

**TRURO PLANNING BOARD AGENDA**  
**WEDNESDAY, November 16, 2016 – 6:00 p.m.**  
**Truro Town Hall, 24 Town Hall Road, Truro**

**Public Comment Period**

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

**Special Permit – Public Hearing**

**2016-012PB T-Mobile Northeast LLC** seeks an Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, and a Special Permit pursuant to §40.5 (Communication Structures, Buildings and Appurtenances) of the Truro Zoning By-law to allow for the replacement and collocation of wireless communications transmission equipment on an existing tower located behind the Public Safety Facility. The property is located at 344 Route 6, Atlas Map 39, Parcel 172A.

**Discussion on Possible Zoning Articles**

§40.2 Affordable Accessory Dwelling Units

§30.3 Seashore District

§30.4 Water Resource Protection District

§10.4 Definitions

**Review and Approval of Meeting Minutes**

November 2, 2016 Planning Board Meeting

**Reports from Board Members and Staff**

**Meeting Dates and [Other Important Dates](#)**

December 6, 2016 – Regular Meeting

December 21, 2016 (Wed.) – Regular Meeting

**Adjourn**



# TOWN OF TRURO

## Planning Department

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Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505  
[cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)

### **Memorandum**

To: Planning Board  
From: Carole Ridley  
Date: November 8, 2016  
Re: §40.5 Special Permit

**2016-012PB T-Mobile Northeast LLC** seeks an Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, and a Special Permit pursuant to §40.5 (Communication Structures, Buildings and Appurtenances) of the Truro Zoning By-law to allow for the replacement and collocation of wireless communications transmission equipment on an existing tower located behind the Public Safety Facility. The property is located at 344 Route 6, Atlas Map 39, Parcel 172A.

As discussed more fully under Planning Board Jurisdiction below, the applicant has filed for a Special Permit while reserving rights under the Spectrum Act. According to the Act, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. (47 U.S.C 6409(a)(1)) If the Board finds that the proposal is an eligible facilities request that does not substantially change the physical dimensions of the tower, it must approve the Special Permit.

### **Project Description**

T-Mobile proposes to replace one (1) existing antenna mount on the cell tower, replace six (6) existing antennas with six (6) new antennas, collocate six (6) remote radio units, collocate three (3) cables/fiber and collocate one (1) equipment cabinet on the equipment pad on the ground near the existing tower adjacent to T-Mobiles existing equipment cabinet.

### **Materials Submitted**

1. Letter to Truro Planning Board from Edward D. Pare, Jr., dated October 7, 2016 Re: T-Mobile Northeast LLC ("T-Mobile") – Eligible Facilities Request to Modify Transmission Equipment on a Communications Tower located at 344 Route 6, North Truro, MA 02652, (Assessor's Map 39, Parcel 172-A (T-Mobile Site 4HY0568A/Truro) and Renew the Special Permit, with accompanying application materials:

Tab 1: Application for Special Permit and fee payment; Letter from Collin Thompson of Crown Castle dated September 14, 2016 authorizing T-Mobile to seek permits, and certified list of abutters

Tab 2: Sec 6409 (a) from the Middle Class Tax Relief and Job Creation Act of 2012, Wireless Facilities Deployment,

Tab 3: Explanatory Information pertaining to the above cited federal law

Tab 4: Explanatory Information pertaining to the above cited federal law

Tab 5: Letter from Massachusetts Attorney General to Town Clerk of Reading dated February 29, 2016, re: [Special Town Meeting Articles Pertaining to Wireless Service Facilities]

Tab 6: Eligible Facilities Request Certification for Non-substantial changes to a wireless tower not located within a public right of way.

Tab 7: Federal Communications Commission Wireless Telecommunications Bureau Radio Station Authorization to T-Mobile License LLC, dated June 26, 2008

Tab 8: Report of Compliance

Tab 9: Plans entitled: "Site Name: Truro, 344 Route 6, North Truro,, MA 02652, Barnstable County, Site Number: 4HY0568A, prepared for T-Mobile Northeast by Derek J. Creaser, P.E., approved by Ryan Monte de Ramos on May 6, 2016" including the following sheets: T-1: Title sheet, GN-1: General Notes, A-1: Compound and Equipment Plans, A-2: Antennae Layouts & Elevation, A-3 Equipment Details, E-1 One-Line Diagram and Grounding Details.

Tab 10: May 17, 2000 Planning Board Decision

Letter to Truro Planning Board from Edward D. Pare, Jr., dated November 3, 2016, re: Eligible Facilities Request to Modify Transmission Equipment on a Communications Tower located at 344 Route 6, North Truro, MA 02652, (Assessor's Map 39, Parcel 172-A (T-Mobile Site 4HY0568A/Truro) – Supplemental Information, with accompanying application materials:

Initial Construction Control Document concerning code compliance, stamped by Daniel P. Hamm, P.E., dated May 17, 2016.

*Structural Analysis Report* prepared by Jacobs Engineering Group, Inc., for T-Mobile Co-locate, dated April 13, 2016, submitted by Jonathan N. Rodriguez, EIT, Tower Structural Engineer, and reviewed and stamped by Walter M. Prather, P.E.

### **Planning Board Jurisdiction**

The applicant has filed for a Special Permit pursuant to § 40.5, while reserving rights under the Spectrum Act. Section 6409 of the Spectrum Act amended the Telecommunications Act of 1996 by providing, among other things, that:

*A State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. (47 U.S.C 6409(a)(1))*

The Town's role is further defined by the Act as follows:

- A decision must be made within 60 days (in this case December 11, 2016)
- The Board may only request information to assist in determining whether this is an eligible facility under the Act
- The Board's review is limited to whether the applicant meets the criteria as an eligible facility related to an existing cell tower. Accordingly the Board must determine:
- Whether the request is an eligible facilities request involving the (a) collocation of new transmission equipment, (b) removal of transmission equipment, or (c) replacement of transmission equipment, and,
- Whether the requested modification does or does not "substantially change the physical dimensions of such tower or base station."

Therefore, if the Board finds that the request is an eligible facilities request and does not constitute a substantial change, then the request must be approved.

The applicant has provided evidence in support of their position that the installation proposal meets the requirements of an eligible project under the Spectrum Act, and does not substantially change the physical dimension of the tower or base station.

Accordingly, the Board should consider the following actions:

Vote based on a finding of fact as to whether it concurs that the proposed installation is an eligible facilities request under the Spectrum Act that does not substantially change the physical dimension of the cell tower or base station. Note that if this finding is affirmative, the Board may not deny the request for a Special Permit.

Possible Motion: The Truro Planning Board makes the following findings of fact that the proposed installation described in the application 2016-012PB T-Mobile Northeast LLC **satisfies/does not satisfy** the criteria for determining an eligible facility that does not substantially change the physical dimension of the existing cell tower, as set forth under 47 U.S.C. §6409, and therefore **is/is not an** eligible facility under the Act.

[The motion should list findings of fact, which may relate to statements enumerated as 1-6 as provided on pages 1 and 2 of the letter to Truro Planning Board from Edward D. Pare, Jr., dated November 3, 2016].

Vote on each of the waiver requests

Possible Motion: Vote to grant/deny the following waiver(s) pursuant to §40.5.B.24 based on a finding that granting the waiver (s) would not result in any expense to the Town, would not be detrimental to the public interest, and would not be inconsistent with the purpose and intent of the Zoning Bylaw:

- A separate vote should be taken on each waiver
- § 40.5 B.17 - Pre-application meeting
- § 40.5 B.19 – Specific written information
- § 40.5 B. 20 – Specific written information

Vote on the request for a Special Permit pursuant to section § 40.5.

Possible Motion: To approve/deny a Special Permit pursuant to section § 40.5 of the Town of Truro Zoning Bylaw for 2016-012PB T-Mobile Northeast LLC to allow for the replacement and collocation of wireless communications transmissions equipment on an existing tower located behind the Public Safety Facility located at 344 Route 6, Map 39, Parcel 172A.

A review the application in terms of the requirements of § 40.5 follows.

Review of Special Permit Requirements

§ 40.5 Communication Structures, Buildings and Appurtenances

B. Requirements (shown in *italics*):

*1. All building permits for a communications structure, building or appurtenance shall require a special permit from the Planning Board.*

The Building Commissioner has indicated that the applicant must receive a Special Permit from the Planning Board in order to be issued a Building Permit.

*2. The minimum distance from the perimeter of the communications structure to any property line shall be the height of the structure including any antennas or appurtenances, plus ten (10) feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus ten (10) feet. The setbacks for a communications building shall comply with the setback requirements of the zoning district.*

The Planning Board decision for the cell tower appears to waive the setback requirements (see findings of fact #2, found in Tab 10)

*3. The communications structure, building or appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings and appurtenances at the owner's expense.*

The applicant has indicated, through details on the site plan, Initial Construction Control Document (May 17, 2016) and Structural Analysis Report, that all applicable building codes are met by the installation, and the installation will be undertaken in accordance with applicable state code requirements and that the existing tower can support the installation without failure.

The applicant has not provided information to confirm that, if FAA or FCC regulations change, compliance with those regulations would be effected within 6 months.

*4. The height of the communications structure (tower) shall be no greater than one hundred and fifty (150 feet) above ground level.*

The Planning Board decision for the cell tower appears to waive the height limit - See findings of fact item #4 found in Tab 10 of application.

The proposed installation will not alter height of the cell tower.

*5. Communication antennas shall be located on pre-existing structures unless the applicant demonstrates that there are no feasible pre-existing structures. The installation shall preserve the character of such pre-existing structures.*

The May 17, 2000 Planning Board decision for the cell tower (found in Tab 10 of application) appears to conclude that location of communications equipment on the single tower "...would have the least impact on the community while reducing the number of towers needed to service the community." (see findings of fact item #4 found in Tab 10 of application) Also, the Planning Board decision appears to conclude that there are no feasible pre-existing structures on which they could co-locate..." (see findings of fact #5 found in Tab 10 of application)

*6. If the applicant has demonstrated that there are no feasible pre-existing structures to support antennas and appurtenances for the intended use, then any communications structure, building or appurtenance may be sited on public land.*

This requirement is not applicable to the proposed installation, which is not a proposed tower.

*7. To the extent lawful and feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. The applicant is required to document all co-location tenants and provide a tower design indicating types and location of all facilities.*

This requirement is not applicable to the proposed installation, which is not a proposed tower.

*8. New facilities or structures shall be considered only upon a finding by the Planning Board that existing or approved facilities or structures cannot accommodate the wireless communications equipment planned for the proposed tower.*

This requirement is not applicable to the proposed installation, which is not a proposed tower.

*9. The installation of a communications structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not. A detailed landscape plan will be required with the application.*

The applicant has indicated that the proposed changes to the Tower will not change the visual impact of the existing structure, as the new equipment will be painted to blend with the existing structure.

*10. Location and siting of facilities and structures shall be consistent with any regional location and siting criteria established by the Cape Cod Commission.*

This requirement is not applicable to the proposed installation, which is not a proposed tower.

*11. Under normal operating conditions, noise emanating from the communications structure, building or appurtenance shall not be greater at the boundary of the lot on which it is sited than would otherwise exist in the absence of these facilities.*

The applicant has indicated that the installation will not alter noise levels from existing conditions.

The May 17, 2000 Planning Board decision (found in Tab 10 of application) condition #3 states that "...noise on the proposed tower shall be minimized by cutting vertical mount pipes flush or below the antenna panel, capping the mount pipes, bundling the wires where feasible, and utilizing other noise abatement measures where feasible." The applicant should provide information to demonstrate compliance with this condition of the special permit, and specifically any noise abatement measures that seek to reduce noise impacts on abutting properties.

The May 17, 2000 Planning Board decision (found in Tab 10 of application) condition #4 states that "Sprint shall take ground level benchmark measurements of the sound levels emanating from the tower at the four major compass points on the site before tower construction and upon completion of tower construction and removal of the existing tower. Sprint shall file these measurements with the Truro Planning Board and Truro Board of Health." No record of compliance with this condition is found in the Planning or Health Departments. As a condition of a recent Planning Board decision for Cellco Partnership dba Verizonwireless, Crown Castle was asked to respond to this issue.

*12. No hazardous waste shall be discharged on the site. Any storage of fuel shall be in compliance with the Board of Health regulations. Documentation shall be provided for the contents of all communications buildings and/or cabinets.*

The applicant has indicated that no discharge of hazardous waste or change to fuel storage is proposed.

*13. All run-off of storm water from communications structures, buildings, and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized.*

The applicant has indicated that it is adding one equipment cabinet on an existing concrete pad, and there are no proposed changes that will increase impervious surfaces or change the amount of or method of handling storm water run-off.

*14. Lighting, when required and permitted by the FAA or the Planning Board, shall be directed inward so as not to project onto surrounding properties.*

The applicant has indicated that no lighting is being added or changed.

*15. All structures, buildings or appurtenances must be secured to control access. Fencing materials shall be consistent with the character of abutting properties, with a locked gate and proper warning signals. A sign must be displayed indicating the name of the owner(s) and a 24-hour contact number. Only signs limited to safety will be allowed. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.*

The applicant has indicated that appurtenances on the tower will remain inaccessible except to authorized contractors. No changes are proposed to existing controls on access to the Tower and ground compound.

*16. As a condition of approval of the application the applicant shall agree, by execution of a covenant, to remove within six months any communications structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the owner(s) expense, secured by a bond from a recognized financial institution. The covenant shall include, also at the owner(s) expense, provision for liability insurance for any damage to any abutting property whether developed or not.*

*17. At least forty-five (45) days before submitting an application for a special permit for the installation of a communications structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate the permitting process by the exchange of information between the applicant and the Planning Board, and for the applicant to obtain a detailed description of the information and documentation required, in writing, by the Planning Board, in order to clarify and resolve concerns of the Board and minimize potential problems with the application.*

The applicant has submitted a written request for a waiver of this requirement.

18. *The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of an application and shall issue a decision within ninety (90) days following the date of the public hearing.*

The scheduled public hearing is within 65 days of the filing (December 16, 2016). The Spectrum Act requires action within 60 days (December 11, 2016).

19. *The applicant shall submit the following written information to the Planning Board:*

- a) A survey of all sites for the installation of communications structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Truro shall be located on the appropriate sheet(s) of the Truro Assessor's Atlas;*
- b) A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;*
- c) The radiation pattern of all proposed antennas showing the frequency and intensity of radiation at ground level and at 30 feet above ground level. At the expense of the applicant, Electro Magnetic Field (EMF) readings shall be provided to the Board of Health yearly and immediately after any addition to the facility;*
- d) The sound level in decibels at ground level, at 30 feet above ground level and at the top of the facility and 10, 50, 100 and 500 feet from the communications structure, building or appurtenances for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels, including before condition measured, after condition prediction and cumulative condition (with co-location) prediction;*
- e) A delineation of the Assessor's Atlas of all areas in Truro which will not be served by the proposed installation for the prime and an alternative site;*
- f) A statement of the services to be supported by the proposed communications structure, building or appurtenance;*
- g) Plans of special design features and materials, including landscaping, to minimize the visual impact of proposed communications structures, buildings and appurtenances. Site plans, elevations and fall zone should be included;*
- h) A certification that the applicant has complied with all federal (including FAA), state and regional requirements to provide the proposed service and demonstration of compliance with the FCC guidelines for EMF's under National Environmental Policy Act (NEPA), including copies of the FCC Form 600, plus Environmental Assessment/Environmental Impact Statements as applicable;*
- i) Within thirty (30) days after the application filing, the applicant shall arrange to fly a three-foot-diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days before the flights, in a newspaper with a general circulation in Truro. Photos shall be provided from all strategic viewing points, per agreement with the Planning Board prior to flight.*

The applicant has submitted a written request for a waiver of these requirements.

20. *If a communications structure, building or appurtenance is to be installed on a pre-existing private structure or on land or a structure owned, prior to the effective date of the bylaw, by the Commonwealth of Massachusetts, or on land or a structure owned by the Town of Truro, the applicant shall submit the following written information to the Planning Board:*
- a) A draft contract, including requirements for removal of all structures and for complete site restoration in the case of discontinued use, between the applicant and the owner (if different from the applicant).*
  - b) A description of the proposed facility at the proposed prime and alternate sites including:
    - i) Height of the facility and its associated equipment and antennas;*
    - ii) Access roads and power supplies;*
    - iii) Type, size and number of transmitters.*
    - iv) A list of all fuels to be used on the site and a detailed description of how each shall be contained.**
  - c) A site plan (scale not less than 1 inch=40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment;*
  - d) A landscape plan showing the proposed site before and after development, including topography and screening proposed to protect abutters.*

The applicant has submitted a written request for a waiver of these requirements.

21. This requirement is not included herein as 40.5.20 applies

22. *All written information submitted in accordance with the requirements listed in any previous section of this bylaw shall be certified by an appropriate licensed professional.*

The application materials were prepared and submitted by Mr. Edward D. pare, Jr., Esq., Brown Rudnick LLP

The following plans were submitted: "Site Name: Truro, 344 Route 6, North Truro,, MA 02652, Barnstable County, Site Number: 4HY0568A, prepared for T-Mobile Northeast by Derk J. Creaser, P.E., approved by Ryan Monte de Ramos on May 6, 2016" including the following sheets: T-1: Title sheet, GN-1: General Notes, A-1: Compound and Equipment Plans, A-2: Antennae Layouts & Elevation, A-3 Equipment Details, E-1 One-Line Diagram and Grounding Details.

The applicant provided a copy of a *Structural Analysis Report* prepared by Jacobs Engineering Group, Inc., for T-Mobile Co-locate, dated April 13, 2016, submitted by Jonathan N. Rodriguez, EIT, Tower Structural Engineer, and reviewed and stamped by Walter M. Prather, P.E.

*23. The Planning Board may also refer applications to the Board of Health, the Zoning Board of Appeals, and the Conservation Commission for review.*

The application was referred to the Health/Conservation Department, Building Commissioner, Fire Department, and Police Department. The Fire and Police Department replied with no comments or concerns.

*24. The Planning Board shall not approve any application that does not comply with all the requirements of this bylaw. The Board does, however, have the right to waive any part of this bylaw, when in its opinion, such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this bylaw.*

As noted above, written requests for waivers have been submitted for:

40.5.B.17 -information meeting with the Planning Board

40.5.B.19 -information requirements

40.5.B.20 – Specific Written information

25. Any permit issued by the Planning Board for a communications facility shall be valid for the applicant only; it may not be reassigned, leased or sold.

26. Municipal and private, non-commercial uses are exempted from this bylaw.

27. The Planning Board shall act in accordance with the standards and requirements set forth herein and in accordance with the Massachusetts General Laws.

28. The invalidity of any section of this bylaw shall not invalidate any other section.

TOWN OF TRURO PLANNING BOARD



Office of Town Clerk
Treasurer - Tax Collector
2016-012 PB
OCT 12 2016
\$50.00 fee paid
Received TOWN OF TRURO
By Susan Joseph

APPLICATION FOR SPECIAL PERMIT

Date October 5, 2016

To the Town Clerk of the Town of Truro, MA

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of uses under Sections 30.2 and 40.5 of the Truro Zoning By-law and an Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 concerning (describe) Replace 3 existing sector mounts with 3 new mounts at the same height on the existing tower; replace 6 existing panel antennas (two per sector) with 6 new panel antennas mounted on the same mounts; replace 3 existing support arms with 3 new support arms (1 per sector); add 6 new RRUs (2 per sector); install conduit, cables and an equipment cabinet per Plans submitted herewith.

Property Address 344 Route 6 Map(s) and Parcel(s) Map 39, Parcel 172A

Registry of Deeds title reference: Book 21033, Page 80, or Certificate of Title

Number and Land Ct. Lot # and Plan #

Applicant's Name T-Mobile Northeast LLC

Applicant's Legal Mailing Address 15 Commerce Way, Ste. B, Norton, MA 02766

Applicant's Phone(s), Fax and Email See Counsel's contact information below

Applicant is one of the following: (please check appropriate box)

- Owner
Prospective Buyer\*
[X] Other\* \*Written Permission of the owner is required for submittal of this application.

Owner's Name Crown Castle

Owner's Address 500 West Cummings Park, Ste. 3600, Woburn, MA 01801

Representative's Name and Address Edward D. Pare, Jr., Esq. Brown Rudnick LLP, 10 Memorial Blvd., Providence, RI 02903

Representative's Phone(s), Fax and Email 401-276-2639 epare@brownrudnick.com

Applicant(s)/Representative Signature
Edward D. Pare, Jr., Esq.

Please refer to attached Letter
Owner(s) Signature or written permission

Your signature(s) on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

Applications must be typed or printed clearly with black or blue ink.

October 7, 2016

**VIA FEDERAL EXPRESS**Truro Planning Board  
Town of Truro  
24 Town Hall Road  
P. O. Box 2030  
Truro, MA 02666**RE: T-Mobile Northeast LLC ("T-Mobile") - Eligible Facilities Request to Modify Transmission Equipment on a Communications Tower located at 344 Route 6, North Truro MA 02652 (Assessor's Map 39, Parcel 172-A (T-Mobile Site 4HY0568A/Truro) and Renew the Special Permit**

Dear Honorable Members of the Truro Planning Board:

**T-Mobile is Submitting an Eligible Facilities Request for Administrative Approval by the Planning Board**

On behalf of T-Mobile, while reserving all rights, we are submitting the attached Eligible Facilities Request application to add, remove, modify and replace Transmission Equipment on an existing telecommunications Tower located at 344 Route 6, North Truro, MA 02652 (Assessor's Map 39, Parcel 172A) (T-Mobile Site 4HY0568A/Truro) (the "Site").

