CAPE COD
COMMISSION

Brick Kiln Monopole DRI Subcommittee Meeting

CCC Project #24007

Approved Minutes | July 2, 2024 at 5:00p.m.

Via Zoom

APPROVED 08/16/2024

Roll Call/Attendance

Thomas Wilson, Chair	Present
John Druly	Present
Kevin Grunwald	Present
John D. Harris	Present
Stephen Mealy	Present

Summary of Actions Taken/Votes at Meeting

- Vote to continue the public hearing to July 30, 2024 at 5:00pm on Zoom

Minutes

Thomas Wilson, as Chair, called the hearing to order at 5:00pm. He read opening statements and then asked Jeffrey Ribeiro, Cape Cod Commission (CCC) Regulatory Planner, to call roll. In attendance were Thomas Wilson, John Druly, Kevin Grunwald, John D. Harris, and Stephen Mealy.

The Chair then asked the applicant to present the Project.

Atty. Francis Parisi presented for the applicant with the assistance of a PowerPoint presentation. He introduced himself and discussed the needs of the carrier for the Project, Verizon wireless. He said wireless services are important to public safety, noting news reports about poor wireless coverage on Cape Cod. He discussed the area of the coverage gap including nearby roads and the Falmouth High School. He then showed a propagation map showing the coverage gap and the associated drive test data for the same. He said that the proposed site was the least intrusive and the only viable option to meet this gap, showing the alternative site analysis. He discussed the local zoning and permitting requirements.

Atty. Parisi described the site, setbacks, and monopole design using project plans. He noted RF limits will be complied with. He then presented propagation maps with the proposed tower, showing the coverage gap largely filled. He noted a balloon test was performed and photo simulations were developed, which were included in the application. He showed some of the simulations included in the application.

He then requested waivers from requirements of CCC Technical Bulletin 97-001, including stated desires to heights consistent with the tree line, the submittal of a landscape plan, setbacks from a business (which is the property owner/lessor on the application), and noise study requirements.

Atty. Parisi also requested a waiver of requirements of the RPP and the issue area of Open Space. In particular he stated a cash contribution was inappropriate because Open Space is not applicable or appropriate for the Project. He said that the site had been previously disturbed. He then discussed Regional Policy Plan (RPP) consistency.

He then discussed the report by the CCC's wireless consultant. He said that he largely agreed with the findings of the report. He said that the tower was designed for colocation, which influenced the height of the tower. He stated that the CCC staff has noted the required alternative site analysis was not provided. He said that the height was the minimum to fill Verizon's gap while also providing colocation opportunities. He then showed propagation maps showing improved Verizon coverage at the proposed height versus lower heights.

He then provided an overview of the Telecommunications Act of 1996, stating that local authorities may not deny applications such that they would prohibit the provision of wireless services. He said restated his request for waivers. He noted the radiofrequency engineer was present and available to answer questions.

Mr. Ribeiro presented staff comments based on the CCC Staff Report with the assistance of a PowerPoint presentation, both of which are attached hereto. He stated that the Project is located in a Suburban Development Area Placetype. He showed the proposed site plan, noting the use of the existing access drive and limited clearing.

He then provided a brief overview of the comments in the Staff Report organized by the applicable and material issue areas of the RPP. He then discussed Technical Bulletin 97-001, noting that Verizon is the only carrier currently committed to the tower. He said that the concerns of the RPP issue area of Community Design should be weighed against the RPP issue area of Capital Facilities and Infrastructure and the Technical Bulletin. He noted that if the Board was to require the tower height to be lowered, the applicant could later seek to increase the height of the tower through what is known as an Eligible Facilities Request under Federal Communications Commission regulations. He then showed selected photo simulations from the application, noting limited visibility from nearby residential areas.

Mr. Ribeiro then asked for comments from the wireless consultant retained by the CCC, Michael Lawton of Isotrope Wireless.

Mr. Lawton discussed the materials submitted by the applicant, including propagation maps and drive test data. He said that the materials do not show a clear gap at 700mhz but does show a significant gap at 2100mhz. He said the coverage at 2100mhz was important to provide adequate

coverage. He stated that the proposed height would be beneficial to future colocators. He last noted that the Project meets radiofrequency requirements.

Mr. Ribeiro then provided an overview of the rest of the hearing, and turned the floor back to the Chair.

The Chair asked the subcommittee for initial questions.

Mr. Grunwald noted that there were no written comments from the public and asked the applicant if there was any opposition to the Project from abutters. Atty. Parisi noted that, while not required, he mailed notice of the balloon test to abutters. He stated he received one email with questions that was not in opposition to the Project. Mr. Grunwald asked is staff had anything to add. Mr. Ribeiro stated that no written comments had been received.

Mr. Grunwald asked for clarification of a waiver of the Open Space requirements of the RPP.

Atty. Parisi said that the provision of open space was not applicable or appropriate to be applied to telecommunications projects generally. He said that the provision of on-site open space seems silly. He said that the cash contribution would be in addition to the CCC's filing fees, which are additional costs not required elsewhere. He said the fees to retain a consultant are common but are still a substantial cost. He said that the existing disturbed areas on the property could have been leased but are better utilized for their current use, boat storage. He said the small amount of open space required didn't make sense as an on-site provision. He said he is asking for the waiver. He said that requirement wasn't necessary.

Mr. Grunwald asked for staff's rationale.

Mr. Ribeiro said that the requirement incentivizes the reduction of the footprint of projects as it scales with the particular project. He said that calculation is based on the Area of Development Impact (ADI), which for this Project is 5,500 square feet. He noted that if the ADI for this project was 55,00 square feet the open space requirements would be 10 times greater. He said that there are wireless communications tower siting decisions that could be influenced by this incentive structure, and the requirement has been applied to other towers. He said that feels it is appropriately applied to this project as well, but if the subcommittee wishes, they could discuss making a finding as to whether the impacts of this project are applicable, material, and regionally significant.

The Chair asked for additional subcommittee questions. Hearing none, he asked the applicant whether the 6 existing towers shown on the propagation maps were all current Verizon locations. Atty. Parisi stated that they were Verizon locations, and that they were most likely owned by independent tower companies. The Chair asked if it would be fair to assume that Verizon has the top location on the other towers. Atty. Parisi replied that it would not be. The Chair asked the height of the existing towers. Atty. Parisi replied that the towers vary in height, both taller and shorter than

the Project. The Chair asked if the 2100mhz band referenced in associated with 5G technology. Atty. Parisi replied that 5G is typically using higher frequency bands, but 2100mhz can be used for 5G. He said that 2100mhz is more typically used for 3G and 4G technologies.

Mr. Mealy asked CCC staff whether an Open Space waiver like that requested has been made. Mr. Ribeiro replied that he was not aware of a project for which Open Space was determined to not be applicable and material, but he noted that he was not aware of any applicants requesting such a finding.

The Chair then asked for public comment, starting with public officials.

Noreen Stockman, Falmouth Zoning Administrator, said that the Zoning Board did not open the hearing or take comment at its meeting. The Zoning Board only made the referral. She said she attended the balloon float and agreed the photo simulations were accurate. She noted that in addition to providing coverage to the High School the Project would likely benefit a nearby 40B development and the proposed YMCA, both on Brick Kiln Road.

Hearing no further comment, the Chair asked the subcommittee for further discussion.

The Chair stated that while a small project, the issue area of Open Space should be determined applicable.

The Chair asked for comments from the applicant. Atty. Parisi said that the CCC filing fee was exponentially higher than anywhere else in New England. He noted this is in addition to the Open Space cash contribution.

The Chair asked if the applicant had a timeline as to a response from the Massachusetts Historical Commission (MHC). Atty. Parisi replied that the Project Notification Form was submitted in early May, and MHC's 30-day period to respond has elapsed. He said he hoped to hear soon. He said that this issue is required by the National Environmental Policy Act review also.

The Chair asked Mr. Ribeiro about continuing the public hearing. Mr. Ribeiro said that there needs to be adequate time to receive and review the additional propagation maps requested. Mr. Parisi requested that the additional hearing be held quickly. He said the required materials could be submitted the next day.

Mr. Druly asked if there was benefit to public fire and police entities. Atty. Parisi said they grant free space to such entities if requested. He said this would also likely be part of local review.

The Chair asked Mr. Ribeiro about continuance dates. Mr. Ribeiro said that an earlier hearing would not lead to the Project being before the full CCC sooner. He also said that in continued 4 weeks out staff would be working during this time, and it would not be wasted time.

The Chair asked members if they would be available on July 30, 2024. All members required they would be available.

The Chair then asked for a motion to continue the public hearing to July 30, 2024 at 5:00pm to be held virtually via Zoom. Mr. Grunwald made the motion, and Mr. Harris seconded. The Chair asked Mr. Ribeiro to take roll, with the Mr. Wilson, Mr. Druly, Mr. Harris, Mr. Grunwald, and Mr. Mealy in favor. The meeting was adjourned at 6:41pm.

List of Materials Used/Presented

- Staff Report, dated June 27, 2024
- PowerPoint Presentation by Staff
- PowerPoint Presentation by Applicant

CAPE COD COMMISSION SUBCOMMITTEE HEARING

Brick Kiln Monopole

CCC No. 24007

DATE: Tuesday, July 2, 2024

TIME: 5:00 P.M

This hearing is being held virtually, pursuant to Chapter 20 of the Acts of 2021, as amended by Chapter 2 of the Acts of 2023.

CAPE COD COMMISSION

HEARING AGENDA

- **Announcements**
- Attendance – Roll Call
- Applicant's Presentation
- Staff Presentation
- Subcommittee Discussion
- Public Comment
- Further Subcommittee Discussion/Actions

OPENING ANNOUNCEMENTS

- This hearing is being held virtually, pursuant to Chapter 20 of the Acts of 2021, as amended by Chapter 2 of the Acts of 2023.
- Because there are members remotely participating, we will be taking a roll call vote on any action.
- **This meeting is being recorded for the purposes of creating minutes. If anyone else is recording please announce yourself now.**

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OPENING ANNOUNCEMENTS

If you wish to speak:

- for those online, click on the "Raise Hand" icon on bottom of screen.
  - On some screens, "Raise Hand" may be under the "More…" icon.
- for those who called in by telephone, press *9.

You will be recognized by name when it is your time to speak.

If anyone is having a technical issue, use either the chat box on your screen or email

support@capecodcommission.org

and staff will assist you.

HEARING AGENDA

- Announcements
- **Attendance – Roll Call**
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SUBCOMMITTEE MEMBERS:

- Thomas Wilson, Chair
- John Druly
- Kevin Grunwald
- John D. Harris
- Stephen Mealy
- Richard Roy, Alternate

HEARING AGENDA

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COMMENTS FROM APPLICANT

Vertex Towers LLC

PLAPC
PARISI LAW ASSOCIATES, P.C.

verizon



CAPE COD COMMISSION
JULY 2, 2024

FRANCIS D. PARISI, ESQ.
FPARISI@PLAPC.COM

MEETING PURPOSE

APPLICATION FOR VARIANCE and/or SPECIAL PERMIT

(Falmouth Zoning Board of Appeals)

APPLICATION FOR DEVELOPMENT OF REGIONAL IMPACT

(Cape Cod Commission)

Applicant: Vertex Towers, LLC
Site Id: VT-MA-3155D
Property Address: 737 Gifford Street, Falmouth, MA02540
Tax Assessor: 27-01-007
Property Owner: G. Howard Hayes, Trustee of the Falmouth Self Storage Nominee Trust

Town of Falmouth Zoning Board

03/12/24	Application filed
03/28/24	Vote to refer Application to CCC as a Development of Regional Impact
04/09/24	Visibility Demonstration

Cape Cod Commission

05/15/24	Application Filed
05/31/24	(procedural) Hearing Period opened
07/02/24	Subcommittee Public Hearing

- **Vertex Towers is a telecommunications infrastructure developer. We develop, manage and own telecommunications facilities in strategic locations across the country. The Vertex team has been working in the industry for over 20 years and has the experience and expertise to navigate the challenges of the most complex markets.**

- **Vertex's on the ground experience and expertise allows us to identify the opportunities and locations where there is a need for new telecommunications facilities. Identifying where a new facility is needed is only half of the equation. Strict zoning ordinances and environmental regulations require that new telecommunication facilities take into consideration not only the needs of the wireless provider but also potential permitting obstacles and construction costs. The Vertex team has the experience necessary to identify, permit and construct the best site for the property owner, the wireless provider and the municipality.**

Verizon Wireless provides digital voice and data communications services using 4th Generation (4G) voice and data services over LTE technology in the 700 MHz, Cellular (800 MHz), PCS (1900 MHz), and AWS (2100 MHz) frequency bands as allocated by the FCC, along with the CBRS band (3.5-3.7 GHz). It is also in the midst of deploying advanced 5th generation (5G) NR services in its cellular, C-band (3.7-3.98 GHz) and 28 GHz licensed frequency bands. These 4G and 5G networks are used to provide high-speed wireless connections used by mobile devices for fast web browsing, media streaming, video conferencing, and other applications that require broadband connections. The mobile devices that benefit from these advanced networks include typical smartphones, tablets, laptops, and Wi-Fi hotspots. With the continual advancement of its networks, Verizon Wireless customers will enjoy even faster connections to people, information, and entertainment in a day and age when reliable wireless connectivity is an indispensable part of daily personal and business life.

