

**TOWN OF WELLFLEET, MASSACHUSETTS
STATEMENT IN SUPPORT OF
APPLICATION
FOR
SPECIAL PERMIT**

APPLICANT: Varsity Wireless Investors, LLC

CO-APPLICANT: Bell Atlantic Mobile of Massachusetts Corporation
Ltd. d/b/a Verizon Wireless ("Verizon Wireless")

SITE ADDRESS: 724 Route 6, Wellfleet, MA 02667

ASSESSOR'S LOT I.D.: 42-43-1

ZONING DISTRICT: Commercial 2 (C2)

This Statement in Support of an Application for Special Permit is respectfully submitted by Duval & Klasnick LLC on behalf of the Applicant and Co-Applicant (collectively referred to as the "Applicant") to request a special permit for a multi-user communication structure consisting of a 90 foot tall monopole within a 60' x 60' lease area located at 724 Route 6 in the Town of Wellfleet Commercial 2 Zoning District.

I. APPLICANT'S INTEREST IN THE PROPERTY

Varsity Wireless Investors, LLC is the Assignee in a certain Assignment and Assumption Agreement between Vertex Towers, LLC and Varsity Wireless Investors, LLC dated July 28, 2014 and recorded with the Barnstable County Registry of Deeds in Book 28288, Page 44. By way of this Agreement, Vertex Towers, LLC assigned a certain Lease Agreement between Vertex Towers, LLC and Wendon Realty Trust, the owner of the property located at 724 Route 6, Wellfleet, MA ("Owner") to the Applicant granting the Applicant the exclusive right to locate a communication facility on a portion of the Owner's property known as lot 42-43-1.

The Owner has given the Applicant full authority to file all applications for the necessary approvals for the installation of a wireless communications facility on his property.

By document entitled Memorandum of Tower Use Agreement, recorded at the Barnstable County Registry of Deeds on July 28, 2014 in Book 28288, Page 213, the Applicant gives record notice of the Agreement between the Applicant and the Co-Applicant for Verizon Wireless to locate its antennas on the proposed communication structure and place its equipment within the fenced compound at the base of the tower.

See Exhibit 1, Letter of Authorization

II. PROJECT SUMMARY

The Applicant proposes to install a 90 foot multi-user monopole type communications structure in order to close a significant gap in wireless coverage for Verizon Wireless in this area of Wellfleet. The monopole could accommodate up to a total of 5 wireless service providers antennas and equipment. The proposed 57' x 57' compound area will be surrounded by an 8' tall stockade fence.

A propane fueled back-up generator will sit within the proposed equipment shelter for back-up power only in the case of an emergency. A 500 gallon LP tank is proposed on a 4' x 10' concrete pad within the compound area. A minimum of 10 feet of separation will be maintained from the fill valve to the ignition sources.

The antennas for each of the wireless carriers 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 telecommunications facility will be over a 15' wide access easement from Route 6 to the proposed facility. Electric and telephone lines will run underground and overhead to the public right of way pursuant to utility company specifications. Cabling will connect the antennas located on the tower to the switching and power equipment located inside the equipment cabinets at the base of the tower.

The telecommunications facility will be unmanned. Trips to and from the facility will be limited to once or twice a month, on average, by maintenance personnel to ensure that the telecommunications equipment remains in good working order. The Applicant agrees to maintain the entire ground space.

III. SIGNIFICANT COVERAGE GAP

The Applicant is dedicated to working with local communities in the siting, permitting and construction of wireless facilities. The Applicant has chosen to pursue the proposed communication structure because an installation at this location will help close a significant gap in wireless coverage which can be filled with the proposed facility at this proposed height and location.

Using sophisticated computer modelings, a limited search area is identified by a Radio Frequency Engineer ("RF Engineer") as the necessary location for a communication structure to ensure the most complete coverage to area residents, businesses and public safety officials. Once the search area is selected, a site selection consultant first seeks to identify existing structures which would allow the attachment of antenna arrays to meet coverage needs and then raw land that would allow for a new facility to meet these needs.

The RF Engineers have reviewed the radio frequency data in the search area in which the subject parcel is located. This research has confirmed that a "significant gap" in wireless coverage

exists, requiring the installation of a communication structure in the search area in order to fulfill the requirements mandated by the Federal Communications Commission.

