireless service carriers licensed by the Federal Communications Commission (FCC) to operate wireless telecommunications networks in various markets throughout the country, including the Commonwealth of Massachusetts and the Town of Barnstable. Under these licenses from the FCC, these carriers are obligated to provide reliable wireless communications service to, among others, users in the Town of Barnstable.

GF6. TowerNorth proposes to construct a 170' tall, monopole-style wireless communications tower along with and within a fenced 75' X 75' fenced equipment compound. The antenna system for the monopole consists of panel-style remote radio heads. Access to the compound is from an existing gravel road, proposed to be reconfigured. There are locations on the monopole for up to six personal wireless service carriers, including co-Applicant carriers T-Mobile, Sprint and AT&T (collectively, the "Project"). From this location, the personal wireless service carriers provide service to Cotuit and a portion of Mashpee.

GF7. The proposed monopole and equipment compound is contained within an 80' x 80' lease area, which constitutes the Project Site. The Project Site is in the southwest corner of a larger ~158-acre property owned by the Cotuit Fire District, addressed as 414 Main Street, Cotuit (Property). The proposed reconfigured access road to the Project Site from Main Street is contained within an access and utility easement. The Property is largely wooded and, except for municipal water department uses, undeveloped. Other municipally owned and conservation-restricted land abuts the Property.

GF8. TowerNorth has entered into an Option and Lease Agreement with the Property owner Cotuit Fire District for the Project Site on May 1, 2017, under which TowerNorth has rights to permit, construct and operate the Project, with access and utility rights of way from Main Street to the Project Site.

GF9. The Cotuit Fire District is a municipal body and operates its own water department, the Cotuit Water Department, which supplies water to the village of Cotuit. The Property is primarily held for water supply and protection purposes consistent with Article 97 of the Massachusetts Constitution.

GF10. The Co-applicant carriers were previously located on a water tower on the Property that was removed in Summer 2017 because of its deteriorating condition. Said carriers currently operate at the Property on two, temporary, portable 70-90' tall towers under existing leases with the Cotuit Fire District. The District has expressed that, because of concerns in maintaining its water towers, personal wireless service carriers will no longer be allowed to co-locate their equipment on its water towers.

GF11. The Co-applicant carriers' co-location on the former water tower did not and would not require mandatory DRI review. Also, were it the water tower that was being reconstructed and which would support the carriers' equipment, no mandatory DRI review would be required. Finally, if it were an existing wireless communication tower (WCT) or utility pole that was proposed to be reconstructed in kind to support the existing carriers, no mandatory DRI review would be required.

GF12. To meet existing contractual obligations with the carriers, to ensure continuing wireless coverage in the area, and for continued revenue from the carriers, the District put out a request for proposal (RFP) in March 2016 for the construction and operation of a WCT at the Project Site, to serve, at a minimum, the existing carriers.

GF13. Applicant TowerNorth responded and in May 2017 was awarded the contract under the RFP. Pursuant to the award, TowerNorth entered into an option to lease with the Cotuit Fire District. Subject to receipt of all necessary permits, licenses and approval, TowerNorth would exercise the option and enter into a lease with the District, with an express term of up to 25 years with renewals. TowerNorth would build the WCT and supporting infrastructure, and the Co-applicant carriers would renegotiate their existing leases and re-locate on the new WCT.

GF14. The RFP was issued by the District with the following stated objectives:

- *Maintain current telecommunication coverage with existing customers after the demolition of the Main Street Water Tank.*
- *Insure that any telecommunications facilities which are constructed are as innocuous as possible.*
- *Provide a facility / opportunity to enhance service for customers of carriers that are not currently installed at the Main Street Water Tank.*

GF15. In so structuring the RFP, the District attempted to account for and address local and regional concerns that follow from demolition of the water tower and subsequent construction and use of the proposed WCT.

GF16. Applicant TowerNorth states the following objectives in pursuing the Project, which relate back to stated objectives in the RFP:

- *Provide the carriers with the closest possible location to the previous water tank to adequately duplicate their existing coverage.*

- *Shift the facility away from the previous water tank location to further distance the site from surrounding residences.*
- *Use existing foliage on the property to provide screening of the tower and compound from nearby homes and viewshed areas.*
- *Meet the tower setback requirements of the Town of Barnstable and the Cape Cod Commission.*
- *Minimize the amount of disturbance to existing foliage on the property by utilizing the existing previously disturbed access drive on the parcel.*
- *Avoid potential Bio Core Habitat or other sensitive areas as defined by the Cape Cod Commission.*

GF17. The proposed WCT is located ~330 feet northeast of the former water tower on the Project Site, and ~417 feet from Main Street, further back from Main Street than the former water tower. The proposed WCT has been designed to provide a total of six spots for co-location, which would provide three additional spots for carriers over and above those immediately proposed to be occupied by the Co-applicant carriers. The nearest residence is located more than 300' from the proposed WCT, further than the former water tower was to neighboring residences.