WHY DO WE NEED ANOTHER CELL SITE?

Wireless communications is not just a public convenience; it is a public safety necessity.

- **There are now more wireless subscriptions than landline telephone subscriptions in the United States.**
- **More than 50% of American homes are "wireless only"**
- **More than 80% of 911 calls are made from mobile phones**
- **More and more workers are "telecommuting"**

"Verizon Wireless has identified the need to add a new facility to its existing network of sites in the Falmouth area to improve coverage and capacity to a gap in service that now exists in town, in order to support reliable communications and meet the growing demand in the area." **Report of RF Engineer**

SPOTTY CELL SERVICE "A PUBLIC HAZARD"

The Laconia Daily Sun January 8, 2019

"Poor quali*ty or non-existent telecommunications services are* ***jeopardizing the health and safety*** **of our residents and are constraining economic development** in New Hampshire's Lakes Region," stated the letter signed by Executive Director Jeffrey Hayes of the Lakes Region Planning Commission and numerous municipal officials.

"Just as telecommunications providers were required to supply landline service decades ago, wireless service has become the 'life line' replacement for wired services. The requirements of outdated technologies must be carried forward to the more modern replacement technologies. Failing to do so has **serious and well-established safety and economic concerns**."

"It's **a big-time problem** for our community."

CAPE COD CELL COVERAGE NEEDS IMPROVEMENT

Local NPR for the Cape, Coast and Islands

First responders concerned with cell phone outages on Cape Cod during bomb cyclone

Published November 4, 2021 at 10:17 AM EDT

The lack of cell coverage is concerning to public safety officials. Christopher Besse, a spokesperson for the Massachusetts Emergency Management Agency, or MEMA, said…."MEMA is aware of concerns from both public safety partners and the public about cell phone service on Cape Cod. We have shared those concerns with cell service providers on the Cape and will continue to monitor networks."

WCVB 5 abc

BOSTON'S NEWS LEADER

Cape Cod community frustrated with poor cellphone service

MASHPEE, Mass. —People who live in Mashpee are sharing their frustrations and concerns over cellphone service that is so spotty in certain areas of the Cape Cod community that callers are not guaranteed to connect to 911.

Nation & World

The Seattle Times

Cape Cod shark attacks show need for better cell service

Originally published September 18, 2018 at 1:46 pm / Updated September 18, 2018 at 3:38 pm

Local Officials say better communications… should be among the priorities…. Everything from building more cell towers… should be explored….

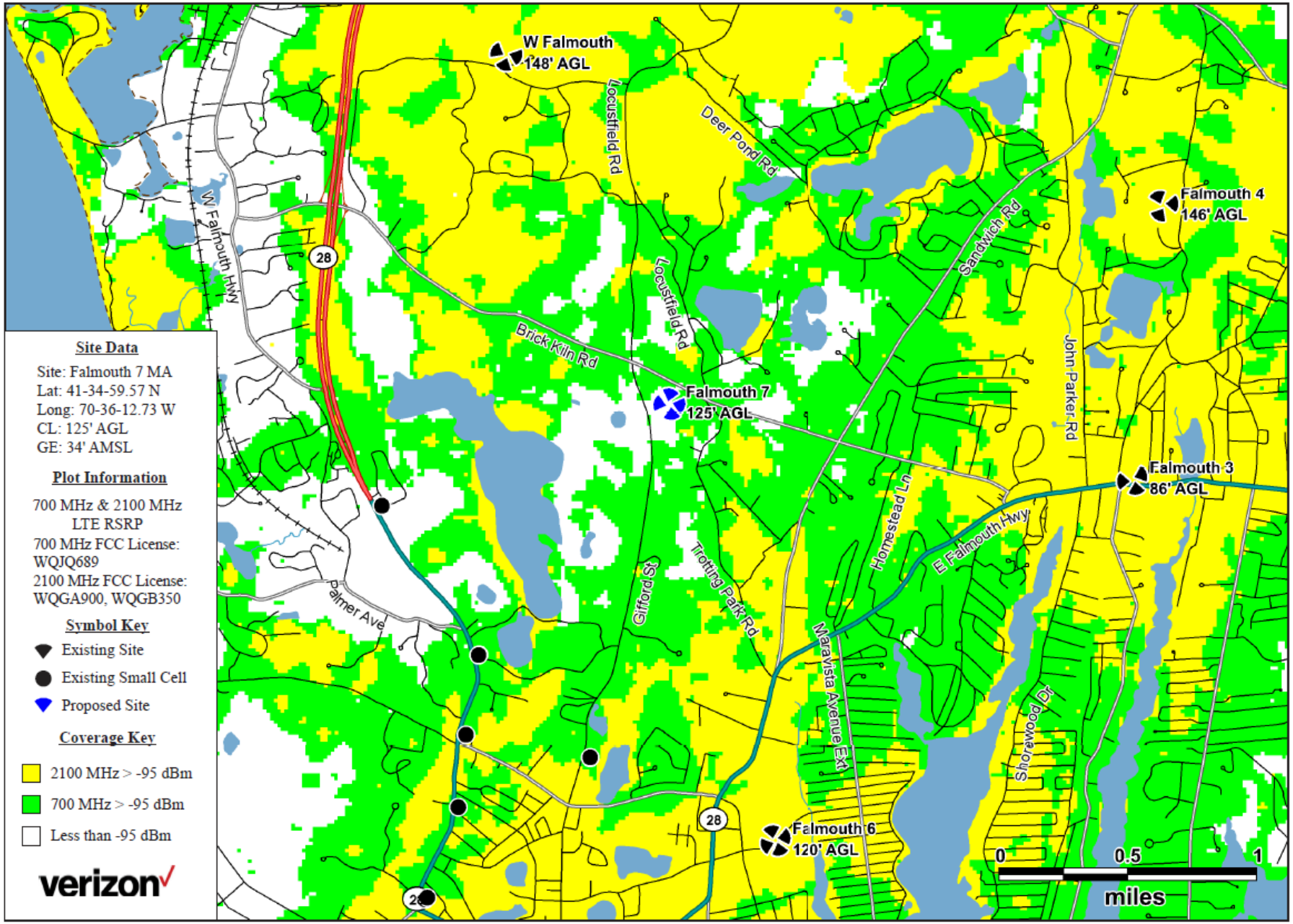
A SIGNIFICANT GAP IN COVERAGE

Verizon Wireless currently operates wireless facilities similar to the proposed facility within Falmouth and the surrounding cities/towns. Due in large part to the distances between the surrounding sites, the intervening topography, and volume of user traffic in the area, these facilities do not provide sufficient coverage to portions of Town. Specifically, Verizon Wireless determined that much of Falmouth is without reliable service in the following areas and town roads2, including but not limited to:

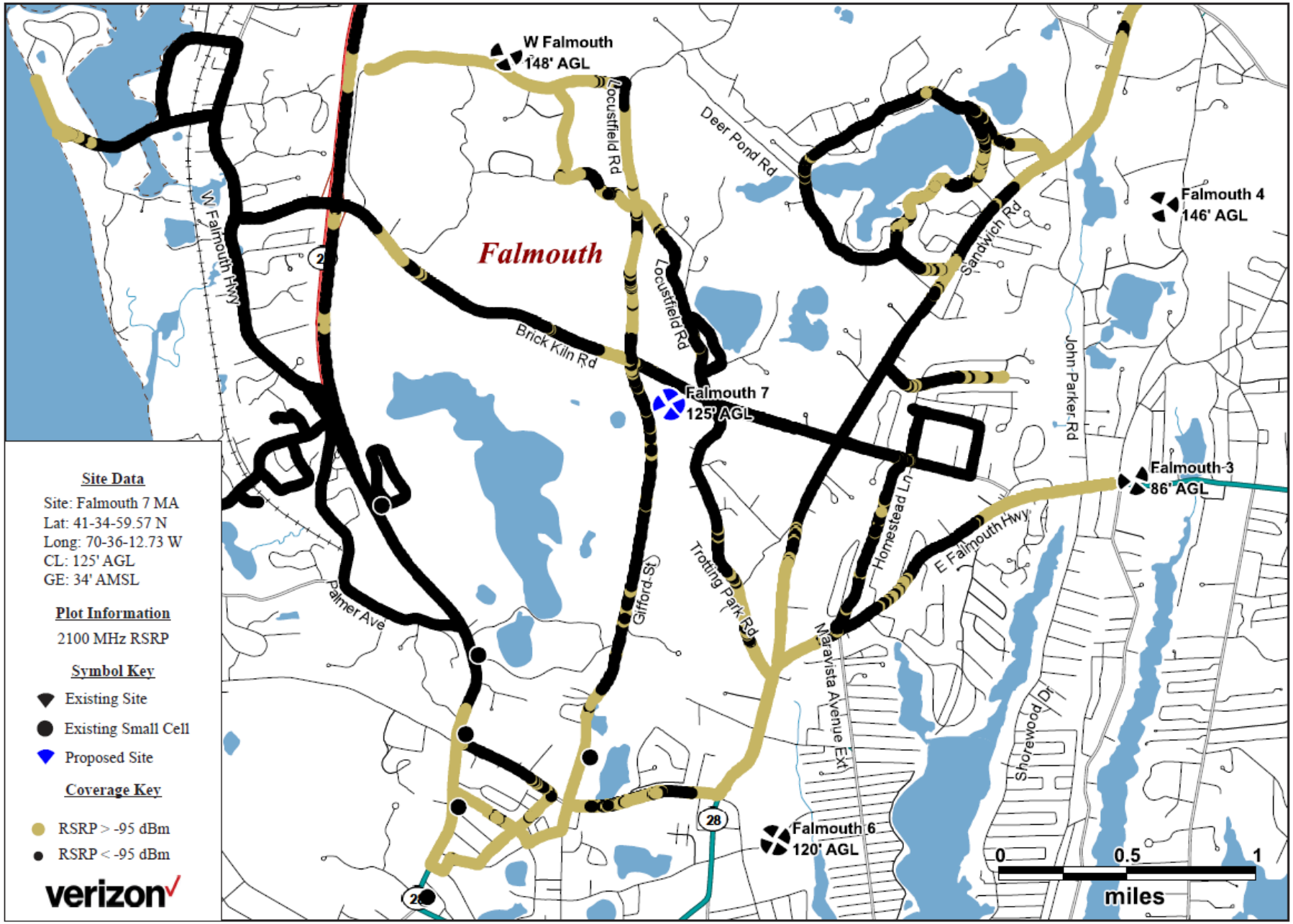
- **Brick Kiln Road;**
- **Gifford Street;**
- **Falmouth High School;**
- **The surrounding roads, neighborhoods, businesses, and shopping areas in the proximity of the proposed site.**

The proposed site located at 737 Gifford Street ("Falmouth 7 MA") is needed to fill in these targeted gaps in service, in order to improve network quality and reliability for Verizon Wireless subscribers traveling along these roads, as well as to the numerous residents, businesses, and visitors in this area. Report of RF Engineer

Attachment A:
Falmouth 7 MA - Existing 700 & 2100 MHz LTE Coverage (Macro-Sites)



Attachment G:
Falmouth 7 MA - Existing 2100 MHz LTE Drive Data (11/7/2023)