The Applicant has identified a significant gap in wireless coverage in this area as evidenced by the existing and proposed coverage maps included in the Radio Frequency Report attached hereto. Results from drive-test data, area terrain maps, computer modeling, and a review of the existing and proposed coverage and capacity needs in the area concluded that coverage gaps exist primarily on the following roads in the Town of Wellfleet:

- Marconi Beach Road
- Marconi Residence Road
- Marconi Station Road
- Lecount Hollow Road
- State Highway Route 6
- Old Wharf Road
- Eastwind Circle
- Lieutenant Island Road
- Fresh Brook Acres

The attached Radio Frequency Report demonstrates that the proposed site will provide adequate coverage to these locations with improved quality and uninterrupted service.

As part of this application, the Co-Applicant, Verizon Wireless, seeks to install its antennas to close a significant gap in wireless coverage at 87 feet above ground level on the proposed tower. After a thorough analysis of all existing structures and raw land, the Applicant identified the proposed site as the only feasible location and the minimum height necessary to close this significant gap.

See Exhibit 2, Zoning Drawings

See Exhibit 3, Radio Frequency Report

See Exhibit 4, Alternative Site Analysis

IV. COMPLIANCE WITH THE TOWN OF WELFLEET ZONING BY-LAWS

Pursuant to Section 5.3.2 of the Town of Wellfleet Zoning By-Laws, a Communication Structure is allowed by special permit in the Commercial 2 Zoning District.

Section 6.18 of the Town of Wellfleet Zoning By-laws sets forth the criteria for Communication Structures, Buildings and Appurtenances in the Town of Wellfleet. The Planning Board is designated the special permit granting authority for special permits issued under Section 6.18. Each section of the relevant bylaw will be produced below, with the explanation or referenced exhibit to follow in **bold**.

6.18.1 Purpose. The purpose of this part of the Zoning bylaw is to establish requirements, guidelines, standards and procedures to regulate the permitting and installation of communication

structures, buildings and appurtenances in a manner that minimizes adverse impacts in the Town of Wellfleet.

The proposed communication structure, buildings and appurtenances have been designed in a manner to provide a benefit to the Town of Wellfleet while also minimizing any adverse impacts on the Town of Wellfleet. The proposed communication structure will not be injurious, obnoxious, offensive, dangerous, or a nuisance to the community or the neighborhood through noise, vibration, odors, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion or other objectionable feature detrimental to the community or neighborhood health, safety, convenience, morals or welfare.

The proposed communication structure will generate no traffic or other negative impact on the Town. The Applicant and Co-Applicant are in compliance with all federal and state regulations to ensure that its wireless facilities operate in compliance with all applicable standards and mandates as detailed herein and will work with the community to present the most unobtrusive design possible while also closing a significant coverage gap.

6.18.2.1 No communication structure, building or appurtenance shall be installed within the Wellfleet Harbor Area of Critical Environmental Concern (ACEC).

The proposed communication structure, building and appurtenance are located outside of the Wellfleet Harbor Area of Critical Environmental Concern.

See Exhibit 2, Zoning Drawings

6.18.2.2 Setbacks. The minimum distance from the perimeter of the communication structure to any property line shall be the height of the structure including any antennas or appurtenances plus 10 feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus 10 feet. The setbacks for a communication building shall comply with the setback requirements of the zoning district.

The proposed communication structure and all buildings comply with the setback requirements required by Section 6.18.2.2 and for the Commercial 2 Zoning District. This section requires that the communication structure is set back 100 feet from the nearest property line, calculated as the height of the tower plus 10 feet. In this case, the structure is set back approximately 101 feet from the nearest property line.

See Exhibit 2, Zoning Drawings

6.18.2.3 Parking. Provisions for parking shall be in accordance with paragraph 6.3.7 of this Zoning bylaw.

As required by Section 6.18.2.3, the proposed communication structure will provide for parking in accordance with Section 6.3.7. Section 6.3.7 states that in all other cases of nonresidential uses in a residential area, there shall be provided at least one space for each three employees plus one space for each 150 square feet of gross floor area. In this case, the

communication structure and buildings will be unmanned and require no employees. A maintenance personnel will visit the facility approximately once per month for a routine inspection. As such, one parking space will be dedicated to the facility.

6.18.2.4 Safety. Communication structure, buildings and appurtenances shall be installed, maintained and operated in accordance with applicable federal, state and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If FAA or FCC regulations are changed then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for removal of non-complying structure, buildings and appurtenances at the owner's expense.

The proposed communication structure, building and appurtenances shall be installed, maintained and operated in accordance with all applicable federal, state and local codes, standards and regulations, including those of the FCC and the FAA.