GF18. In order to maintain equivalent and acceptable levels of coverage and capacity that existed when the Co-applicant carriers were located on the former water tower, the Co-applicant carriers must operate and be located in the vicinity of the former water tower, and at similar heights as previously located. The Co-applicant carriers' surrounding networks and network performance are also designed and predicated on the carriers' locations on the former water tower, and the location of the former water tower. The height of the WCT is proposed at 170', the same height of the former water tower, and is in the general vicinity of the former water tower. The Co-applicant carriers are proposed to be located on the WCT at the same heights they were previously located on the former water tower. At reduced heights, including the heights at which these carriers are currently located on the temporary wireless towers on the Property, the Co-applicant carriers are not able to meet coverage service requirements. At reduced heights, a completely different location, or without any replacement tower, there is a significant gap in the Co-applicant carriers' wireless coverage.

GF19. The proposed WCT is the minimum height necessary to provide telecommunications coverage for a significant gap in wireless service caused by the decommissioning of the water tank by the Cotuit Fire District. Designing and constructing a wireless telecommunications system that provides seamless coverage requires a grid of radio transmitting and receiving links located up to two (2) miles apart, which, based on network and site topography features, operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground; antennas are located where the signal is not obstructed or degraded by buildings or geographical features.

GF20. The subject gap in coverage includes an area greater than one (1) square mile in Cotuit Village and the Town of Barnstable, including Route 28, Main Street, Old Mill Road/Sampson Road, School Street, Old Oyster Road, Santuit Road and surrounding neighborhoods, as well as roads and community areas adjacent thereto. Distributive Antenna Systems (DAS) mounted on utility poles are not adequate to supply coverage to a gap of one square mile or larger, and thus would not be an effective or appropriate way to maintain wireless coverage in the area of the Project Site.

GF21. The Applicants provided a map with its DRI application of other existing tall structures within a 2-mile radius of the Project Site. (See Google Map entitled, "Available Tall Structures Within 2 Miles, Proposed Tower, 2 Mile Radius," undated). There are no existing structures that could act as a replacement site for the three Co-applicant carriers who have lost coverage due to the removed water tank. An analysis of existing structures within a two (2) mile radius show no available sites with structures of height sufficient to co-locate telecommunications equipment that could fill the coverage gap. The only existing structure of sufficient height within the search area is the West Street water tank also under the care and custody of the Cotuit Water Department. The Cotuit Water Department will not allow co-location on the tank by any wireless service providers, as testified to by the Board of Water Commissioners at the November 21, 2017 subcommittee hearing.

GF22. Without development of the Project, the Co-applicant carriers cannot provide reliable service to the Town of Barnstable pursuant to the Telecommunications Act of 1996 and their licenses issued by the FCC. The Project will provide reliable coverage within and to Cotuit village and its immediately surrounding areas. The Co-applicants carriers have provided appropriate and sufficient documentation and analyses to evidence a significant gap in wireless coverage and thus the need and demand for the Project, including documentation consistent with guidance set out in the Commission's Wireless Technical Bulletin.

GF23. The Co-applicant carriers have each provided Radio Frequency (RF) reports and coverage maps confirming and justifying the need for the proposed WCT in order to alternately maintain adequate or fill a significant gap in coverage, and thus continuous, reliable wireless service:

- RF Report, Proposed Wireless Facility, MA2549, 414 Main Street, Cotuit, MA 02635, prepared by C Squared Systems, LLC for AT&T, dated August 15, 2017, with additional information regarding temporary site tower (COW) coverage dated December 6, 2017;
- RF Report, Proposed Wireless Facility, BS13XC662, 414 Main Street, Cotuit, MA 02635, prepared by C Squared Systems, LLC for Sprint, dated August 17, 2017 (*revision submitted November 9, 2017*), with additional information regarding temporary site tower (COW) coverage dated December 7, 2017;
- T-Mobile RF Propagation Maps and Data package consisting of eight pages entitled "Site Replacement - 4HY1559A, LTE Mid-Band Plots," submitted September 6, 2017, with additional information regarding temporary site tower (COW) coverage submitted December 11, 2017.