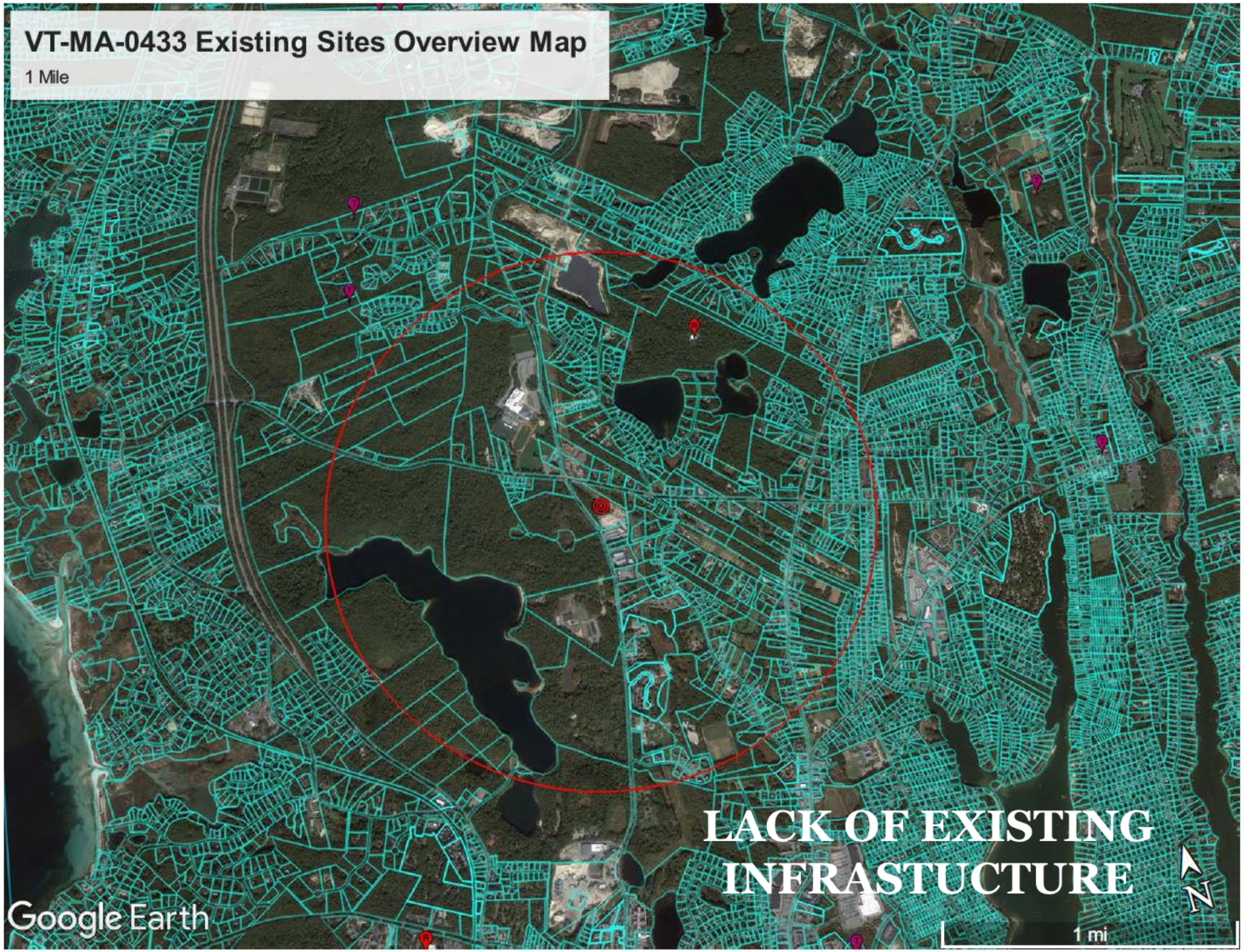


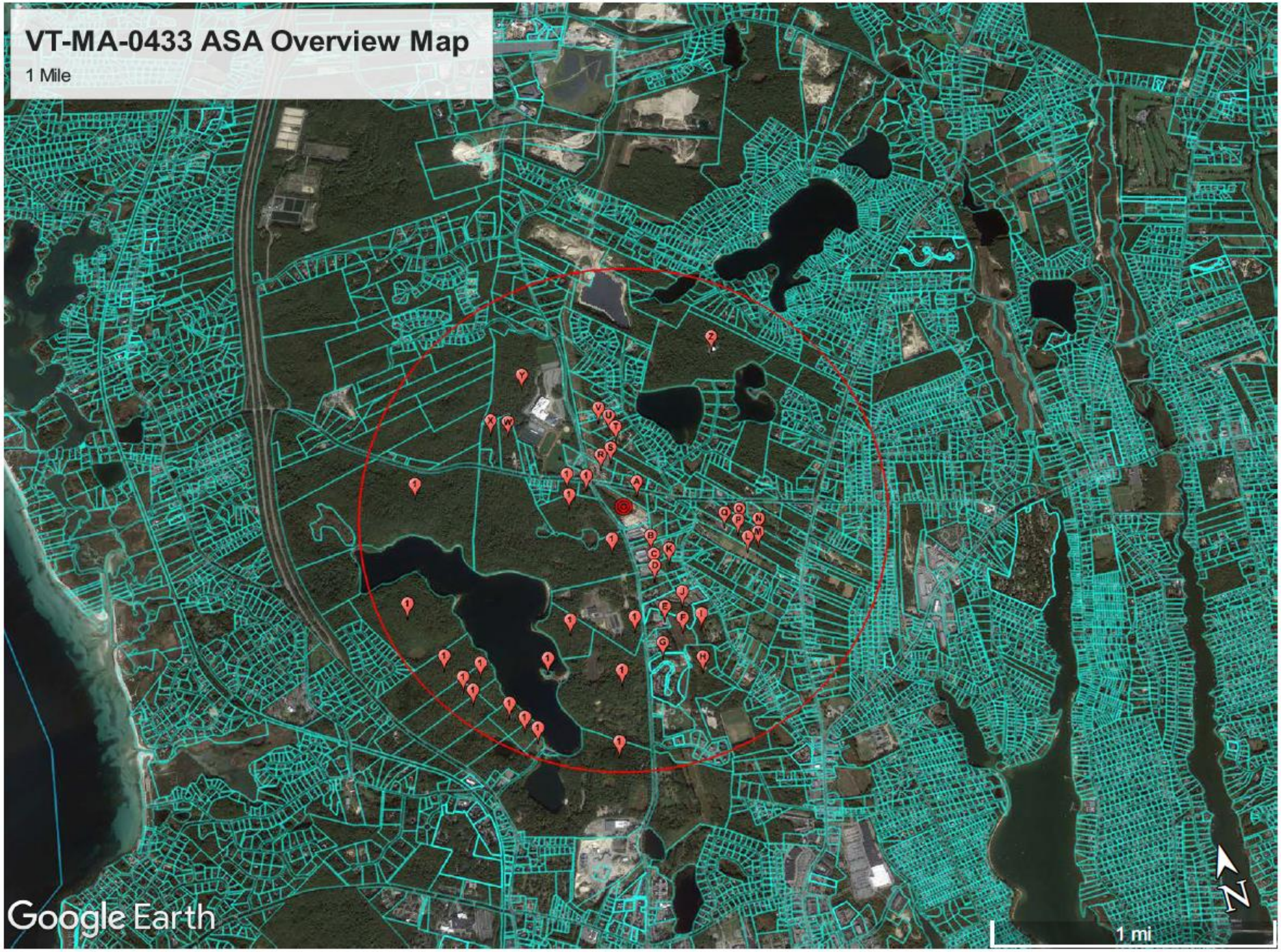
WHY HERE?

WHY 737 Gifford Road

Given the location (and lack) of existing wireless infrastructure, the topography and terrain, the lack of existing and suitable tall structures in and around the area, zoning and other land use restrictions (i.e. wetlands and conservation land), "**the proposed [facility] to be located at 737 Gifford Street is the least intrusive and only available and viable alternative to adequately meet the coverage objective to fill this significant gap in coverage.**

Report of Site Acquisition Specialist


VT-MA-0433 Existing Sites Overview Map
1 Mile
LACK OF EXISTING INFRASTUCTURE
N
1 mi
Google Earth


VT-MA-0433 ASA Overview Map
1 Mile
Google Earth
1 mi
N

Alternative Site Analysis
for Proposed Tower at 737 Gifford Street, Falmouth, MA 02540

ID	Address	Parcel ID	ACRES	Latitude	Longitude	Distance from Proposed Location	Comments
A	370 Brick Kiln Road	27 01 006 000	2.868	41.583882	-70.602677	0.07	Landlord was unresponsive. Location would be highly visable, due to smaller lot and tree clearing required.
B	689 Gifford Street	34 01 003 000	4.08	41.580688	-70.60279	0.2	Landlord was unresponsive. Unable to identify viable building location on property, due to spectic system.
C	677 Gifford Street	34 01 004 004	3.017	41.579639	-70.602945	0.27	Parcel not avalable. Landlord was unresponsive.
D	663 Gifford Street	34 01 005 000	2.548	41.579008	-70.603108	0.31	Parcel not avalable. Landlord was unresponsive.
E	611 Gifford Street	34 01 008 002A	3.674	41.576651	-70.603224	0.48	Parcel not avalable. Landlord was unresponsive.
F	587 Gifford Street	34 01 008 004	11.248	41.575795	-70.60221	0.54	Parcel not avalable. Landlords were unresponsive. Unable to identify viable building location on property, due to wetlands.
G	30 Pine Valley Drive	34 01 010	11.94	41.57476	-70.604069	0.6	Parcel not avalable. Landlords were unresponsive. Unable to identify viable building location on property, due to wetlands.
H	0 Woodview Drive	34 01 012 000I	29.01	41.573456	-70.601603	0.7	Parcel not avalable. Landlord was unresponsive. Unable to access viable building location on property, due to wetlands.
I	160 Trotting Park Road	34 01 041 000	7.997	41.575767	-70.600827	0.56	Parcel not avalable. Landlord was unresponsive. Unable to identify viable building location on property, due to wetlands.
J	637 Gifford Street	34 01 007	11.1	41.577206	-70.601714	0.45	Parcel not avalable. Landlords were unresponsive. Unable to identify viable building location on property, due to wetlands.
K	238 Trotting Park Road	34 01 049 000A	2.648	41.579704	-70.601765	0.28	Parcel not avalable. Landlord was unresponsive. Unable to identify viable building location on property, due to wetlands. Location would be highly visable, due to smaller lot and tree clearing required.
L	279 Trotting Park Road	34 02 003 001	12.236	41.57924	-70.596021	0.5	Landlord was unresponsive. Location would be highly visable. Conservation Restricted.
M	164 Sandwich Road	34 02 046 000A	6.677	41.579359	-70.595185	0.53	Parcel is part of the Town of Famouth Conservation Land system.
N	186 Sandwich Road	34 02 047 000A	6.518	41.580076	-70.594854	0.52	Parcel not avalable. Landlord was unresponsive. Unable to access viable building location on property, due to wetlands.
O	292 Brick Kiln Road	27 07 008 001A	7.418	41.580895	-70.596012	0.44	Parcel not avalable. Landlord was unresponsive. Unable to access viable building location on property, due to wetlands.
P	0 Sandwich Road	34 02 046B 000	1.708	41.580308	-70.596333	0.45	Parcel not avalable. Landlord was unresponsive.
Q	291 Trotting Park Road	27 07 010 004	3.078	41.580893	-70.597134	0.39	Landlord was unresponsive. Location would be highly visable, due to smaller lot and tree clearing required.
R	393 Brick Kiln Road	26 01 016 000	3.7	41.58591	-70.60469	0.18	Location would be highly visable. Would not meet tower height setbacks.
S	805 Gifford Street	26 01 017 000D	4.053	41.586172	-70.603835	0.19	Parcel not avalable. Landlord was unresponsive.
T	404 Locustfield Road	27 02 011 005	3.617	41.587291	-70.603054	0.27	Parcel not avalable. Landlord was unresponsive.
U	416 Locustfield Road	27 02 011 004	3.783	41.588038	-70.603326	0.32	Parcel not avalable. Landlord was unresponsive.
V	426 Locustfield Road	27 02 011 003	4.113	41.588617	-70.60391	0.36	Parcel not avalable. Landlord was unresponsive.
W	485 Brick Kiln Road	26 01 019 002	9.657	41.589147	-70.610652	0.53	Parcel not avalable. Landlord was unresponsive.
X	511 Brick Kiln Road	26 01 019A 000A	6.797	41.589468	-70.61187	0.59	Parcel not avalable. Landlord was unresponsive.