The communication structure will be designed to withstand sustained winds and gusts of a category 5 hurricane.

See Exhibit 5, Maximum Permissible Exposure Study

See Exhibit 6, FAA Compliance

See Exhibit 7, FCC Licenses of Verizon Wireless

6.18.2.5 Removal. An applicant and the land owner, if different from the applicant, must execute a covenant (or post a bond as set forth below) with the Planning Board agreeing to remove, within six months, all communication structures, buildings or appurtenances that have not been operated for four consecutive months unless the reason for non-operation is the result of major damage. In the event of major damage, the repair or removal of the structure, building or appurtenance must begin within six months of the damage date and must be completed within twelve months of the damage date. Failure to comply with the covenant shall be grounds for the removal of structures, buildings and appurtenances at the owner's expense. For the purpose of this paragraph, major damage shall mean damage to the communication structure or building caused through no fault of the owner or operator which prevents the owner or operator from using the equipment located thereon or therein. The applicant may as an alternative post a bond with the Treasurer of the Town of Wellfleet in an amount approved by the Planning Board and by an insurer approved by the Planning Board to cover the estimated costs of removal. If the applicant fails to remove the structure and/or buildings in accordance with the provisions of this paragraph, then the Town may use the bond to remove the structure and/or building and the balance of the funds, if any, will be returned to the applicant.

The Applicant will execute a covenant with the Planning Board agreeing to the terms of removal as delineated in this Section 6.18.2.5.

6.18.2.6 Fencing. Fencing shall be provided to control access to the site of the communication structure and building and shall be consistent with the character of abutting properties. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.

The Applicant proposes an 8' tall fence to maximize control over access to the site and to be aesthetically compatible with the area. Further, a row of arborvitae is proposed on the east side of the compound for screening purposes, all as shown on the zoning drawings (Exhibit 2).

6.18.2.7 Lighting. Communication structures and appurtenances shall be lighted only if required by the FAA. Lighting of communication buildings and the site shall be limited to lighting required to provide safe access and shall be shielded from abutting properties.

The proposed communication structure, buildings and appurtenances do not include a request for outdoor site lighting at this time. The proposed installation will not require any lighting and is exempt from FAA regulations as well as FCC Antenna Structure Registration Requirements.

See Exhibit 6, FAA Compliance

6.18.2.8 Signs. There shall be no signs except a sign identifying the facility and a telephone number where the owner or operator can be reached on a twenty-four hour basis; a no-trespassing sign; and any signs required to warn of danger. All signs shall comply with the requirements of this bylaw.

There shall be no signs except a sign identifying the facility and a telephone number where the owner and operator can be reached on a twenty-four hour basis; a no trespassing sign; and any applicable danger warning signs. All signs will comply with the requirements of this bylaw.

6.18.2.9 Visual. The installation of a communication structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not.

Existing on-site vegetation will be preserved to the maximum extent possible. The Applicant proposes a row of arborvitae to the east side of the compound and will agree to the planting of screening vegetation around the perimeter of the proposed site and around the communication structure as is reasonably requested by the Board.

6.18.2.10 Regional Criteria. Siting, to the extent it does not conflict with provisions of this Bylaw, shall be consistent with regional criteria established by the Cape Cod Commission.

To the extent that there is no conflict, the proposed communication structure, buildings and appurtenances shall be consistent with the regional criteria established by the Cape Cod Commission.

6.18.2.11 Environmental.

(1) No hazardous waste shall be discharged on the site.

No hazardous waste shall be discharged on the site.

(2) All run-off of storm water from communication structures, buildings and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized. Any road or other surface on the lot shall comply with Article 7, Section 30 of the Wellfleet General Bylaw.

All run-off of storm water shall be contained on site and the amount of impervious surface shall be minimized all as shown on the zoning drawings, attached hereto as Exhibit 3. The Applicant proposes a lined sand filter to pre-treat runoff before discharge into a bioretention area. Adequate storage volume within the sand filter basin and bioretention area as well as appropriately designed outlet drains maintain low discharge rates equal to or below existing conditions to reduce the likelihood of erosive flows. Groundwater recharge will also be provided by the bioretention area per requirements set forth by the Massachusetts Stormwater Regulations. The Applicant proposes erosion control barriers and temporary settling basins on the site to control runoff during construction activities.