As you may know, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156), 47 U.S.C. § 1455 (copy attached) mandates that state and local governments "*may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.*" [emphasis added]. Under Section 6409(a)(2)(A)-(C), an Eligible Facilities Request is any request to modify a Tower or Base Station that involves "collocations of new Transmission Equipment," "removal," or "replacement" of Transmission Equipment.

Because the Town of Truro has not yet developed an Eligible Facilities Request permit application form that complies with Section 6409 of the Spectrum Act, this Eligible Facilities Request is provided to the Town of Truro Planning Board (the "Board"). Federal law now preempts many of the permit application requirements that the Town of Truro would previously have required from an applicant. T-Mobile's instant Eligible Facilities Request provides only the limited information that the Town of Truro may consider, in a limited, administrative review of T-Mobile's Eligible Facilities Request application.



### **Why This Eligible Facilities Request Must Be Granted**

This Eligible Facilities Request involves an effort to collocate, remove, modify, or replace Transmission Equipment on a Tower used by a FCC licensed wireless carrier. The existing Tower is a structure that is 170' high presently containing wireless facilities.

The list of equipment identified in the Eligible Facilities Request application that will be collocated, removed or replaced at the Tower is also Transmission Equipment pursuant to the FCC definition. The FCC has defined Transmission Equipment as “any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.”

As you may know, the FCC adopted a Report and Order, In re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, FCC Docket No. 13-238, Report and Order No. 14-153 (October 17, 2014) Final Rule codified at 47 CFR Parts 1 and 17 promulgating regulations (the "Regulations") interpreting and implementing the provisions of the Spectrum Act, which Regulations became effective on April 8, 2015 (with certain provisions effective on May 18, 2015). The Regulations determined that any modification to an eligible support structure that meets the following six criteria does not substantially change the physical dimensions of the existing Tower and, therefore, is an Eligible Facilities Request which must be granted:

1. The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.
2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made.
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.
4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.
5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.
6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase



in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds in numbers 1-4.

A comprehensive analysis confirming that this installation does not substantially change the physical dimensions of the tower is provided on the attached Certification. In accordance with the Spectrum Act and FCC Regulations, T-Mobile's proposed modifications will not substantially increase the height of the Tower or the dimensions of the existing equipment compound. T-Mobile's modifications to the Transmission Equipment at the Tower contained in this Eligible Facilities Request fully conform to Section 6409(a). As a result, this Eligible Facilities Request must be approved by the Town of Truro within 60 days, as required by federal law and FCC Regulations (see discussion below).

While the Truro Zoning Bylaw may provide that a special permit or other zoning relief is required for modifications and colocations, such a discretionary process is contrary to the guidance issued by the FCC in its Public Notice (the "Public Notice") dated January 25, 2013 (see page 3 of attached) and the Massachusetts Office of the Attorney General (the “Attorney General”) in response letters to municipalities granting approvals of bylaw amendments (see attached representative letter from the Attorney General ).

In its Public Notice, the FCC determined that the relevant government entity may require the filing of an application for “administrative approval” only. Additionally, pursuant to Section 1.40001(c)(1) of the Regulations, "when an applicant asserts in writing that a request for a modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section". The Regulations provide that applicants are not required to justify a need for the facility. Further, the Regulations also require that local governmental approvals must be granted for eligible facilities requests within 60 days of the date that the application is submitted. Clearly, this review may not be subject to a discretionary special permit process with the associated public hearing and appeal period provisions. Likewise, the Attorney General has issued a number of letters to municipalities reflecting that same opinion and warning municipalities that such qualifying requests under Section 6409 cannot be subject to a discretionary special permit process. We are confident that you will agree that T-Mobile’s proposed modifications do not substantially change the physical dimensions of the Tower at the Site as enumerated in the FCC Regulations.

#### **Notice of Federal Law Expedited Permit Processing and Deemed Granted**

Under federal law, an Eligible Facilities Request shall be deemed granted sixty (60) days after a complete application is filed with a local jurisdiction. If sixty (60) days pass after the submission of this Eligible Facilities Request and the Town of Truro does not grant or deny the request, it will be deemed granted. If the Town of Truro wishes to contest whether the Eligible Facilities Request has been deemed granted the burden is on the Town of Truro to file a lawsuit in a court of competent jurisdiction within thirty (30) days after receipt of a written communication notifying it that the Eligible Facilities Request has been deemed granted. Failure to file a lawsuit



Truro Planning Board  
October 7, 2016  
Page 4

in a timely manner may forever bar the Town of Truro from contesting that this Eligible Facilities Request has been deemed granted.

T-Mobile is committed to working cooperatively with the Town of Truro, and all jurisdictions around the country, to secure expeditious approval of requests to modify existing personal wireless service facilities.

T-Mobile anticipates that the Board will approve this Eligible Facilities Request as required by the federal laws and regulations detailed above and review the special permit. Please do not hesitate to contact me should there be any questions.

Respectfully,

**BROWN RUDNICK LLP**

A handwritten signature in black ink, appearing to read 'E. Pare, Jr.', is written over a horizontal line.

Edward D. Pare, Jr., Esq.



### ATTACHMENTS

1. Application Form, LOA, with Associated Application Fee
2. Section 6409
3. FCC Regulations
4. FCC Public Notice
5. Representative Letter from the Attorney General
6. Certification of Non-Substantial Change
7. FCC Licenses
8. RF Report of Compliance
9. Plans
10. Prior Zoning Decision



**47 USC 1455**

**Middle Class Tax Relief and Job Creation Act of 2012**

**SEC. 6409. WIRELESS FACILITIES DEPLOYMENT**

**(a) FACILITY MODIFICATION.—**

(1) **IN GENERAL.**—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.**—For purposes this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves –

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.





Crown Castle  
3530 Toringdon Way, Suite 300  
Charlotte, NC 28277

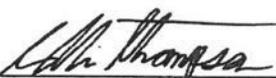
Crown Castle, does hereby authorize T-Mobile and its authorized contractors/agents to act as "Applicant" in the processing of all applications, permits, research and other related activities associated with the processing, planning, design review, permitting, entitlement and construction of additional equipment, antennas and site improvements for the Crown Castle existing wireless communications facility described as follows:

<b>Customer Site Name:</b>	<b>Truro</b>	<b>Crown Castle Site ID Number:</b>	<b>841273</b>
<b>Site Address:</b>	<b>344 Route 6 – North Truro, MA 02652</b>	<b>Crown Castle Site Name:</b>	<b>Truro</b>

This authorization is fully contingent upon T-Mobile authorized contractors/agents' compliance with the following conditions:

1. Crown Castle must review the application prior to submittal. Crown Castle must be provided all applications, narratives, drawings and attachments at least 72 hours in advance of their submittal to the locality. Use of email and electronic attachments is encouraged. A Crown Castle Zoning Subject Matter Expert (SME) will review and provide written comment to the customer within 48 hours of receipt of a complete set of application materials. If Crown Castle indicates that changes are required, submissions shall be altered in accordance with Crown Castle comments prior to submission to the locality. Verification of corrections should also be accomplished via emails and attachments.
2. In no event may T-Mobile encourage, suggest, participate in, or permit the imposition of any restrictions or additional obligations whatsoever on the tower site or Crown Castle's current or future use or ability to license space at the tower site as part of or in exchange for obtaining any approval, permit, exception or variance.
3. A copy of the final permit and/or a written summary of the zoning/entitlement decision rendered by the locality and any/all conditions placed on that decision shall be communicated in detail to Crown Castle well within the appeal period provided by the locality (typically 10-15 days).
4. All conditions of approval pertinent to the construction of the proposed project must be included in the construction drawings for the project. The conditions of approval pertinent to the construction of the project shall be copied verbatim from the zoning permit approval language, and shall be present in the drawings prior to submission for building permits and contractor bidding. Crown Castle shall verify the inclusion of appropriate conditions of approval in the construction drawing redline process.
5. Crown Castle will provide a Notice To Proceed (NTP) to construction to the customer upon receipt of the final approved zoning permit and the approved Building Permit.

By Crown Castle:

Signature:   
Printed Name: Collin Thompson

Title: Real Estate Specialist Intern – East Area

Date: September 14, 2016

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

**Date: September 6, 2016**

**To: -Centerline Communications - Adam Wolfrey**

**From: Assessor's Office**

Attached is a list of abutters for the property located at 344 Rt. 6  
on Assessor's Map 39 Parcel 172-A. The current owner(s) as of May 25, 2006 is/are  
Southwestern Bell Mobile Systems.

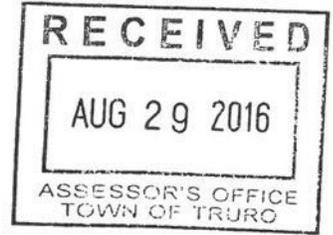
The names and addresses of the abutters are as of August 26, 2016 according to the most recent  
documents received from the Barnstable County Registry of Deeds.

Certified by: Kathleen Sullivan  
Kathleen Sullivan  
Assessor's Clerk

*AS 9/6/16*



**TOWN OF TRURO**  
**Assessors Office**  
**Certified Abutters List**  
**Request Form**



DATE: 8/19/16

NAME OF APPLICANT: T-Mobile Wireless

NAME OF AGENT (if any): Adam Wolfrey - Centerline Communications

MAILING ADDRESS: 95 Ryan Drive Ste 7, Raynham MA

PHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

CELL 508-667-3100 FAX \_\_\_\_\_

PROPERTY LOCATION: 344 Rt. 6, Truro MA  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 172-A

**ABUTTERS LIST NEEDED FOR:** (Fee must accompany the application unless other arrangements are made)

Please check applicable:

	FEE:		FEE:
<input type="checkbox"/> Board of Health	\$10.00	<input type="checkbox"/> Planning Board	
<input type="checkbox"/> Cape Cod Commission	\$15.00	<input checked="" type="checkbox"/> Special Permit	\$15.00 <i>pd</i>
<input type="checkbox"/> Conservation Commission	\$10.00	<input type="checkbox"/> Site Plan	\$15.00
<input type="checkbox"/> Zoning Board of Appeals	\$15.00	<input type="checkbox"/> Preliminary Subdivision	\$15.00
<input type="checkbox"/> Licensing	\$15.00	<input type="checkbox"/> Definitive Subdivision	\$15.00
<input type="checkbox"/> Other _____			<b>Inquire</b>

(Please Specify)

*Please Note: The Office has up to 10 calendar days to process your order.*

**THIS SECTION FOR ASSESSORS OFFICE USE ONLY**

Date request received by Assessors: 8/29/2016 Date completed: 9/6/2016

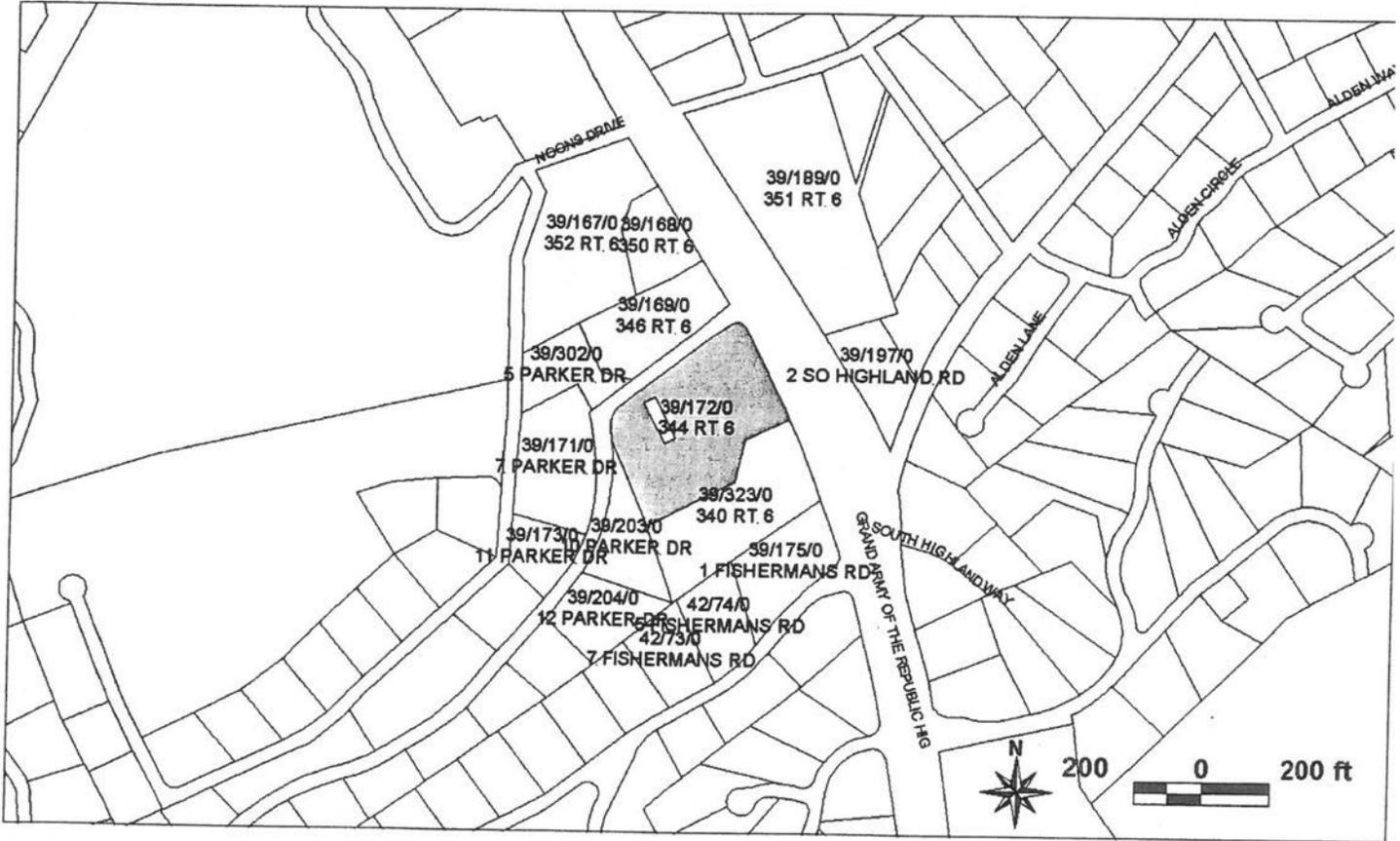
List completed by: Kathleen Sullivan

Revised 12/26/14

*8/16/16*

TOWN OF TRURO, MA  
 BOARD OF ASSESSORS  
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List for 344 Rt. 6 (Parcel 39-172)



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Coun
1291	39-167-0-R	TRI-S PROPERTIES LLC	352 RT 6	PO BOX 1081	TRURO	MA	02666-1081
1292	39-168-0-R	SEAMENS BANK	350 RT 6	PO BOX 74	NO TRURO	MA	02652
1293	39-169-0-R	SEAMENS BANK	346 RT 6	221 COMMERCIAL ST	PROVINCETOWN	MA	02657
1294	39-171-0-R	WESTVIEW COURT REALTY TRUST TRS: TRIBUNA MICHAEL A JR & SR	7 PARKER DR	192 MILTON ST	WOLLASTON	MA	02170-2500
1295	39-172-0-E	TOWN OF TRURO	344 RT 6	PO BOX 2030	TRURO	MA	02666-2030
1296	39-172-A-R	SOUTHWESTERN BELL MOBILE SYSTE D/B/A CINGULAR WIRELESS	344 RT 6	C/O AT&T NETWORK RE ADMINISTRA 575 MOROSGO DR NE #13F W.TOWER	ATLANTA	GA	30324
1297	39-173-0-R	DAMICO CAROLANN	11 PARKER DR	PO BOX 423	NO TRURO	MA	02652-0423
1299	39-175-0-R	KINSELLA KAREN MARIE & EDWARD	1 FISHERMANS RD	150 COUNTRY WAY	SCITUATE	MA	02066
1310	39-189-0-E	TOWN OF TRURO	351 RT 6	PO BOX 2030	TRURO	MA	02666-2030
1318	39-197-0-R	QUIST JAYSON C	2 SO HIGHLAND RD	PO BOX 1003	TRURO	MA	02666-1003
1324	39-203-0-R	COHEN JENNIFER S	10 PARKER DR	110 W 96TH ST #11A	NEW YORK	NY	10025
1325	39-204-0-R	MOSS FRED & MARTHA TRUST TRS: MOSS FREDERICK & MARTHA	12 PARKER DR	4200 RIDGE RD	DALLAS	TX	75229-6330
1421	39-302-0-R	LANDY MARGARET	5 PARKER DR	5110 WHITMAN WAY APT 207	CARLSBAD	CA	92008
6429	39-323-0-E	TOWN OF TRURO	340 RT 6	PO BOX 2030	TRURO	MA	02666-2030
1644	42-73-0-R	ROGERS THOMAS M & MARR PAUL R	7 FISHERMANS RD	PO BOX 718	PROVINCETOWN	MA	02657

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1645	42-74-0-R	DOWNING VANESSA A & NOLETTE JENNIFER M	5 FISHERMANS RD	PO BOX 424	PROVINCETOWN	MA	02657

39-167-0-R	TRI-S PROPERTIES LLC PO BOX 1081 TRURO, MA 02666-1081	SEAMENS BANK PO BOX 74 NO TRURO, MA 02652	39-168-0-R	SEAMENS BANK 221 COMMERCIAL ST PROVINCETOWN, MA 02657	39-16
39-171-0-R	WESTVIEW COURT REALTY TRUST TRS: TRIBUNA MICHAEL A JR & SR 192 MILTON ST WOLLASTON, MA 02170-2504	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	39-172-0-E	SOUTHWESTERN BELL MOBILE SYS1 D/B/A CINGULAR WIRELESS C/O AT&T NETWORK RE ADMINISTRA 575 MOROSGO DR NE #13F W.TOWEI ATLANTA, GA 30324	39-17
39-173-0-R	DAMICO CAROLANN PO BOX 423 NO TRURO, MA 02652-0423	KINSELLA KAREN MARIE & EDWARD 150 COUNTRY WAY SCITUATE, MA 02066	39-175-0-R	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	39-18
39-197-0-R	QUIST JAYSON C PO BOX 1003 TRURO, MA 02666-1003	COHEN JENNIFER S 110 W 96TH ST #11A NEW YORK, NY 10025	39-203-0-R	MOSS FRED & MARTHA TRUST TRS: MOSS FREDERICK & MARTHA 4200 RIDGE RD DALLAS, TX 75229-6332	39-20
39-302-0-R	LANDY MARGARET 5110 WHITMAN WAY APT 207 CARLSBAD, CA 92008	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	39-323-0-E	ROGERS THOMAS M & MARR PAUL R PO BOX 718 PROVINCETOWN, MA 02657	42-73
42-74-0-R	DOWNING VANESSA A & NOLETTE JENNIFER M PO BOX 424 PROVINCETOWN, MA 02657				

*[Handwritten signature]* 9/6/11

THE KEY TO DOCUMENT SECURITY: HEAT ACTIVATED THUMBPRINT - ADDITIONAL SECURITY FEATURES INCLUDED - SEE BACK FOR DETAILS

**Centerline Communications LLC**

95 Ryan Drive  
Suite 1  
Raynham, MA 02767  
781-713-4725

ROCKLAND TRUST  
53-447/113  
944

017136

DATE 8/19/2016 AMOUNT 17136

THE SUM OF FIFTY DOLLARS AND NO CENTS \*\*\*\*\*50.00\*\*\*\*\*

PAY TO THE ORDER OF

Town of Truro MA

*[Handwritten Signature]*

⑈0⑆7⑆36⑈ ⑈0⑆304478⑈ 294400417⑈



Crown Castle  
3530 Toringdon Way, Suite 300  
Charlotte, NC 28277

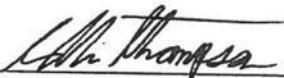
Crown Castle, does hereby authorize T-Mobile and its authorized contractors/agents to act as "Applicant" in the processing of all applications, permits, research and other related activities associated with the processing, planning, design review, permitting, entitlement and construction of additional equipment, antennas and site improvements for the Crown Castle existing wireless communications facility described as follows:

Customer Site Name:	Truro	Crown Castle Site ID Number:	841273
Site Address:	344 Route 6 – North Truro, MA 02652	Crown Castle Site Name:	Truro

This authorization is fully contingent upon T-Mobile authorized contractors/agents' compliance with the following conditions:

1. Crown Castle must review the application prior to submittal. Crown Castle must be provided all applications, narratives, drawings and attachments at least 72 hours in advance of their submittal to the locality. Use of email and electronic attachments is encouraged. A Crown Castle Zoning Subject Matter Expert (SME) will review and provide written comment to the customer within 48 hours of receipt of a complete set of application materials. If Crown Castle indicates that changes are required, submissions shall be altered in accordance with Crown Castle comments prior to submission to the locality. Verification of corrections should also be accomplished via emails and attachments.
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3. A copy of the final permit and/or a written summary of the zoning/entitlement decision rendered by the locality and any/all conditions placed on that decision shall be communicated in detail to Crown Castle well within the appeal period provided by the locality (typically 10-15 days).
4. All conditions of approval pertinent to the construction of the proposed project must be included in the construction drawings for the project. The conditions of approval pertinent to the construction of the project shall be copied verbatim from the zoning permit approval language, and shall be present in the drawings prior to submission for building permits and contractor bidding. Crown Castle shall verify the inclusion of appropriate conditions of approval in the construction drawing redline process.
5. Crown Castle will provide a Notice To Proceed (NTP) to construction to the customer upon receipt of the final approved zoning permit and the approved Building Permit.

