CAPE COD COMMISSION

Long Pond Road Monopole, Brewster (CCC File No. 24012)
Development of Regional Impact Review
Subcommittee Hearing

Minutes | November 12, 2024 at 5:00 p.m.

Virtual via Zoom

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Summary of Actions Taken:

- The subcommittee continued the hearing on the Long Pond Monopole Project to Tuesday, December 10th at 5:00 p.m.

The Chair, Elizabeth Taylor, opened the Subcommittee hearing by reading the hearing announcement at 5:00 p.m. She said the subcommittee hearing is being held virtually via Zoom with all members participating remotely.

The Chair then asked Cape Cod Commission staff member, Jordan Velozo, to take attendance by roll call, and she did so.

Roll Call:

- Elizabeth Taylor, *Chair*, Present
- Jacqueline Etsten, Present
- David Mead-Fox, Present
- Harold Mitchell, Present
- Thomas Wilson, Present

A quorum of members of the subcommittee being present, the Chair said that the subcommittee members will discuss the proposed Long Pond Road Monopole Project, which was referred to the Commission as a mandatory Development of Regional Impact and proposes a 125-foot tall wireless communications tower with associated equipment at 1185 Long Pond Road in Brewster. She provided instructions on how to provide testimony at the appropriate time during the hearing.

Applicant Presentation:

The Chair recognized the Applicant's representative, Attorney Ed Pare and asked for his presentation.

Using a PowerPoint presentation, Atty Pare said he is appearing on behalf of Tower North and that the lead carrier for the application is Verizon. He said that the Applicant will need zoning relief from the Town. Atty Pare showed a site plan and explained the location of the proposed tower on the site. He explained that the site is in both a commercial zone, a residential zone,

and it is in the Old Kings Highway Historic District. He said that they had to make a choice about where to locate the tower proposed tower on the site. He said they tried to keep it as far away from the abutters as possible but that they are in a tough spot for doing so. He said the proposed location maintains the 50% fall zone to the abutters.

Atty Pare also talked about the access drives, associated equipment, and landscaping, including sound attenuating fences and screening. He said the monopole is designed for four carriers. His presentation included a review a viewshed analysis and photo simulations from nearby locations that show what the constructed monopole would look like. He said that the visibility of the monopole would largely be obstructed, but a few nearby abutters would have an unobstructed view of the monopole.

Atty Pare then turned to the radiofrequency coverage maps. Using the maps, he explained that the proposal would fill an area where there was currently a gap in coverage for the lead carrier for the application.

Atty Pare concluded his presentation by reviewing the Project's compliance with the Commission's Technical Bulletin for Wireless Communications Towers. He said alternatives were explored but none were available. He said that the site would comply with FCC requirements for emissions. He also noted that connectivity is a recognized problem on Cape Cod. He said that he would ask that the Open Space contribution be waived, but said that he understands the Commissions position on this matter and accepts that his client will make a payment for open space mitigation.

He concluded his presentation by saying that the Applicant's team is available to answer any questions.

Staff Presentation:

The Chair recognized Jordan Velozo, Chief Regulatory Officer for presentation of the Commission staff comments on the Project.

Using a PowerPoint Presentation, she said the proposed wireless communications tower is at the intersection of Millstone Road and Long Pond Road in Brewster, an area with both commercial and residential development. She reviewed the Placetype for the development, which is not otherwise mapped and she recommended is best characterized as suburban development area given the characteristics of the area.

Ms. Velozo said the Project proposes construction of a 125-foot monopole wireless communications tower on a 2.3-acre property currently hosting a liquor store. The Project would involve clearing of 19,250 square feet of land, construction of a 50x60-foot compound with a 6-foot sound attenuating fence, and installation of antennas and equipment pads and a 12x300-foot gravel driveway will connect the compound to existing parking areas.

She said the tower exceeds the 35-foot height threshold requiring Development of Regional Impact (DRI) review. Ms. Velozo reviewed the standard for granting DRI approval, including consistency with the Regional Policy Plan (RPP), municipal bylaws, the local comprehensive plan, and any applicable DCPC implementing regulations.

