CAPE COD
COMMISSION

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

Minutes | December 16, 2024 at 5:00 p.m.

Virtual via Zoom

Summary of Actions Taken:

- The subcommittee directed staff to prepare a draft decision approving the project for their review at a future public meeting, to be scheduled at a later date.
- The subcommittee continued the hearing on the Long Pond Monopole Project to the regularly scheduled meeting of the full Cape Cod Commission ("Commission") on Thursday, January 2, 2025 at 3:00 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, Jeffrey Ribeiro, to take attendance by roll call, and he 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 the lead carrier for the application, Verizon. He showed the original site plan discussed at the previous hearing, noting the location of the boundaries for the Old Kings Highway Historic District and the zoning districts. He said that after the prior hearing he took input from the subcommittee and the public and worked with Verizon and the property owner to relocated the proposed tower to the center of the site, reducing impacts to residential abutters.

Atty. Pare said that the tower was shifted forward on the site roughly 131 feet and into the Commercial zoning district and the Old Kings Highway Historic District. He said that the new proposed location was beneficial with regard to the required relief from the Zoning Board of Appeals, increasing the fall zone, reducing overall clearing, and visually shielding ground equipment from public ways.

He showed additional plans for the proposed tower, noting that there will be room for up to 4 carriers. He said that they voluntarily performed an additional balloon test to show the visibility of the new location, which showed minimal changes from most vantage points.

He said that the new proposed location was a good compromise, but asked that due to the Project now being subject to Old Kings Highway Historic District jurisdiction any approval provide flexibility to locate the tower elsewhere on the site if necessary. He asked that this be an administrative review.

Atty. Pare said that he spoke with the applicant, Tower North, and they were agreeable to providing both ground space and tower space to the Town of Brewster for emergency services at no rent. He noted that additional coverage maps were provided to the Commission's wireless consultant, Michael Lawton of Isotrope Wireless, LLC. He said the clearing was reduced but asked for a waiver of the payment in lieu of the provision of Open Space.

He said that the record showed significant wireless coverage gaps in the area and that there are no feasible alternatives. He asked that the subcommittee provide a favorable recommendation to the full Commission that the project be approved with an administrative modification of the decision if the Town denies the revised proposal. He closed saying that he would answer any questions.

Staff Presentation:

The Chair recognized Jeffrey Ribeiro, Regulatory Planner, for presentation of the Commission staff comments on the Project. He said that he would only make brief comments. He said that Commission staff feel that the revised proposal is a significant improvement over the original location. He said the new location reduces clearing, better protects community character, and provides significant clearing. He said that Sarah Korjeff, Historic Preservation Specialist, and Jessica Rempel, Natural Resources Analyst, were present and able to answer questions.

Mr. Ribeiro said that Michael Lawton of Isotrope Wireless was also present and available for questions. He said that Mr. Lawton's analysis showed that the proposed height of the tower is appropriate given the coverage gap. He closed noting that Jordan Velozo, Chief Regulatory

Officer, was also available for questions, and he provided a brief overview of the agenda for the rest of the hearing.

Subcommittee Discussion:

The Chair began questions or comments from members of the subcommittee by asking the applicant whether the change of location on the site resulted in any appreciable change in wireless coverage from the proposed tower. She added that she was happy to see the tower moved forward on the site.

Atty. Pare said that there is little change in terrain so there would be no appreciable difference.

Mr. Mitchell asked for further explanation on statements in the Isotrope memorandum that said additional locations will be needed to cover the evidenced gap.

Mr. Ribeiro replied that the report was looking at whether the Town's water tower would be a suitable substitute for the Project, but it was determined that it would be beneficial for Verizon to locate there but would have no effect on the current Project. Mr. Ribeiro asked Mr. Lawton to verify his statement.

Mr. Lawton replied that Mr. Ribeiro was correct and stated that additional sites will be needed to fill the evidenced gap beyond the proposed tower.

Mr. Mitchell asked Mr. Lawton if there are negative health effects from wireless towers, noting the question had been asked in comment letters from the public.

Mr. Lawton replied that he was not a health professional, but the Project is within the federally regulated guidelines for health and safety. Mr. Mitchell thanked Mr. Lawton and said he was hoping to hear during public comment whether abutters approve of the revised location.

Mr. Ribeiro added that local authorities, including the Commission, are pre-empted by the Federal Communication Commission from reviewing radiofrequency radiation levels, so that issue would not factor into the Commission's review. He said the applicant had provided information showing they are in compliance with those federal requirements.

The Chair asked Mr. Lawton about the coverage gaps in Brewster shown on propagation maps and whether that included data for other carriers. Mr. Lawton replied that there may be some very limited coverage for voice calls in areas shown in white on propagation maps, but coverage was not significant. He said that the propagation maps only show coverage for Verizon, but the coverage gaps for other carriers were likely similar as there are no other wireless towers in the area.

The Chair asked if wireless coverage is generally line of sight. Mr. Lawton replied that it is not strictly line of sight but trees, topography, and buildings can significantly degrade signals strength. The Chair asked if repeaters or "small cells" were considered. Mr. Lawton replied

that repeaters are not typically used these days. He said "small cells" can provide targeted coverage in dense areas or along corridors but cannot fill large gaps like that evidenced.