By Crown Castle:

Signature:   
Printed Name: Collin Thompson

Title: Real Estate Specialist Intern – East Area

Date: September 14, 2016



**SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

**(a) Facility Modifications-**

**(1) IN GENERAL-** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

**(2) ELIGIBLE FACILITIES REQUEST-** For purposes of this subsection, the term 'eligible facilities request' means any request for modification of an existing wireless tower or base station that involves--

**(A)** collocation of new transmission equipment;

**(B)** removal of transmission equipment; or

**(C)** replacement of transmission equipment.

**(3) APPLICABILITY OF ENVIRONMENTAL LAWS-** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.



# Wireless Facilities Deployment:

## Federal Regulation in the Middle Class Tax Relief and Job Creation Act of 2012

### Explanation and Implementation

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012<sup>i</sup> mandates that State and local governments must approve an eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The Act was signed into law on February 22, 2012. The section mandating streamlined modification and collocation approval ensures the timely deployment of wireless services.

The Act applies to eligible facilities requests for modification of existing wireless towers and base stations:

- ☞ The Act defines "eligible facilities request" as any request for modification of an existing wireless tower or base station that involves:
  - Collocation of new transmission equipment;
  - Removal of transmission equipment; or
  - Replacement of transmission equipment.
- ☞ The Federal Communications Commission ("FCC") defines "collocation" as "the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes."<sup>ii</sup>
- ☞ The FCC defines a "substantial change" as:
  - The mounting of a proposed antenna on the tower that would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
  - The mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.<sup>iii</sup>
- ☞ The FCC defines a "tower" as "any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities."<sup>iv</sup>
- ☞ The federal regulations define a "base station" as "A station at a specified site authorized to communicate with mobile stations;" or "A land station in the land mobile service."<sup>v</sup>

The Act requires approval for all eligible facilities requests that do not substantially change the physical dimensions of such tower or base station and:

- ☞ Applies despite section 704 of the Telecommunications Act of 1996, which preserves the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and *modification* of personal wireless service facilities;<sup>vi</sup>
- ☞ Preempts zoning review and/or conditional approvals of eligible facilities requests;<sup>vii</sup>
- ☞ Requires eligible facilities requests only be subject to administrative review processes and not discretionary review processes that allow a State or local government to deny or condition an eligible facilities request; and
- ☞ Requires that eligible facilities requests for the modification of legal, non-conforming towers must be approved.

The FCC's Wireless Facility Siting "Shot Clock" applies to eligible facilities request for collocation:

- ☞ State and local governments have 90 days to act on an application to collocate wireless facilities on existing structures.<sup>viii</sup>
- ☞ Under the Act, State and local governments *must* approve within 90 days any eligible facilities requests for collocation or replacement of transmission equipment on existing towers that do not substantially change the physical dimensions of such tower.

<sup>i</sup> For the text of the Act, <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>

<sup>ii</sup> Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (2001), available at 47 C.F.R. Part 1, Appendix B ("Collocation Agreement"). See also *Petition for Declaratory Ruling To Clarify Provisions of Section 332(C)(7)(B) To Ensure Timely Siting Review and To Preempt Under Section 253 State and Local Ordinances That Classify All Wireless Siting Proposals as Requiring a Variance*, Declaratory Ruling, 24 FCC Rcd 13994, 14021 ¶ 71 (2009) ("Shot Clock Ruling"), recon. denied, 25 FCC Rcd 11157 (2010), *aff'd*, City of Arlington, Tex., et al. v. FCC, 2012 U.S. App. LEXIS 1252 (5th Cir. 2012).

<sup>iii</sup> Collocation Agreement.

<sup>iv</sup> *Id.*

<sup>v</sup> See, e.g., 47 C.F.R. §§24.5, 90.7.

<sup>vi</sup> 47 U.S.C. §332(c)(7)(A). The Telecommunications Act of 1996 defines "personal wireless service facilities" as facilities for the provision of personal wireless services, including commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C).

<sup>vii</sup> See 158 CONG. REC. E237-239 (daily ed. Feb. 24, 2012) (statement of Rep. Upton), available at <http://www.gpo.gov/fdsys/pkg/CREC-2012-02-24/pdf/CREC-2012-02-24-pt1-PgE237-5.pdf>. Zoning review and/or conditional approvals of eligible facilities request can have the effect of denying such requests as a conditional approval is not an approval *per se*; therefore it is a denial and a violation of the Act.

<sup>viii</sup> *Shot Clock Ruling*.

For more information, please contact PCIA's Government Affairs Department: [advocacy@pcia.com](mailto:advocacy@pcia.com)

**PCIA**  
PACIFIC COMMUNICATIONS  
INDUSTRY ASSOCIATION





# PUBLIC NOTICE

Federal Communications Commission  
145 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## WIRELESS TELECOMMUNICATIONS BUREAU OFFERS GUIDANCE ON INTERPRETATION OF SECTION 6409(a) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

DA 12-2047  
January 25, 2013

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act)<sup>1</sup> became law. Section 6409(a) of the Tax Act provides that a state or local government “may not deny, and shall approve” any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.<sup>2</sup> The full text of Section 6409(a) is reproduced in the Appendix to this Public Notice.

To date, the Commission has not received any formal petition to interpret or apply the provisions of Section 6409(a). We also are unaware of any judicial precedent interpreting or applying its terms. The Wireless Telecommunications Bureau has, however, received informal inquiries from service providers, facilities owners, and state and local governments seeking guidance as to how Section 6409(a) should be applied. In order to assist interested parties, this Public Notice summarizes the Bureau’s understanding of Section 6409(a) in response to several of the most frequently asked questions.<sup>3</sup>

### What does it mean to “substantially change the physical dimensions” of a tower or base station?

Section 6409(a) does not define what constitutes a “substantial[] change” in the dimensions of a tower or base station. In a similar context, under the *Nationwide Collocation Agreement* with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, the Commission has applied a four-prong test to determine whether a collocation will effect a “substantial increase in the size of [a] tower.”<sup>4</sup> A proposed collocation that does not involve a substantial increase in

---

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, H.R. 3630, 126 Stat. 156 (enacted Feb. 22, 2012) (Tax Act).

<sup>2</sup> *Id.*, § 6409(a).

<sup>3</sup> Although we offer this interpretive guidance to assist parties in understanding their obligations under Section 6409(a), *see, e.g., Truckers United for Safety v. Federal Highway Administration*, 139 F.3d 934 (D.C. Cir. 1998), the Commission remains free to exercise its discretion to interpret Section 6409(a) either by exercising its rulemaking authority or through adjudication. With two exceptions not relevant here, the Tax Act expressly grants the Commission authority to “implement and enforce” this and other provisions of Title VI of that Act “as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.)” Tax Act § 6003.

<sup>4</sup> 47 C.F.R. Part 1, App. B, *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, § I.C (*Nationwide Collocation Agreement*).

size is ordinarily excluded from the Commission's required historic preservation review under Section 106 of the National Historic Preservation Act (NHPA).<sup>5</sup> The Commission later adopted the same definition in the *2009 Declaratory Ruling* to determine whether an application will be treated as a collocation when applying Section 332(c)(7) of the Communications Act of 1934.<sup>6</sup> The Commission has also applied a similar definition to determine whether a modification of an existing registered tower requires public notice for purposes of environmental review.<sup>7</sup>

Under Section I.C of the *Nationwide Collocation Agreement*, a "substantial increase in the size of the tower" occurs if:

- 1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- 2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- 3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Although Congress did not adopt the Commission's terminology of "substantial increase in size" in Section 6409(a), we believe that the policy reasons for excluding from Section 6409(a) collocations that substantially change the physical dimensions of a structure are closely analogous to those that animated the Commission in the *Nationwide Collocation Agreement* and subsequent proceedings. In light of the Commission's prior findings, the Bureau believes it is appropriate to look to the existing definition of "substantial increase in size" to determine whether the collocation, removal, or replacement of equipment

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<sup>5</sup> See 16 U.S.C. § 470f, *see also* 47 C.F.R. § 1.1307(a)(4) (requiring applicants to determine whether proposed facilities may affect properties that are listed, or are eligible for listing, in the National Register of Historic Places).

<sup>6</sup> See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165, *Declaratory Ruling*, 24 FCC Rcd. 13994, 14012, para. 46 & n.146 (2009) (*2009 Declaratory Ruling*), *recon. denied*, 25 FCC Rcd. 11157 (2010), *pet. for review denied sub nom. City of Arlington, Texas v. FCC*, 668 F.3d 229 (5<sup>th</sup> Cir.), *cert. granted*, 113 S.Ct. 524 (2012); 47 U.S.C. § 332(c)(7).

<sup>7</sup> See 47 C.F.R. § 17.4(c)(1)(B); National Environmental Policy Act Compliance for Proposed Tower Registrations, WT Docket No. 08-61, *Order on Remand*, 26 FCC Rcd. 16700, 16720-21, para. 53 (2011).

on a wireless tower or base station substantially changes the physical dimensions of the underlying structure within the meaning of Section 6409(a).

**What is a “wireless tower or base station”?**

A “tower” is defined in the *Nationwide Collocation Agreement* as “any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.”<sup>8</sup> The Commission has described a “base station” as consisting of “radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics.”<sup>9</sup> Section 6409(a) applies to the collocation, removal, or replacement of equipment on a wireless tower or base station. In this context, we believe it is reasonable to interpret a “base station” to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station.<sup>10</sup> Moreover, given the absence of any limiting statutory language, we believe a “base station” encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Section 6409(a) by its terms applies to any “wireless” tower or base station. By contrast, the scope of Section 332(c)(7) extends only to facilities used for “personal wireless services” as defined in that section.<sup>11</sup> Given Congress’s decision not to use the pre-existing definition from another statutory provision relating to wireless siting, we believe the scope of a “wireless” tower or base station under Section 6409(a) is not intended to be limited to facilities that support “personal wireless services” under Section 332(c)(7).

**May a state or local government require an application for an action covered under Section 6409(a)?**

Section 6409(a) states that a state or local government “may not deny, and shall approve, any eligible facilities request....” It does not say that a state or local government may not require an application to be filed. The provision that a state or local government must approve and may not deny a request to take a covered action, in the Bureau’s view, implies that the relevant government entity may require the filing of an application for administrative approval.

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<sup>8</sup> See *Nationwide Collocation Agreement*, § I.B.

<sup>9</sup> See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 10-133, *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, Fifteenth Report*, 26 FCC Rcd. 9664, 9481, para. 308 (2011).

<sup>10</sup> See also 47 C.F.R. Part 1, App. C, *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, § II.A.14 (defining “tower” to include “the on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that Tower but not installed as part of an Antenna as defined herein”).

<sup>11</sup> 47 U.S.C. § 332(c)(7)(A). “Personal wireless services” is in turn defined to mean “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.” *Id.* § 332(c)(7)(C)(1).

**Is there a time limit within which an application must be approved?**

Section 6409(a) does not specify any period of time for approving an application. However, the statute clearly contemplates an administrative process that invariably ends in approval of a covered application. We believe the time period for processing these applications should be commensurate with the nature of the review.

In the *2009 Declaratory Ruling*, the Commission found that 90 days is a presumptively reasonable period of time to process collocation applications.<sup>12</sup> In light of the requirement of Section 6409(a) that the reviewing authority “may not deny, and shall approve” a covered request, we believe that 90 days should be the maximum presumptively reasonable period of time for reviewing such applications, whether for “personal wireless services” or other wireless facilities.

Wireless Telecommunications Bureau contact: Maria Kirby at (202) 418-1476 or by email: [Maria.Kirby@fcc.gov](mailto:Maria.Kirby@fcc.gov).

-FCC-

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<sup>12</sup> See *2009 Declaratory Ruling*, 24 FCC Rcd. at 14012-13, paras. 46-47.

## APPENDIX

### SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

#### (a) FACILITY MODIFICATIONS.

(1) IN GENERAL. Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST. For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS. Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.





MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
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February 29, 2016

Laura A. Gemme, Town Clerk  
Town of Reading  
16 Lowell Street  
Reading, MA 01867

**RE: Reading Special Town Meeting of November 9, 2015 - Case # 7837**  
**Warrant Articles # 7, 8, 9, 10 and 11 (Zoning)**  
**Warrant Articles # 14 (General)**

Dear Ms. Gemme:

**Articles 7, 8, 9, 10, 11 and 14** - We approve Articles 7, 8, 9, 10, 11 and 14 from the November 9, 2015 Reading Special Town Meeting. Our comments regarding Article 8 are provided below.

**Article 8** - Article 8 makes several amendments to the Town's zoning by-laws pertaining to Personal Wireless Service Facilities (PWSFs) as follows: (1) deletes from Section 2.0 the definition of "commercial communication structures" and adds a new definition for PWSFs; (2) deletes commercial communication structures from Sections 5.3.1 and 5.3.2, Table of Uses, and adds to the Table of Uses that PWSFs are allowed by Special Permit; and (3) deletes Section 5.6.3, Commercial Communications Structures and inserts a new Section 5.6.3, Personal Wireless Service Facilities.

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 (c) (7) preserves state and municipal zoning authority to regulate personal wireless service facilities, subject to the following limitations:

1. Zoning regulations "shall not unreasonably discriminate among providers of functionally equivalent services." 47 U.S.C. §332( c)(7) (B) (i) (I)
2. Zoning regulations "shall not prohibit or have the effect of prohibiting the provisions of personal wireless services." 47 U.S.C. § 332 (c) (7) (B) (i) (II).
3. The Zoning Authority "shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time." 47 U.S.C. § 332 (c) (7) (B) (ii).

4. Any decision “to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” 47 U.S.C. § 332 (c) (7) (B) (iii).
5. “No 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 [Federal Communications] Commission’s regulations concerning emissions.” 47 U.S.C. § 332 (c) (7) (B) (iv).

Federal courts have construed the limitations listed under 47 U.S.C. § 332 (c)(7) as follows. First, even a facially neutral by-law may have the effect of prohibiting the provision of wireless coverage if its application suggests that no service provider is likely to obtain approval. “If the criteria or their administration effectively preclude towers no matter what the carrier does, they may amount to a ban ‘in effect’ . . . .” Town of Amherst, N.H. v. Omnipoint Communications Enters., Inc., 173 F.3d 9, 14 (1st Cir. 1999).

Second, local zoning decisions and by-laws that prevent the closing of significant gaps in wireless coverage have been found to effectively prohibit the provision of personal wireless services in violation of 47 U.S.C. § 332(7). See, e.g., Nat’l Tower, LLC v. Plainville Zoning Bd. of Appeals, 297 F.3d 14, 20 (1st Cir. 2002) (“local zoning decisions and ordinances that prevent the closing of significant gaps in the availability of wireless services violate the statute”); Omnipoint Communications MB Operations, LLC v. Town of Lincoln, 107 F. Supp. 2d 108, 117 (D. Mass. 2000) (by-law resulting in significant gaps in coverage within town had effect of prohibiting wireless services).

Third, whether the denial of a permit has the effect of prohibiting the provision of personal wireless services depends in part upon the availability of reasonable alternatives. See 360 Degrees Communications Co. v. Bd. of Supervisors, 211 F.3d 79, 85 (4th Cir. 2000). Zoning regulations must allow cellular towers to exist somewhere. Towns may not effectively ban towers throughout the municipality, even under the application of objective criteria. See Virginia Metronet, Inc. v. Bd. of Supervisors, 984 F. Supp. 966, 971 (E.D. Va. 1998).

State law also establishes certain limitations on a municipality’s authority to regulate wireless communications facilities and service providers. Under General Laws Chapter 40A, Section 3, wireless service providers may apply to the Department of Telecommunications and Cable for an exemption from local zoning requirements. If a telecommunication provider does not apply for or is not granted an exemption under c. 40A, § 3, it remains subject to local zoning requirements pertaining to cellular towers. See Building Comm’r of Franklin v. Dispatch Communications of New England, Inc., 48 Mass. App. Ct. 709, 722 (2000). Also, G.L. c. 40J, § 6B, charges the Massachusetts Broadband Institute with the task of promoting broadband access throughout the state. Municipal regulation of broadband service providers must not frustrate the achievement of this statewide policy.

In addition, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 requires that “[A] state or local government *may not deny, and shall approve*, any eligible facilities request for a modification of an existing wireless tower or base station that does not

substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot be subject to a discretionary special permit.

The Town must ensure that it applies the new Section 5.6.3 in a manner consistent with the applicable law outlined above. In particular, Section 5.6.3 requires that PWSFs may only be erected upon the grant of a special permit. We strongly caution the Town that this requirement cannot be applied to eligible facilities requests for modification to existing facilities which qualify for required approval under Section 6409, as described above. We also urge the Town to consult closely with Town Counsel regarding the appropriate response to applications for collocation in light of these recent amendments.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel J. Raymond Miyares



ELIGIBLE FACILITIES REQUEST CERTIFICATION FOR NON-SUBSTANTIAL CHANGES  
TO A WIRELESS TOWER NOT LOCATED WITHIN A PUBLIC RIGHT OF WAY

1) Address of the Wireless Tower: 344 Route 6, North Truro, MA 02652

2) The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012: 170ft

3) What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower? 97ft

4. What will be the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed? 170ft - No Change

5) Effect of modifications of Transmission Equipment on Tower height:

(A) Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower?

Yes  No

(B) Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (i) 10% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (ii) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater?

Yes  No

6) Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater?

Yes  No

7) Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site?

Yes  No

8) Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four?

Yes  No

9) Will the proposed modification in Transmission Equipment defeat the existing concealment elements of the Tower?

Yes  No

(10) Prior Conditions of Approval

(A) Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012?

Yes  No

(B) If the answer to 10(A) is "No," is the non-compliance due solely to any of the conditions addressed in questions 5-9 above?

Yes  No

If the answer to either question 5A or 5B is "No", and the answers to questions 6-9 are "No", and the answer to either 10A or B is "Yes" then the proposed modifications do not substantially change the physical dimensions of the existing Tower. Please provide a brief explanation, if necessary, to clarify any answer.

Explanatory Comments (If Needed):

Question No. N/A

Comment: \_\_\_\_\_ Overall Scope: T-Mobile is proposing to change the existing mount; replace six (6) new antennas with (6) new antennas and add six (6) RRUs and three (3) cables(fiber). T-Mobile is also adding (1) 3106 equipment cabinet on the ground.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This certification is dated this 20 day of September, 2016.

  
\_\_\_\_\_

Signature

Richard Bancroft T-Mobile Project Manager.

Name & Title



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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE  
T-MOBILE LICENSE LLC  
12920 SE 38TH STREET  
BELLEVUE, WA 98006

Call Sign WQIZ578	File Number
Radio Service WY - 700 MHz Lower Band (Blocks A, B & E)	

FCC Registration Number (FRN): 0001565449

Grant Date 06-26-2008	Effective Date 12-02-2013	Expiration Date 06-13-2019	Print Date
Market Number BEA003	Channel Block A	Sub-Market Designator 0	
Market Name Boston-Worcester-Lawrence-Lowe			
1st Build-out Date	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE  
T-MOBILE LICENSE LLC  
12920 SE 38TH STREET  
BELLEVUE, WA 98006

<b>Call Sign</b> WQGA731	<b>File Number</b>
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0001565449

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 12-10-2015	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b>
<b>Market Number</b> REA001	<b>Channel Block</b> D	<b>Sub-Market Designator</b> 1	
<b>Market Name</b> Northeast			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

**Conditions:**  
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER  
T-MOBILE LICENSE LLC  
12920 SE 38TH ST.  
BELLEVUE, WA 98006

<b>Call Sign</b> WQCN362	<b>File Number</b>
<b>Radio Service</b> CW - PCS Broadband	

FCC Registration Number (FRN): 0001565449

<b>Grant Date</b> 07-30-2009	<b>Effective Date</b> 02-05-2011	<b>Expiration Date</b> 06-30-2019	<b>Print Date</b>
<b>Market Number</b> BTA201	<b>Channel Block</b> C	<b>Sub-Market Designator</b> 2	
<b>Market Name</b> Hyannis, MA			
<b>1st Build-out Date</b> 06-30-2004	<b>2nd Build-out Date</b> 06-30-2009	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

Spectrum Lease associated with this license. See Spectrum Leasing Arrangement Letter dated 07/27/2004 and File No. 0001765259.

**Conditions:**  
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** T-MOBILE LICENSE LLC

**Call Sign:** WQCN362

**File Number:**

**Print Date:**

This license is subject to compliance with the provisions of the Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation on the one hand, and the Department of Justice (the "DOJ") and the Federal Bureau of Investigation (the "FBI") on the other, dated January 12, 2001, which Agreement is designed to address national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted herein. Nothing in the Agreement is intended to limit any obligation imposed by Federal law or regulation including, but not limited to, 47 U.S.C. § 222(a) and (c)(1) and the FCC's implementing regulations.

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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: KATHLEEN O'BRIEN HAM  
T-MOBILE LICENSE LLC  
12920 SE 38TH STREET  
BELLEVUE, WA 98006

Call Sign WQPZ969	File Number
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0001565449

Grant Date 08-23-2012	Effective Date 03-12-2014	Expiration Date 11-29-2021	Print Date
Market Number REA001	Channel Block F	Sub-Market Designator 9	
Market Name Northeast			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER  
T-MOBILE LICENSE LLC  
12920 SE 38TH ST.  
BELLEVUE, WA 98006

<b>Call Sign</b> WQGB373	<b>File Number</b>
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0001565449

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 06-26-2012	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b>
<b>Market Number</b> REA001	<b>Channel Block</b> E	<b>Sub-Market Designator</b> 1	
<b>Market Name</b> Northeast			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** T-MOBILE LICENSE LLC

**Call Sign:** WQGB373

**File Number:**

**Print Date:**

The license is subject to compliance with the provisions of the January 12, 2001 Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation and the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), which addresses national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted by this license. Nothing in the Agreement is intended to limit any obligation imposed by Federal law or regulation including, but not limited to, 47 U.S.C. Section 222(a) and (c)(1) and the FCC's implementing regulations. The Agreement is published at VoiceStream-DT Order, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779, 9853 (2001).