Ms. Velozo then reviewed the Project's consistency with the Regional Policy Plan. In the area of Water Resources, she said the project is located in a Wellhead Protection Area. The Applicant has taken steps to ensure no impact on groundwater quality and plans to install a propane backup generator. In the area of Open Space, she said the Project impacts 0.44 acres and must provide equivalent open space or contribute $41,758 for open space protection. The Applicant agreed to make this contribution. In the area of Cultural Heritage, she said the Project does not adversely impact cultural or archaeological resources as confirmed by the Massachusetts Historical Commission. In the area of Capital Facilities & Infrastructure, the tower will improve wireless service in the region and has space for future co-location of additional carriers. In the area of Community Design, Ms. Velozo said the project minimizes land disturbance and impervious surfaces and visual impacts will be mitigated by retaining native vegetation around the site.

Ms. Velozo then reviewed consistency with municipal development bylaws. She said the site is within both commercial and residential zoning districts and requires variances from the Brewster Zoning Board of Appeals. She said the Project site is located within the Old Kings Highway Historic District, but the location of the monopole is outside of the District.

Ms. Velozo then talked about a comment letter from Brewster's Town Planner highlights the possibility of an alternative site plan that may reduce visual impact on nearby residential areas. She said that the applicant previously discussed an alternative site plan for the Monopole and based on comments from the town. The alternative Site plan may have advantages and disadvantages from a local perspective. She said staff suggest that either design would have similar regional impacts in the issue areas staff reviewed. She reminded the subcommittee that they must review the Project as it is currently proposed.

Ms. Velozo stated that the project is generally consistent with the RPP and would improve wireless infrastructure in the Brewster area. She said that the project still needs minor clarification on stormwater management and open space mitigation strategies and the Commission must evaluate the probable benefits versus detriments of the project as proposed.

Ms. Velozo then introduced Mike Lawton of Isotrope Wireless who acted as a wireless consultant for the Commission, reviewing this application.

Mr. Lawton said that the Applicant's submitted coverage map shows areas where Verizon coverage does not meet standards. Mr. Lawton emphasized the need for further information to assess how the coverage gap should be addressed but acknowledged the proposal's potential to meet a significant need and that he expected further documentation from the Applicant in advance of the next hearing.

Ms. Velozo concluded the staff comments by stating that next there will be an opportunity for subcommittee questions, public comments, and subcommittee discussion and then the subcommittee will determine if additional information is required and decide on a future hearing date and time.

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Subcommittee Discussion:

The Chair asked for questions or comments from members of the subcommittee.

David Mead-Fox asked for an estimation of the number of structures that would receive either new or enhanced connectivity as part of the proposed coverage changes.

Atty Pare responded, introducing Keith Vellante, a radio frequency engineer, to provide further details. Mr. Vellante mentioned that a report was prepared for the project dated April 17, 2024, which includes coverage maps and statistics. Mr. Vellante provided additional details on the coverage for the 700 MHz frequency, which is noted for its broader range. He said that this would provide new coverage on 1.6 miles of Millstone Road and 1.5 Miles on Long Pond Road. He said this increase in coverage would include residential populations, employee populations, and structures impacted by the proposed facility including potentially 2,400 new residents, approximately 200 new employees, and approximately 1,650 new structures. Atty Pare further elaborated on the "offloading" process, explaining how the new site will support increased usage in the area and alleviate pressure from existing sites.

The Chair asked about the impact of raising the tower height beyond 120 feet, referring to areas depicted as white zones on the coverage maps and whether higher towers would improve coverage and decrease the amount of white zones without coverage.

Mr. Lawton clarified that while higher towers would offer better coverage, they would also be more visible, which may not be desirable from a review standpoint.

Atty Pare explained that the height of 120 feet was chosen based on Verizon's needs and the site's physical limitations. Increasing the height could present challenges with the 50% fall zone, as the site is near the property line.

The Chair raised the suggestion from Jon Idman, Brewster's Director of Community Planning and Land Use, regarding the donation of space on the tower for municipal E-911 equipment. She asked if the Applicant was open to this and whether it would require a taller tower.

Atty Pare confirmed the possibility of accommodating public safety equipment at the top of the tower, specifically mentioning the use of small whip antennas. He noted that while there may be some spatial constraints, the team would try work with the municipality to accommodate their needs.

The Chair asked Ms. Velozo about the process if the Brewster Planning Board suggested moving the tower or considering the nearby water tower.