(3) Under normal operating conditions, noise emanating from the communication structure, building or appurtenance at the boundary of the lot on which it is sited shall not be greater than would otherwise exist in the absence of the communication structure, building or appurtenance. These requirements shall be met for wind conditions between calm and 100 miles per hour. In accordance with procedures approved by the Planning Board, the applicant shall measure the sound level at the boundary of the site on which the communication structure, building or appurtenance will be sited before any development takes place and shall demonstrate by measurements that the sound level at the boundary during normal operation does not exceed the levels before development.

The Applicant retained the services of a sound expert to study and quantify the sound that will be emanated from the proposed facility to ensure compliance with all regulations, including those required by the Town of Wellfleet. The methodology of measurement was reviewed and accepted by the Town during the pre-application process.

Environmentally sensitive electronic equipment will be housed in equipment shelters or cabinets within the compound at the base of the tower. Shelters often use wall-mounted HVAC units for environmental control. Cabinets typically use smaller fans so have a smaller sound profile. This equipment only produces sound when actively providing cooling to the shelter. An emergency generator is proposed for installation within the Verizon Wireless

shelter. The generator will only operate during emergencies and once a week for approximately 30 minutes for routine testing.

There are several mitigation measures proposed to achieve the low sound levels demonstrated in the study. First, the generator will be installed within Verizon Wireless' equipment shelter. Next, ventilation openings will be installed with cowling silencers designed to reduce the sound. Sound will be further shielded using barrier material on the fence. The generator exhaust stream will be fitted with a super-critical grade silencer. Low noise blowers will be installed on the HVAC units to reduce their sound at the property line behind a shielding fence. These measures are detailed in the sound study attached.

The study concludes that with the proposed mitigation measures, most of the time, there will be no sound produced by the proposed communication structure and related equipment. When operating, HVAC units will be below ambient at the property line and sensitive receptor locations. Only during the quietest nighttime hours will the sound be above the ambient. It is the conclusion of the study that sound from the proposed facility is not expected to be noticed or intrusive to the community.

See Exhibit 8, Sound Impact Assessment Study

6.18.2.12 Siting standards. In addition to the other requirements of this bylaw the applicant must comply with the following standards.

A. Communication structures and appurtenances shall, if feasible, be located on pre-existing structures, provided such installation shall preserve the character of the structure. The applicant has the burden of proving that there are no feasible pre-existing structures.

The Applicant has identified a significant gap in wireless coverage in this area of Wellfleet. After a thorough analysis of all existing structures, the Applicant determined that there are no existing structures which would be sufficient to close the significant coverage gap. The Applicant identified the proposed site as the only feasible location to close this significant gap.

The candidate identification process includes reviewing the zoning bylaw with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed use is allowed and feasible. First, the Applicant explores the area to determine whether there are any viable candidates on existing structures of sufficient height from which an antenna installation can provide sufficient coverage. If there are no existing tall structures which will close the significant gap in coverage, the Applicant looks to parcels located on public land within the narrowly defined search area upon which a tower may be constructed to a sufficient height to close the gap. In order to be viable, a candidate must provide adequate coverage to the identified significant gap in coverage. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, there is an attempt to

identify other potentially suitable locations with preference always given to existing structures.

After an exhaustive search of all existing structures, rooftops and raw land in the search area, it was determined that the proposed location was the only location to close this significant coverage gap.

See Exhibit 3, Radio Frequency Report
See Exhibit 4, Alternative Site Analysis

B. If the applicant demonstrates that there are no feasible pre-existing structures, then a communication structure, building and appurtenances shall, if feasible, be located on public land. The applicant shall have the burden of proving that there is no available public land.

For all of the reasons detailed above and as detailed on the alternative site analysis attached hereto as Exhibit 4, the Applicant has determined that there are no feasible pre-existing structures or raw land on public land which are available and would close the significant coverage gap in this area.

See Exhibit 4, Alternative Site Analysis

C. Multiple, small towers are preferred to a single high tower.

There is insufficient available space to locate multiple, smaller towers which would close the significant gap in wireless coverage at this location. The proposed facility is the only feasible means to close the coverage gap.

D. Multiple antennas on a single structure at a single site are preferred if technically feasible, to multiple towers with fewer antennas.

The proposed monopole is designed to accommodate up to 5 wireless service providers, the maximum number of users a structure of this height can accommodate. There is sufficient room within the fenced compound to accommodate the equipment of all future wireless providers who might locate on this facility. Allowing for collocation in this manner will reduce the number of new facilities needed in the Town of Wellfleet in the future and is in keeping with the intent and preference of the Wellfleet Zoning Bylaw for collocation.