GF24. The Applicant carriers' coverage maps detail coverage conditions that existed when the former water tower had not yet been removed; coverage conditions that might exist if personal wireless service facilities were not replaced in the area; coverage conditions with reduced carrier height on the temporary, portable towers on the Property; and coverage conditions in light of proposed construction and operation of the Project. The Applicant carriers' coverage maps evidencing Project need and gaps in coverage were appropriately generated using 700 MHz transmission frequencies, which is the broadest (but least intense) transmission frequency.

GF25. The Project is located on municipal land. Projects of this type are appropriately located on municipal land, affording a municipality enhanced land development controls in the planning, construction, operation, and eventual decommissioning of such a project, where the municipality, through its political subdivisions, acts both as a as landlord and permitting authority. The Project does not interfere with municipal operations and is consistent with the purposes for which the land is used and held.

GF26. The proposed monopole and equipment, including, without limitation, its constituent antennas, equipment shelters and security barrier/ fence, are collectively defined as a “Personal Wireless Service Facility” (PWSF) under the Commission’s Wireless Technical Bulletin. The town should consider in its permitting for the Project and lease negotiations for the Project Site adopting contingencies and processes for the potential, eventual Abandonment of the PWSF, whereby the owner/s of the PWSF evidences its intent to abandon or discontinue operations of the PWSF, and establishing the respective duties and obligations of the owner/s of the PWSF to the town upon Abandonment of the PWSF. In its lease negotiations and permitting for the Project, the town could consider requiring that the PWSF owner/s post bond or other surety to ensure the PWSFs physical removal and site restoration upon abandonment.

GF27. TowerNorth submitted with its DRI application an Obstruction Analysis Report prepared by Federal Airways & Airspace®, dated 6/12/2017, which concluded that the Project poses little to no risk of adverse aeronautical impacts and that it is unlikely that the Federal Aviation Administration will require lighting for the proposed monopole.

GF28. The Project is consistent with the Barnstable Local Comprehensive Plan by minimizing development in a Low Density Residential area, supporting upgrades to telecommunications infrastructure, providing well maintained public facilities to serve future communication needs of the community that are equitably distributed with minimal environmental and community character impacts, and is consistent with the Cotuit Village Plan by supporting operations of the Cotuit Fire District.

GF29. The only DCPC applicable to the Project is the Cape-wide Fertilizer Management DCPC. Barnstable adopted a fertilizer (nutrient) management ordinance as implementing regulations pursuant to this DCPC (Chapter 78 of the General Ordinances of the Code of the Town of Barnstable, “Fertilizer Nitrogen and Phosphorous Control”). The Applicants do not propose to manage turf with fertilizer applications, and thus the implementing regulations do not apply to the Project.

GF30. The following municipal reviews, actions, permits, licenses and approvals are required for the Project from the Town of Barnstable: Site Plan Review; Zoning Board of Appeals Dimensional Variance for the height of the WCT; and a Building Permit.

GF31. The Project is consistent with municipal development ordinances, provided the Applicants obtain all necessary local permits, licenses, and approvals.

- A. The Property and Project Site are in a RF residential zoning district, a low density residential district, and Resource Protection Overlay District. The purposes of the Resource Protection Overlay District are to protect surface water and groundwater quality, and reduce development potential in an area where additional residential development could face a shortfall in public facilities. The Project use is not a prohibited use within this District.
- B. The Zoning Ordinance of the Town of Barnstable (Chapter 240), Article X (Personal Wireless Communication) allows for the installation and construction of personal wireless facilities and associated equipment in all zoning districts, subject to Site Plan Review and issuance of a Building Permit. The maximum building height in the RF district is 30 feet; therefore, the Applicants will need a Dimensional Variance for the height of the tower from the Barnstable Zoning Board of Appeals because they cannot close significant gaps in wireless coverage without pursuing the Project in a zoning

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district that limits structures to a height of 30 feet.. “The need for closing a significant gap in coverage, in order to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required” [See *Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland*, 231 F.Supp. 2d 396, 406-407 (D. Mass. 2002)].

