



## **Subcommittee Hearing Blue Sky Towers Yarmouth Resubmission (CCC File No. 21012)**

**Draft Minutes | January 3, 2022 at 5:00 p.m. via Zoom**

---

**Commission Staff Present:** Jeffrey Ribeiro, Regulatory Planner; and Jordan Velozo, Chief Regulatory Officer

Stephen Mealy, as Chair, opened the Development of Regional Impact (DRI) public hearing at 5:00 p.m. and read the opening announcements including directions on how to use the Zoom platform. He then took attendance via roll call.

### **Roll Call/Attendance**

Stephen Mealy (Chair)	Present
Dr. Cheryl Andrews	Present
Richard Elkin	Present
John D. Harris	Present
Ernest Virgilio	Present

All members being present, a quorum was present. The Chair asked for comments from Commission staff.

### **Staff Comments**

Jeffrey Ribeiro, Regulatory Planner, introduced himself and noted that Mr. Virgilio reviewed the video recording of the prior hearing and would be participating in the hearing tonight. Mr. Ribeiro then provided an overview of the draft decision.

Mr. Ribeiro pointed out certain findings from the draft Decision that relate to Regional Policy Plan (RPP) consistency. He also read the proposed probable Project Benefits and Detriments as written in the draft Decision. He then provided an overview of the conditions in the draft Decision. He said that the draft Decision should be discussed by the subcommittee, and that the subcommittee could vote to recommend the draft Decision to the full Commission.

The Chair asked for any comments from the Applicant.

### **Applicant Comments**

Ricardo Sousa of Prince Lobel Tye, on behalf of the Applicant, said that he supports the Decision as drafted. He noted that the Project will fill existing gaps in coverage to increase reliability of 5G service in the area. He said the changes made by the Applicant since the prior proposal had reduced the overall visual impact of the tower.

### **Subcommittee Comments**

The chair asked for any initial questions from the subcommittee. Hearing none, the chair then asked for public comment, starting with federal, state, and local officials.

### **Public Comments**

The Chair then opened the hearing to public comment, starting with public officials.

Kathy Williams, Yarmouth Town Planner, read a letter from Yarmouth Town Administrator Robert Whritenour, who was unable to attend. The letter was submitted for the record. Ms. Williams also provided her own comments. She said that the Project is not consistent with Town planning efforts, including the recently completed vision plan, due to the visual impacts of the proposal. She said the Project is not consistent with the RPP's community design goal to protect or enhance the character of the built environment. She said that the proposed tower will have significantly greater impacts than the Verizon concealed antenna monopole (CAM) located across the street. She said the Applicant does not have control over the fall zone and the treed areas that provide buffering. She said that the Applicant should provide more design alternatives. She requested that the subcommittee recommend denial of the Project.

Brad Goodwin noted that he supplied written comment. He said that he has been a member of the Yarmouth Planning Board since 1994. He described the nature of the Route 28 corridor, and he said that there have never been complaints about the existing 80' structures along the corridor. He said the extra 30' of the proposed tower will not have a significantly different impact. He noted that the nearby WXTK tower is 276' and has not hurt the market value of the nearby homes. He said that the WXTK studios were moved from the tower site several years ago, the land was divided, and two large homes were built next to the tower. He said Yarmouth is one of the Cape's largest towns, and the provision of service required height to provide coverage. He said the proposal will provide needed communication services.

Joanne Crowley, Chair of the Yarmouth Planning Board, said that the Project is not consistent with the RPP, applicable provisions of the LCP, and local development bylaws. She said that because the Town's LCP does not have applicable provisions for wireless communication towers, the proposal is not consistent. She said that the Project requires local permitting and that she finds the tone of the decision to be favorable to the Applicant based use of the word "will" when discussing proposed

benefits of the Project and using the word “may” when describing negative impacts. She asked that the detriments use “will” instead of “may.” She said that the decision does not adequately discuss the views of the Town.

The Chair asked for any other comments from the public. Hearing none, he asked the subcommittee for further discussion.

### **Further Subcommittee Discussion**

The Chair said that he would support the change of the word “may” to “will” in Finding F59, which states the probable Benefits and Detriments. The Chair asked staff how to propose that change. Mr. Ribeiro replied that staff drafted the language generally, using “may” for qualitative conclusions and “will” for quantitative conclusions; he said that subcommittee could have a general discussion and make a final motion to recommend the draft Decision with any changes as discussed.

Dr. Andrews said that she stands by her previous comments on the Project, and this Applicant reminds her of why the Commission was created. She said that the Commission should help when individual Towns need assistance with negotiations with Applicants. She said that she supports the comments from Town officials.

Mr. Harris said that the review requirements are clear, and the Project is consistent with the RPP. He said that the Town will have a final say and the ability to deny the Project during their local permitting process.

The Chair said that he agrees the Town can deny the Project during their local process, and the Project provides a regional solution to the provision of wireless services.

Mr. Virgilio said he agrees with Mr. Harris, and the Town has to make their Decision. He said the proposal complies with the RPP and provides a needed public safety service.

### **Subcommittee Actions**

The Chair asked for comment from the subcommittee as to whether they would like to change “may” to “will” in Finding F59. Hearing none, he asked a motion to recommend the draft Decision to the full Commission. Mr. Harris made the motion. The Chair asked for clarification as to whether Mr. Harris’s motion included the change to Finding F59. Mr. Harris said it did not include the change and was a recommendation on the Decision as drafted. Mr. Virgilio seconded. The Chair asked for discussion on the motion, and hearing none, he took a roll call vote with the following results:

Stephen Mealy (Chair) Yes

Dr. Cheryl Andrews	No
Richard Elkin	Yes
John D. Harris	Yes
Ernest Virgilio	Yes

With four (4) members voting yes and one (1) member voting no, the motion to recommend the draft Decision to the full Commission carried by a vote of 4-1.

The Chair asked staff for the date of the full Commission meeting when the project would be heard. Mr. Ribeiro said that the project was planned for the regularly scheduled meeting of the full Commission on January 13, 2022 at 3:00 p.m. to be held virtually. The Chair asked for a motion to continue the hearing to the meeting of the full Commission on January 13, 2022 at 3:00 p.m. to be held virtually. Mr. Harris made the motion, and Mr. Virgilio seconded. The Chair took a roll call vote, with the following results:

Stephen Mealy (Chair)	Yes
Dr. Cheryl Andrews	Yes
Richard Elkin	Yes
John D. Harris	Yes
Ernest Virgilio	Yes

With five (5) members voting yes, the motion to continue to hearing carried 5-0.

The Chair asked for a motion to adjourn the meeting. Mr. Harris made the motion and Dr. Andrews seconded. The Chair took a roll call vote with the following results:

Stephen Mealy (Chair)	Yes
Dr. Cheryl Andrews	Yes
Richard Elkin	Yes
John D. Harris	Yes
Ernest Virgilio	Yes

With five (5) members voting yes, the motion to adjourn carried 5-0. The meeting was adjourned at 5:44pm.

### **List of Materials Used/Presented**

- Hearing Notice
- Presentation Slides