Y	1200 Gifford Street	26 01 003 000	92.345	41.591661	-70.608748	0.62	Unable to access viable building location on property, due to wetland and proximity to exsisting site. Coverage redundant.
Z	401 Pinecrest Beach Drive	27 03 016 000	65.229	41.591513	-70.59484	0.73	Parcel is part of the Town of Falmouth Conservation Land system.
1	416 Gifford Street	35 04 002 000	86.403	41.570213	-70.608906	0.96	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Gifford Street	35 05 001 000	77.842	41.573881	-70.607401	0.69	Parcel is part of the Town of Falmouth Conservation Land system.
1	650 Gifford Street	35 05 006 000	39.203	41.576519	-70.605498	0.49	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Gifford Street OFF	35 05 004 000	16.003	41.577266	-70.610012	0.54	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Brick Kiln Road	26 05 070 000	100.863	41.581068	-70.605559	0.19	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Gifford Street	26 05 072 000	23.738	41.58414	-70.6077	0.21	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Brick Kiln Road	26 05 073 000	1.738	41.584944	-70.606131	0.16	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Brick Kiln Road	26 05 071 001	3.678	41.585315	-70.607469	0.23	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Brick Kiln Road	26 04 056 000	166.9	41.586935	-70.618415	0.79	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 011 000	55.803	41.580443	-70.620988	0.91	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 008 000	32.003	41.577125	-70.619339	0.92	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 007 000	14.163	41.575745	-70.6184	0.92	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 007A 000	5.873	41.576238	-70.616969	0.84	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 006 000	16.213	41.574915	-70.617948	0.94	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 Island in Long Pond	35 05 002A 000	0.358	41.575539	-70.61226	0.7	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 005 005B	6.75	41.573728	-70.615693	0.91	Parcel is part of the Town of Falmouth Conservation Land system.
1	0 W. Falmouth Highway	35 04 004 000A	4.42	41.572781	-70.6149	0.94	Parcel is part of the Town of Falmouth Conservation Land system.
18	64 Pumping Station Road	35 04 000 004	3.328	41.572048	-70.614188	0.96	Parcel is part of the Town of Falmouth Conservation Land system.

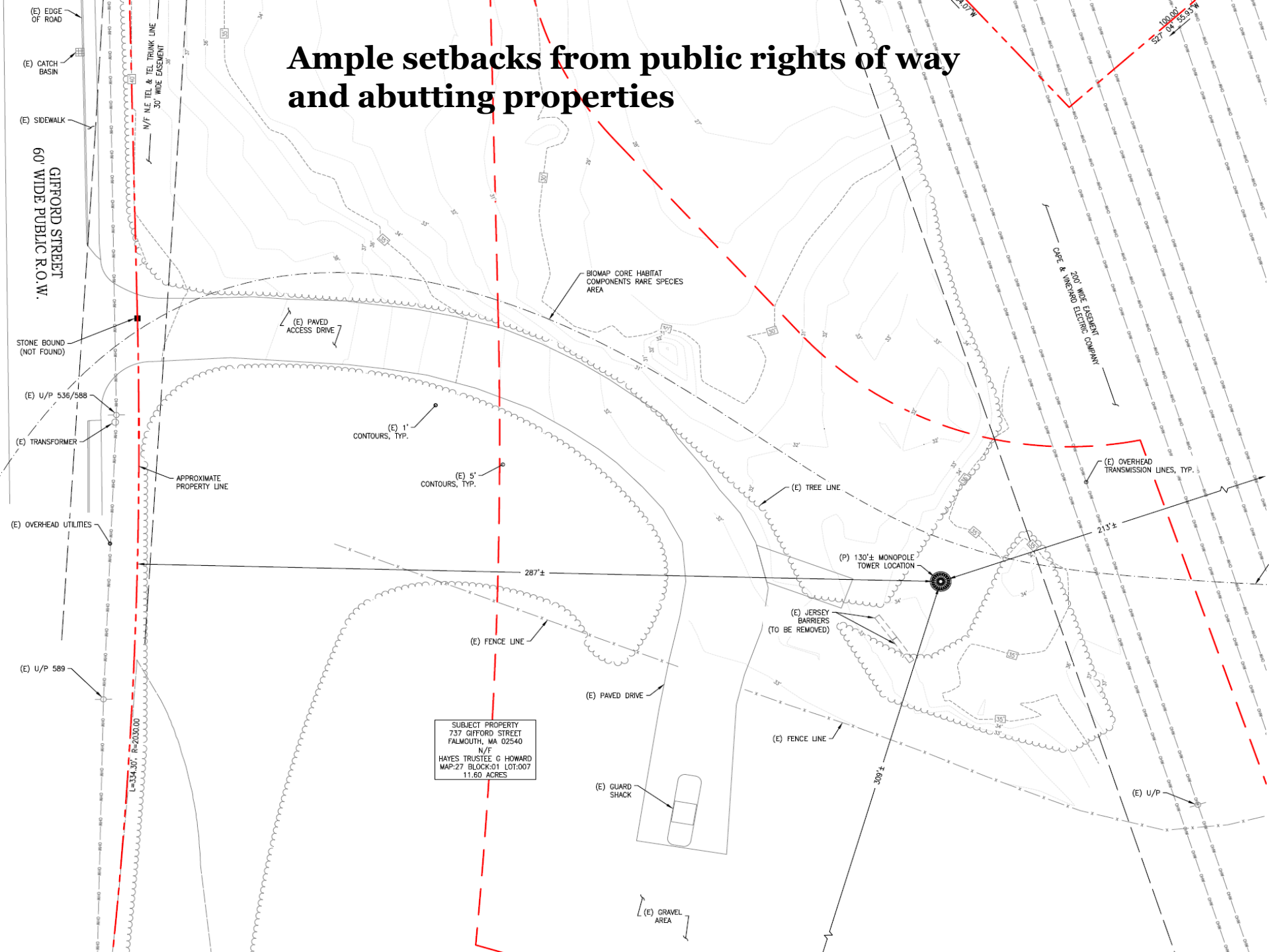
COMPLIES WITH ZONING ORDINANCE AS MUCH AS POSSIBLE

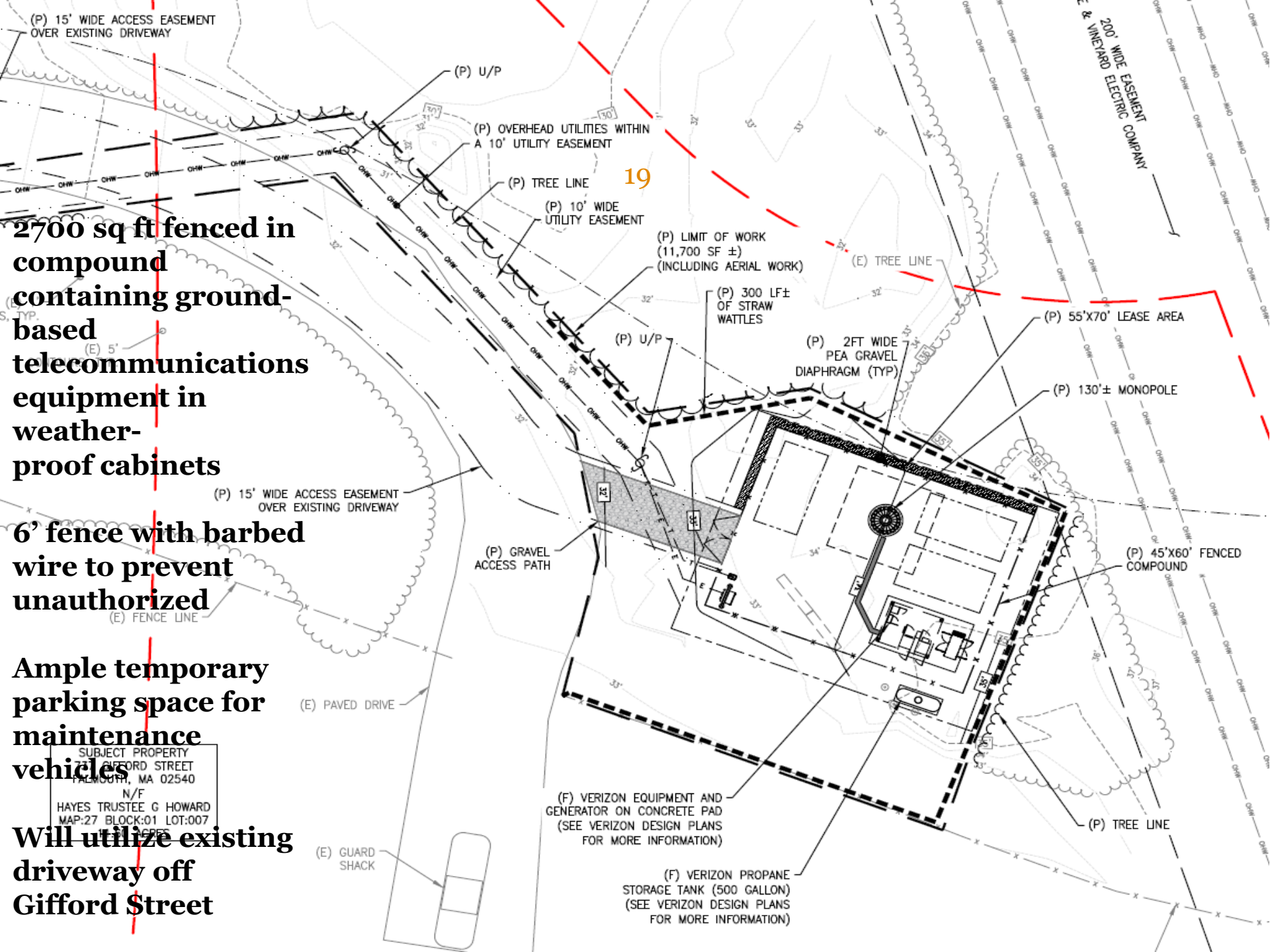
- **The Town of Falmouth does not have a specific zoning ordinance pertaining to wireless telecommunications facilities.**

- **However, the Property is a large, approximately 11.6 acre substantially undeveloped parcel in the Agricultural B (AGB) Zoning District currently used for outdoor self-storage and on which is an existing substantial powerline easement. Article 6 USE TABLES in the Town's Zoning Ordinance Section 240-6.1B provides that a Television or Radio antenna not exceeding 50 feet above ground is a permitted use by right; however, the proposed antennas will be more than 50' above ground level, and therefore, a dimensional variance will be required. Section 240-6.1B also provides that a Television or radio antenna subject to G.L.409A § 3 (emphasis added) is a permitted use subject to a Special Permit from the Zoning Board of Appeals, which does not appear to apply to the proposed Facility.**

- **Accordingly, the Applicant has respectfully requested that the FALMOUTH ZONING BOARD OF APPEALS grant a dimensional VARIANCE from the Section 240.6.1B Use Table and or a SPECIAL PERMIT if applicable to permit use of the Property as proposed.**


PARLAY 2.0. Welcome, Francis. Your subscription is active.
737 Gifford Street
Cavell, Mertz & Associates
Legend
Brick Kiln Rd
Gifford St
Locustfield Rd
Parlee Rd
Trotting Park Rd
- Large 11-acre lot
- Agricultural Zoning District
- Bifurcated by existing utility easement
- Existing commercial use (outdoor storage)
- Ample vegetative buffer
- Abuts other commercial uses to south (self storage) and north (landcape yard)
- Abuts conservation land to west
N
500 ft
Google Earth