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: T-MOBILE LICENSE LLC

ATTN: DAN MENSER  
T-MOBILE LICENSE LLC  
12920 SE 38TH ST.  
BELLEVUE, WA 98006

<b>Call Sign</b> KNLH311	<b>File Number</b>
<b>Radio Service</b> CW - PCS Broadband	

FCC Registration Number (FRN): 0001565449

<b>Grant Date</b> 06-05-2007	<b>Effective Date</b> 02-05-2011	<b>Expiration Date</b> 06-27-2017	<b>Print Date</b>
<b>Market Number</b> BTA201	<b>Channel Block</b> D	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Hyannis, MA			
<b>1st Build-out Date</b> 06-27-2002	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.





## **Network Modernization Certification by Radio Frequency Engineer**

The undersigned, a Radio Frequency Engineer for T-Mobile, hereby states the following in support of the application by T-Mobile, hereafter referred to as "Applicant", to install/replace transmission equipment at an existing facility located at 344 Route 6, North Truro, MA 02666 hereinafter referred to as the "Site".

The proposed L700 upgrade at the subject site is part of a nationwide effort being undertaken over the course of the next several years. The Applicant's L700 upgrade business plan will result in upgrades to thousands of cell sites across the country – in large and small markets and predominantly in urban and suburban areas.

The upgrades at individual sites will vary and involve swapping of antennas and/or cabinets and/or the addition of antennas and/or cabinets. By replacing and/or installing new equipment at these cell sites and re-farming spectrum, the Applicant will pave the way for enhanced long term evolution (LTE) service utilizing the low band spectrum (in the 700MHz range).

The proposed upgrades at the subject parcel will enable the Applicant to:

- Respond to rapidly increasing demand for mobile access to data
- Strengthening America's largest 4G Network
- Support Broadband Applications
- Increase data rates and speed
- Enhance speech quality
- Increase capacity of the Network
- Reduce power consumption per site
- Enhance E-911 capacity

The 2015 L700 Program strengthens the Applicant's 4G network and builds on our LTE/UMTS/GSM standards. The hardware and software upgrades will result in higher data rates supporting broadband applications and will bring greater data speed, enhanced speech quality, improved in-building coverage and expanded capacity to our customers. These improvements will create a truly multimedia network.

Wireless communication technology provides vital communications in "911" and other emergency situations and is used to promote efficient and effective personal, business, governmental and agricultural communications. These services have become established and accepted as an integral part of the nation's communications infrastructure and promote the public health, safety, morals, comfort and general welfare.

The number of 911 calls placed by people using wireless phones has significantly increased in recent years. It is estimated that about 70 percent of 911 calls are placed from wireless phones, and that percentage is growing. For many Americans, the ability to call 911 for help in an emergency is one of the main reasons they own a wireless phone. (Source: FCC webpage)

## **Regulatory Compliance and Safety**

Applicant's telecommunication facility at the Site will continue to meet all applicable health and safety standards. The Applicant is licensed and regulated by the Federal Communications Commission, which imposes strict health and safety standards governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. These standards are set by independent safety and standard groups such as the American National Standards Institute (ANSI) and the Institute of Electrical Electronics (IEEE). The Applicant will continue to comply with all applicable standards. T-Mobile also intends to comply with all applicable FAA guidelines.

Norton, MA  
September 2016

*Ryan Monte de Ramos*

Ryan Monte de Ramos  
Senior RF Engineer  
T-Mobile USA, Inc.  
15 Commerce Way, Suite B, Norton, MA 02766



**APPROVED**  
By Jeffrey York at 9:47 am, Apr 22, 2016

**APPROVED**  
By Ryan Monte de Ramos at 12:05 pm, May 06, 2016

**SITE NAME: TRURO**  
344 ROUTE 6  
NORTH TRURO, MA 02652  
BARNSTABLE COUNTY

**SITE NUMBER: 4HY0568A**

**RF DESIGN GUIDELINE: 701D\_WoutU21\_2QP**

**T-MOBILE  
NORTHEAST LLC**  
15 COMMERCIAL WAY, SUITE 6  
NORFOLK, MA 02064  
TEL: 781.426.2000  
FAX: 781.426.2077



CHECKED BY: BB  
APPROVED BY: DUC

SUBMITTALS	
REV.	DESCRIPTION
1	10/17/16 CONSTRUCTION PERMITS
2	10/20/16 ROAD FOR CONSTRUCTION

SITE NUMBER:  
4HY0568A  
CROWN CASTLE SITE ID:  
841273  
SITE NAME:  
TRURO  
SITE ADDRESS:  
344 ROUTE 6 NORTH  
TRURO, MA 02652  
BARNSTABLE COUNTY

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
T-1

T-MOBILE TECHNICIAN SITE SAFETY NOTES	
LOCATION	SPECIAL RESTRICTIONS
SECTOR A: ANTENNA/TMA/RRH	ACCESS NOT PERMITTED
SECTOR B: ANTENNA/TMA/RRH	ACCESS NOT PERMITTED
SECTOR C: ANTENNA/TMA/RRH	ACCESS NOT PERMITTED
GPS/LMU:	CAUTION: OSHA-APPROVED PORTABLE 10' STEP-LADDER REQUIRED
RADIO CABINETS: PPC DISCONNECT: MAIN CIRCUIT D/C: NIU/T DEMARC:	UNRESTRICTED UNRESTRICTED UNRESTRICTED
OTHER/SPECIAL:	NONE

**PROJECT SUMMARY**  
UNMANNED TELECOMMUNICATIONS FACILITY T-MOBILE EQUIPMENT MODERNIZATION  
SCOPE OF WORK:  
BASED ON INFORMATION PROVIDED BY T-MOBILE, THIS FACILITY UNDER THE TAX RELIEF ACT OF 2012, 47 USC 1455(A), AND IS SUBJECT TO AN EXPEDITED ELIGIBLE FACILITIES REQUEST/REVIEW AND ZONING PRE-EMPTION FOR LOCAL DISCRETIONARY PERMITS (VARIANCE, SPECIAL PERMIT, SITE PLAN REVIEW).  
344 ROUTE 6  
NORTH TRURO, MA 02652  
42.02260386  
-70.07529510  
NATIONAL, STATE & LOCAL CODES OR ORDINANCES  
TELECOMMUNICATIONS FACILITY  
TELECOMMUNICATIONS FACILITY  
CURRENT USE:  
PROPOSED USE:  
TRURO  
CROWN CASTLE  
841273  
CROWN CASTLE  
SITE ID:



**DRAWING INDEX**

SHEET NO.	DESCRIPTION	REV.
T-1	TITLE SHEET	1
GN-1	GENERAL NOTES	1
A-1	COMPOUND & EQUIPMENT PLANS	1
A-2	ANTENNA LAYOUTS & ELEVATION	1
A-3	EQUIPMENT DETAILS	1
E-1	ONE-LINE DIAGRAM AND GROUNDING DETAILS	1

**GENERAL NOTES**  
THIS DOCUMENT IS THE CREATION, DESIGN, PROPERTY AND COPYRIGHTED WORK OF HUDSON DESIGN GROUP, INC. (HDS) FOR USE WITHOUT EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. HDS AND ITS EMPLOYEES SHALL NOT BE HELD RESPONSIBLE FOR THE PURPOSES OF CONDUCTING THEIR LAWFULLY AUTHORIZED REGULATORY AND ADMINISTRATIVE FUNCTIONS IS SPECIFICALLY ALLOWED.  
THE FACILITY IS AN UNMANNED PRIVATE AND SECURED EQUIPMENT INSTALLATION. IT IS ONLY ACCESSED BY TRAINED TECHNICIANS FOR PERIODIC ROUTINE MAINTENANCE AND THEREFORE DOES NOT REQUIRE ANY WATER OR SANITARY SEWER SERVICE. THE FACILITY IS NOT GOVERNED BY REGULATIONS REQUIRING PUBLIC ACCESS PER ADA REQUIREMENTS.  
CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE T-MOBILE NORTHEAST, LLC REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.  
**SPECIAL STRUCTURAL NOTES**  
CONTRACTOR SCOPE OF WORK SHALL INCLUDE ALL REQUIRED STRUCTURAL MODIFICATIONS AS OUTLINED THEREIN.  
STRUCTURAL DESIGNS AND DETAILS FOR ANTENNA MOUNTS AND GLOBAL POSITIONING SYSTEM (GPS) MOUNTS SHALL BE PROVIDED BY HDS. CONTRACTOR SHALL INCLUDE OF THE ENTIRE SUPPORT STRUCTURE, EXISTING ANTENNA MOUNTS AND ALL OTHER ASPECTS OF THE STRUCTURE THAT WILL SUPPORT THE T-MOBILE L700 EQUIPMENT DEPLOYMENT AS DEPICTED HEREIN.  
HUDSON DESIGN ASSUMES THAT THE EQUIPMENT IS PROPERLY CONSTRUCTED AND MAINTAINED. ALL STRUCTURAL MEMBERS AND THEIR CONNECTION ARE ASSUMED TO BE IN GOOD CONDITION AND ARE FREE FROM DEFECTS WITH NO DETERIORATION TO ITS MEMBER CAPACITIES

**CALL BEFORE YOU DIG**  
CALL TOLL FREE 1-888-DIG-SAFE  
OR CALL 811  
UNDERGROUND SERVICE ALERT

**APPROVALS**

	DATE
PROJECT MANAGER	DATE
CONSTRUCTION	DATE
RF ENGINEERING	DATE
ZONING / SITE ACQ.	DATE
OPERATIONS	DATE
TOWER OWNER	DATE





**T-MOBILE  
NORTHEAST LLC**

15 COMMERCIAL STREET, SUITE 4  
NORFOLK, MA 02704  
OFFICE: (508) 296-2700  
FAX: (508) 296-8993

**CROWN  
CASTLE**

CROWN CASTLE  
50 WEST COMMERCIAL STREET, SUITE 300  
WOBURN, MA 01896

**Hudson  
Design Group, Inc.**

1420 OSGOOD STREET  
BOSTON, MA 02118  
TEL: (617) 552-3333  
FAX: (617) 552-3336

STATE OF MASSACHUSETTS  
DEREK J. GREASER  
CIVIL ENGINEER  
REGISTERED PROFESSIONAL

CHECKED BY: BB  
APPROVED BY: DJC

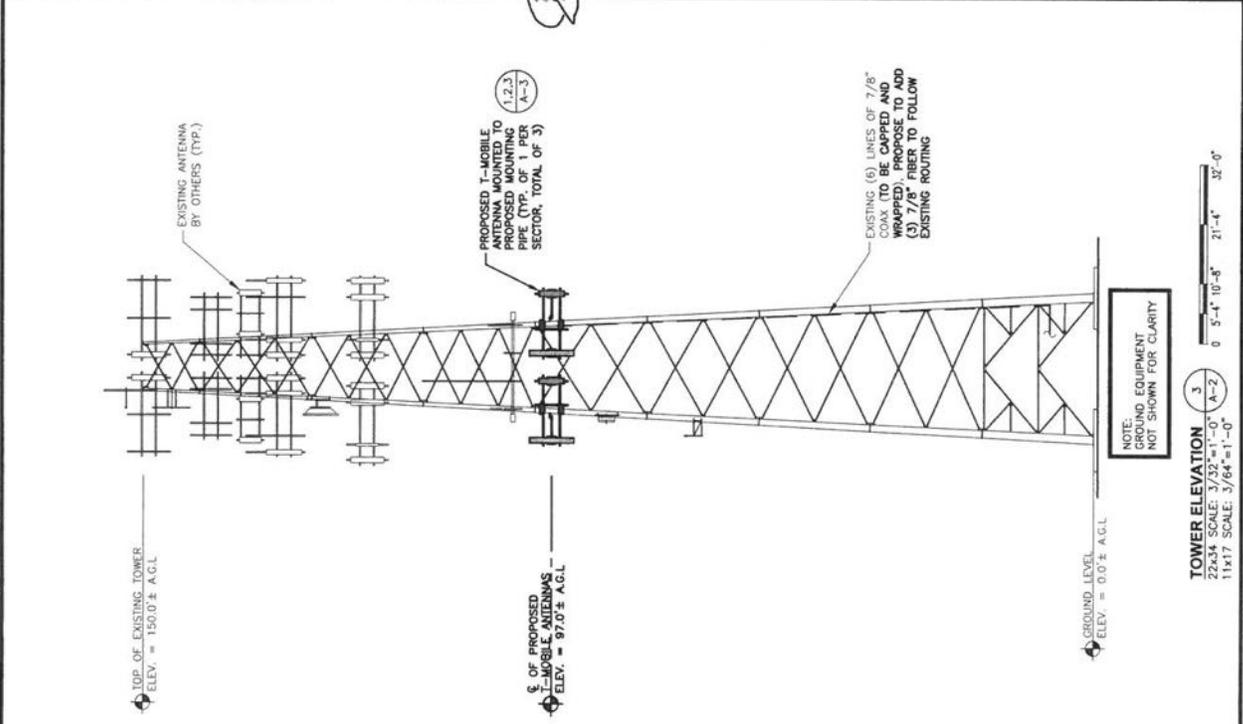
**SUBMITTALS**

REV	DATE	DESCRIPTION	BY
1	04/27/16	CONSTRUCTION PERM	BB
2	04/29/16	ISSUED FOR CONSTRUCTION	BB

SITE NUMBER:  
4HY0568A  
CROWN CASTLE SITE ID:  
841273  
SITE NAME:  
TRURO  
SITE ADDRESS:  
344 ROUTE 6 NORTH  
TRURO, MA 02652  
BARNSTABLE COUNTY

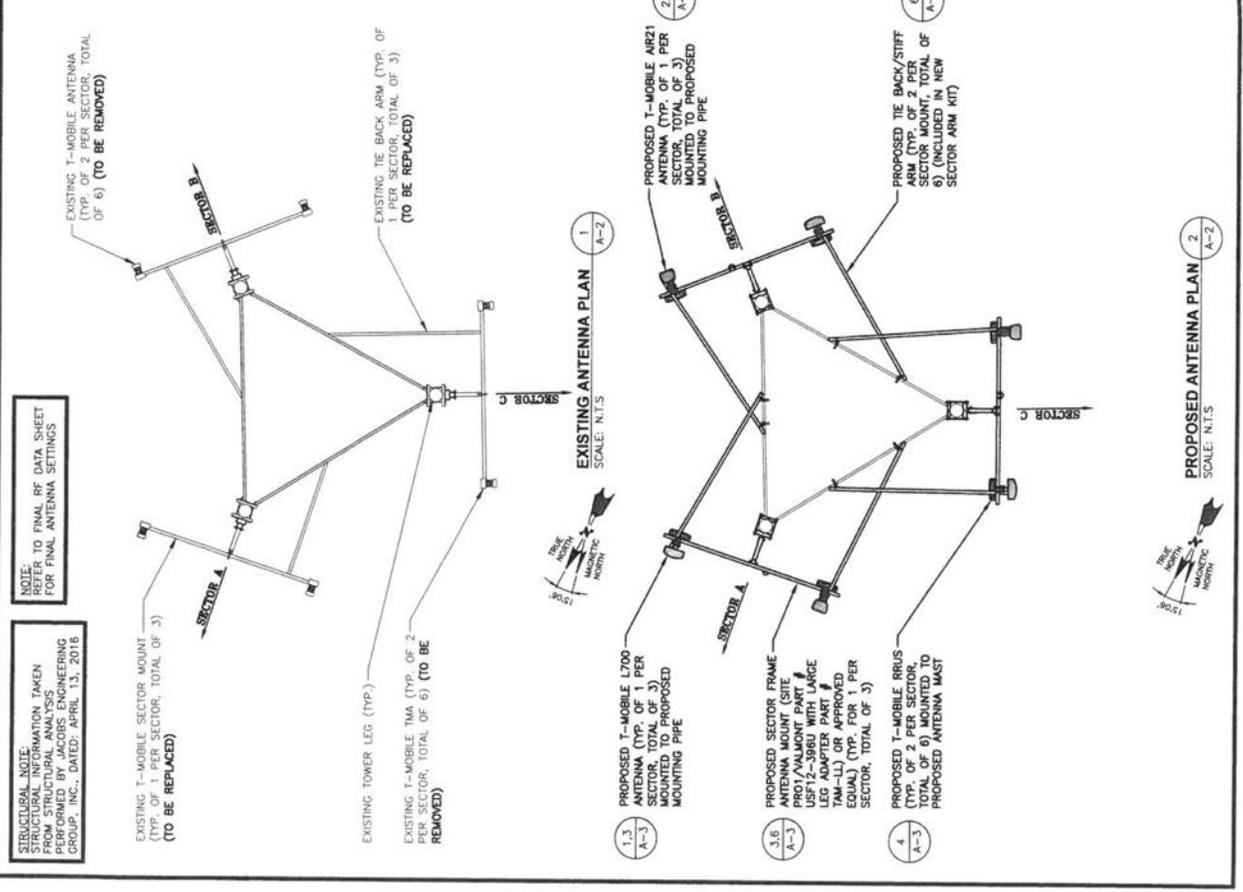
SHEET TITLE  
ANTENNA LAYOUTS &  
ELEVATION

SHEET NUMBER  
**A-2**



**STRUCTURAL NOTE:**  
STRUCTURAL INFORMATION TAKEN FROM THE TOWER DRAWING PERFORMED BY JACOBS ENGINEERING GROUP, INC., DATED: APRIL 13, 2016

**NOTE:**  
REFER TO FINAL RF DATA SHEET FOR FINAL ANTENNA SETTINGS



**EXISTING T-MOBILE ANTENNA (TYP. OF 2 PER SECTOR, TOTAL OF 6) (TO BE REMOVED)**

**EXISTING TOWER LEG (TYP.)**

**EXISTING T-MOBILE TMA (TYP. OF 2 PER SECTOR, TOTAL OF 6) (TO BE REMOVED)**

**EXISTING TIE BACK ARM (TYP. OF 1 PER SECTOR, TOTAL OF 3) (TO BE REPLACED)**

**PROPOSED T-MOBILE L700 ANTENNA (TYP. OF 1 PER SECTOR, TOTAL OF 3) MOUNTED TO PROPOSED MOUNTING PIPE**

**PROPOSED T-MOBILE AIR21 ANTENNA (TYP. OF 1 PER SECTOR, TOTAL OF 3) MOUNTED TO PROPOSED MOUNTING PIPE**

**PROPOSED TIE BACK/STIFF ARM (TYP. OF 2 PER SECTOR, TOTAL OF 6) (INCLUDED IN NEW SECTOR ARM KIT)**

**PROPOSED SECTOR FRAME (SITE 107) / MOUNTING PART # 107 / ADAPTER PART # TAM-LL) OR APPROVED EQUAL) (TYP. FOR 1 PER SECTOR, TOTAL OF 3)**

**PROPOSED T-MOBILE RRUS (TYP. OF 2 PER SECTOR, TOTAL OF 6) MOUNTED TO PROPOSED ANTENNA MAST**

NOTE:  
GROUND EQUIPMENT NOT SHOWN FOR CLARITY

**TOWER ELEVATION** 3  
22x34 SCALE: 3/32"=1'-0" A-2  
11x17 SCALE: 3/64"=1'-0"

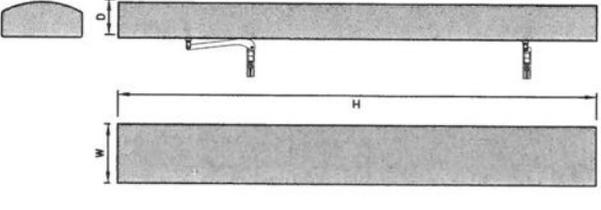
**EXISTING ANTENNA PLAN** 1  
SCALE: N.T.S. A-2

**PROPOSED ANTENNA PLAN** 2  
SCALE: N.T.S. A-2

STRUCTURAL NOTE:  
 STRUCTURAL INFORMATION TAKEN  
 FROM THE MANUFACTURER'S  
 PERFORMED BY JACOBS ENGINEERING  
 GROUP, INC., DATED: APRIL 13, 2016

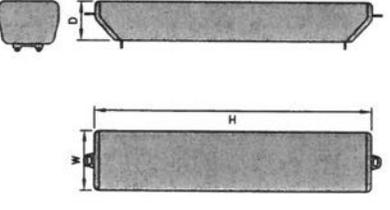
NOTE:  
 REFER TO FINAL RF DATA SHEET  
 FOR FINAL ANTENNA SETTINGS

L700 ANTENNA DIMENSIONS	
MODEL #	ISBH-1085C
MANUF.	COMMSCOPE
HEIGHT	96.5"
WIDTH	11.9"
DEPTH	7.1"
WEIGHT	49.6 LBS



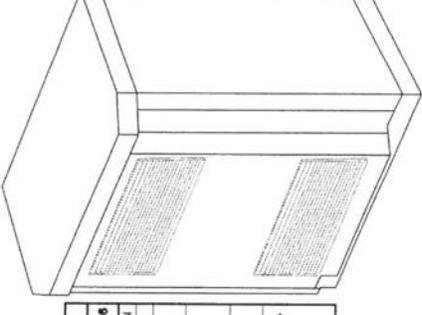
L700 ANTENNA DETAIL  
 SCALE: N.T.S.