E. Appurtenances mounted on or installed within an existing structure shall not increase the height of the structure. Any alteration of the appearance of the structure shall be minimized by design features which minimize the visibility of the appurtenance by the use of matching colors and textures and minimizing changes to the outside of the structure.

Not applicable.

6.18.2.13 Pre-Application consultation. At least 30 days before submitted an application for a special permit for the installation of a communication structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate

the permitting of communication structures, buildings and appurtenances by the exchanges of information between the applicant and the Planning Board in order to clarify and resolve concerns of the Board and to minimize potential problems with the application. The applicant shall submit the following written information to the Planning Board:

- A. A survey of all sites for the installation of communication structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Wellfleet shall be located on the appropriate sheet(s) of the Wellfleet Assessor's Atlas;*

The Applicant has conducted an extensive analysis of all feasible locations which might close the significant gap in wireless coverage at this location. The reason for ruling out each alternative is provided on the attached alternative site analysis (Exhibit 4). The Applicant has determined that the proposed location is the only location which will close the significant gap in wireless coverage. As such, there is no viable alternative candidate.

See Exhibit 4, Alternative Site Analysis

- B. A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;*

Any pre-existing structure within the search area is included on the alternative site analysis attached hereto as Exhibit 5. In particular, the Applicant identified and investigated the water tank located on Marconi Station Road as a potential candidate. The radio frequency engineer then reviewed the coverage that could be attained from locating on the water tank and determined that the proposed coverage from the water tank would be insufficient to close the gap in coverage. As such, there are no existing tall structures which could be used by the Applicant.

See Exhibit 4, Alternative Site Analysis

See Exhibit 9, Radio Frequency Coverage Maps from Marconi Station Water Tank

- C. The radiation pattern of all proposed antennas showing the frequency and intensity of radiation between ground level and 28 feet above ground level at all locations within Wellfleet;*

A Radio Frequency Engineer has reviewed the radiation pattern of all proposed antennas for the Co-Applicant, Verizon Wireless, and at full build out of the facility in the future. The Radio Frequency Engineer determined that the proposed antenna installation is well within FCC standards for radio frequency exposure limits.

See Exhibit 5, Maximum Permissible Exposure Study

- D. *Calculation of the sound level in decibels between ground level and 28 feet above ground level at 10, 50, 100 and 500 feet from the communication structure, building or appurtenance for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels.*

See Exhibit 8, Sound Impact Assessment Study

- E. *A delineation on the Assessor's Atlas of all areas in Wellfleet which will not be served by the proposed installation for the prime and an alternate site;*

The Applicant has provided existing and proposed coverage maps for the communication structure to document the significant gap in wireless coverage at this location and how the proposed facility at this height and location will close that coverage gap. The Applicant has also provided coverage maps from the existing water tank on Marconi Station Road to determine that the existing water tank would not close the significant gap in wireless coverage.

See Exhibit 3, Radio Frequency Report

See Exhibit 9, Radio Frequency Coverage Maps from Marconi Station Water Tank

- F. *A statement of the services to be supported by the proposed communication structure, building or appurtenance;*

The proposed facility will aid Verizon Wireless and additional wireless carriers' in the future in providing reliable and adequate wireless services to its customers, whether those customers are in their vehicles, in their homes or on the streets or beaches of Wellfleet. Providing reliable wireless service is crucial to wireless service providers to provide the service that the customer base demands and also to meet Congress' objectives in creating a robust, competitive and low cost wireless communications system nationwide.

See Exhibit See Exhibit 3, Radio Frequency Report

- G. *A description of special design features to minimize the visual impact of proposed communication structures, buildings and appurtenances;*

The proposed communication structure is a monopole, designed to be less obtrusive than a lattice or guyed tower on the surrounding areas. The proposed tower will be galvanized steel. The compound will be located in a previously disturbed area of the property surrounded by an opaque wood stockade fence. Further, the Applicant proposes a row of arborvitaes and evergreen hedge to provide a natural buffer along the south and east sides of the compound. An existing earthen berm will be retained to the extent feasible along the eastern side of the compound.

- H. *A certification that the applicant has complied with all federal and state requirements to provide the proposed service; and,*

The Applicant is in compliance and will comply with all relevant federal and state requirements to provide the proposed services.