Ms. Etsten said that she views the revised plan as an improvement, and said the revised proposal is probably the best possible on the site.

Hearing no more questions or comments from subcommittee members the Chair asked Mr. Ribeiro to begin public comment.

Public Comment:

Federal, Local, and State Officials

Mr. Ribeiro asked for comments from any federal, local, or state officials. Hearing none, he asked for comments from the public.

General Public

Mr. Ribeiro asked those wishing to speak to raise their hands and unmute when recognized by name.

Anne Weirich said the tower could be located on municipal land on the west side of Route 137 near Long Pond. She said uses of the land are being discussed by the Town. She said there are health concerns associated with wireless towers and that the FCC standards are out of date. She said Ocean's Edge golf course could be considered. She said the tower should not be located in a residential area. She said the revised design would overall have fewer impacts but would be more impactful to some abutters.

Peter Kuczynski said that he appreciated the tower being moved forward on the site and it was a significant improvement with regard to impacts on his property. He said that he would like a lower height and camouflage to be considered.

Further Subcommittee Discussion:

Mr. Mead-Fox said that he was interested in the comments from Ms. Weirich and would like to know more about possible alternatives further from residential areas.

The Chair asked Atty. Pare if he would like to provide any responses. Atty. Pare said that the carries will conform with FCC radiofrequency radiation limits. He said that the height of the tower was necessary, which had been confirmed by the Commission's wireless consultant. He said camouflaging the tower as a tree would increase mass and potentially make the tower more visible which not appearing natural. He said he would appreciate support from the public for the revised location during local review before the Old Kings Highway Historic District.

Replying to Mr. Mead-Fox, Atty. Pare said that alternative locations were vetted as part of the applicant's due diligence, including the municipal parcel mentioned by Ms. Weirich. He said the applicant has had direct discussions with the Town, and the Town was not ready to offer any properties at such time.

Mr. Lawton said that with regard to comment by Atty. Pare, it was correct that even with a new Verizon site at the Town's water tower any lowering of the Project's height would reduce Verizon's coverage.

Mr. Wilson asked the applicant if the sound attenuating fencing was only for generator noise or if there was other noise from ground equipment. Atty. Pare said it was primarily for generator testing. He said it was included due to the proximity of the Project to abutters as originally proposed, but they have maintained it in the revised proposal. Mr. Wilson asked if the sound fencing would be wrapped around toward the property at 1281 Millstone Road, which is now closer to the Project. Atty. Pare replied that building contains commercial uses, which was confirmed by Mr. Ribeiro.

Mr. Wilson said that he personally has experienced a lack of cell coverage in Brewster, and he noted the comments from the public asking for better coverage.

Mr. Mitchell said that he appreciated the revisions to the Project, and she said the subcommittee should not be looking for new sites. He said the Project before the subcommittee should be reviewed on its merits. He said that he only brought up health concerns earlier because he knew it had been a comment from the public.

The Chair asked Atty. Pare for final comments. Atty. Pare noted the positive comments from the public and thanked the Commission for work on digital equity.

The Chair asked Mr. Ribeiro for any final comments. Mr. Ribeiro said that he had pulled assessors data for 1281 Millstone Road and confirmed it is solely commercial. He also noted that the application for the Project included an alternative site analysis, which included roughly a dozen properties and details on the applicant's attempts to acquire those rights.

Atty. Pare added that the ground equipment was almost 200 feet from the building at 1281 Millstone Road, and he was willing to add sound attenuation if it was important to the members. He said he did not think it was necessary since the property is commercial.

The Chair said that she was on the Planning Board when that property was permitted, but she does not recall if there are apartments upstairs. Mr. Ribeiro said he had the Property Card would double check.

Mr. Ribeiro noted to the chair that Anne Kuczynski, an abutter and member of the public, had he hand raised, and the Chair recognized her. She said that she appreciates the changes to the project, which is reduce impacts to her property. She noted there would be increased impacts along public ways and to other abutters. She said she has some concerns about what would happen if the revised design is rejected by local boards.

Motion to Direct Staff:

Mr. Ribeiro asked if any members would like to make a motion to direct staff to prepare a draft decision for the subcommittee to review at a public meeting at a time and date to be posted. He said the time and date did not have to be decided now. He said the draft decision would be consistent with the subcommittee's discussion.

Noting that the Project would have to go to local boards, including the Planning Board, the Chair asked Mr. Ribeiro if changes made during those reviews would come back to the Commission. Mr. Ribeiro replied that one purpose of fully administrative Minor Modification Type #1 decisions is to accommodate for more restrictive local requirements. He said other changes would be reviewed as appropriate given their extent.

The Chair asked for the motion. Mr. Wilson made the motions, and Ms. Etsten seconded.

Roll Call:

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

Motion to Continue the Hearing:

The Chair asked for a motion to continue the hearing to the regularly scheduled meeting of the full Cape Cod Commission on Thursday, January 2, 2025 at 3pm to be held virtually, via Zoom.

Mr. Wilson made the motion and Ms. Etsten seconded. Mr. Ribeiro took the roll with

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 6:08p.m.

Materials Used:

- 12/16/2024 Long Pond Road Subcommittee Hearing Notice/Agenda
- Staff Presentation dated 12/16/2024
- Applicant Presentation dated 12/16/2024
- Memo from Isotrope Wireless, dated 12/03/2024