Ample setbacks from public rights of way and abutting properties
(E) EDGE OF ROAD
(E) CATCH BASIN
(E) SIDEWALK
N/F N.E. TEL & TEL TRUNK LINE 30' WIDE EASEMENT
GIFFORD STREET 60' WIDE PUBLIC R.O.W.
BIOMAP CORE HABITAT COMPONENTS RARE SPECIES AREA
200' WIDE EASEMENT CAPE & VINEYARD ELECTRIC COMPANY
(E) PAVED ACCESS DRIVE
STONE BOUND (NOT FOUND)
(E) U/P 536/588
(E) TRANSFORMER
(E) 1' CONTOURS, TYP.
(E) 5' CONTOURS, TYP.
APPROXIMATE PROPERTY LINE
(E) OVERHEAD TRANSMISSION LINES, TYP.
(E) TREE LINE
(E) OVERHEAD UTILITIES
213'±
287'±
(P) 130'± MONOPOLE TOWER LOCATION
(E) JERSEY BARRIERS (TO BE REMOVED)
(E) FENCE LINE
(E) U/P 589
(E) PAVED DRIVE
SUBJECT PROPERTY
737 GIFFORD STREET
FALMOUTH, MA 02540
N/F
HAYES TRUSTEE G HOWARD
MAP:27 BLOCK:01 LOT:007
11.60 ACRES
L=334.30' R=2030.00
(E) GUARD SHACK
309'±
(E) U/P
(E) GRAVEL AREA

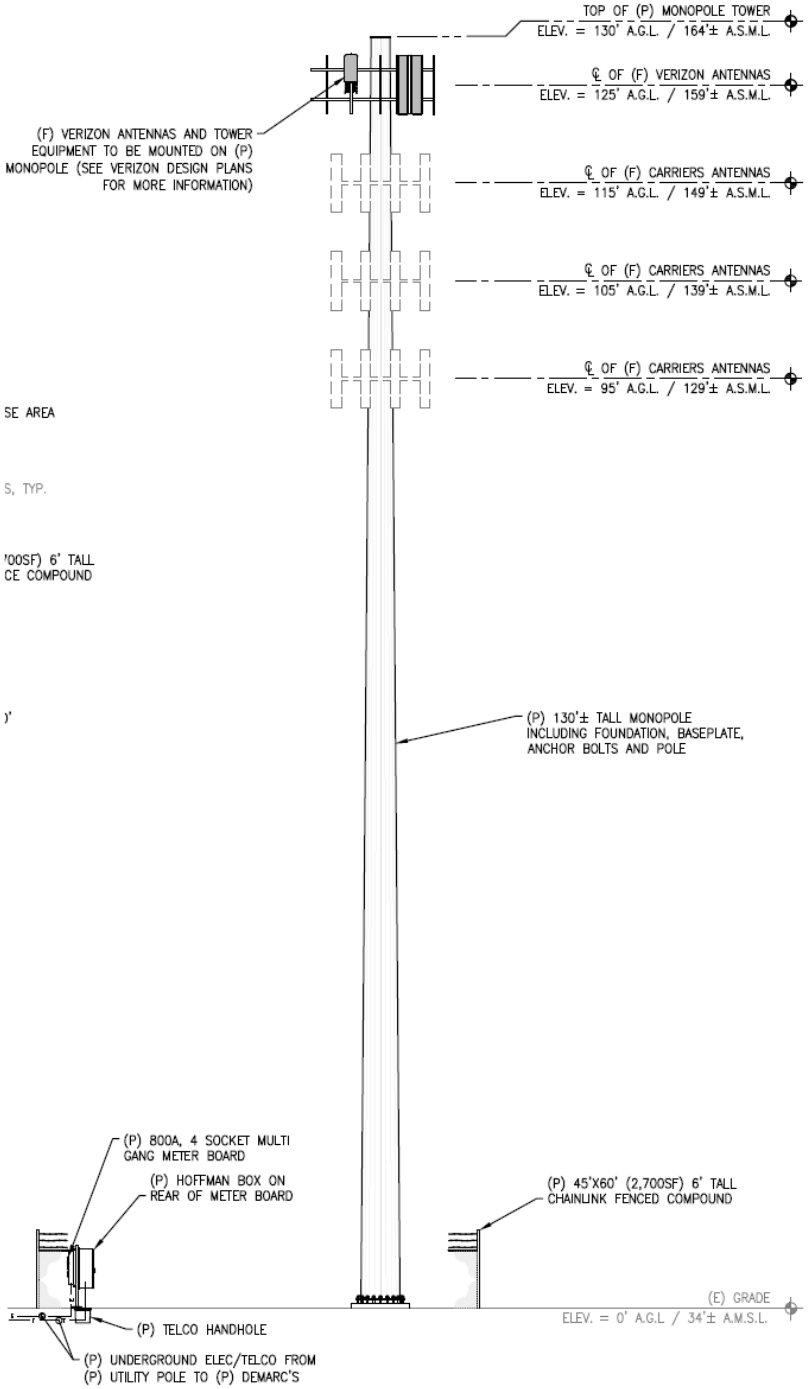


2700 sq ft fenced in compound containing ground-based telecommunications equipment in weather-proof cabinets

6' fence with barbed wire to prevent unauthorized

Ample temporary parking space for maintenance vehicles

Will utilize existing driveway off Gifford Street



ELEVATION PLAN

20

Type: Monopole

Height: 130'

Designed to support:

- Verizon Wireless
- Other telecommunications companies including AT&T Wireless, T-Mobile, Dish Networks and future carriers

Construction & Design Standards:

Telecommunications Industry Assn. (TIA)
American Society of Safety Eng's (ASSE)
American National Standards Ins. (ANSI)

Design Criteria:

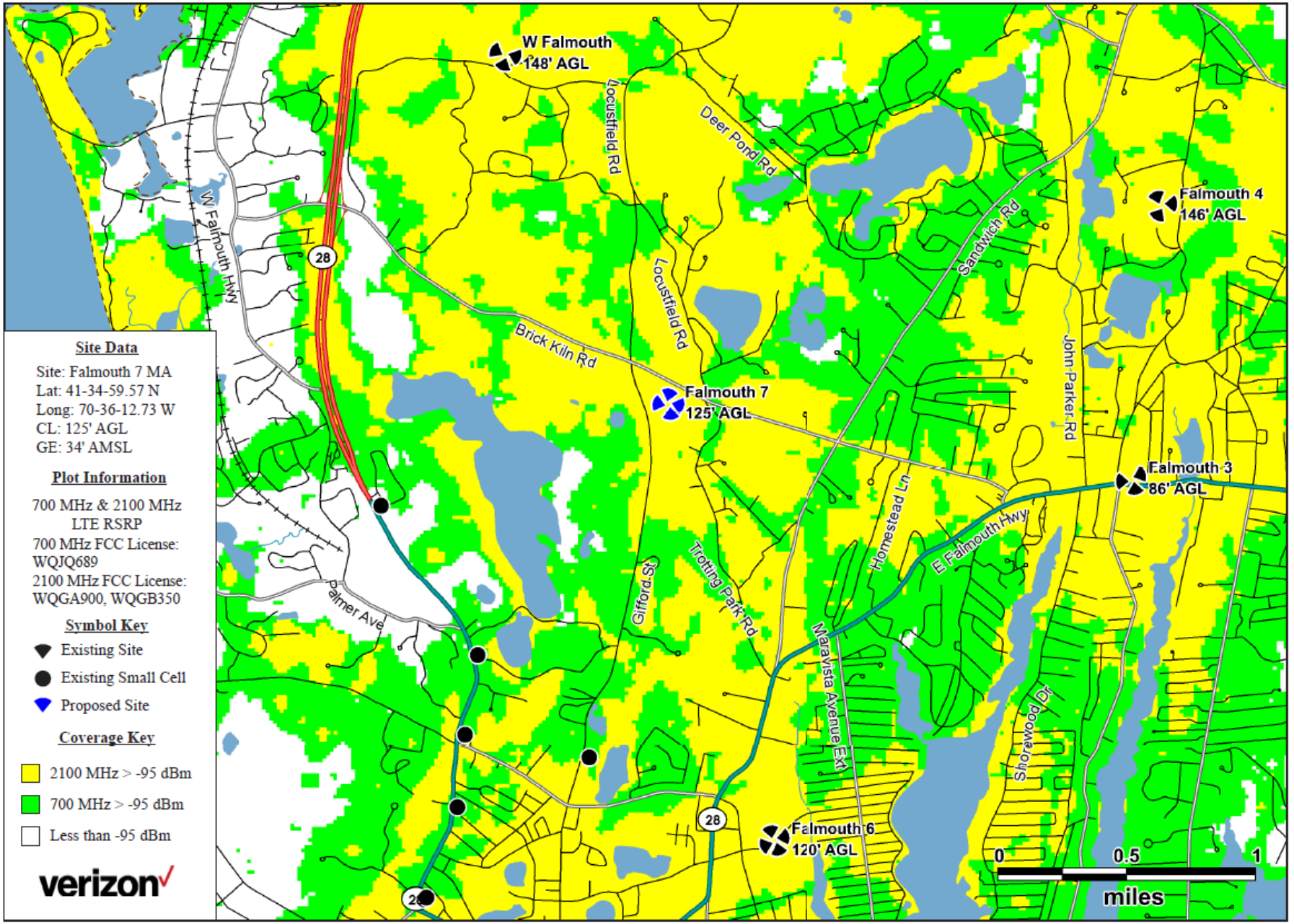
Will satisfy county specific wind and ice loading standards

Exceeds all safety requirements under FCC regulations

The maximum permissible RF exposure limits adopted by the FCC for both general population/uncontrolled exposure and for occupational/controlled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects. RF exposure levels from the proposed site will be well under under applicable FCC limits.

SATISFIES COVERAGE OBJECTIVE

Attachment B:
Falmouth 7 MA - 700 & 2100 MHz LTE Coverage with Proposed Site (Macro-Sites)



PHOTOS AND PHOTO SIMS

On April 24, 2024, Vertex conducted a Visibility Demonstration, by means of a balloon raised at the proposed location to a height of 130 feet.

WAIVERS REQUESTED

- **As set forth in the Project Narrative and Supplemental Project Narrative, the Application and the proposed Facility complies with the Enabling Regulations and the Regional Policy Plan in all respects, as well as Technical Bulletin 97-001 as much as possible; however, the Applicant respectfully requests waivers from the CCC with respect to**

- **- height / camouflage**
- **- landscape plan**
- **- setback from a business**
- **- ambient and post construction noise measurements**
- **- open space / payment in lieu**

STAFF REPORT

Applicable and Material RPP Goals and Objectives

The Applicant has sited the Project in ways that help to limit its impact on community character…. The proposed height is significantly above the height of trees in the vicinity…. Regardless, staff suggests that the project is consistent with RPP Objective CD3 related to visual impacts from infrastructure on scenic resources subject to the determination that the visual impacts are the minimum necessary to provide wireless services.

While there is no proposed landscape plan, the Project will be set back substantially from the road and the is surrounded by a vegetated buffer that should effectively screen the project.

If the property is not archaeologically sensitive, the project would be consistent with the RPP's Cultural Heritage Goal and Objectives CH1 and CH2.

To ensure the protection of Long Pond, the Applicant has agreed to a condition requiring any backup power generators only use natural gas or propane for fuel. Subject to this condition, staff suggests the Project is consistent with Objective WR1.

Appropriate project management during and after construction should mitigate potential impacts allowing the project to be consistent with Objective WR4.

Based on the information provided in the DRI Application, the proposed tower is infrastructure that would improve cellular service in the area of the proposed site in response to the needs of the region, and thus staff suggests the Project is consistent with Objective CAP2.

WIRELESS CONSULTANT REPORT

- **The location does appear to be well chosen for minimum visual impact.**
- **This site does appear to be screened from public view to the extent possible (by site selection) by the surrounding vegetation.**
- **The site appears to be designed for a total of 4 carriers to collocate in the future. (Verizon + 3 additional carriers).**
- **The radio frequency energy safety analysis confirms the facility would be compliant with the FCC requirements, which is the extent to which the placement of the facility on this basis can be controlled.**

Alternative Height Analysis

The Telecommunications Act of 1996

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the "TCA" or the "Telecommunications Act').

The intent of the TCA as enacted by Congress was to institute a framework to promote competition and innovation within the telecommunications industry.

Law specifically preserves local zoning authority with respect to the siting of wireless service facilities, but it clarifies when the exercise of local zoning authority may be preempted by federal law.