AIR21 ANTENNA DIMENSIONS	
MODEL #	AIR21 B4/B2P
MANUF.	ERICSSON
HEIGHT	56"
WIDTH	12.1"
DEPTH	7.9"
WEIGHT	96 LBS



AIR 21 B4/B2P ANTENNA  
 SCALE: N.T.S.

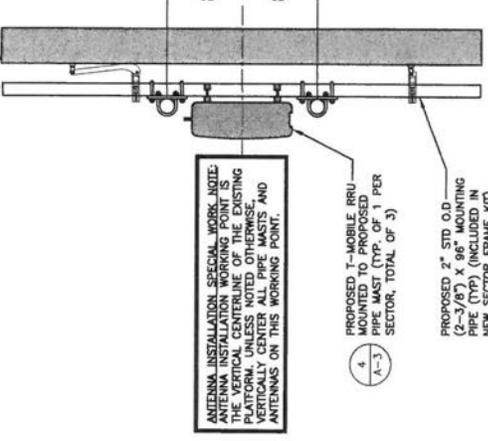
CABINET DIMENSIONS	
MODEL #	RBS 3106
MANUF.	ERICSSON
WIDTH	51"
DEPTH (INCLUDING DOOR)	36.5"
HEIGHT (INCLUDING 2" FRAME)	64"
WEIGHT (FULLY LOADED)	1,929 LBS
MOUNT BASE WITH (6) 1/2" DROP IN ANCHORS WITH 3-3/8" MINIMUM EMBEDMENT (INSTALL PER MANUFACTURER'S INSTALLATION GUIDELINES)	



PROPOSED 3106 EQUIPMENT CABINET  
 SCALE: N.T.S.

2  
 A-2

1,2  
 A-3



ANTENNA INSTALLATION SPECIAL WORK NOTE:  
 ANTENNA INSTALLATION SHALL BE THE VERTICAL CENTERLINE OF THE EXISTING PLATFORM UNLESS NOTED OTHERWISE. VERTICALLY CENTER ALL PIPE MASTS AND ANTENNAS ON THIS WORKING POINT.

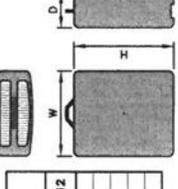
4  
 A-3

PROPOSED 2" STD. O.D. (2-3/8") X 96" MOUNTING PIPE (TYP) (INCLUDED IN NEW SECTOR FRAME KIT)

PROPOSED ANTENNA & RRUS MOUNTING DETAIL  
 SCALE: N.T.S.

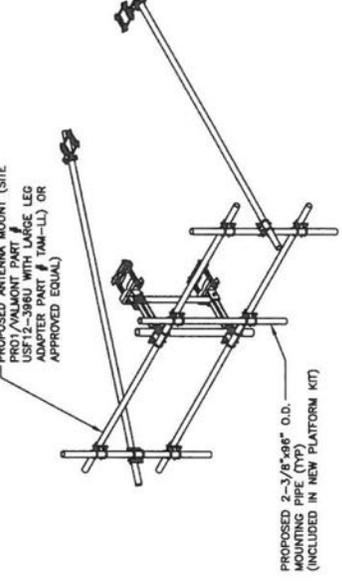
3  
 A-3

RRUS DIMENSIONS	
MODEL #	RRUS11 B12
MANUF.	ERICSSON
HEIGHT	20"
WIDTH	17"
DEPTH	7"
WEIGHT	50.6 LBS



PROPOSED RRUS DETAIL  
 SCALE: N.T.S.

4  
 A-3



PROPOSED ANTENNA MOUNT (SITE PRO1/VALMONT PART # USF12-388U WITH LARGE LEG ADAPTER PART # 7M-L) OR APPROVED EQUAL)

PROPOSED 2-3/8" O.D. MOUNTING PIPE (TYP) (INCLUDED IN NEW PLATFORM KIT)

PROPOSED MONOPOLE PLATFORM DETAIL  
 SCALE: N.T.S.

6  
 A-3

T-MOBILE NORTHEAST LLC  
 12 COMMERCIAL WAY, SUITE 8  
 NORTON, MA 02054  
 OFFICE: (508) 296-2320  
 FAX: (508) 296-2897

CROWN CASTLE  
 50 WINDY CROWNCASTLE  
 NORTON, MA 02054

Hudson Design Group  
 1400 OSGOOD STREET  
 BELLINGHAM, WA 98226  
 TEL: (360) 535-0550  
 FAX: (360) 535-0550



CHECKED BY: BB  
 APPROVED BY: DUC

SUBMITTALS	
REV	DATE DESCRIPTION
1	04/27/16 CONSTRUCTION PERM.
0	04/09/16 ISSUED FOR CONSTRUCTION

SITE NUMBER: 4HY0568A  
 CROWN CASTLE SITE ID: 841273  
 SITE NAME: TRURO  
 SITE ADDRESS: 344 ROUTE 6 NORTH  
 WESTPORT, MASSACHUSETTS  
 BARRETTABLE COUNTY

EQUIPMENT DETAILS  
 SHEET NUMBER  
 A-3

**T-MOBILE  
NORTHEAST LLC**  
15 COMMERCE WAY, SUITE 8  
NORTH WINDHAM, VT 05701  
OFFICE: 802.253.2020  
FAX: 802.253.2020

**CROWN  
CASTLE**  
COMMUNICATIONS  
SERVICES CORPORATION  
WINDHAM, VT 05701

**Hudson  
Design Group**  
140 GOSWOLD STREET  
NORTH WINDHAM, VT 05701  
OFFICE: 802.253.2020  
FAX: 802.253.2020

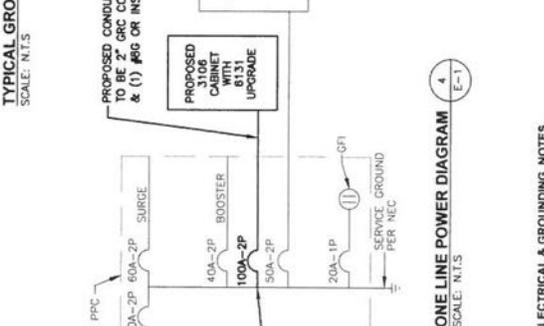
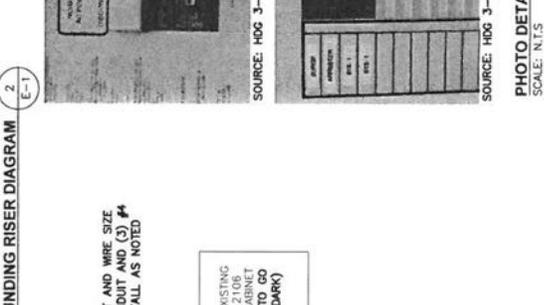
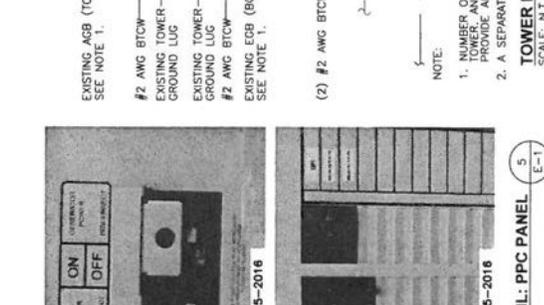
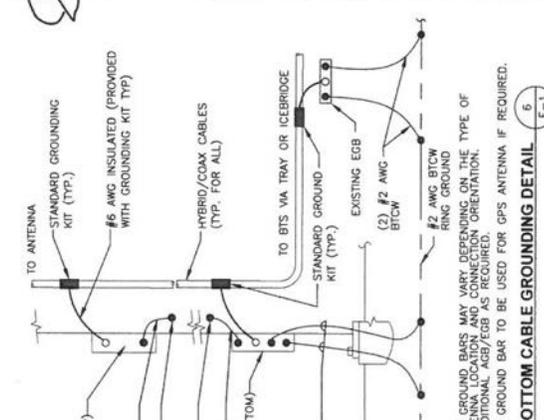
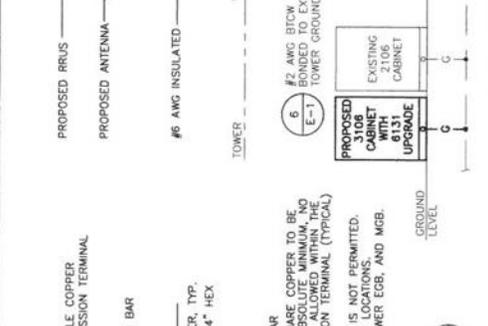
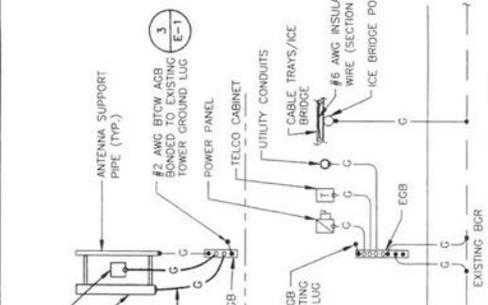
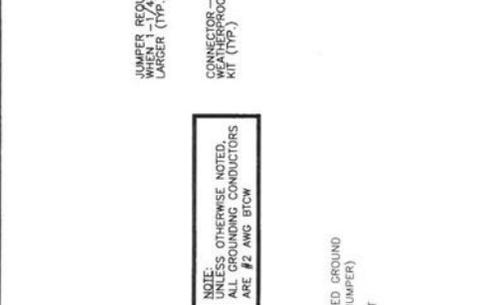
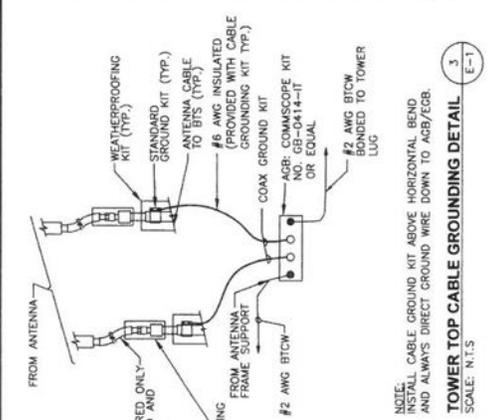
STATE OF MASSACHUSETTS  
REGISTERED PROFESSIONAL ENGINEER  
DEWEY J. GREASER  
LICENSE NO. 10000  
EXPIRES 12/31/2016

CHECKED BY: BB  
APPROVED BY: DUC  
SUBMITTALS  
REV. DATE DESCRIPTION  
1 12/17/16 CONSTRUCTION PERM. (M)  
2 12/17/16 ISSUED FOR CONSTRUCTION (M)

SITE NUMBER:  
4HY0568A  
CROWN CASTLE SITE ID:  
841273  
SITE NAME:  
TRURO  
SITE ADDRESS:  
3144 W. BARNSTABLE RD.  
TRURO, MA 02652  
BARNSTABLE COUNTY

SHEET TITLE  
**ONE-LINE DIAGRAM  
AND GROUNDING  
DETAILS**

SHEET NUMBER  
**E-1**



1. ALL ELECTRICAL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE (NEC) AS WELL AS APPLICABLE STATE AND LOCAL CODES.

2. ALL ELECTRICAL ITEMS SHALL BE U.L. APPROVED OR LISTED AND PRODUCED FOR SPECIFICATION REQUIREMENTS.

3. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE STATE AND LOCAL CODES.

4. GENERAL CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIAL DESCRIBED BY DIMENSIONS AND SPECIFICATION INCLUDING INCIDENTAL WORK TO PROVIDE PROPER CLEARANCE AND PROTECTION OF EXISTING UTILITIES AND STRUCTURES.

5. GENERAL CONTRACTOR SHALL PROVIDE ALL PERMITS AND COORDINATION OF INSPECTIONS.

6. SCHEDULE 40 PVC (AS PERMITTED BY CODE) AND WIRE REQUIRED IN LIQUID TIGHT FLEXIBLE METAL OR NONMETALLIC CONDUITS OR RIGID METAL CONDUITS SHALL BE GROUNDED AT BOTH ENDS.

7. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE STATE AND LOCAL CODES.

8. ERM ELECTRICAL CONDUIT OR CABLE BETWEEN ELECTRICAL ROOM AND PROPOSED CELL SITE TELCO CABINET AND BITS CABINET AS SHOWN ON DRAWING A-1. PROVIDE FULL LENGTH PULL ROPE IN INSTALLED TELCO CONDUIT. PROVIDE GREEN/LEAD CONDUIT MEASURING TAPE AT EACH END OF CONDUIT.

9. ERM TELCO CONDUIT OR CABLE BETWEEN TELEPHONE UTILITY EMERGENCY POINT AND PROPOSED CELL SITE TELCO CABINET AND BITS CABINET AS SHOWN ON DRAWING A-1. PROVIDE FULL LENGTH PULL ROPE IN INSTALLED TELCO CONDUIT. PROVIDE GREEN/LEAD CONDUIT MEASURING TAPE AT EACH END OF CONDUIT.

10. ALL EQUIPMENT LOCATED OUTSIDE SHALL HAVE NEMA 3R ENCLOSURE.

11. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE STATE AND LOCAL CODES.

12. GROUND COAXIAL CABLE SHIELDS MINIMUM AT BOTH ENDS USING MANUFACTURERS COAX CABLE GROUNDING KITS SUPPLIED BY PROJECT OWNER.

13. USE #6 COPPER STRANDED WIRE WITH GREEN OR BLUE INSULATION FOR ABOVE GROUND GROUNDING (UNLESS OTHERWISE SPECIFIED) AND #2 SOLID TINNED BRASS COPPER WIRE FOR BELOW GROUND GROUNDING AS INDICATED ON THE DRAWING.

14. ALL GROUND CONNECTIONS TO BE BROWN WOODRUM COMPRESSION TYPE CONNECTORS OR GAWLED EXOTHERMIC WELD. DO NOT ALLOW BARE COPPER TO BE IN CONTACT WITH ANY OTHER MATERIAL.

15. ROUTE GROUNDING CONDUCTORS ALONG THE SHORTEST AND STRAIGHTEST PATH POSSIBLE, EXCEPT AS OTHERWISE INDICATED. GROUNDING LEADS SHALL BE BOND TO THE SAME POINT OF CONNECTION AS THE MAIN GROUND BAR.

16. BOND ANY METAL OBJECTS WITHIN 7 FEET OF PROPOSED EQUIPMENT OR CABINET TO MAIN GROUND BAR.

17. CONNECTIONS TO MGB SHALL BE ARRANGED IN THREE MAIN GROUPS: SURGE PROTECTORS (COAXIAL, CABLE GROUND KITS, TELCO AND POWER PANEL), CONNECTORS TO GROUND BARS SHALL BE MADE WITH TWO HOLE COMPRESSION TYPE COPPER LUGS. APPLY OILITE INHIBITING COMPOUND TO ALL CONNECTIONS TO GROUND BARS.

18. APPLY OILITE INHIBITING COMPOUND TO ALL COMPRESSION TYPE GROUND CONNECTIONS.

19. BOND ANTENNA MOUNTING BRACKETS, COAXIAL CABLE GROUND KITS, AND ALMA TO EGB PLACED NEAR THE ANTENNA LOCATION.

20. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE STATE AND LOCAL CODES.

21. TEST COMPLETE GROUND SYSTEM AND SECOND GROUNDING POINT FOR PROJECT CLOSE-OUT DOCUMENTATION.

22. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE STATE AND LOCAL CODES.

23. VERIFY PROPOSED SERVICE HOUSING WITH LOCAL UTILITY COMPANY PRIOR TO CONSTRUCTION.

NOTE:  
INSTALL CABLE GROUND KIT ABOVE HORIZONTAL BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO AGB/EGB

NOTE:  
NUMBER OF GROUND BARS MAY VARY DEPENDING ON THE TYPE OF GROUNDING KIT USED. PROVIDE ADDITIONAL AGB/EGB AS REQUIRED.

NOTE:  
A SEPARATE GROUND BAR TO BE USED FOR GPS ANTENNA IF REQUIRED.

NOTE:  
UNLESS OTHERWISE NOTED, ALL GROUNDING CONDUCTORS ARE #2 AWG BTWC

NOTE:  
NUMBER OF GROUND BARS MAY VARY DEPENDING ON THE TYPE OF GROUNDING KIT USED. PROVIDE ADDITIONAL AGB/EGB AS REQUIRED.

NOTE:  
A SEPARATE GROUND BAR TO BE USED FOR GPS ANTENNA IF REQUIRED.



**TOWN OF TRURO  
PLANNING BOARD**

P.O. Box 2030  
Truro MA 02666-2030

Tel: 508-487-2702  
Fax: 508-487-2762

**DECISION**

On June 27, 2006, the Truro Planning Board, during a duly-posted meeting heard the request of Omnipoint Communications, Inc., a wholly-owned subsidiary of T-Mobile USA, Inc. to further modify a Special Permit Decision issued by the Truro Planning Board, dated May 19, 2000 and recorded in the Barnstable County Registry of Deeds on May 2, 2001, Book 13790, Page 306, which decision granted a Special Permit to Sprint Spectrum L.P. ("Sprint") and Nextel Communications of the Mid-Atlantic Inc. ("Nextel") for Sprint to construct a 170' lattice tower at certain property known and numbered as 344 Grand Army of the Republic Highway, Route 6, Truro, MA owned by the Town of Truro by order of taking recorded June 18, 1990 in Book 7197, Page 177. The Special Permit allowed for both carriers to install, operate and maintain their respective wireless communication antenna facilities on and next to the tower (the "May 19, 2000 Decision"). The May 19, 2000 Decision was then modified by the Truro Planning Board after a duly-posted public meeting on December 16, 2003 to specifically include and permit the co-location of AT&T Wireless PCS, LLC's equipment on the previously approved tower and within the previously approved equipment shelter compound. Said Modification was filed with the Truro Town Clerk on December 31, 2003 (the "December 31, 2003 Decision"). In its application for further modification of the May 19, 2000 Decision (as subsequently modified by the December 31, 2003 Decision), Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., sought to install up to nine (9) wireless telecommunications antennas mounted on the previously approved Tower and to install cables and appurtenant radio equipment within the previously approved equipment shelter compound, per plans prepared by MRC Engineering, dated 1/10/05. Said modification is requested with reference to current § 40.5 (formerly Sec VIII-L) of the Truro Zoning Bylaw.

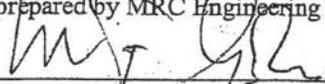
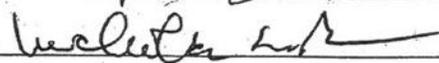
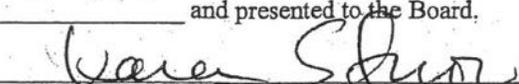
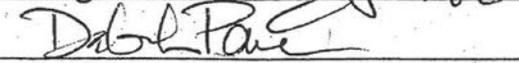
After a public meeting, the Board adopted the following findings:

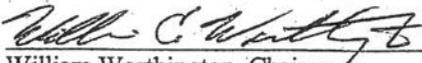
1. The intent of the May 19, 2000 Decision, as noted in Finding Nos. 4, 7 and 8, was, and remains, that the tower would accommodate the number of cellular communications providers then existing, a total of six (6) providers.
2. There are currently five (5) cellular communication providers located on the existing tower, making Omnipoint Communications, Inc. the sixth carrier, and thereby keeping with the Board's original intent to allow up to six (6) carriers on the previously approved tower.
3. Granting the requested modification is consistent with the Board's intent to encourage the co-location of the number of cellular communication providers existing as of the May 19, 2000 Decision on the tower and will continue to reflect the Board's original intention. Granting the requested modification will not constitute a "reversal of a conscious decision."
4. Granting the requested modification does not grant relief different from that originally sought.
5. Granting the requested modification does not change the result of the original decision.

June 27, 2006

- 6. No one relying on the original decision will be prejudiced by the grant of this modification.

Accordingly, the Planning Board voted: 5-1 to modify the original May 19, 2000 Special Permit Decision (as subsequently modified by the December 31, 2003 Decision) to include and allow the co-location of Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc.'s facility on the previously approved tower and equipment shelter compound, as depicted on the Site Plans prepared by MRC Engineering Inc., dated \_\_\_\_\_ and presented to the Board.