GF32. The Town of Barnstable’s Planning and Development Department Director, Elizabeth Jenkins, provided oral testimony at the November 21, 2017 subcommittee hearing on behalf of the Town regarding the Project’s consistency with the Town’s development ordinances and its Local Comprehensive Plan.

GF33. The probable benefits of the Project include:

- A. The Project will fill a significant gap in wireless coverage caused by the decommissioning of a structurally impaired municipal water tower, providing a needed service to a variety of users including area residents, the travelling public and visitors who rely on such services for emergency communications, to operate their businesses and to communicate with friends and family either in home or in vehicle. Wireless communications are used by many homeowners who have eliminated land lines, and use of multiple wireless platforms create high data demand that will be served by the Project.
- B. The Project proposes immediate wireless carrier co-location of the three carriers previously located on the former water tower on the Property, and maximizes co-location opportunities for other carriers on the Project Site, potentially eliminating or limiting the future need for additional towers in Cotuit.
- C. The Project is a low impact, low intensity infrastructure development, which supports other development.
- D. The Project is well-sited and appropriate on municipal land, and on the particular land proposed for siting, will assist the Cotuit Fire District in meeting contractual obligations and will provide a regular revenue stream for the District to assist in maintaining services for area residents.

## REGIONAL POLICY PLAN FINDINGS

RPPF1. The Project was reviewed subject to relevant issue areas of the 2009 RPP, amended August 2012, and corresponding standards applicable and material to the Project, and to the Commission’s Technical Bulletin 97-001, “Guidelines for DRI Review of Wireless Communication Towers” (*Wireless Technical Bulletin*).

RPPF2. The Regional Policy Plan contains goals and performance standards that apply to review of any given DRI project. Given the nature of WCT projects in general, and of the specific Project under consideration, many of the RPP’s goals and standards are either inapplicable or not material to the Project. Under Section 7(c)(viii)(d) of the *Enabling Regulations*, the Commission is specifically authorized to waive RPP Goals, Standards and Issue Areas it deems outside the scope of project review for WCTs.

RPPF3. The primary emphasis in and scope of this DRI review, as with most if not all DRI reviews of proposed WCTs, is the potential visual impact of the Project as assessed under the RPP area of Community Character. The Project balances potential natural resource impact concerns with potential visual impact concerns, and the Project is consistent with RPP goals,

standards and practices, and guidance from the Wireless Technical Bulletin, applicable and material to the Project, as discussed in more detail, below.

RPPF4. The Project is consistent with guidance in the Commission's Wireless Technical Bulletin:

- A. The proposed WCT meets the Commission's 'fall zone' / setback requirements from buildings and property lines.
- B. The Applicants' noise study shows that the Project meets the 50 dB(A) limitations on ambient noise from the Project under regular operation.
- C. The Applicants' Radio Frequency (RF) emissions report indicates that the Project meets applicable RF emissions limitations.
- D. The Applicants have so designed the Project and committed to donating a position on the proposed WCT for municipal emergency response services.

RPPF5. The Project proposes infrastructure to meet community and regional needs, and to maintain the reliability and quality of infrastructure services. The Project will provide and maintain acceptable levels of personal wireless service coverage to portions of Barnstable and Mashpee. The Project is proposed in response to an identified need for infrastructure services.

RPPF6. The Project minimizes adverse impacts of development on land by using land efficiently, protecting sensitive resources, and is appropriately sited. The Project proposes carrier co-location and opportunities for further co-location, and the Applicants have minimized the footprint of the Project and its associated land disturbance to the extent feasible. The Project is located on municipal land which is preferred, to the extent concerns about potential impacts on regional resource areas can be addressed, where a municipal body acts as a fiduciary for its residents, and has a greater level of control over planning, construction and oversight of use and development on such land.

RPPF7. The Site is mapped as a Significant Natural Resources Area (SNRA) in the RPP due to the presence of public water supply wellhead protection areas and potential public water supply area, and as a Resource Protection Area on the Commission's Land Use Vision Map (LUVVM). The RPP defines a Resource Protection Area as an area designated on the Regional Land Use Vision Map that warrants protection and where additional growth is not desired due to the presence of one or more sensitive resources such as Wellhead Protection Areas, Land Subject to Coastal Storm Flowage (LSCSF) or Sea, Lake, and Overland Surges by Hurricanes (SLOSH) zones, historic districts, and the Cape Cod National Seashore, wetlands, vernal pools, protected open space, and designated Districts of Critical Planning Concern (DCPCs). The Project is consistent with and appropriately located within the mapped Resource Protection Area, as the Project is not contrary to the purposes and resources underlying the designation. The Project involves a low impact and intensity land use, with a small development footprint and limited site disturbance, consistent with the current use of the Property and with surrounding land uses and development. There are few vehicle trips and minimal nitrogen load associated with the Project.