- **SECTION 704 (7) PRESERVATION OF LOCAL ZONING AUTHORITY-**
  - **(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.**
  - **(B) LIMITATIONS- (i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--**
    - **(I) shall not unreasonably discriminate among providers of functionally equivalent services; and**
    - **(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.**

The Telecommunications Act of 1996

- **The Applicant's application is governed by the TCA which "imposes specific limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of such facilities…47 U.S.C. § 332(c)(7)." City of Rancho Palos Verdes v. Abrams, 544 U.S. 113, 115-116 (U.S. 2005). Under this provision, local governments shall not take actions that "prohibit or have the effect of prohibiting the provision of personal wireless services.“**
- **§ 332(c)(7)(B)(i)(II).**

- **The TCA overrides boards that do not decide matters based upon the merits of local ordinances and, instead, yield inappropriately to ill-founded opposition. Moreover, the TCA specifically states that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions” 47 U.S.C. § 332(c)(7)(B)(iv).**

Summary

- **The proposed Facility is necessary to close a significant gap in wireless coverage and provide capacity relief for Verizon Wireless, with the ability to accommodate and close existing gaps for at least 3 additional wireless service providers on this Facility in the future, thus reducing the number of additional new towers needed in the Town. After a thorough review of all existing structures and raw land sites within the targeted coverage area, the Applicant has determined that the proposed location is the only feasible location to close the gap and solve the capacity issue.**

- **For the foregoing reasons, as well as to satisfy Federal mandates to facilitate competition in the telecommunications industry as set forth in the Telecommunications Act of 1996, the Applicant hereby requests that the Cape Cod Commission find that the Facility satisfies the criteria for approval as a Development of Regional Impact, and to grant such waivers as have been requested or may be required to permit construction of the Facility as proposed.**

HEARING AGENDA

- Announcements
- Attendance – Roll Call
- Applicant's Presentation
- **Staff Presentation**
- Subcommittee Discussion
- Public Comment
- Further Subcommittee Discussion/Actions

PRESENTATION FROM COMMISSION STAFF

- Staff Comments (Jeffrey Ribeiro)

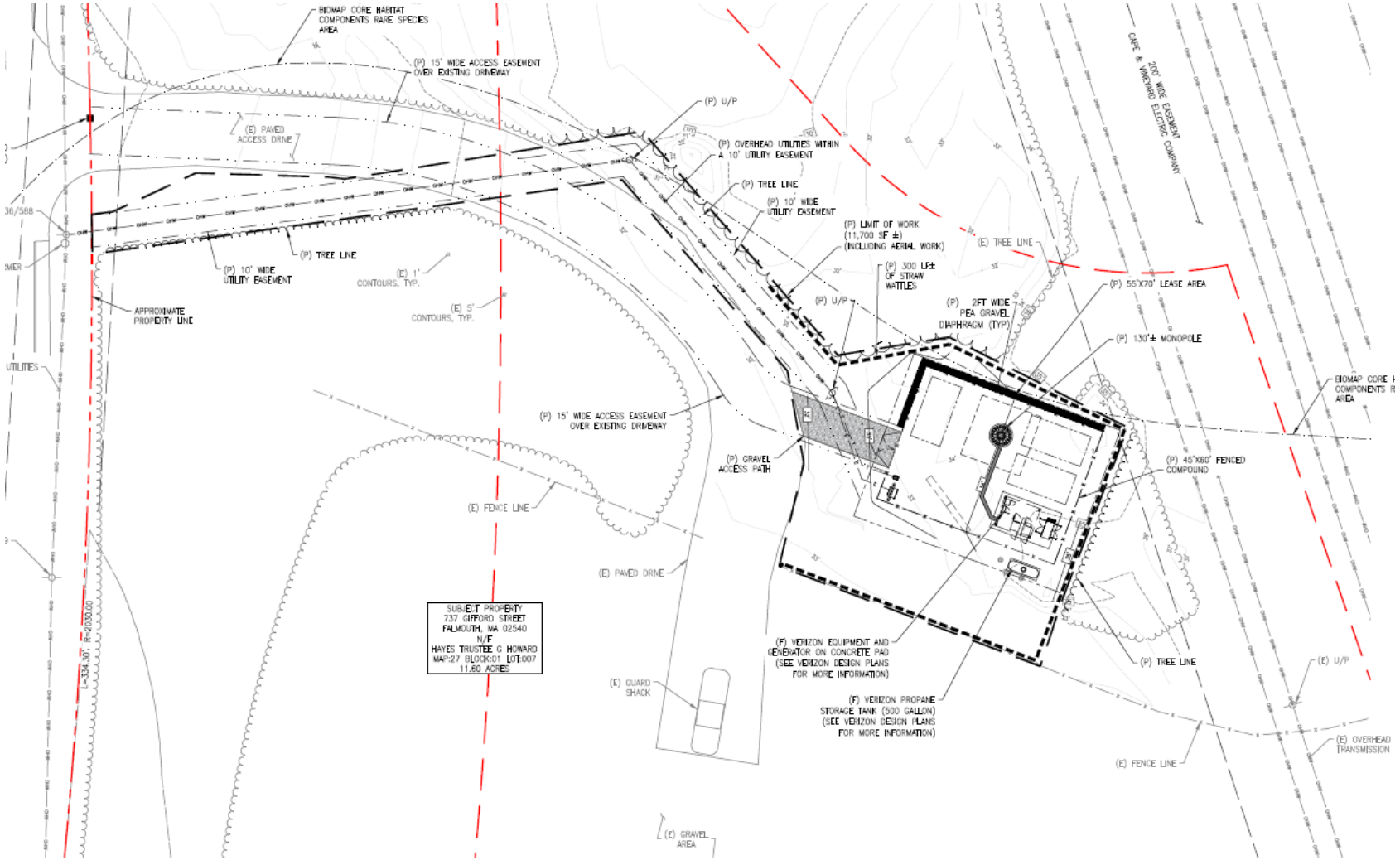
Placetypes



Placetypes

- Suburban Development Areas
  - Residential neighborhoods built primarily between the 1950s and 1990s as well as automobile-oriented commercial and light industrial development established during the same time period.
- Strategies
  - Encourage redevelopment of existing commercial suburban development with denser clusters of buildings surrounded by less developed areas.
  - Integrate existing commercial development into surrounding areas with mixed-use and/or residential development.
  - Improve the design and function of commercial and industrial areas through landscaping, stormwater treatment, and building layout/design.
  - Encourage infill and cluster residential development to limit further suburban sprawl.

Site Plan


BIOMAP CORE HABITAT COMPONENTS RARE SPECIES AREA
(P) 15' WIDE ACCESS EASEMENT OVER EXISTING DRIVEWAY
(E) PAVED ACCESS DRIVE
(P) U/P
(P) OVERHEAD UTILITIES WITHIN A 10' UTILITY EASEMENT
(P) TREE LINE
(P) 10' WIDE UTILITY EASEMENT
(P) LIMIT OF WORK (11,700 SF ±) (INCLUDING AERIAL WORK)
(E) TREE LINE
(P) 300 LF± OF STRAW WATTLES
(P) 10' WIDE UTILITY EASEMENT
(P) TREE LINE
(E) 1' CONTOURS, TYP.
(E) 5' CONTOURS, TYP.
APPROXIMATE PROPERTY LINE
(P) U/P
(P) 2FT WIDE PEA GRAVEL DIAPHRAGM (TYP)
(P) 55'X70' LEASE AREA
(P) 130'± MONOPOLE
200' WIDE EASEMENT CAPE & VINEYARD ELECTRIC COMPANY
(P) 15' WIDE ACCESS EASEMENT OVER EXISTING DRIVEWAY
(P) GRAVEL ACCESS PATH
(P) 45'X60' FENCED COMPOUND
(E) FENCE LINE
(E) PAVED DRIVE
SUBJECT PROPERTY
737 GIFFORD STREET
FALMOUTH, MA 02540
N/F
HAYES TRUSTEE G HOWARD
MAP:27 BLOCK:01 LOT:007
11.60 ACRES
(E) GUARD SHACK
(F) VERIZON EQUIPMENT AND GENERATOR ON CONCRETE PAD (SEE VERIZON DESIGN PLANS FOR MORE INFORMATION)
(P) TREE LINE
(E) U/P
(F) VERIZON PROPANE STORAGE TANK (500 GALLON) (SEE VERIZON DESIGN PLANS FOR MORE INFORMATION)
(E) OVERHEAD TRANSMISSION
(E) FENCE LINE
(E) GRAVEL AREA
L=334.30' R=200.00'

Regional Policy Plan

- Water Resources
- Open Space
- Cultural Heritage
- Capital Facilities and Infrastructure
- Community Design

Regional Policy Plan

- Water Resources Objective WR1
  - Protect and preserve groundwater quality.

    - Located in ORW for Long Pond water supply
    - Staff recommends condition requiring only propane for generators

Regional Policy Plan

- Open Space Objective OS3
  - Protect or provide open space appropriate to context

    - Applicant has requested determination not applicable, material, and regionally significant
    - Staff recommends payment in lieu of $11,993

Regional Policy Plan

- Cultural Heritage Objective CH2
  - Protect and preserve archaeological resources and assets from alteration or relocation.

    - PNF submitted by applicant

Regional Policy Plan

- Capital Facilities and Infrastructure Objective CAP2
  - Coordinate the siting of capital facilities and infrastructure to enhance the efficient provision of services and facilities that respond to the needs of the region.

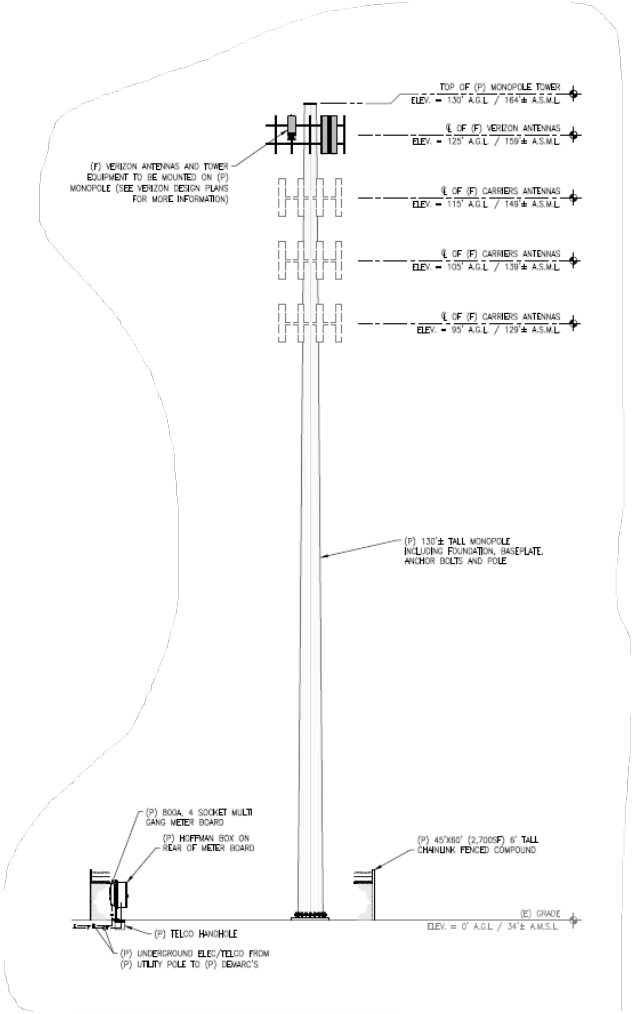
    - Single carrier proposed, with room for co-locators.