  
 William Worthington, Chairman

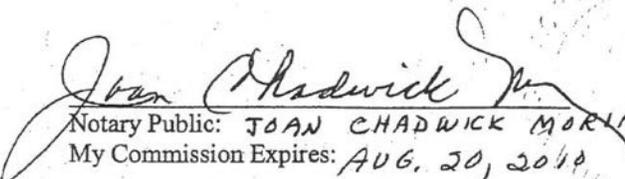
Received, Office of the Town Clerk:  Signature June 28, 2006 Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

June 27, 2006

Then personally appeared before me the above-named William Worthington, Chairman of the Truro Planning Board, and acknowledged the foregoing instrument to be the free act and deed of the Truro Planning Board, before me,

  
 Notary Public: JOAN CHADWICK MORIARTY  
 My Commission Expires: AUG. 20, 2010

**TOWN OF TRURO  
PLANNING BOARD**

**P.O. Box 2030  
Truro MA 02666-2030**

Tel: 508-349-7004  
Fax: 508-349-5505

**MOTIONS OF THE TRURO PLANNING BOARD  
ON THE REQUEST OF OMNIPOINT COMMUNICATIONS, INC.,  
A WHOLLY OWNED SUBSIDIARY OF T-MOBILE USA, INC.  
TO MODIFY ORIGINAL SPECIAL PERMIT  
FOR POLICE FACILITY TOWER**

1. Move that the Planning Board adopt the following findings:
  - a. The intent of the May 19, 2000 Decision, as noted in Finding Nos. 4, 7 and 8, was, and remains, that the tower would accommodate the number of cellular communications providers then existing, a total of six (6) providers.
  - b. There are currently five (5) cellular communication providers located on the existing tower, making Omnipoint Communications, Inc. the sixth carrier, and thereby keeping with the Board's original intent to allow up to six (6) carriers on the previously approved tower.
  - c. Granting the requested modification is consistent with the Board's intent to encourage the co-location of the number of cellular-communication providers existing as of the May 19, 2000 Decision on the tower and will continue to reflect the Board's original intention. Granting the requested modification will not constitute a "reversal of a conscious decision."
  - d. Granting the requested modification does not grant relief different from that originally sought.
  - e. Granting the requested modification does not change the result of the original decision.
  - f. No one relying on the original decision will be prejudiced by the grant of this modification.
2. Move that the Truro Planning Board modify the original May 19, 2000 Special Permit decision, as subsequently modified by the December 31, 2003 Decision to include and allow the co-location of AT&T Wireless' facility, to further allow the co-location of Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., on and within the previously approved tower and equipment shelter compound with reference to plans drawn by MRC Engineering, Inc., dated 11/10/05.



**Truro Planning Board**

**TRURO, MASSACHUSETTS**

**HEARING AND DECISION**

On May 17, 2000, the Truro Planning Board held a public hearing on the application of Sprint Spectrum, L.P. (hereinafter, "Sprint") and Nextel Communications of the Mid-Atlantic, Inc. (hereinafter, "Nextel") for a Special Permit pursuant to Section VIII of the Truro Zoning Bylaw, the Truro Zoning Bylaw for Communication Towers, for the siting of a tower at the Truro Public Safety Facility Site, 344 Route 6, North Truro, Massachusetts. Sprint sought approval to replace an existing 150 foot co-location lattice style tower with a comparative 170 foot lattice style tower with a design to allow for future expansion of said tower to 190 feet and associated base station equipment for use as a PCS communications facility. Nextel sought approval of the Board to construct its associated base station equipment at the site.

The Board heard the application with the following members sitting and deliberating: Chairman Paul Kiernan, Russell Weldon, Kathleen Crosby, Christopher Lucy, and Nicholas Brown.

*After the hearing, the Truro Planning Board unanimously adopted (5-0) the following Findings of Fact:*

1. Pursuant to the provisions of the Truro Zoning Bylaw for Communication Towers, Section VIII(L)(2)(a), the building permit for the cellular communications tower and associated base equipment proposed by Sprint Spectrum L.P. requires a special permit from the Planning Board. Pursuant to the provisions of the Truro Zoning Bylaw for Communication Towers, Section VIII(L)(2)(a), the building permit for Nextel's associated base station equipment requires a special permit, as well.
2. The proposed tower at 170 feet will have a 122 foot side setback and a 150 foot back lot line setback. As proposed, therefore, the tower does not meet the minimum setbacks contained in Subsection (b) of said Bylaw. The proposed tower will replace an existing 150 foot tower constructed prior to the adoption of the bylaw, when no minimum setbacks were required. The concerns for the "Ice Zone" stemmed from the possible impact from hurricane force winds and the potential of "ice fall" off the tower. The Board finds there are no reported incidents of tower failure due to hurricanes or experiences of "ice fall" off towers in the Massachusetts area and that the Truro Police Chief indicates there have been no incidents of "ice fall" off the existing tower. Furthermore, the Board finds that the tower's location next to the police station minimizes remaining public safety concerns in that the police can monitor any "ice fall" and protect the public from encountering it. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (b) is appropriate.

A true copy, attest: *[Signature]* Cynthia A. Slade, Town Clerk, Town of Truro/ July 17, 2000  
Pages 1-8, each page bearing the official seal of the Town of Truro.

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3. The proposed tower will meet the requirements of Subsection (c) of said Bylaw in that it will be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations; it will be manufactured to withstand winds and gusts of a category 5 hurricane; and the permit holder shall bring the structure into compliance with any new or amended federal, state, country and local codes, standards and regulations within six (6) months of their promulgation.

4. The proposed structure is a 170 foot lattice-style tower with a design to allow for future expansion to 190 feet. Therefore, the proposed structure exceeds the maximum height requirements contained in Subsection (d) of said Bylaw. The Board finds that the proposed tower will replace an existing 150 foot tower while accommodating all cellular communications companies who wish to conduct business in the Town of Truro, thereby complying with the 1996 Federal Telecommunications Act and eliminating the possible proliferation of towers throughout the Town. The Board found that the Town specifically sought proposals for the Truro Public Safety Facility site because there was already an existing tower in that location and, therefore, construction of a new slightly taller tower would have the least impact on the community while reducing the number of towers needed to service the community. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (d) is appropriate.

5. The Board finds that applicants have demonstrated that there are no feasible pre-existing structures on which they could co-locate in accordance with Subsection (e) of said Bylaw.

6. The Board finds that the site for the proposed tower is owned by the Town of Truro in accordance with Subsection (f) of said Bylaw.

7. Pursuant to the provisions of Subsection (g) of said Bylaw, the Board finds that proposed tower shall accommodate the number of cellular communications providers who presently express a desire to do business in the Town of Truro, and contains an optional twenty (20) foot expansion which can be utilized in the future to accommodate the maximum number of foreseeable users, with further Truro Planning Board and Cape Cod Commission permission.

8. Pursuant to the provisions of Subsection (h) of said Bylaw, the Planning Board finds that the existing facility at the proposed site cannot accommodate the number of cellular communications providers who presently express a desire to do business in the Town of Truro. The proposed tower will have the capacity to accommodate these providers.

9. Pursuant to the provisions of Subsection (i) of said Bylaw, the Board finds that the new tower is designed to minimize the visual impact on the surrounding area, to disturb the least amount of existing vegetation in the area, to blend with the surroundings, and includes additional vegetative screening. Fencing and tree plantings shall be done in accordance with the notations on the plans submitted with the application and entitled, "Sprint Spectrum, L.P., Site ID# BS13XC597B3, Truro, Cell One Police Tower, 344 Route 6, North Truro, MA 02666," as prepared by Clough, Harbour & Associates, LLP, 450 Cottage Street, Springfield, MA 01104, dated November 1999, and as modified and approved by the Truro Planning Board at its hearing held April 19, 2000.

TRURO 170

10. Pursuant to Subsection (j) of said Bylaw, the Board finds there is no mandatory regional and siting criteria established by the Cape Cod Commission for a tower of 170 feet at this location. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (j) is appropriate.

11. Pursuant to the provisions of Subsection (k) of said Bylaw, the Board finds that the proposed tower will generate noise, but that there will be no significant increase in noise over levels emanating from the current tower. The Board finds that the noise complaints stemming from the existing tower originated as a result of loose equipment, pipes and wires. The Board finds that noise on the proposed tower shall be minimized by cutting vertical mount pipes flush or below the antenna panel, capping the mount pipes, bundling wires where feasible, and utilizing other noise abatement measures where feasible. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (k) is appropriate.

12. Pursuant to the provisions of Subsection (l) of said Bylaw, and as required in the Lease Agreement for this site, the Board finds that no hazardous, inflammable, combustible or explosive fluid, material, chemical or substance, except standard cleaning fluid and the minimum necessary amount of fuel and /or batteries necessary for the operation of the emergency generators and/or ground based equipment is proposed to be brought onto or permitted on the site. The Board finds that documentation shall be provided for the contents of all communication buildings and/or cabinets.

13. Pursuant to the provisions of Subsection (m) of said Bylaw, the Board finds that all run-off of storm water from communication structures, buildings and appurtenances, driveways and parking areas is proposed to be contained on site. The amount of impervious surfaces shall be minimized by the installation of a crushed stone surface in the tower yard.

14. Pursuant to the provisions of Subsection (n) of said Bylaw, the Board finds that the FAA does not require lighting of a 170 or 190 foot tower. The Board finds that Sprint and Nextel propose to install lighting for maintenance purposes only and that all such lighting shall be directed inward so as not to project onto surrounding properties and shall be shielded.

15. Pursuant to the provisions of Subsection (o) of said Bylaw, the Board finds that all structures, buildings and appurtenances shall be secured to control access by the installation of a locked fence, six (6) feet in height, with appropriate warning signals which shall alert the applicant to any unauthorized entries. A sign displaying the name of the owner and a 24-hour emergency contact telephone number will be visibly mounted on the fencing.

16. Pursuant to the provisions of Subsection (p) of said Bylaw, a covenant regarding the removal of the structure after four months of nonuse shall be executed. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of the portion of Subsection (p) requiring a bond is appropriate as a bond is already required under the terms of the Lease Agreement with the Town.

17. Pursuant to the provisions of Subsection (q) of said Bylaw, the applicant met with the Planning Board for a pre-hearing consultation on December 1, 1999.

18. Pursuant to the provisions of Subsection (r) of said Bylaw, the Planning Board held a public hearing within 65 days of the filing of the application and shall issue its decision within 90 days of the hearing.

19. Subsection (s)(1) and (2) of said Bylaw require the submission of certain surveys concerning the siting of this proposed tower. The Board finds that no such surveys were submitted nor required by the Board. The Board finds the Town of Truro solicited proposals specifically for the Truro Public Safety Facility Site. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (s)(1) and (2) is appropriate.

20. Pursuant to the provisions of Subsection (s)(3) of said Bylaw, the applicant has not submitted a Microwave propagation analysis showing the current frequency and intensity of radiation at ground level and at 30 feet above ground level. The Board finds that Sprint shall test the radio frequency emissions before and after the construction of the tower and shall reimburse the Town of Truro for its actual costs in an amount not to exceed \$2,000 annually, as adjusted by an escalation factor, to conduct annual radio frequency emissions testing and monitoring for purposes of comparing the results of the Monitoring to applicable Federal Communications Commissions ("FCC") standards, in accordance with Condition 8 set forth below. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (s)(3) is appropriate.

21. Pursuant to the provisions of Subsection (s)(4) of said Bylaw, the applicant must submit certain surveys regarding estimated sound levels emanating from the structure. The Board finds that such surveys were not provided or required by the Board. The Board finds that distinguishing and measuring the sound levels emanating from the tower as separate levels from those sounds associated with wind, tree and traffic noise heard at the perimeter of this particular site is complex and perhaps infeasible. The Board finds that the proposed design for this structure utilizes methods to minimize noise levels on the tower by cutting vertical mouth pipes flush or below the antenna panel, capping the mount pipes to minimize any additional wind noise resulting from the increased number of antennas on the tower, bundling the wires where feasible, and incorporating further noise abatement measurements where feasible. The Board finds that Sprint shall take benchmark measurements of the sound levels emanating from the tower at the four major compass points on the site both before and after tower construction. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (s)(4) is appropriate.

22. Pursuant to the provisions of Subsection (s)(5) of said Bylaw, the applicant must delineate all areas in Truro not served by the proposed installation for this site and an alternative site. No such delineation was made or required by the Board. The Board finds that the Town specifically sought proposals for the Truro Public Safety Facility Site. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (s)(5) is appropriate.

23. Pursuant to the provisions of Subsection (s)(6) of said Bylaw, the applicant has submitted a statement of the services to be supported by the proposed facility.

24. The applicant has submitted the plans required pursuant to the provisions of Subsection (s)(7) of said Bylaw.



25. Pursuant to the provisions of Subsection (s)(8) of said Bylaw, the Board finds that all of the federal filing required for this site have been submitted by Sprint. The Board finds that Sprint's Massachusetts Department of Public Health (MDPH) filing is currently pending and that it cannot operate until this filing is approved. Nextel's MDPH filing is approved and has been filed with the Board.

26. Pursuant to the provisions of Subsection (s)(9) of said Bylaw, the applicant is required to fly a three-foot-diameter balloon at the primary and alternate site. The Board finds that given the existing tower, the balloon test would not be beneficial. A photo simulation depicting the completed tower was submitted by the applicant and the Board has determined that the proposed tower will not have any further visual impact on the area than the existing tower. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (s)(9) is appropriate.

27. The applicant submitted all documents required pursuant to the provisions of Subsection (t) of said Bylaw.

28. The Board finds that Subsection (u) of said Bylaw is inapplicable to this application.

29. The Board finds that all plans submitted in connection with the application were certified by an appropriate licensed professional, pursuant to Subsection (v) of said Bylaw.

30. Pursuant to Subsection (w) of said Bylaw, the Board did not feel referrals to the Board of Health, Zoning Board of Appeals or Conservation Commission were required in this instance.

31. Pursuant to Subsection (y) of said Bylaw, the Board finds that the Lease negotiated with the Town of Truro requires that, upon completion of the construction of the tower and the transfer of the antennas and equipment from the old tower to the new tower, the Lease shall be assigned to Southwestern Bell Mobile Systems, Inc. d/b/a CellularOne and that, as part of said assignment, Sprint shall also assign the Special Permit and all of the permissions granted therein and obligations assumed thereunder. The Board finds that pursuant to Subsection (x) of said Bylaw, a waiver of Subsection (y) is appropriate to the extent that the assignment to CellularOne is hereby permitted and that any subsequent or alternative assignments must first receive approval from the Board.

32. The Board finds, pursuant to the provisions of Subsection (x) of said Bylaw, that the waivers of Subsections (b), (d), (j), (k), a portion of (p), (s)(1), (s)(2), (s)(3), (s)(4), (s)(5), (s)(9) and (y) of said Bylaw are not detrimental to the public interest, do not cause the Town any expense, and are not inconsistent with the intent and purpose of this Bylaw.

33. The Board finds that the application of Sprint and Nextel meet the general purpose and intent of the Bylaw as expressed in Section VIII (L)(1) of said Bylaw.



*Based on the approved Findings of Fact set forth above, the Board voted unanimously (5-0) to impose the following conditions upon the Special Permit:*

1. The proposed tower and appurtenances shall be constructed in accordance with the provisions of Section VIII of the Truro Zoning Bylaw, the Truro Zoning Bylaw for Communication Towers.
2. The proposed tower and appurtenances shall be constructed in accordance with the plans entitled, "Sprint Spectrum, L.P., Site ID# BS13XC597B3, Truro, Cell One Police Tower, 344 Route 6, North Truro, MA 02666," as prepared by Clough, Harbour & Associates, LLP, 450 Cottage Street, Springfield, MA 01104, dated November 1999, as modified and approved by the Truro Planning Board at its hearing held April 19, 2000, and as modified by the more detailed construction drawings and approved by the Town of Truro in accordance with the provisions of the Lease Agreement.
3. The proposed tower and appurtenances shall be constructed to minimize noise levels on the tower by cutting vertical mount pipes flush or below the antenna panel, capping the mount pipes to minimize any additional wind noise resulting from the increased number of antennas on the tower, bundling the wires where feasible, and utilizing any additional noise abatement measures where feasible.
4. Sprint shall take ground level benchmark measurements of the sound levels emanating from the tower at the four major compass points on the site before tower construction and upon completion of tower construction and removal of the existing tower. Sprint shall file these measurements with the Truro Planning Board and the Truro Board of Health.
5. The tower structure and all appurtenances shall be maintained so as to minimize noise levels.
6. The permit holder shall execute a covenant to remove within six months any communication structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the expense of the permit holder.
7. Sprint shall, at its own cost and expense, provide Electro Magnetic Field (EMF) readings before and after the completion of the facility. Sprint shall file these readings with the Truro Planning Board and the Truro Board of Health.
8. Sprint shall reimburse the Town of Truro for its actual costs incurred for testing and monitoring the radio frequency emissions at the Site ("the Monitoring") and comparing the results of the Monitoring to applicable Federal Communications Commissions ("FCC") and Massachusetts Department of Public Health ("MDPH") standards in an amount not to exceed \$2,000 annually, as increased annually by the increase, if any, in the Consumer Price Index - U.S. City Averages for Urban



Wage Earners and Clerical Workers (1982 - 84 = 100) published by the United States Department of Labor, Bureau of Labor Statistics (or a reasonably equivalent index if such index is discontinued). The reimbursement of said actual costs in an amount not to exceed \$2,000 as adjusted shall be paid by Sprint within thirty (30) days of being invoiced by the Town. If the radio frequency emissions at the Site exceed FCC or MDPH standards, the Town of Truro reserves its rights in law and equity, to the extent permissible under applicable law, to seek enforcement of violations thereof. Sprint Spectrum LP's obligations under this condition shall continue and extend for the entire time period during which Sprint remains connected to the tower and shall extend beyond the contemplated transfer of ownership of the tower and assignment of Lease and Special Permit to Southwestern Bell Mobile Systems, Inc. d/b/a CellularOne.

9. The Special Permit holder shall, at its own expense, provide Electro Magnetic Field (EMF) readings immediately before and after any addition to the facility. The Special Permit holder shall also be responsible for any actual costs which exceed the not to exceed contribution of Sprint Spectrum L.P. in the amount of Two Thousand (\$2,000.00) Dollars as adjusted for the required annual testing described in Condition 8 above.

10. Sprint shall construct the tower and related appurtenances so as to minimize visual impact and blend with the surroundings. In furtherance of said condition, Sprint shall construct a grey tower with a grey antenna array and grey cabinets to the extent feasible and shall utilize black cables. If technologically feasible, as determined by a design engineer, the cables shall be bundled, clustered, or otherwise designed so as to minimize visual impact and wind resistance.

*After voting unanimously to impose the above-referenced conditions, the Board voted unanimously (5-0) to issue in accordance with the previously approved findings of fact and conditions set forth above, a Special Permit to Sprint Spectrum LP for the construction of a 170 foot lattice style tower with a design to allow for future expansion of said tower to 190 feet and to construct the associated base station equipment for use as a PCS communications facility, and to issue a Special Permit to Nextel Communications of the Mid-Atlantic, Inc. to construct its associated base station equipment at the site.*

Members voting in favor: Chairman Paul Kieman, Russell Weldon, Kathleen Crosby, Christopher Lucy, and Nicholas Brown.



Dated: MAY 19, 2000

Paul Kiernan  
Paul Kiernan, Chair

Russell Weldon  
Russell Weldon

Kathleen Crosby  
Kathleen Crosby

Christopher R. Lucy  
Christopher Lucy

Nicholas Brown  
Nicholas Brown

Signature

May 19, 2000  
Date

Received, Office of the Town Clerk:

This is to certify that more than twenty (20) days have elapsed since the filing of the foregoing decision in the office of the Clerk of the Town of Truro and no appeal from said decision has been filed.

A true Copy:

Attest:

Cynthia A. Slade  
Cynthia A. Slade, Town Clerk

June 9, 2000



**Centerline Communications LLC**

95 Ryan Drive  
Suite 1  
Raynham, MA 02767  
781-713-4725

ROCKLAND TRUST  
53-447/113  
944

017136

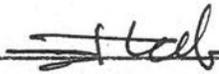
DATE 8/19/2016 AMOUNT 17136

8/19/2016 \*\*\*\*\*50.00

PAY  
TO THE  
ORDER  
OF

THE SUM OF FIFTY DOLLARS AND NO CENTS \*\*\*\*\*

Town of Truro MA

  
\_\_\_\_\_ MP

HEAT SENS  
151  
FIDES WITH IT

⑈017136⑈ ⑆011304478⑆ 2944004171⑈

## 2016-012SP T-Mobile Northeast LLC

Carole Ridley

Tue 10/18/2016 2:57 PM

To: epare@brownrudnick.com <epare@brownrudnick.com>;

📎 2 attachments

SSelectman%2016101814240.pdf; SSelectman%2016101815060-2.pdf;

Mr. Pare-

This message is in follow-up to a voicemail I left for you earlier today.

This matter is scheduled for a public hearing on Wed., November 16th at 6 pm in Truro Town Hall, located at 24 Town Hall Road. This public hearing will be advertised in the Provincetown Banner on October 27th and November 3rd, and notice will be sent to abutters no later than October 27th.

The application package provides ample information on the applicability of the Eligible Facilities request. However, the package does not include information that would allow the Board to find that the project conforms to the Special Permit requirements. Specifically the following information is required:

- description of the proposed equipment changes, noting the dimensions and locations, and comparing that with existing conditions
- description of any equipment to be removed
- reason for the equipment changes
- applicability to the requirements and criteria in 40.5.B, as applicable
- requests for waivers pursuant to 40.5.B.24, either because the requirement is not applicable, or for other reason

I have attached section 40.5 of the bylaw for your review. I have also attached a recent, comparable submission that provided this information in a format that the Board found helpful.

Kindly let me know that you received this email and please feel free to contact me with any questions.

Thanks,  
Carole Ridley  
508 349 7004 x 27  
508 221 8941 (mobile)



November 3, 2016

**VIA EMAIL AND FEDERAL EXPRESS**Truro Planning Board  
Town of Truro  
24 Town Hall Road  
P. O. Box 2030  
Truro, MA 02666**RE: T-Mobile Northeast LLC ("T-Mobile") - Eligible Facilities Request to Modify Transmission Equipment on a Communications Tower located at 344 Route 6, North Truro MA 02652 (Assessor's Map 39, Parcel 172-A (T-Mobile Site 4HY0568A/Truro) - Supplemental Information**

Dear Honorable Members of the Truro Planning Board:

On behalf of T-Mobile, while reserving all rights, we submitted to the Truro Planning Board (the "Board") an Eligible Facilities Request (the "Request") pursuant to the federal Middle Class Tax Relief and Jobs Creation Act of 2012 (the "Spectrum Act") to add, remove, modify and replace Transmission Equipment on and at an existing telecommunications Tower site located at 344 Route 6, North Truro, MA 02652 (Assessor's Map 39, Parcel 172A) (T-Mobile Site 4HY0568A/Truro) (the "Site"). All capitalized terms which are not defined herein shall have the meaning as set forth in the Spectrum Act and the FCC Regulations interpreting same (the "Regulations").