RPPF8. The Project will not be staffed day to day, and no permanent impacts to the regional transportation network from the Project are anticipated as very few vehicle trips to the Site attributable to the Project are anticipated under operating conditions.

RPPF9. The Project is located within mapped Wellhead Protection and Potential Public Water Supply Areas, and within a watershed that contributes to an estuary for which a Nitrogen Total

Maximum Daily Load has been established. However, in its nature and design, the Project will not create impacts on these regionally-significant water resource areas:

- A. As evidenced by the Applicants' Hazardous Materials affidavit submitted with the DRI application, the Project will not use or store materials in amounts that might detrimentally impact drinking water resources;
- B. The Applicants have committed to limiting back-up generator fuel sources to natural gas or propane, which poses little to no risk of harm to related drinking water resources;
- C. The Project will not generate or store Hazardous Wastes;
- D. As there is no wastewater flow, water use or managed turf associated with the Project, the anticipated nitrogen loading from the Project is minimal.

RPPF10. The proposed equipment compound and reconfigured access road will be gravel; there are not anticipated to be significant changes in site drainage patterns from the Project. The Applicants have proposed stormwater management for construction and operation of the Project, appropriate to the scope of the Project, that satisfies relevant requirements in the RPP.

RPPF11. The Applicants have included a drainage report with the DRI application, and the proposed stormwater management facilities (infiltration trench along the proposed reconfigured roadway) address any changes in drainage patterns associated with the Project, and in design ensures that stormwater associated with the Project is captured and infiltrated on the Property. The Applicants have provided a long-term stormwater operations and maintenance plan by which it proposes to manage such stormwater management facilities. The Applicant has also proposed an erosion control plan to manage stormwater run-off during construction.

RPPF12. The Applicants prepared and submitted a natural resources review for the Property as part of the DRI application, which concludes and confirms that the Site: is upland woodland vegetation typical of Cape Cod; is not mapped within a flood hazard zone; neither contains nor is proximate to vernal pools, wetlands or their respective buffer zones; is not mapped as Priority Habitat for Rare or Endangered Species under the Massachusetts Endangered Species Act (MESA); and does not otherwise contain unique or special species or habitats of concern. The Site may contain potential habitat for the federally listed northern long-eared bat, though, as designed (i.e. proposed time of year restrictions on tree clearing), the Project would not result in a prohibited 'take' of such species. The Site is mapped by the Commonwealth's Natural Heritage and Endangered Species Program as BioMap2 Core Habitat.

RPPF13. The Applicants have minimized the Project's impacts on habitat and other natural resource interests, balanced with minimizing the potential visual impacts of the Project. The Project involves approximately 12,400 sq. ft. of site disturbance, including reconfiguration and construction of the gravel access road, and the Project's equipment compound footprint is approximately 5,625 sq. ft., relatively minor given the size of the Property.

- A. If the proposed WCT occupied the site of the former water tower, no new disturbance would be required. However, the Project was moved further back from the water tower's former footprint to mitigate potential visual impacts. The Project is designed to balance minimizing site disturbance with reducing the visibility of the Project from significant public viewsheds, taking advantage of the existing tree cover on the property and a designed jog in the reconfigured access road to hide direct views of the WCT from such viewsheds.

- B. Greater buffering of the Project could be achieved by locating it further back on the Property than proposed; however, this would require greater disturbance within areas of the Property mapped as BioMap2 Core Habitat and drinking water resource areas, and areas of the Property mapped as Priority Habitat under MESA, and potentially interfere with water department operations.
- C. Given the Project's small development footprint and minimization of disturbance, the balancing of natural resource and potential visual impact concerns, and that the Property is already restricted and limited in its development potential as it is held for municipal drinking water supply and protection purposes, no open space mitigation is required for the Project.