See Exhibit 5, Maximum Permissible Exposure Study

See Exhibit 6, FAA Compliance

See Exhibit 7, FCC Licenses

- I. *Within thirty days after the pre-application consultation, the applicant shall arrange to fly a three foot diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days, before the flights in a newspaper with a general circulation in the Town of Wellfleet.*

On April 26, 2015, after approval of this date by both the Town of Wellfleet and the Cape Cod Commission, and within 30 days of the pre-application consultation, the Applicant performed a balloon test at two proposed heights of 110 feet above ground level and 90 feet above ground level. The date and location of the balloon test was noticed in the Cape Cod Times at least 14 days but not more than 21 days before the test.

At the conclusion of the test, photographic simulations were rendered for the communication structure at the proposed height of 90 feet above ground level.

See Exhibit 10, Photographic Simulations

6.18.2.14 Application Submittal Requirements. All written information submitted in accordance with Section 6.18.2.15 and 6.18.2.16 shall be certified by an appropriate licensed professional.

6.18.2.16 For all applications other than those set forth in 6.18.2.15, the applicant shall submit the following written information to the Planning Board:

- A. *A statement of the purpose for which the applications is made;*

The Application is for a 90 monopole communication structure and related communication building and appurtenances to close a significant gap in wireless coverage in the Town of Wellfleet. Verizon Wireless proposed to locate its 12 panel antenna array at 87 feet above ground level on the proposed structure and place its equipment within the 57' x 57' equipment compound at the base of the facility.

See Exhibit 2, Zoning Drawings

See Exhibit 3, Radio Frequency Report

B. The exact legal name of each person seeking a special permit and the address or principal place of business of each such person. If any applicant is a corporation, trust, association, or other organized group, it shall also give the state under which it was created or organized;

Varsity Wireless Investors, LLC is a Delaware limited liability company whose principal place of business is 330 Congress Street, 6th floor, Boston, MA 02210.

Bell Atlantic Mobile of Massachusetts Ltd., d/b/a Verizon Wireless is a Bermuda corporation whose principal place of business is 400 Friberg Parkway, Westborough, MA 01581.

C. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;

Elizabeth R. Thompson, Esq., of the law firm of Duval & Klasnick LLC, 210 Broadway, Suite 204, Lynnfield, MA 01940 represents the Applicant. Ms. Thompson can be reached at (781) 873-0022 and ethompson@dkp-law.com.

D. A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need including a description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation;

See Exhibit 3, Radio Frequency Report.

E. A statement of the benefits expected from the proposed facility with as much information as is practicable;

The availability of wireless communications service enhances community safety, and is increasingly relied upon by civil defense and other safety officers as well as the general public in times of crisis, natural disaster, bad storms or similar circumstances. Wireless communications service also provides a convenience to residents, and is an attractive feature and service to businesses. The proposed wireless facility, by providing these services to the Town, will promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wellfleet.

The proposed communication structure will also benefit the public by facilitating collocation and minimizing the need for additional new towers in the town in the future, and increasing service coverage.

If the Applicant is permitted to install the equipment detailed herein, this facility will aid in reaching Congress's objective to provide enhanced telephone service and communications in the Town of Wellfleet, the region of Cape Cod, the Commonwealth of Massachusetts, and the United States as a whole.

F. A description of the proposed facility at the proposed prime and alternate sites including:

1. Height of the facility and its associated equipment and antennas;

The proposed communication structure is 90 feet above ground level, the minimum height necessary to close the significant gap in wireless coverage while also allowing for maximum collocation.

As part of this application, Verizon Wireless proposes to locate a 12 panel antenna array at 87 feet above ground level.

Verizon Wireless' equipment will be placed in the fenced compound at the base of the facility.

The Applicant proposes a back-up propane fueled generator for back-up power only in the event of an emergency.

See Exhibit 2, Zoning Drawings.

2. Access roads and power supplies;

Access to the facility will be from US Route 6 over a 15' wide access easement following the existing gravel driveway to 6' wide double gates into the facility. Utilities will be extended from an existing utility pole south of the existing single-story metal building. Conduit will be laid within a trench to the facility subject to utility company specifications.

See Exhibit 2, Zoning Drawings.

3. Special design features;

See Exhibit 2, Zoning Drawings.

4. Type, size and number of transmitters and receivers, as well as the signal frequency, power output, and power density at the tower base, site boundary, and building where people might be exposed to the maximum power densities from the facility;

See Exhibit 2, Zoning Drawings

See Exhibit 3, Radio Frequency Report

See Exhibit 5, Maximum Permissible Exposure Study

5. A map showing any fixed facilities with which the proposed facility would interact;

To be provided.