As depicted on the plans (the "Plans") submitted with the Request and the associated materials, T-Mobile proposes to replace the existing antenna mount on the tower, replace six (6) existing antennas with six (6) new antennas, collocate six (6) remote radio units, collocate three (3) cables/fiber and collocate one (1) equipment cabinet on the equipment pad on the ground near the existing tower adjacent to T-Mobile's existing equipment cabinet. The tower was originally approved by the Board through a special permit on May 19, 2000 which was recorded in the Barnstable Registry of Deeds in Book 13790 at Page 306 (the "Special Permit"). On June 27, 2006, the Board approved a modification to the original special permit which allowed T-Mobile to collocate its facility at the Site.

Pursuant to the Spectrum Act, modifications do not substantially change the physical dimensions of a Tower if:

1. The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.



T-Mobile is not proposing to increase the height of the tower.

2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made.

The modifications do not protrude from the edge of the tower more than the existing antennas and certainly not by twenty feet or more. In fact, the face of the antenna is seven feet (7') from the edge of the tower.

3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.

T-Mobile is proposing the collocation of one (1) additional cabinet.

4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.

T-Mobile will not be excavating outside of the Site.

5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.

T-Mobile will maintain the same color scheme as its existing Transmission Equipment.

6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds in numbers 1-4.

The modifications will comply with existing conditions contained in the Special Permit.

### **Town of Truro - Special Permit Requirements**

Notwithstanding the Spectrum Act and the Regulations, and while reserving all rights, T-Mobile's modifications comply with the intent, purposes and provisions of Section 40.5 of the Truro Zoning Bylaw (the "Bylaw"). Many of the criteria the Board considers pursuant to Section 40.5 relate to the location of a tower or other wireless communications structure. Because T-Mobile is merely modifying its Transmission Equipment and no new tower proposed, the applicable criteria are addressed as follows:



**Section 40.5.B.3 The appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed with withstand sustained winds and gusts of a category 5 hurricane.**

As evidenced by the Plans submitted with the Request, the attached summary of the structural report by Jacobs Engineering Group, Inc. and the attached Initial Construction Control Document, the modifications will comply with the building code and the tower has "sufficient capacity" to support the modifications. The full structural report, consisting of 67 pages, will be submitted to the Building Commissioner at the time of filing of the application for a building permit in accordance with the Massachusetts Building Code. We have enclosed one copy of the complete structural report with calculations.

**Section 40.5.B.9 The appurtenance shall be designed to minimize visual impact.**

The new Transmission Equipment will be of the same color and at the same location as the existing Transmission Equipment and will comply with the existing conditions of the Special Permit.

**Section 40.5.B.11 Under normal conditions, noise emanating from the appurtenance shall not be greater at the boundary of the lot on which it is sited than it would in the absence of the facility.**

T-Mobile's proposed Transmission Equipment will not change the existing noise levels.

**Section 40.5.B.12 No hazardous waste shall be discharged on the site and any storage of fuel shall be in compliance with Board of Health regulations.**

T-Mobile's proposed modification will not discharge any hazardous waste on the Site nor include any storage of fuel.

**Section 40.5.B.13 All run-off of storm water from appurtenances shall be contained on site.**

T-Mobile is adding one equipment cabinet on its existing equipment pad thereby not adding any increase in impervious surface. There will be no change to the run-off of storm water.

**Section 40.5.B.14 All lighting, when required or permitted, shall be directed inward toward the project.**

T-Mobile is not proposing to add or change the lighting at the site.



**Section 40.5.B.15 All appurtenances must be secured to control access.**

T-Mobile's appurtenances are installed inside a locked area and no changes are proposed.

**Waiver Requests**

While Section 40.5.B.24 of the Bylaw states that the Board shall not approve any application that does not comply with all of the requirements of the Bylaw, said section also authorizes the Board to waive any part of the Bylaw "when such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of the this [B]ylaw". Additionally, as noted above, the Spectrum Act and Regulations require approvals of Eligible Facilities Requests. While reserving all rights, T-Mobile respectfully requests the following waivers, to the extent applicable to the Request. This waiver request is also consistent with the Spectrum Act and the Regulations which prohibits the Town from requiring information other than that reasonably necessary for determining whether the standards for the Request are satisfied:

**Section 40.5.B.17, - Preapplication Meeting**

A preapplication meeting would be contrary to the 60 day timing requirement of the Spectrum Act and the FCC Regulations. The preapplication meeting appears intended to address new tower structures or other significant installations. The Request is for a modification which is not significant.

**Section 40.5.B.19 - Specific Written Information**

These requirements are inconsistent with the Spectrum Act and Regulations and appear applicable to new wireless communication facilities, not to modifications of Transmission Equipment. As noted in the Request, the Town may only require certain information as part of an Eligible Facilities Request.

**Section 40.5.B.20 - Specific Written Information.**

The site is owned by the Town of Truro and the lease, a public document, has been in place for many years. T-Mobile respectfully submits that the Plans submitted with the Request are sufficient for the Board to make an informed decision about the modifications and pursuant to the Spectrum Act and the Regulations, determine that the modifications do not substantially change the Tower. To the extent the Plans do not address specific items noted in this section of the Bylaw, T-Mobile requests a waiver.

These waivers: will not be detrimental beneficial to the public interest because the public will benefit from the provision of enhanced and cutting edge communications; will not cause the Town any expense and if fact, will save the Town resources by administratively approving such



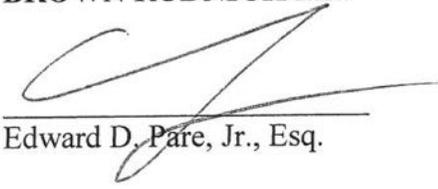
Truro Planning Board  
November 3, 2016  
Page 5

modifications; and, are consistent with the intent and purposes of the Bylaw by allowing supporting colocation thereby reducing the number of towers in the Town of Truro.

If you have any questions, please do not hesitate to contact me.

Respectfully,

**BROWN RUDNICK LLP**



Edward D. Pare, Jr., Esq.

Encl: Summary of Structural Report  
Full Structural Report (one copy)  
Construction Control Affidavit

62565476 v4-WorkSiteUS-028288/0110



# Initial Construction Control Document

To be submitted with the building permit application by a  
**Registered Design Professional**  
for work per the 8<sup>th</sup> edition of the  
Massachusetts State Building Code, 780 CMR, Section 107

**Project Number:** T-Mobile #: 4HY0568A / Crown BU#: 841273

**Date:** May 17, 2016

**Project Title:** Truro

**Property Address:** 344 Route 6, North Truro, MA 02652

**Project:** Check (x) one or both as applicable:      New construction    Existing Construction

**Project description:** T-Mobile Telecommunications site installation (L700). Install (1) new equipment cabinet on existing concrete pad. Repace existing antenna mounting frame with new mounting frame. Replace (6) existing antennas with (6) new antennas and install (3) new RRH's on new mounting frame.

I Daniel P. Hamm, MA Registration Number: 40720 Expiration date: 6/30/16, am a *registered design professional*, and I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning:

Architectural  
Fire Protection

Structural  
Electrical

Mechanical  
 Other: Entire Project

for the above named project and that to the best of my knowledge, information, and belief such plans, computations and specifications meet the applicable provisions of the Massachusetts State Building Code, (780 CMR), and accepted engineering practices for the proposed project. I understand and agree that I (or my designee) shall perform the necessary professional services and be present on the construction site on a regular and periodic basis to:

1. Review, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Perform the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the approved construction documents and this code.

Nothing in this document relieves the contractor of its responsibility regarding the provisions of 780 CMR 107.

When required by the building official, I shall submit field/progress reports (see item 3.) together with pertinent comments, in a form acceptable to the building official.

Upon completion of the work, I shall submit to the building official a 'Final Construction Control Document'.

Enter in the space to the right a "wet" or electronic signature and seal:



Phone number: (978)557-5553  
Hudson Design Group, LLC  
1600 Osgood Lndg, Bldg 20N, Suite 3090  
North Andover, MA 01845

Email: info@hudsondesigngroupllc.com

Building Official Use Only

Building Official Name:      Permit No.:      Date:

Note 1. Indicate with an 'x' project design plans, computations and specifications that you prepared or directly supervised. If 'other' is chosen, provide a description.

Date: April 13, 2016

Charles McGuirt  
Crown Castle  
3530 Toringdon Way Suite 300  
Charlotte, NC 28277

# JACOBS

Jacobs Engineering Group, Inc.  
5449 Bells Ferry Road  
Acworth, GA 30102  
(770) 701-2500

**Subject: Structural Analysis Report**

**Carrier Designation:** *T-Mobile Co-Locate*  
**Carrier Site Number:** 4HY0568A  
**Carrier Site Name:** Truro

**Crown Castle Designation:**  
**Crown Castle BU Number:** 841273  
**Crown Castle Site Name:** TRURO  
**Crown Castle JDE Job Number:** 367883  
**Crown Castle Work Order Number:** 1221111  
**Crown Castle Application Number:** 335498 Rev. 4

**Engineering Firm Designation:** **Jacobs Engineering Group Inc. Project Number:** 1221111

**Site Data:** 344 ROUTE 6, NORTH TRURO, Barnstable County, MA  
Latitude 42° 1' 18", Longitude -70° 4' 30"  
170 Foot - Self Support Tower

Dear Charles McGuirt,

Jacobs Engineering Group Inc. is pleased to submit this "Structural Analysis Report" to determine the structural integrity of the above mentioned tower. This analysis has been performed in accordance with the Crown Castle Structural 'Statement of Work' and the terms of Crown Castle Purchase Order Number 891479, in accordance with application 335498, revision 4.

The purpose of the analysis is to determine acceptability of the tower stress level. Based on our analysis we have determined the tower stress level for the structure and foundation, under the following load case, to be:

LC7: Existing + Reserved + Proposed Equipment

**Sufficient Capacity**

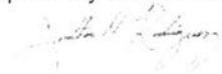
Note: See Table I and Table II for the proposed and existing/reserved loading, respectively.

The analysis has been performed in accordance with the TIA-222-G standard and 2009 IBC as amended by the 2010 Massachusetts State Building Code, Eighth Edition, based upon a wind speed of 115 mph 3-second gust, exposure category C with topographic category 1 and crest height of 0 feet.

All modifications and equipment proposed in this report shall be installed in accordance with the attached drawings for the determined available structural capacity to be effective.

We at Jacobs Engineering Group Inc. appreciate the opportunity of providing our continuing professional services to you and Crown Castle. If you have any questions or need further assistance on this or any other projects please give us a call.

Respectfully submitted by:



Jonathan N. Rodriguez, EIT  
Tower Structural Engineer

Reviewed By:



Walter M. Prather, P.E.  
Vice President of Engineering





# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 27

Fax: (508) 349-5505

criddle@truro-ma.gov

## Memorandum

To: Planning Board

Fr: Carole Ridley

Date: November 10, 2016

Re: Zoning Discussion

The following additional information is provided for your discussion on possible zoning amendments:

1. Material from 11/15/16 Joint Meeting with Selectmen
2. Comments on draft ADU provisions from Health Agent
3. Section 15.223 from Title V regulations concerning septic systems requirements for ADUs
4. ADU bylaws from Wellfleet and Provincetown

**PROPOSED TRURO SEASHORE DISTRICT ZONING BYLAW  
AMENDMENTS**

**DRAFT – Revised – October 17, 2016**

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Section 10.4 Definitions

*(Add the following definition.)*

**Seashore District Total Gross Floor Area.** The aggregate gross floor area of the dwelling and accessory structures on a lot within the Seashore District, shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the exterior faces of the exterior walls of the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, attics, barns, greenhouses and agricultural buildings.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

**Article 30.3. Seashore District**

*(Insert the following new section 30.3.1. following Section 30.3.E.)*

**30.3.1. Residential Building Scale Regulations**

**Purpose:** The Seashore District is a unique Zoning District in Truro that encompasses a major portion of the Cape Cod National Seashore. Further, Truro has adopted the special zoning provisions required for this District as set forth in the Code of Federal Regulations (Title 36, Part 27). The purpose of this Section is to recognize the town’s stewardship role to ensure that any residential alteration, construction and reconstruction is in accordance with the purposes and intent of the Cape Cod National Seashore, namely to preserve the special cultural and natural features, distinctive patterns of human activity, and rural ambience that characterize the Outer Cape, along with the associated scenic, cultural, historic, scientific, and recreational values; maintains the prevailing scale and massing of buildings; and protects the Seashore District as set forth in the Truro Local Comprehensive Plan.

**A. Applicability and Exceptions**

1. **Seashore District Total Gross Floor Area:** Subject to the exceptions provided for in subsections 30.3.1.A.2 and below, building permits for new construction or for projects that seek to increase the Seashore District Total Gross Floor Area of a lot with buildings that exist as of April 25, 2017, shall only be issued where, on completion of the project, the Seashore District Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres:
  - a. plus 200 sq. ft. for each additional contiguous acre; or
  - b. minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. (See table that follows.)

**Limits on Building Bulk by Lot Size Allowed by Right**

Lot Size Acres	Lot Size Sq. Ft.	Limit SD GFA Sq. Ft.	Floor Area Ratio (FAR)
.5	21,780	3,100	.1423
.75	32,670	3,150	.0964
1	43,560	3,200	.0735
3	130,680	3,600	.0275
6	261,300	4,200	.0161
10	435,600	5,000	.0115

2. **Special Permit to exceed the Seashore District Total Gross Floor Area limit:** The Seashore District Total Gross Floor Area limit for a lot established in subsection A.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw. Subject to the exception provided for in subsection 30.3.1.A.3, no special permit may be issued for any project if the project would result in the Seashore District Total Gross Floor Area of the lot exceeding 4,600 sq. ft. for 3 acres:
- a. plus 200 sq. ft. for each additional contiguous acre; or
  - b. minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. (See **table** that follows.)

**Limits on Building Bulk by Lot Size Possible with Special Permit**

Lot Size Acres	Lot Size Sq. Ft.	Limit SD GFA Sq. Ft.	Floor Area Ratio (FAR)
.5	21,780	4,100	.1882
.75	32,670	4,150	.1270
1	43,560	4,200	.0964
3	130,680	4,600	.0352
6	261,300	5,200	.0199
10	435,600	6,000	.0138

**B. Procedures for Special Permit Review and Approval:** The Building Commissioner shall make a determination if any application for a permit for the alteration, construction or reconstruction of a building or structure would result in the Seashore District Total Gross Floor Area exceeding the limitation set out in Section 30.3.1.A.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the Building Commissioner shall make a further determination if Site Plan Review is required, and if so advise the applicant to make an application first to the Planning Board for Site Plan Review, and upon approval by the Planning Board of that review, as defined in Section 70.4, secondly to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals has granted a Special Permit according to procedures as defined elsewhere in this Bylaw.

*Editorial Note: Only those sections of §70 Site Plan Review that are intended to be amended are provided below. New text is shown in red bold.*

**§70.4 Residential Development**

A. Site Plan Review is required for: Construction, alteration, or modification of any Seashore District property *(Insert the following)*

- (iv) **which exceeds of the building bulk limits as defined in Section 30.3.1.A.1, or**
- (v) **which results in a material permanent change to the natural landscape and topography due to site clearing, filling or grading beyond what is directly required for the construction, alteration or modification of an existing or proposed dwelling or accessory building.**

B. Applicability *(Insert the following)*

- 3. Nothing in Section 70.4 shall be construed as authorizing the issuance of Site Plan Approval that exceeds the building bulk limitation set forth in Seashore District Section 30.3.1.**

3. The following information must be submitted together with the application form: *(Insert or amend the following)*

a. Site Plan shall include:

7. Property boundaries, dimensions and lot area, **including any easements and rights-of-way.**

**16. Existing and proposed utilities (electric, cable, telephone, and other utility lines).**

c. **Exterior and Site** Lighting specification, including style and wattage(s).

D. Review Criteria

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction, shall be sited and implemented in a manner that **minimizes the impact on the natural topography and landscape and** is in keeping with the scale of other buildings and structures **in its immediate vicinity and throughout the Seashore District** in order to preserve the ~~characteristics of scenic vistas~~, **rural character and prevailing scale and massing of building within existing neighborhoods and throughout the Seashore District**. Such an evaluation shall be based on the following standards and criteria:

*(Insert or amend the following)*

- 1. Building Height and Scale.** To be harmonious with the neighboring structures and structures predominant in the Seashore District, and as appropriate, the project shall be less than 2 full stories in height, such as a dormered second floor that does not exceed 1.75 stories in height. The project should reflect the prevailing architectural massing in which buildings are composed of a primary mass expanded by later additions of various smaller masses. Large buildings of a single mass are uncommon.
- 2. Relation of Buildings and Structures to the Environment.** Proposed development shall relate to the existing terrain and lot, and shall provide a solar and wind orientation, which encourages energy conservation.

3. **Building Design and Landscaping.** Proposed development shall be **sensitive to the scenic vistas and** consistent with the prevailing character, **scale, and massing** of the buildings and structures **throughout the Seashore District through** the use of appropriate scale, massing, building **and landscape** materials, screening, lighting and other architectural techniques. **The project shall retain natural buffer areas or, where that is impracticable, provide sufficient landscape screening. The project shall minimize the size of lawns and recreational facilities, shall use native species for landscaping, and where possible retain natural vegetation on slopes to avoid the use of retaining walls exceeding three feet in height.**
4. **Preservation of Landscape.** The landscape **and topography** shall be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil, **minimizing the use of retaining walls, and by locating new construction so as to minimize the impact on views and vistas if visible from publicly accessible locations. Any grading or earth-moving shall be planned and executed in such a manner so as to retain to the extent practicable final contours consistent with existing terrain both on and adjacent to the site.**
5. **Visual Integrity of Ridgelines.** The project shall maintain the visual integrity of **ridgelines by keeping construction below the ridgeline and below the average height of the existing trees on wooded ridges and hilltops on the lot.**
6. **Circulation.** Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro. **Roads and other ways shall be designed to curve to fit the landscape and permit shared driveway entrances where possible.**
7. **Lighting.** Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.

#### §70.9 Waiver of Site Plan Review

*(Insert)* **Site Plan Review shall not be waived in the Seashore District.**



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505  
[cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)

### Memorandum

To: Planning Board  
Fr: Carole Ridley  
Date: November 8, 2016  
Re: Joint Meeting Discussion on Revision to 40.2, Accessory Dwelling Unit bylaw

You are scheduled to meet jointly with Selectmen at 5 pm on Tuesday, November 15<sup>th</sup>. The Selectmen have requested an update on the Seashore District and Accessory Dwelling Unit bylaw revisions. Selectmen will be provided with the most recent Seashore District revised bylaw sent to Town Counsel for review.

The information in this memo is provided in preparation for the discussion on the ADU bylaw. The following bylaw objectives, overview and draft provisions are based on the Board's prior discussions and is intended as a framework for discussion with Selectmen.

### Bylaw Revision Objectives

1. Create more year round rental housing opportunities in Town by making the ADU a simpler and more accessible option for property owners,
2. Ensure compliance with Health, Conservation and Building requirements, and preserve the single-family character of neighborhoods.

### Bylaw Overview

1. **Revise 40.2 of the Zoning bylaw** to create a new ADU permit available in all districts that incorporates design and performance standards, but removes affordability reporting requirements. This could be structured as a non-discretionary permit granted by the Planning Board provided that the provisions of the zoning bylaw are met. Draft provisions are attached.

**Revise Use table and definitions** to reflect the new provisions of 40.2.

2. **Create a separate Affordable ADU general bylaw** that sets forth provisions for tax abatement of deed restricted affordable units.

### **Draft Provisions**

The following draft provisions are intended to identify the key components of a possible draft bylaw, and are not intended as a draft bylaw. The language in the draft provisions is taken from the existing 40.2 of the Truro Zoning Bylaw, and from other model and town ADU bylaws.

Key policy considerations:

- Type of permit (non-discretionary v. Special Permit)
- Town-wide applicability
- Size of units
- Removal of affordability requirements
- Inclusion of parking and design requirements
- Requirement for year-round/12 mos. rental
- Possible rental registration and inspection
- Violation provisions – revocation of permit, fines

Cc:

Rae Ann Palmer  
Board of Selectmen

## **Draft Provisions for ADU Bylaw Revision 11.08.16**

### **Purposes**

- Add moderately-priced rental units to the housing stock to meet the needs of smaller households
- Increase the range of choice in housing options for households who might otherwise have difficulty finding housing;
- Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods;
- Provide homeowners with a means of obtaining rental income to defray housing costs.

### **Requirements**

- One Affordable Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any district by ADU Permit from the Planning Board.
- ADUs shall not be eligible for zoning use variances, or for zoning dimensional variance relief proposing to increase the allowable number of ADUs on a lot.
- An ADU may be established within or attached to a principal dwelling, principal structure, or a garage or constructed as a detached unit, and which must be located on the same lot as the other structure(s).
- The construction of any ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.
- An ADU within or attached to a principal dwelling, principal structure or garage that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity.
- A newly constructed detached ADU shall comply with all applicable provisions of this by-law unless specifically waived by the Planning Board.