RPPF14. Prior to filing its DRI application, the Applicants conducted a balloon test (flying balloons at 150' and the proposed WCT height of 170') on which to base photosimulations of the proposed WCT. The Applicants submitted photosimulations of the proposed WCT (at heights of 150' and 170') with its DRI application taken from twelve vantage points in the area surrounding the Project Site and Property. (See Photo Simulations, Cotuit RELO Wireless Communication Facility, 414 Main Street, Cotuit, MA 02635, prepared for Centerline Communications by Chappell Engineering Associates, LLC, dated September 5, 2017, revised dated November 30, 2017). The Applicants consulted with Commission staff about the appropriate vantage points from which photos should be taken, representing areas of regionally-significant public viewsheds that could be visually impacted by the Project, and the photosimulations were prepared and balloon test conducted consistent with consultations with staff and guidance in the Wireless Technical Bulletin. Most of the photosimulations show that at 170', the proposed WCT will not be visible, including from significant public viewsheds such as Cotuit Bay, Mosswood Cemetery and Lowell Park.

RPPF15. The Applicant has sited the WCT where it will have limited visibility and visual impacts, set back from the road among the existed vegetated buffer, and with a winding, reconfigured access drive. The fenced compound and equipment shelters are located hundreds of feet from Main Street and screened by existing vegetation. The Project proposes a monopole style tower that maintains a narrow profile to the eye, and that will be manufactured in a light gray or other suitable color that blends in with the visual surroundings. The proposed monopole has a narrower profile and is set back further from Main Street than the former multi-column steel water tower, now demolished and on which the Applicant carriers were previously located.

RPPF16. Because the Property is held for municipal water supply and protection purposes and not for private development purposes, future clearing of existing vegetation screening on the Property outside the Project Site is unlikely, and such additional clearing is not permitted under this decision.

RPPF17. The Project will not have adverse visual impacts on significant historical, cultural or scenic resource areas. The Project is located outside of the National Register Historic District and any local historic districts, but will be near an individually listed National Register building (BRN.303 Harlow Homestead, 391 Main Street) and near an area where numerous other historic structures have been inventoried but are not listed. The Applicants filed a Project Notification Form with the Massachusetts Historical Commission (MHC) dated 7/12/17. MHC did not to provide comments on the Project.

RPPF18. Based on this proposed siting, and as shown in the photosimulations, the proposed WCT will not be visible from locations within the National Register Historic District, and will be minimally visible from the Harlow Homestead and areas with other historic structures. The DRI Decision – TowerNorth Wireless Communications Tower – 414 Main Street, Cotuit (Commission File No 17020)

photosimulations also confirm that the Project will not be visible from significant public viewsheds in the area such as Lowell Park, Mosswood Cemetery or Cotuit Bay.

## CONCLUSION

Based on the Findings and above, the Commission hereby concludes, determines, and finds further that:

1. Subject to and upon satisfaction of the conditions identified in this decision, the Project is consistent with the Act and the 2009 Regional Policy Plan (as amended).
2. The Project is consistent with Barnstable's Local Comprehensive Plan.
3. The Project is consistent with municipal development ordinances, subject to the Applicants obtaining all required local approvals, licenses, and permits for the Project.
4. There are no DCPC Implementing Regulations applicable to the Project.
5. The probable benefit of the proposed development is greater than the probable detriment of the proposed development.

The Commission hereby grants DRI approval for the wireless communications Project at 414 Main Street, Cotuit described herein, subject to the following conditions.

## CONDITIONS

C1. When final, this decision shall be valid and in effect for a period of seven (7) years, and local development permits may be issued pursuant hereto for a period of seven (7) years from the date of this written decision. This decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicants), and a copy of this decision has been recorded with the Barnstable Registry of Deeds, and registered with the Barnstable Land Court, as applicable. The Applicants, jointly and severally, shall bear the costs of recording and registering this decision.

C2. This decision shall be appurtenant to and run with the Project Site on the subject Property. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicants, its successors, and assigns.

C3. The Project shall be undertaken, constructed, operated, and maintained in accordance with the Findings and Conditions set out herein, including the plans and documents referenced below ("Approved Project Plans"). When and as any plans and documents required to be submitted as Conditions of this decision are reviewed and approved by Commission staff, such plans and documents shall be deemed incorporated into the Approved Project Plans, and the Project shall similarly be undertaken, constructed, operated, and maintained in accordance with the same.

