

## Blue Sky Towers Monopole-CCC File No. 21005

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To: CCC Regulatory <regulatory@capecodcommission.org>

Dear Members of the Subcommittee,

On behalf of the Owner of two parcels (Map 50, Parcels 92 and 93) both located within the 300' Offset from the subject location, please allow this to serve as our written opposition to the Project as the Facility is an inappropriate location that fails to satisfy the criteria of the Town of Yarmouth and the Cape Cod Commission for approval.

To create what it claims is "capacity relief" for two committed carriers where the Commission prefers proposals with at least three committed carriers, the Applicant seeks approval of a new tower of 120' in height directly across Route 28 of an existing 70' telecommunications tower at 1045 Route 28. Claiming in only conclusory fashion throughout its Statement in Support, but without adequate or meaningful foundation, that this tower will close a significant gap in wireless coverage, the Applicant asks permission to proceed with a Project in direct contravention of Yarmouth Zoning and DRI Guidelines. Examples include:

1. The tower far exceeds the height limit in the underlying district and is significantly higher than ten feet above the average height of buildings within 300' of the proposed Facility. To circumvent the Town's height limitation this Applicant, not unlike any other Applicant, should need to obtain a zoning variance and not merely a waiver. With nothing owing to shape, soil condition or topography a variance seems unattainable and the height request is clearly predicated on desire versus any hardship.
2. The Facility will be visible from public roads and residential development. Contending that the Facility "is not generally visible" is admitting without trying to admit that it is visible.
3. It is undeniable that the Facility will not be completely camouflaged. The Applicant has not sufficiently demonstrated why co-location with existing facilities is not feasible. No explanation has been offered why the church steeple fails as a location.
4. While supplying a titled Alternative Site Analysis, it is devoid of information on any locations investigated other than across the street (which already has a telecommunications tower) such that it is impossible to know what supposedly was inadequate and/or not feasible about those sites. With the burden of proving there are no feasible existing structures upon which to locate the burden can only be met by supplying facts and not just conclusions.
5. The monopole will not and cannot blend-in to the area. Fencing and vegetation around the ground equipment should go without saying, but that's not the issue when it comes to impacting visibility and viewshed. No amount of light grey or light blue hue paint can disguise a 120' cell tower.
6. The Fall Zone seems inadequate. It would appear that the improved properties identified on Map 50 as parcels 191, 193 and 194 have structures within the Fall Zone. Ironically, the church on the subject parcel also appears to be in the Fall Zone. Finally, Route 28 is a mere five feet beyond the 120' Fall Zone which presents a significant public safety concern.

For these reasons, we urge the Subcommittee to not recommend approval of this DRI Request.

Thank you.



**E. James Veara**  
**Vice President / Chief of Staff**

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