Jordan Velozo responded that a finding could be made to clarify whether the alternative site presents increased or different regional impacts from the Commission’s perspective. If the local planning board approves an alternative plan, it could simplify the modification process for the Applicant or allow administrative approval for changes.

Elizabeth Taylor questioned whether the Federal Telecommunications Act of 1996 would override local objections, such as from the Historic District Committee, regarding the tower's

DRAFT

placement. Jordan Velozo confirmed that this remains a local matter, and the local board would make the decision on how to proceed.

Atty Pare asked to be heard on the matter of the tower's placement on the site. He was encouraged by the Commission staff and Town staff cooperating on this matter and he hopes that the alternative site plan is not the only acceptable placement as it may be some other location on that site that ends up being the Town's preference.

There were no other subcommittee member questions.

Public Comment:

Federal, Local, and State Officials

The Chair asked for comments from any federal, local, or state officials. Jon Idman, Brewster's Director of Community Planning and Land Use, asked to speak after the public made their comments.

Seeing no other public officials, the Chair asked for comments from the public.

General Public

The Chair opened the hearing for comments from members of the public. She asked those wishing to speak to raise their hands and unmute when recognized by name.

The Chair recognized Anne Kuczynski, who identified herself as an abutter to the proposed tower. Ms. Kuczynski expressed concern regarding the visual impact of the proposed 125-foot monopole, which will be visible from all sides of her property and from the south and west-facing windows of her home. She referred to the photo simulations in the report (pages 10-11) and felt the photos did not accurately reflect the visual impact, suggesting the photos should be taken from across the road for a clearer perspective. She further raised concerns about the fall zone and said there was very little margin for error. Ms. Kuczynski questioned the claim that the tower would generate no noise exceeding 50 decibels and expressed concerns that the presence of the tower would devalue her property. She urged the commission to consider other possible locations for the tower that would minimize negative impacts on residents. She also expressed concerns about potential health risks posed by electromagnetic fields.

The Chair recognized Anne Weirich, who identified herself as an abutter to the proposed tower. Ms. Weirich expressed full support for Anne Kuczynski's concerns regarding the visual, noise, and safety impacts of the tower. She said there is a risk of the tower falling, especially in light of climate change and the possibility of hurricanes. She stated that the tower could pose a direct danger to her neighbor's home. Ms. Weirich further expressed the negative aesthetic impact of the tower, especially for properties on Old Freeman's Way, which she described as an historic road. She raised concerns about the potential health risks associated with living near a cell tower. She asked the commission to consider alternative locations to avoid placing the tower so close to residential areas.

DRAFT

The Chair recognized Jonathan Watkins an abutter to the proposed tower. Mr. Watkins expressed concern about the visual impact of the tower from his property, particularly due to his apple orchard and the proximity of the tower to Millstone Road. He voiced concerns about the noise produced by equipment housed in the tower, such as cooling fans and generators, and its potential disruptive effects on nearby residents, especially at night. He reiterated the concerns about the fall zone. Mr. Watkins asked the Commission to evaluate the potential negative impacts of the proposed tower and consider alternative locations.

The Chair recognized Jon Idman, of the Town of Brewster. Mr. Idman acknowledged the need for better wireless service in the area and mentions that alternative sites were reviewed, including a tower in the industrial district and a water tower further north, but these didn't fully address the coverage gaps. Mr. Idman said that the originally proposed location for the tower, closer to the front of the site and in a commercial area, may offer a better balance in terms of minimizing impacts on residential properties. He emphasizes that planning should consider both regional and local issues, referencing setbacks and fall zones as important planning criteria. Mr. Idman clarified that the site is in a District of Critical Planning Concern (DCPC), specifically a water protection district, which will require additional permits, including a special permit from the planning board. Mr. Idman said that even though the Project is outside the regulated historic district, impacts on historic resources should still be considered. Mr. Idman asked the Cape Cod Commission to consider the feasibility of the original proposed site, which may be superior in terms of minimizing impacts on residential areas and historic resources, especially as the site is located near Old Freeman's Way. Mr. Idman thanked the subcommittee.

The Chair agreed with Mr. Idman's preference for the original location.

Further Subcommittee Discussion:

The Chair asked for additional comments, questions, and requests from members of the subcommittee.