### Approved Project Plans

- Project Plan Set entitled "Cotuit ReLo, 414 Main Street, Cotuit, MA 02635, SITE NO.: MA-032," prepared for Centerline Communications by Chappell Engineering Associates, LLC, last revised dated 11/02/2017, consisting of sheets T-1, C-1, C-2, C-3, C-4, A-1, A-2, A-3, EC-1
- Stormwater Management Report, 414 Main Street, Cotuit, MA, prepared for Centerline Communications by Chappell Engineering Associates, LLC, dated November 2, 2017

- Noise Study, Cotuit Relocation, 414 Main Street, Cotuit, MA prepared for Centerline Communications LLC by Noise Control Engineering, LLC, dated September 1, 2017
- Calculated Radio Frequency Emissions Report, Cotuit Relo MA, 414 Main Street, Cotuit, MA 02635, prepared by C Squared Systems for Centerline Communications, dated July 14, 2017
- Hazardous Materials Supplemental Information and Affidavit, 414 Main Street, Cotuit, MA 02635, from Bert Stern, VP, TowerNorth Development, LLC, dated October 1, 2017
- Natural Resource Review, Proposed Telecommunications Facility, 414 Main Street, Cotuit, Barnstable County, MA 02635 by EBI Consulting dated June 23, 2017

C4. Failure to comply, and remain in compliance, with all findings and conditions stated herein may be deemed cause to revoke or require Modification to this decision. This decision does not permit any other work or development at the Project Site or Property, including tree and vegetation clearing and removal, except as authorized herein. Commission staff may make, and the Applicants hereby authorize, site inspections upon reasonable notice to the Applicants, as such visits are needed, to determine whether the Project has been constructed and is being maintained, used and operated in compliance with this decision, including the applicable conditions hereof.

C5. Prior to undertaking the same, the Applicants shall apply to and obtain permission from the Commission for any Project changes or changes to this decision, in accordance with the "Modification" section of the Commission's *Enabling Regulations* in effect at the time the permission is sought.

C6. Prior to and as a condition to use and operation of the Project and issuance of Building Permit sign-off for the Project, the Applicants shall apply for and obtain a Certificate of Compliance for the Project from the Commission. Issuance of the Certificate of Compliance is contingent on Commission staff's review and confirmation that the Project has been completed in accordance with this decision. Commission staff may make a site visit and require submission of further information from the Applicants to evidence compliance with this decision, prior to and in support of issuance of such Certificate.

C7. Prior to commencement of Project construction, the Applicants shall:

- A. have obtained all necessary federal, state, and municipal permits, licenses, and approvals for the Project, and provide copies of the same to the Commission. The Project's consistency with municipal development by-laws, regulations or ordinances shall be evidenced and confirmed by the Applicants obtaining all said necessary municipal permits, licenses and approvals;
- B. provide evidence to the Commission that a copy of this decision has been provided to and received by the general contractor for the Project. Copies of this decision and approved Project plans and documents referenced herein shall be maintained on-site during Project construction.

C8. The proposed monopole shall be painted or manufactured, and maintained, in a light gray color to blend in with the sky and surroundings.

C9. In order to visually screen the Project, existing natural vegetation on the Property shall be retained and not cleared or removed, except as necessary to construct the Project and as according to that depicted in the Approved Project Plans.

C10. TowerNorth shall donate and allow space on the wireless communications tower for telecommunications-related, emergency response equipment of the town of Barnstable, should the town desire to arrange with the Applicant to place and maintain equipment on the tower.

C11. There shall be no more than one backup generator for the Project to be shared by all its users, which shall only be fueled by natural gas or propane. Routine generator testing shall only be performed on weekdays during day-time hours.

C12. Any exterior lighting proposed for the Project shall be designed, constructed and operated consistent with the RPP's Community Character lighting standards and with the Commission's Lighting Technical Bulletin. Specifications for any proposed lighting shall be submitted to Commission staff for review and approval prior to installation. To date, no approval has been granted hereunder for exterior lighting associated with the Project.

***SIGNATURE PAGE FOLLOWS***

**SIGNATURE**

Executed this 14th day of December, 2017.

Harold W Mitchell  
Signature

Harold W Mitchell - chairman  
Print Name and Title

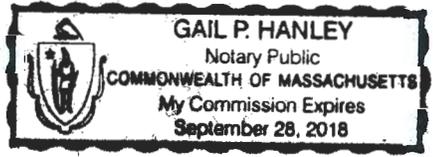
**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss December 14, 2017

Before me, the undersigned notary public, personally appeared Harold W. Mitchell, 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