6. The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by propagation maps showing interfaces with any adjacent service areas; and,

See Exhibit 3, Radio Frequency Report

7. A forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility;

8. Calculations confirming compliance with the structural, acoustical, environmental and siting requirements of paragraph 6.18.2.

See Exhibit 8, Sound Impact Assessment Study

See Exhibit 2, Zoning Drawings

See Exhibit 3, Radio Frequency Report

See Exhibit 5, Maximum Permissible Exposure Study

G. A description of the proposed prime and alternative site, including:

1. The most recent U.S.C.G. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one mile radius of the site;

See Exhibit 2, Zoning Drawings

2. A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located showing the acreage and dimensions of such site, name and location of adjacent public and private roads or the nearest public road, and the names of abutting owners and portions of their lands abutting the site;

See Exhibit 2, Zoning Drawings

3. A site plan (scale not less than 1 inch = 40 feet) showing the proposed facility, fall zones, existing and proposed contour elevations, 100 year flood zones, waterways, wetlands and all associated equipment and structures on the site including elevations of all equipment and structures including sufficient detail to delineate the external finish of all structures and equipment;

See Exhibit 2, Zoning Drawings

4. Where relevant, a terrain profile showing the proposed facility and access road and existing and proposed grades; and,

See Exhibit 2, Zoning Drawings

5. The most recent area photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads and all abutting properties.

Sheet A-1 within Exhibit 3 – Zoning Drawings contains an aerial photo showing the existing property with the proposed lease area and access/utility easements from the public right-of-way.

See Exhibit 2, Zoning Drawings

H. A statement explaining mitigation measures for the proposed facility including:

1. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;

The project site is located within a previously disturbed area of the property. During construction, erosion and sediment controls shall be implemented as shown on Sheet A-3 within Exhibit 3. The tower compound will be constructed of ¾" stone allowing stormwater to infiltrate. Minimal clearing is proposed to construct the stormwater facilities that will allow stormwater runoff to be treated from the tower compound prior to discharging at or below existing stormwater runoff rates.

2. Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas:

The unmanned telecommunications facility is not a use with high pollutant levels. However, a high level of treatment is proposed for the tower compound stormwater runoff. A lined sand filter basin shall provide pretreatment for stormwater runoff from the compound. A 1" equivalent water quality volume is provided by the sand filter basin. Once pretreated by the sand filter, stormwater will flow into a bioretention area for groundwater recharge and total suspended solid treatment prior to discharging to the surrounding area at or below existing runoff rates. Based on field explorations the bioretention area will be greater than 2' above the groundwater table. The Applicant also proposes to utilize propane as the fuel source for the backup power generator.

3. Establishment of vegetation proposed near residential, recreation and scenic areas;

The Applicant proposes a row of arborvitaes and evergreen hedge along the south and east sides of the tower compound. The bioretention area also utilizes vegetation for stormwater treatment.

4. Special design features made specifically so that the proposed structures, buildings and appurtenances shall blend with pre-existing structures and buildings; and

Currently, the site is commercial and the current/former location of Cape Cod Disposal with metal buildings and storage containers. The proposed buildings will be in character with the existing and contain metal or aggregate siding. The majority of the ground level equipment will be shielded from view by the solid board fence and the supplemental plantings.

5. Methods for preservation of vegetation for wildlife habitat and screening;

The proposed project can be described as an infill development utilizing the existing infrastructure (i.e. driveway and utilities) and developing a small area of previously disturbed land. Limited tree clearing shall be performed to construct the stormwater facilities.

I. A description of the existing and planned land uses of the proposed prime and alternative sites and surrounding areas;

Currently, the site is commercial and the current/former location of Cape Cod Disposal with metal buildings and storage containers contained on the property.

J. A description of the scenic, natural historic, and recreational characteristics of the proposed prime and alternative sites and surrounding areas;

The site is a commercial property used as the current/former location of Cape Cod Disposal.