The Chair recognized Jackie Etsten's who said that if current property is used, the pole should be moved away from residential areas to avoid risks in case of accidents. She expressed concern about the potential for a pole to fall onto residential houses, which she finds unacceptable. She expressed concern about noise but acknowledged that some noise reduction could be achieved through fences, vegetation, and other barriers.

Tom Wilson asked about the offloading that was referred to and the location of the nearest site. Mr. Vellante clarified that the Brewster Fire Department (2.3 miles away), Harwich 2, near Captains Golf Course (2.2 miles away), and Harwich 4, near the Technical High School (2.4 miles away) are the closest sites to the proposed location.

Mr. Wilson asked if when they spoke about offloading that they meant it would alleviate congestion on nearby sites by redistributing service demands?

Mr. Vellante said that it would primarily be the Harwich 2 and Harwich 4 site that would benefit from offloading in this case.

DRAFT

Mr. Wilson then asked about noise. He asked if equipment runs 24/7 at one of these sites and how loud the equipment is measured in decibels.

Scott Adams, Civil Engineer of Advance Engineering, provided information from an environmental sound study conducted on June 6, 2024. The study measured ambient noise levels, which were 58 dBA during the day and 41 dBA at night. He said the report suggested that the operation of the site, including its backup generators (which are used in emergencies and tested periodically), would not significantly increase the ambient noise levels in the surrounding areas. The calculations indicated that routine equipment noise would add a negligible amount of sound (45-46 dBA), and the generator noise would peak at 53 dBA under the worst-case scenario. He compared the day-to-day noise to small fans which adding ventilation to the to the cabinets similar to a refrigerator or computer fan.

Mr. Wilson asked if Mr. Lawton from Isotope Wireless required additional technical information regarding potential antenna locations on a town water tank. It was confirmed that the applicant would provide the necessary details to complete the analysis. Atty Pare noted that they had only recently received the report on Friday afternoon, which delayed the submission.

David Mead-Fox suggested that the alternate location for the tower should be explored further, emphasizing the importance of minimizing disruptions to residential areas.

Harold Mitchell raised questions regarding the alternative location options, seeking clarification on how changes to the proposed site plan could be handled if the committee wished to explore other possibilities.

Jordan Velozo explained that while alternative locations could be discussed and considered, the current application must be reviewed as it stands and is what is being considered for approval. She said the Commission's job during DRI review is to review the plan as currently proposed, and determine whether it meets the standards for approving a DRI. She said she was concerned about getting too far away from what has been proposed.

Mr. Mitchell agreed and said he would like to be careful here.

The Chair said that the original site plan was in the Project materials and asked if the members have to ignore that.

Ms. Velozo said the members did not need to ignore that original plan—they can consider it and potentially could make findings related to it, but it is not what is before them for approval.

Jackie Etsten suggested that the applicant be given additional time to consider the committee's concerns and refine the site location. The Chair agreed, noting that a continuation of the review might allow for further consideration of the location, especially given concerns about its closeness to residential areas.

DRAFT

Tom Wilson requested a review of the standards for DRI approval to ensure the committee had all the relevant information. Jordan Velozo outlined the primary standards, including consistency with the Regional Policy Plan, municipal development bylaws, and ensuring that the probably benefits of the project outweighed the probable detriments. Velozo also committed to getting clarity about relevant DCPC implementing regulations impacting the site.

Atty Pare discussed the ways that the Project is meeting the Commission's fall zone requirements and also expressed the difficulty in balancing local and regional interests and the timing of the reviews.

The Chair asked staff for any final comments.

Ms. Velozo said that she didn't have any additional comments at this time but that there were several follow-up items expected for the next hearing and it would make sense to look at a date for that.

Motion to Continue the Hearing:

After brief discussion about scheduling, the Chair asked for a motion to continue the hearing to Tuesday, December 10th at 5pm to be held virtually, via Zoom.

Mr. Mitchell made the motion and Ms. Etsten seconded the motion.

Roll Call:

- Elizabeth Taylor, Chair, Yes
- Jacqueline Etsten, Yes
- David Mead-Fox, Yes
- Harold Mitchell, Yes
- Thomas Wilson, Yes

All members voting yes to continue the hearing, the motion carried and the hearing was continued at 6:52 p.m.

Materials Used:

- 11/12/2024 Long Pond Road Subcommittee Hearing Notice/Agenda
- Staff Presentation dated 11/12/2024
- Applicant Presentation dated 11/12/2024

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