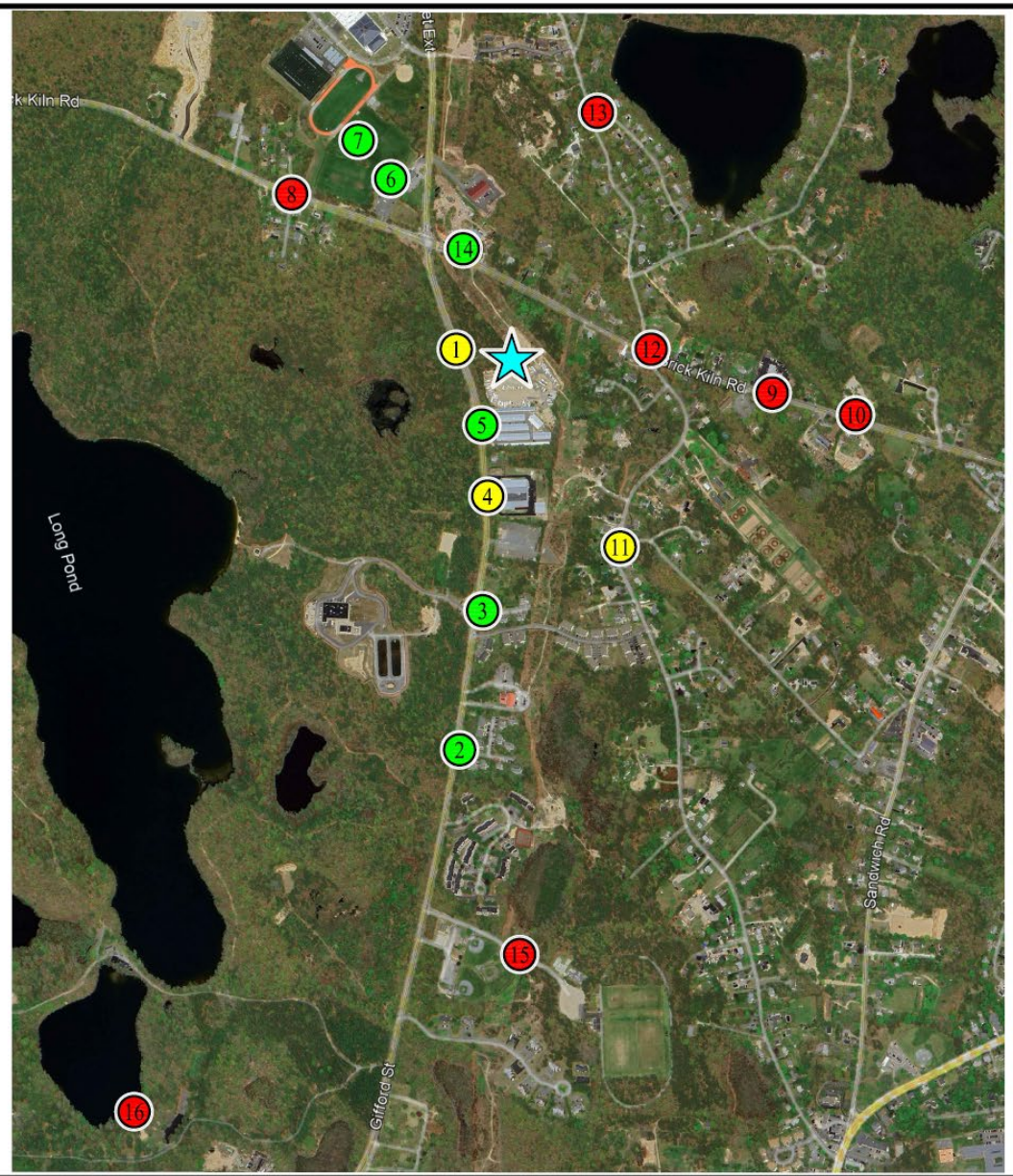
Regional Policy Plan

- Community Design Objective CD3
  - Avoid adverse visual impacts from infrastructure on scenic resources.
    - Proposed height should be evaluated with only one carrier committed to locating on the tower.
    - Consistency subject to the determination that the visual impacts are the minimum necessary to provide needed wireless services.

Technical Bulletin 97-001

"Licensed carriers should share personal wireless service facilities and sites **where feasible and appropriate**, thereby reducing the number of personal wireless service facilities that are stand-alone facilities."





APPROX. TRUE NORTH

MAP SYMBOL LEGEND

- SUBJECT TOWER SITE LOCATION
- PHOTO LOCATION (VISIBLE)
- PHOTO LOCATION (OBSCURED)
- PHOTO LOCATION (NOT VISIBLE)

PREPARED FOR:
ATLANTIC TOWER
2 COMMERCIAL STREET
SHARON, MA 02067

PREPARED BY:
EG ADVANCED ENGINEERING GROUP, P.C.
Civil Engineering - Site Development
Surveying - Telecommunications
500 NORTH BROADWAY
EAST PROVIDENCE, 02914
PH: (401) 354-2403
FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433
SITE NAME: FALMOUTH_MA
ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

KEY MAP OF PHOTOS

PAGE: MAP1
DATE: 04/26/2024
DRAWN BY: MR
REVISION: 0



PREPARED FOR:

ATLANTIC TOWER
2 COMMERCIAL STREET
SHARON, MA 02067

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SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

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FALMOUTH, MA 02540

VIEW #3
PROPOSED VIEW FROM THE SOUTH,
ON GIFFORD STREET

PAGE: V-3P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



PREPARED FOR:

ATLANTIC TOWER
2 COMMERCIAL STREET
SHARON, MA 02067

PREPARED BY:

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Surveying - Telecommunications
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FALMOUTH, MA 02540

VIEW #2
PROPOSED VIEW FROM
SOUTH, ON GIFFORD STREET

PAGE: V-2P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



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2 COMMERCIAL STREET
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FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

VIEW #5
PROPOSED VIEW FROM THE
SOUTHWEST, ON GIFFORD STREET

PAGE: V-5P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



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2 COMMERCIAL STREET
SHARON, MA 02067

PREPARED BY:

EG ADVANCED ENGINEERING GROUP, P.C.
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Surveying - Telecommunications
500 NORTH BROADWAY
EAST PROVIDENCE, 02914
PH: (401) 354-2403
FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

VIEW #1
PROPOSED VIEW FROM THE WEST,
ON GIFFORD STREET

PAGE: V-1P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



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2 COMMERCIAL STREET
SHARON, MA 02067

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Surveying - Telecommunications
500 NORTH BROADWAY
EAST PROVIDENCE, 02914
PH: (401) 354-2403
FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

VIEW #14

PROPOSED VIEW FROM THE NORTH, AT
POWER TRANSMISSION LINES ON
BRICK KILN ROAD

PAGE: V-14P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



PREPARED FOR:

ATLANTIC TOWER
2 COMMERCIAL STREET
SHARON, MA 02067

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PH: (401) 354-2403
FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

VIEW #6

PROPOSED VIEW FROM THE NORTHWEST, IN PARKING LOT AT FALMOUTH HIGH SCHOOL

PAGE: V-6P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0



PREPARED FOR:

ATLANTIC TOWER

2 COMMERCIAL STREET
SHARON, MA 02067

PREPARED BY:

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Surveying - Telecommunications