K. Sight line graphs to the proposed prime and alternative sites from visually impacted areas such as residential developments recreational areas, and historic sites;

See Exhibit 10, Photographic Simulations

L. A list describing the type and height of all existing and proposed communication structures, buildings and appurtenances within a ten mile radius within the search area, or within any other area from which use of the proposed prime or alternative structure might be feasible from a location standpoint for purposes of the application;

See Exhibit 11, Existing Structures within 10 Mile Radius

M. A description of efforts to share existing and proposed structures, or consolidate telecommunications antennas of public and private services onto the proposed facility;

The Applicant will offer space on the communication structure and within the fenced compound to all licensed providers of wireless services. In addition to Verizon Wireless, the Applicant sent letters via certified mail with return receipt requested to all carriers licensed to provide services on Cape Cod, including Sprint PCS, T-Mobile, AT&T Mobility, Highland Holdings, LLC and Straight Path Spectrum, LLC.

N. A description of the technical alternatives and a statement containing justification for the proposed facility;

See Exhibit 3, Radio Frequency Report
See Exhibit 4, Alternative Site Analysis

O. A description of rejected sites with a U.S.C.G. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;

See Exhibit 3, Radio Frequency Report
See Exhibit 4, Alternative Site Analysis

P. A detailed description and justification for the site selected, including a description of siting criteria and the process by which other possible sites were considered and eliminated including, but not limited to, environmental effects, cost differential, coverages lost or gained, potential interference with other facilities and signal loss due to topographical features compared to the proposed prime and alternate sites;

See Exhibit 3, Radio Frequency Report
See Exhibit 4, Alternative Site Analysis

Q. A statement describing hazards to human health, if any, with supporting data and references to regulatory standards;

The proposed facility poses no hazard to human health. The proposed facility is in compliance with all requirements concerning radio frequency emissions by the FCC.

See Exhibit 5, Maximum Permissible Exposure Study

R. A statement of the estimated costs for site acquisition and construction of a facility at the prime and alternative sites;

To be provided.

S. A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of the existing facilities for the prime and alternative site;

To be provided.

T. A copy of any filing or application that the applicant has been required to make together with any decision with regard to such filing or application;

The Applicant has filed a request for MESA Project Review. A MESA Information Request Form was sent to the National Heritage Endangered Species Program ("NHESP") on November 03, 2014, along with a request for a pre-filing consultation. By email response, NHESP indicated that the site is located within Priority Habitat 15 and Estimated Habitat 79. The letter indicated that a rare species, the Eastern Box Turtle, has been found within the vicinity. The letter indicated that NHESP may require a turtle protection plan in order to avoid a "take" of a state-listed species but did not feel that it was necessary to schedule a meeting or site visit prior to a final determination.

The Applicant also submitted a Natural Resources Inventory Waiver request to the Cape Cod Commission. One December 09, 2014, the Applicant received an email response that the Commission's Natural Resources Specialist has determined that the proposed development at this location would not require the preparation of a NRI.

See Exhibit 12, MESA Project Review Request

U. A landscape plan showing the proposed site before and 67 after development including topography and screening proposed to protect abutters;

See Exhibit 2, Zoning Drawings

V. Plans which show siting at a prime and at an alternate site;

The proposed location is the only feasible location to place a communications structure which will close this significant gap in wireless coverage. As such, numerous sites were rejected as potential candidates. There is no singular alternate site that would meet the coverage needs of the Applicant and the Co-Applicant.

See Exhibit 2, Zoning Drawings

See Exhibit 3, Radio Frequency Report

W. A technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.

See Exhibit 3, Radio Frequency Report

V. CONCLUSION

The proposed communication structure, buildings and appurtenances are necessary to close a significant gap in wireless coverage for Verizon Wireless, with the ability to accommodate and close existing gaps for up to four additional wireless service providers on this facility in the future, thus reducing the number of additional new towers needed in the Town in the future. After a thorough review of all existing structures, public land and raw land sites within the targeted coverage area, the Applicant determined that the proposed location is the only feasible location to close the gap.

As such, having reviewed the specific impacts and made the specific findings provided and enumerated above, and where the proposed facility is the minimum height necessary to close a significant gap in wireless coverage at this location, the Applicant hereby requests that the Town of Wellfleet finds that the proposed satisfies the criteria for special permit for a communication structure at this location.

For the foregoing reasons, as well as to satisfy the mandate of the Federal Government to facilitate competition in the telecommunications industry as set forth in the Telecommunications Act of 1996, the Applicant respectfully requests that the foregoing zoning relief in the form of a special permit be granted in order to allow the installation and operation of the proposed facility. Specifically, Section 704(a) of the 1996 Act provides among other things that wireless communications facilities may not be prohibited in any particular area and that denial of zoning relief must be based on substantial evidence. Accordingly, a denial of the foregoing Application would effectively prohibit adequate service to this area of Wellfleet.