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FAX: (401) 633-6354

SITE NUMBER: VT-MA-0433

SITE NAME: FALMOUTH_MA

ADDRESS: 737 BRICK KILN ROAD
FALMOUTH, MA 02540

VIEW #11

PROPOSED VIEW FROM THE SOUTHEAST,
ON TROTTING PARK ROAD

PAGE: V-11P

DATE: 04/26/2024

DRAWN BY: MR

REVISION: 0

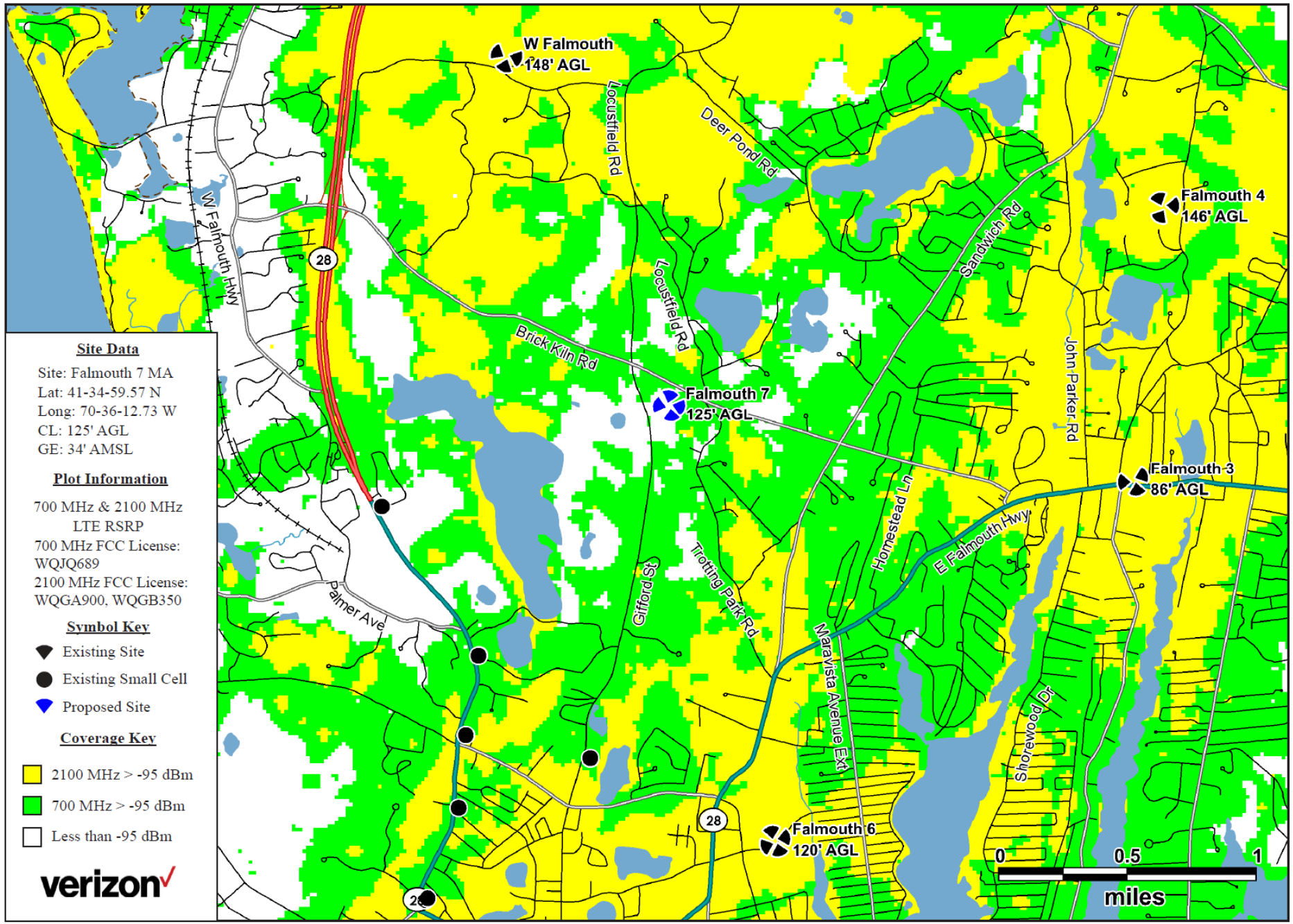
Michael Lawton

Isotrope Wireless

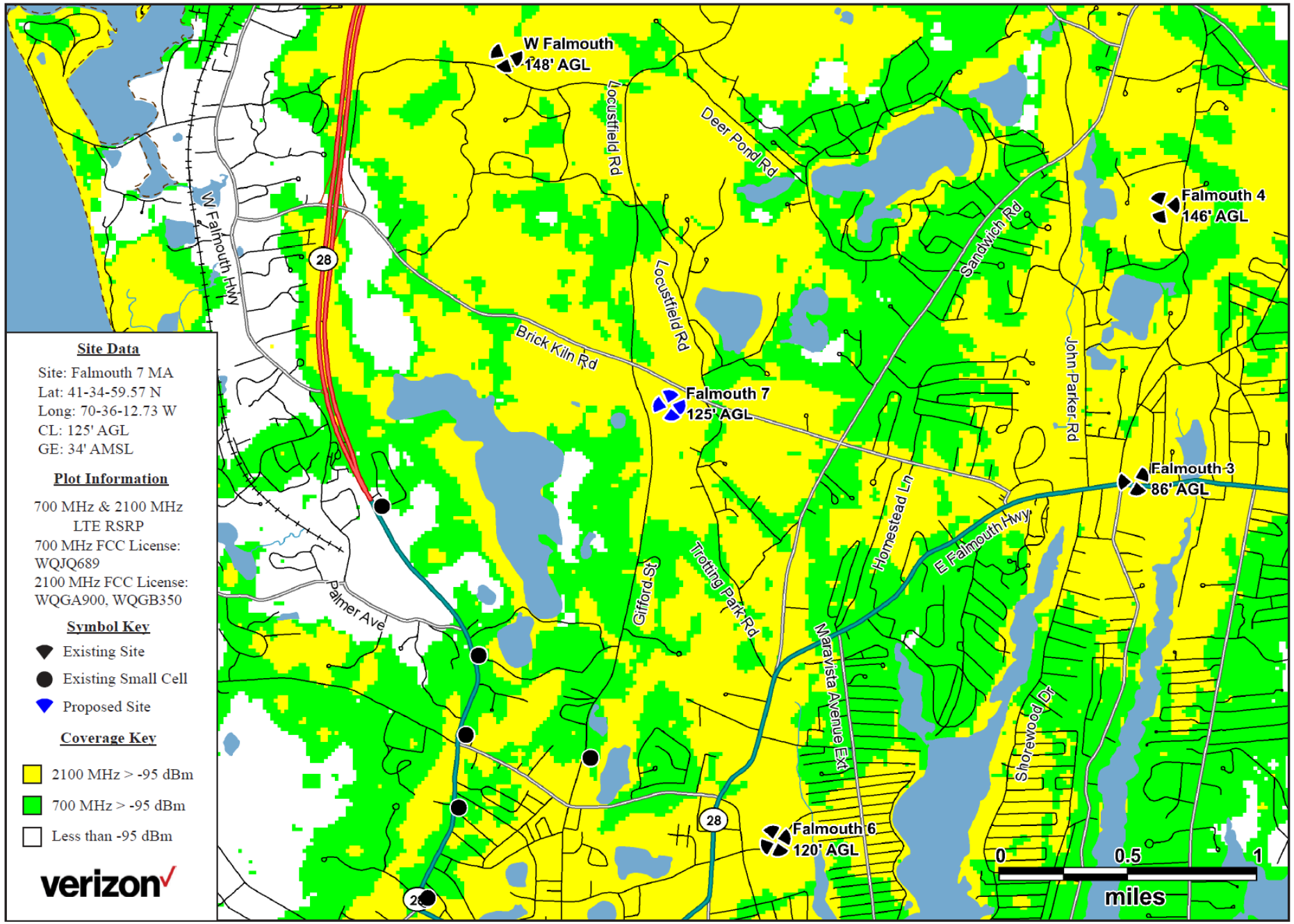
July 2, 2024

CAPE COD
COMMISSION

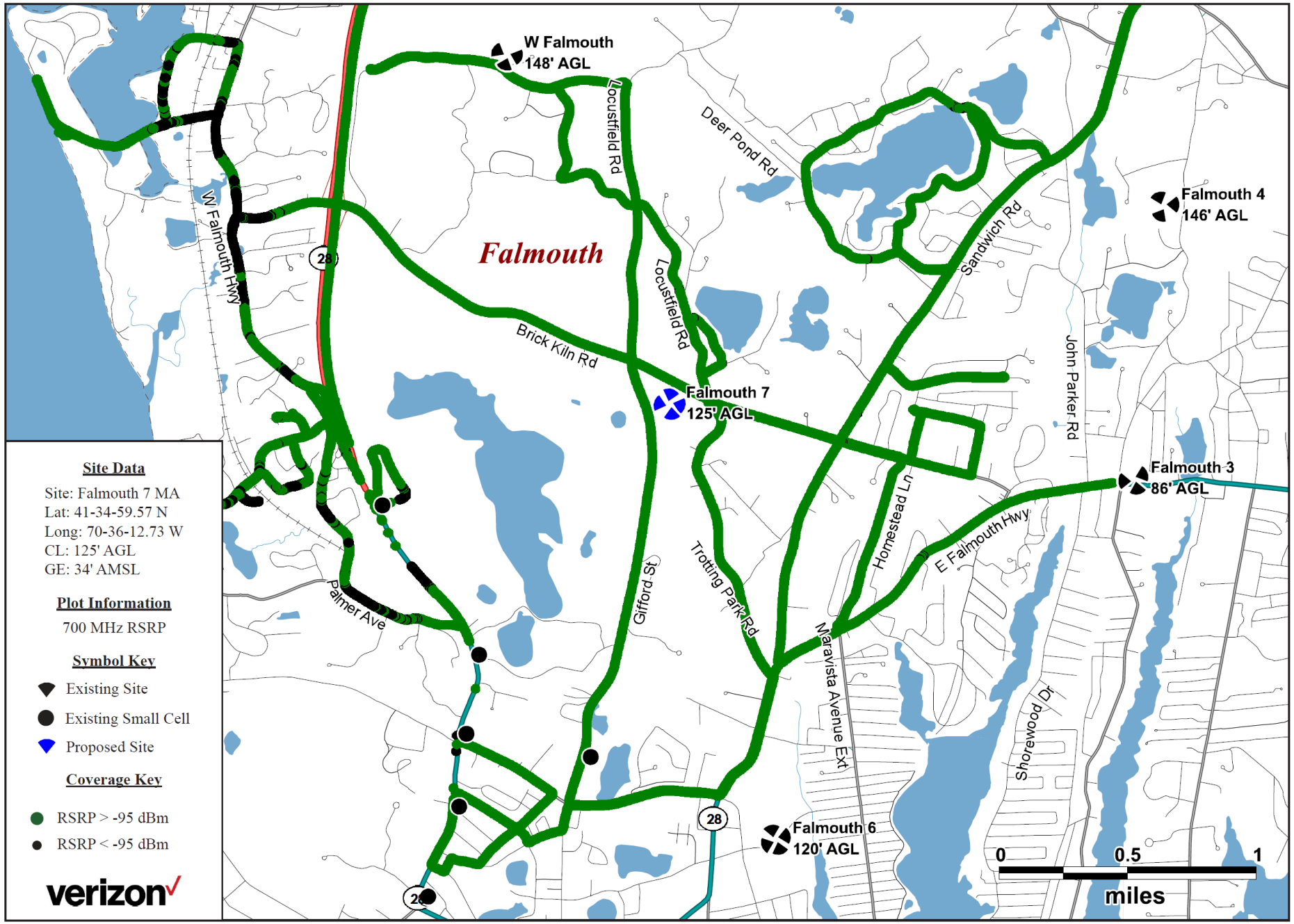
Attachment A:
Falmouth 7 MA - Existing 700 & 2100 MHz LTE Coverage (Macro-Sites)



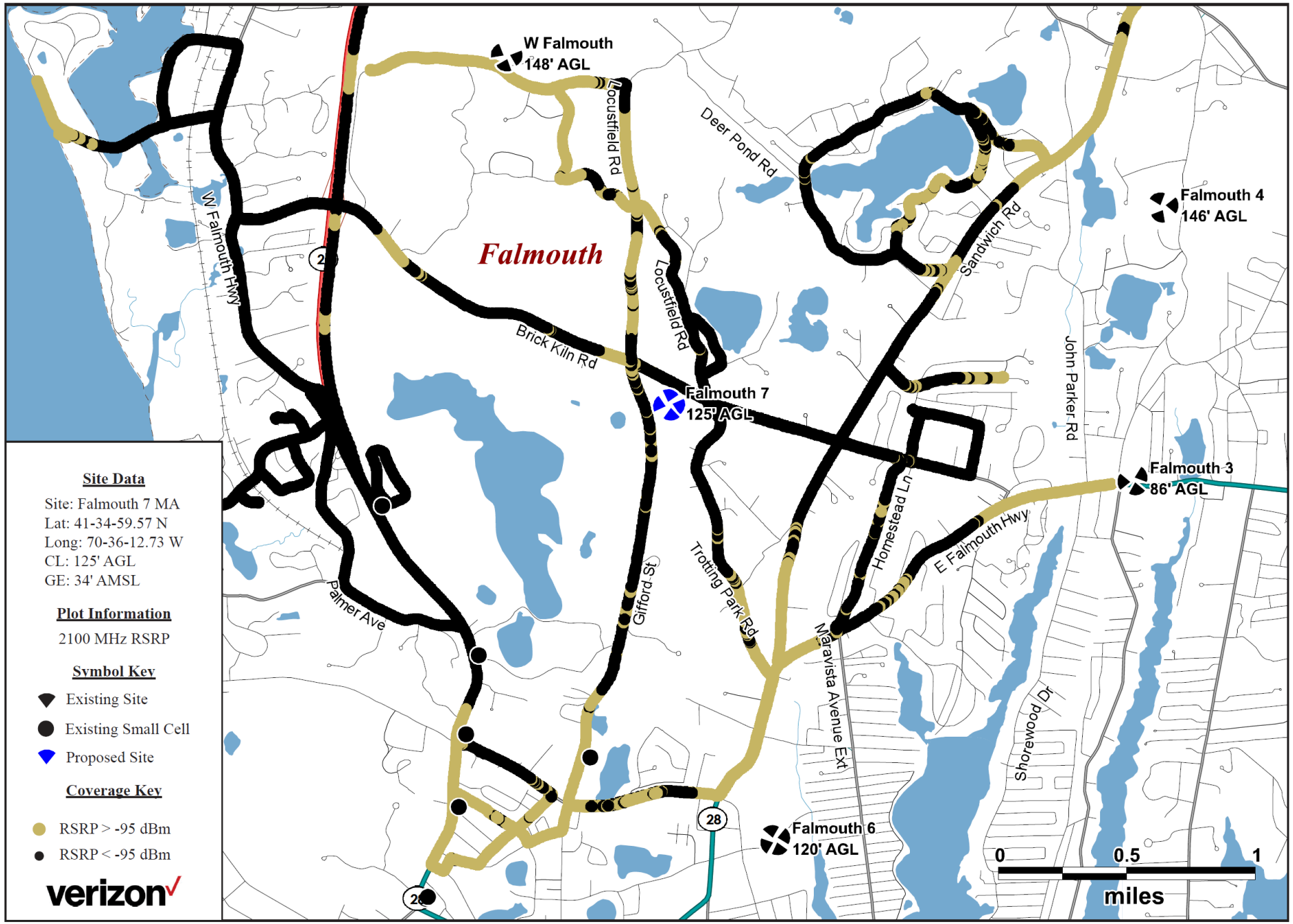
Attachment B:
Falmouth 7 MA - 700 & 2100 MHz LTE Coverage with Proposed Site (Macro-Sites)



Attachment F:
Falmouth 7 MA - Existing 700 MHz LTE Drive Data (11/7/2023)



Attachment G:
Falmouth 7 MA - Existing 2100 MHz LTE Drive Data (11/7/2023)



Next Steps

- Subcommittee questions
- Public comment
- Subcommittee discussion
  - Requests to Applicant for further information
- Motion to Continue
  - Time/Date/Place Certain

HEARING AGENDA

- Announcements
- Attendance – Roll Call
- Applicant's Presentation
- Staff Presentation
- **Subcommittee Discussion**
- Public Comment
- Further Subcommittee Discussion/Actions

SUBCOMMITTEE QUESTIONS

HEARING AGENDA

- Announcements
- Attendance – Roll Call
- Applicant's Presentation
- Staff Presentation
- Subcommittee Discussion
- **Public Comment**
- Further Subcommittee Discussion/Actions

PUBLIC COMMENT

If you wish to speak:

- for those online, click on the "Raise Hand" icon on bottom of screen.
  - On some screens, "Raise Hand" may be under the "More…" icon.
- for those who called in by telephone, press *9 to "Raise Hand," and *6 to mute/unmute.

You will be recognized by name when it is your time to speak.

If anyone is having a technical issue, use either the chat box on your screen or email

support@capecodcommission.org

and staff will assist you.

HEARING AGENDA

- Announcements
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- Staff Presentation
- Subcommittee Discussion
- Public Comment
- **Further Subcommittee Discussion/Actions**

FURTHER SUBCOMMITTEE DISCUSSION/ACTIONS

HEARING AGENDA

- Announcements
- Attendance – Roll Call
- Applicant's Presentation
- Staff Presentation
- Subcommittee Discussion
- Public Comment
- **Further Subcommittee Discussion/Actions**

FURTHER SUBCOMMITTEE DISCUSSION/ACTIONS

Recommended Motions:

- Move to continue the public hearing on the project to July 30, 2024 at 5 p.m. to be held virtually.

HEARING AGENDA

- Announcements
- Attendance – Roll Call
- Applicant's Presentation
- Staff Presentation
- Subcommittee Discussion
- Public Comment
- Further Subcommittee Discussion/Actions

THANK YOU FOR ATTENDING