### **Amnesty**

- Owners of lots containing a dwelling unit (i) for which there does not exist a validly-issued variance, special permit, building permit or occupancy permit, (ii) that is/are not legally pre-existing, non-conforming use(s) or structure(s), or (iii) is/are not otherwise in compliance with the Zoning By-law may apply for an ADU permit under this section.

### **Special Permit Criteria**

- The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
- An ADU shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. This is the current language

- Alternately, the bylaw could avoid setting a minimum and only set a maximum unit size:  
The ADU shall contain no more than a maximum habitable floor area of 50% of the habitable floor area of the principal single-family dwelling unit, but in no event greater than 1,200 square feet of habitable square footage as defined....Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations. Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for an ADU.
- An ADU and principal dwelling shall share common septic/ wastewater and water service facilities. The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and local Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory apartment shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot.
- If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- An ADU shall be clearly subordinate in use, size and design to the principal single-family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.
- An ADU is not intended for sale. The principal dwelling and ADU and lot on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that the lot or buildings thereon shall not be placed in a condominium form of ownership.
- An ADU shall not be used for boarding and lodging, or other commercial use. An ADU and principal dwelling to which it is accessory may be rented for periods not shorter than annually (12 months), and are prohibited from any use as rental units on a monthly, weekly or daily basis. (require signed affidavit?)
- Owner of the property shall live in either the principal dwelling or the ADU.

- ADUs permitted under this section shall be registered with XXXX and inspected annually by the Health and Building Departments

### **Procedure**

- The property owner shall complete an Application for an ADU Permit to the Planning Board and submit it to the Town Clerk with the following information:
  - Site Plan or Site and Sewage Plan prepared by a licensed engineer showing all structures on the parcel, and setbacks from roads and property lines. Building dimensions (height, square footage) shall be shown on the plan
  - Building elevations showing the ADU in relation to the principal dwelling unit,
  - Floor plan of the ADU
  - List of abutters certified by the Town Assessor's Office.
- The Planning Board shall hold a public hearing in accordance with the procedures and advertising requirements it deems appropriate (to be spelled out in the bylaw)
- The Planning Board shall grant an ADU Permits only if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The Board shall deny the permit only if: 1) conditions of 40.2 were not met and could not be met with reasonable conditions, 2) insufficient information was provided to demonstrate compliance with provisions.
- The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.
- The permit decision is not appealable.

### **Penalty**

- Failure of the applicant to comply with any provision of this section is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and/or may result in the revocation of the Permit.

### **Requirements for Tax Exemption**

- ADUs permitted under this section are eligible to apply for tax abatement pursuant to [cite general bylaw]

# Comments on draft ADU provisions from Health Agent

## Purposes

- Add moderately priced rental units to the housing stock to meet the needs of smaller households
- Increase the range of choice in housing options for households who might otherwise have difficulty finding affordable housing; ☐
- Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods;
- Provide homeowners with a means of obtaining rental income to defray housing costs. ☐

## Requirements

- One Affordable Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any district by Special Permit from the Planning Board.
- ADUs shall not be eligible for zoning use variances, or for zoning dimensional variance relief proposing to increase the allowable number of ADUs on a lot.
- An ADU may be established within or attached to a principal dwelling, principal structure, or a garage or constructed as a detached unit, and which must be located on the same lot as the other structure(s).
- The construction of any ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.

**Comment: Title 5 restricts 440 gallons of design flow per day per acre (Nitrogen Loading Limitations) in either Nitrogen Sensitive Areas or areas where the use of both on-site subsurface sewage disposal and an on-site drinking water supply well is proposed except where enhanced nitrogen removal or aggregate flow is proposed. Nitrogen Loading Limitations do not apply if a lot is served by Town Water, however local BOH regulations (Section VI, Article 12) requires all properties within the Town to comply with the ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1) per bedroom and that "all systems designed to serve said facilities meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas." If the property is over the number of bedrooms allowed, one or more bedrooms could be eliminated from the principal dwelling. Eliminating bedrooms may be accomplished by combining two bedrooms into 1 large bedroom or opening the door to a 5' cased opening, so that there is no privacy provided. A Innovative/Alternative System to allow a 5<sup>th</sup> or 6<sup>th</sup> bedroom on a one acre lot may be proposed, however this will require a variance from the BOH. This may also be cost prohibitive since designing and installing I/A systems can be range from \$30,000 to \$50,000, not including quarterly maintenance and sampling which averages \$1500 per year.**

**Reviewing any proposed or existing floor plan also includes determining the number of rooms. Rooms are defined as an area used for cooking, sleeping, eating, living, excluding closets, bathrooms, unfinished attics, basements, mudrooms, laundry room or utility room. Per Truro BOH regulations, the number of bedrooms presumed are calculated as follows: (b) Notwithstanding the foregoing, any dwelling with six (6)**

rooms shall be construed to have at least three (3) bedrooms. Any dwelling with seven (7) rooms shall be construed to have at least four (4) bedrooms. Any dwelling with eight (8) or nine (9) rooms shall be construed to have at least five (5) bedrooms. Any dwelling with ten (10) or eleven (11) rooms shall be construed to have at least six (6) bedrooms. Each additional room beyond eleven (11) shall be construed as an additional bedroom and the number of bedrooms for the purpose of sizing a subsurface sewage disposal system (proposed and existing) shall be adjusted accordingly. The BOH regulations are more restrictive, since Title 5 states *"Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number."* A proposal to construct an ADU may not only add bedroom(s) to the property, but increase the number of rooms. There are variance procedures in both Title 5 and Truro BOH Regulations.

- An ADU within or attached to a principal dwelling, principal structure or garage that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity.
- A newly constructed detached ADU shall comply with all applicable provisions of this by-law unless specifically waived by the Planning Board.

#### **Amnesty**

- Owners of lots containing a dwelling unit (i) for which there does not exist a validly-issued variance, special permit, building permit or occupancy permit, (ii) that is/are not legally pre-existing, non-conforming use(s) or structure(s), or (iii) is/are not otherwise in compliance with the Zoning By-law may apply for a special permit under this section.

#### **Special Permit Criteria**

- The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities. ☐
- An ADU shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. ☐

**Comment:** If the proposal to is reduce the minimum gross square footage, the proposed floor plan will need to show the habitable square footage to comply with 105 CMR 410.000, State Housing Code which requires at least 150 square feet of floor space for the first occupant and at least 100 square feet of floor space for each additional occupant. The floor space is calculated on the basis of total habitable room area. Habitable room area is defined as every room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding rooms containing toilets, bathtubs or showers and excluding laundries, pantries, foyers, communicating corridors, closets and storage spaces.

**Comment [CR1]:** What's the lowest we can go without bumping into health or building code issues?

**Or this language**

- The ADU shall contain no more two bedrooms and no greater than a maximum habitable floor area of 50% of the habitable floor area of the principal single family dwelling unit, but in no event greater than 1,400 square feet. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations. Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section. ☐
- At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for an ADU. ☐
- An ADU and principal dwelling shall share common septic/ wastewater and water service facilities. The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and local Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory apartment shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. ☐

**Comment [CR2]:** 15.223 sets forth the requirement for a separate tank or tank in series.

**Comment: The ADU and principal dwelling unit do not necessarily have to share a common septic system. A separate system could be designed to serve the ADU. A PERC test would need to be conducted. There are no restrictions in Title 5 prohibiting more than one system on a property, however the BOH Regulation, Section VI, Article 3(3)2 requires that the existing system be inspected. Should the principal and ADU share the septic system, the system must be inspected and comply with 15.223, "when designed to serve facilities other than a single family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or greater, a two compartment tank or two tanks in series are required. The design of the tanks shall be in accordance with 310 CMR 15.224 for multiple compartment tanks and 310 CMR 15.225 for tanks in series. At a minimum, the total, combined effective liquid capacity of both tanks in series or of the multiple compartment tank shall not be less than 1,500 gallons."**

**There is no state or local regulations prohibiting shared well water systems. If the property is on Town water, a separate water service for the ADU may be applied for through the Provincetown Water Department. If the ADU and principal dwelling are to share water service (town water) and the property owner intends to bill the occupant for water services, the owner must comply with the provisions in the Housing Code, 410.354(D)\* of metering of water.**

\*(D) If the owner intends to separately bill the occupant for water or sewer services in accordance with the provisions of M.G.L. c. 186, § 22, then the owner must be in compliance with all requirements of M.G.L. c. 186, § 22, including, but not limited to:

- (1) Installing and maintaining, when necessary, a water submetering device that measures only water that is supplied for the exclusive use of the particular dwelling unit and only to an area within the exclusive possession and control of the occupant of such dwelling unit;
- (2) Installing, or causing to be installed, water conservation devices on all showers, faucets, and toilets in the dwelling unit;
- (3) Having a written letting agreement with the occupant that describes the details of the water

submetering and water billing arrangements; and

(4) Filing a certificate, on a form provided by the Department of Public Health, with the Board of Health or other appropriate municipal agency charged with enforcing the State Sanitary Code, and signed by the owner under the pains and penalties of perjury, that the dwelling unit is in compliance with M.G.L. c. 186, § 22. The owner shall have a licensed plumber sign the certificate certifying that the water submetering devices and ultra-low-flush toilets have been installed in accordance with accepted plumbing standards and the requirements of M.G.L. c. 186, § 22, and shall attach appropriate documentation to verify the services provided by the licensed plumber. The owner shall also provide a copy of the certificate to the occupants of each dwelling unit with the written letting agreement that describes the details of the water submetering and water billing arrangements.

(E) The owner shall allow occupants to have access to any water submeters that affect their dwelling unit in order to ensure that such submeters are functioning properly.

- If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling. ☐
- An ADU shall be clearly subordinate in use, size and design to the principal single-family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials. ☐
- An ADU is not intended for sale. The principal dwelling and ADU and lot on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that the lot or buildings thereon shall not be placed in a condominium form of ownership. ☐
- An ADU shall not be used for boarding and lodging, or other commercial use. An ADU and principal dwelling to which it is accessory may be rented for periods not shorter than annually (12 months), and are prohibited from any use as rental units on a monthly, weekly or daily basis. [Need reference to rental registration or other requirement]

**Comment:** I would agree that there should be rental registration program for the ADUs to include annual inspection so that they are not being rented seasonally.

#### **Procedure**

- The property owner shall complete an Application for a Special Permit to the Planning Board and submit it to the Town Clerk with the following information:
  - Site Plan or Site and Sewage Plan prepared by a licensed engineer showing all structures on the parcel, and setbacks from roads and property lines
  - Building elevations showing the ADU in relation to the principal dwelling unit,
  - Floor plan of the ADU
  - List of abutters certified by the Town Assessor's Office.

- The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of MGL, Chapter 40A and the Truro Zoning By-law, Section 30.8
- The Planning Board may grant a Special Permits only if it finds that the proposal complies with the provisions of this bylaw, §40.2, and that it complies with the applicable criteria for granting Special Permit, as detailed in §30.8.
- If the Planning Board grants the Special Permit and following expiration of any applicable appeal period, the property owner shall complete and submit to the Building Commissioner an application for a Building Permit to allow a change in use.
- The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.
- An appeal of a determination of the Planning Board under this section may be taken in accordance with Section 17 of MGL, Chapter 40A.

**Penalty**

- Failure of the applicant to comply with any provision of this section is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and/or may result in the revocation of the Special Permit.

**Requirements for Tax Exemption**

15.222: continued

- (7) The building sewer shall be laid on a continuous grade and as nearly as possible in a straight line in accordance with accepted engineering practice.
- (8) Manholes, with metal frames and covers at grade, sweeping bends, or a cleanout accessible at the surface of the ground, shall be provided at the junction of two or more sewers, at all changes in direction or a change in grade of the sewers, and at intervals no greater than 100 feet. All gravity sewer manholes shall have an open channel depth equal to or greater than the diameter of the inlet sewer and the change of direction in each manhole shall not exceed 90°. (Change of direction is the interior angle between the new direction of flow and the projected extension of the original direction of flow.)
- (9) The building sewer shall be vented through the vent stack or main vent of the building served by it. No trap shall be installed in the building sewer or building drain.
- (10) All building sewers shall be constructed in accordance with the State Plumbing Code, 248 CMR 2.00.

15.223: Septic Tanks

- (1) Septic tanks shall have the following capacities:
  - (a) For a single family dwelling unit with a design flow of less than 1,000 gallons per day, a minimum effective liquid capacity of 200% of the design flow or a minimum hydraulic detention flow of 48 hours, whichever is greater, shall be required. In no case shall the effective liquid capacity of the tank as measured below the outlet invert elevation be less than 1,500 gallons.
  - (b) When designed to serve facilities other than a single family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or greater, a two compartment tank or two tanks in series are required. The design of the tanks shall be in accordance with 310 CMR 15.224 for multiple compartment tanks and 310 CMR 15.225 for tanks in series. At a minimum, the total, combined effective liquid capacity of both tanks in series or of the multiple compartment tank shall not be less than 1,500 gallons.
  - (c) When a domestic garbage grinder is proposed or installed, the minimum liquid capacity of the septic tank shall be 200% of the design flow with a minimum tank size of 1,500 gallons and a two compartment tank or two tanks in series shall be required which meet the design criteria specified in 310 CMR 15.223(1)(b). Domestic garbage grinders are prohibited in facilities which include an elevated septic tank constructed in accordance with 310 CMR 15.213 (construction in V-zones).
- (2) The liquid depth of the tank, measured from the outlet tee invert to the tank bottom, shall be a minimum of four feet. A tank with a minimum depth of three feet below the outlet tee invert may be permitted only for upgrade of existing nonconforming or failed systems, pursuant to 310 CMR 15.405 (local upgrade approvals), where installation of a tank with a four foot liquid depth is not feasible and shall be pumped on an annual basis with the results submitted to the Approving Authority.
- (3) Tanks which are rectangular in cross-section shall have a minimum inside length to width ratio of no less than 1.5 to 1. Round tanks may be allowed. The inside length of all tanks, measured from the inlet tee to the outlet tee, shall be a minimum of six feet. The inside width of the tank shall be a minimum of three feet. Larger length to width ratios are preferred.
- (4) Vertical cylindrical tanks shall have a minimum diameter of five feet.
- (5) Horizontal cylindrical tanks shall have a minimum length of six feet and a minimum width at the liquid surface of three feet.

15.224: Multiple Compartment Tanks

Tanks with multiple compartments shall be required as specified in 310 CMR 15.223(1). When multiple compartment tanks are used the following shall be required:

## **Wellfleet ADU**

### **6.21 AFFORDABLE ACCESSORY DWELLING UNITS**

Purpose: For the purpose of promoting the development of affordable rental housing in Wellfleet for year-round residents, a maximum of three affordable accessory dwelling units per lot may be allowed subject to the requirements, standards and conditions listed below:

6.21.1 Up to three affordable accessory dwelling units per lot may be allowed in any district by Special Permit from the Zoning Board of Appeals.

6.21.2 Affordable accessory dwelling units created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in numbers 6.21.4 and 6.21.5 below. The affordability requirements of this by-law shall be imposed through conditions attached to the Special Permit issued by the Zoning Board of Appeals. No accessory apartment shall be constructed or occupied until proof of recording is provided to the Inspector of Buildings.

#### **6.21.3 Requirements and Standards**

Affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit.

Affordable accessory dwelling units shall not be larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section II of this Zoning By-law. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase the nonconforming nature of that structure, except that any pre-existing accessory building may be eligible for conversion to an affordable accessory dwelling unit.

Newly constructed detached accessory units shall comply with all applicable provisions of the Zoning By-law unless they are specifically waived by this by-law. Newly constructed detached accessory units shall comply with all setback requirements listed in Sections 5.4.2 of this Zoning By-law.

Owners of residential property may occupy as a primary residence either the principal or accessory dwelling. For the purposes of this section, the "owner" shall mean one who holds legal or beneficial title.

Septic systems are required to meet current Title 5 standards and shall be reviewed and approved by the Health Agent.

The Inspector of Buildings and Health Agent shall inspect the premises for compliance with public safety and public health codes.

No affordable accessory dwelling unit shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing an affordable accessory dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the affordable accessory dwelling unit, except leasehold estates, for the term of the restriction.

6.21.4 All occupants of the affordable accessory dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate-income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

6.21.5 Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

#### 6.21.6 Procedure

The property owner shall complete and submit an application for a Special Permit to the Zoning Board of Appeals in accordance with the Wellfleet Zoning Board of Appeals Rules and Procedures.

The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A and the Wellfleet Zoning By-law, Section 8.4.2 .

Appeal under this section shall be taken in accordance with Section 17 of Massachusetts General Law, Chapter 40A.

The property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit to allow a change in use.

The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable accessory dwelling unit being occupied.

Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws.

## Provincetown ADU

### Section 4800 Affordable Housing By-Law

**1. Accessory Dwelling Units.** Accessory dwelling units may be allowed in any residential or commercial zoning district by special permit from the Zoning Board of Appeals, notwithstanding any provisions in the Zoning By-law that may restrict the total number of dwelling units per lot, subject to the requirements, standards and conditions listed below.

#### **2. Requirements and Standards**

A.

An accessory dwelling unit shall be subject to a housing restriction, for a term of at least twenty years, that limits rental rates and resale prices, and limits eligibility for occupancy and purchase. **Affordable Housing** dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income; or available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 80% of Barnstable County median income.

Median Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 100% of Barnstable County median income."

Middle income community housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 150% of Barnstable County median income.

B. The accessory dwelling unit shall be located within the principal structure or an existing or new freestanding structure.

C. The Inspector of Buildings and Health Agent shall have inspected an existing structure for compliance with public safety and public health codes.

D.

Aspecialpermitapplicationshallincludeacertificationoftheamountofrenttobecharged or the sale price, as applicable, for each accessory dwelling unit and the income of each occupant household. For rental accessory dwelling units, each year thereafter on the first of July, holders of special permits granted pursuant to this section shall submit to the Zoning Board of Appeals or its agent as designated in the special permit a certification of annual rents charged and the income of occupant household(s) for the most recently completed fiscal year of the holder and as of July first. Forms for this purpose shall be provided by the Town or its agent. Rents may be adjusted annually in accordance with Department of Housing and Community Development Local Initiative Program Regulations and Guidelines, or regulations and guidelines or a similar state program having the same purpose.

**3. Amnesty.** Owners of lots containing a dwelling unit (i) for which there does not exist a validly- issued variance, special permit, building permit or occupancy permit, (ii) that is/are not legally pre- existing, non-conforming use(s) or structure(s), or (iii) is/are not otherwise in compliance with the Zoning By-law may apply for a special permit under this section.

#### **4. Procedure.**

1. The property owner shall complete and submit an application for a special permit to the Zoning Board of Appeals in accordance with the Provincetown Zoning Board of Appeals Rules and Procedures.
2. The property owner shall obtain a compliance certification as provided by Section 5120 to allow the change in use.
3. The property owner shall obtain a certificate of occupancy prior to occupancy of the accessory dwelling unit.
4. The property owner shall deliver to the Provincetown Community Housing Council an executed and acknowledged affordable housing restriction or, for ownership accessory dwelling unit an executed and acknowledged covenant whereby the property owner agrees to convey the accessory dwelling unit subject to a certain affordable housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel, before a compliance certification pursuant to Section 5120 may issue for the accessory dwelling unit. If the compliance certification is denied, the instrument shall be returned to the property owner; if the compliance certification is granted, the instrument shall be recorded by the Board of Selectmen. No permanent occupancy permit shall be issued for any accessory dwelling unit without evidence of recordation of the housing restriction.

5. Failure to comply with any provision of this Section 4800 may result in fines established in Section 5140 of the Provincetown Zoning By-laws.

**5. Scope and Validity of the Bylaw.**

Nothing in this Section 4800 shall nullify or exempt any property or use from any other provisions of these By-laws or other Town regulations. The invalidity of any provision of this Section 4800 shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior to the determination of its invalidity.

## SECTION 10 General Provisions

### § 10.1. Authority

This zoning bylaw is adopted in accordance with the provision of Chapter 40A of the Massachusetts General Laws and Article 89 of the Amendments to the Constitution.

### § 10.2. Purpose

The purpose of this bylaw is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro, and to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

### § 10.3. Uniformity and Validity

A. Uniformity. This bylaw shall not interfere or annul any bylaw, rule, regulation or permit, provided that unless specifically excepted or where a conflict exists within the bylaw itself, where this bylaw is more stringent, it shall control.

B. Validity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

### § 10.4. Definitions

For the purpose of the bylaw, certain terms and words shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, Massachusetts General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Third New International Dictionary of the English Language, Unabridged.

Abandonment. The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. In zoning districts restricted to residential use, a professional office located within or adjacent to the residential premises or a home occupation so located constitutes an accessory use. (4/06)

Affordable Households. Households earning no more than 80% of the current median income, as determined by the State Department of Housing and Community Development (DHCD).

Affordable Housing. Housing certified as affordable by the Truro Housing Authority and registered as such with the Truro Housing Authority. The Housing Authority will provide applicants with current affordable housing standards, require assurances of compliance in writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

Alteration. Alteration means (1) any construction work that results in the modification of the exterior of an existing building, (2) any reconstruction that results in the modification of the exterior of an existing building, (3) any relocation of an existing building, or (4) any combination of the foregoing. (4/13)

Animal Husbandry. The raising of livestock, fur bearing animals, or fowl.

Applicant. Individuals, partnerships, corporations, trusts and other legal entities seeking building permits. For the purposes of this bylaw, the owner/equitable owner of the property is to be considered the applicant, not the builder, unless the builder is also the owner.

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Barn. An accessory building used exclusively for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

Base Flood Elevation. The 100 year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM).

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story.

Bathroom Facility. A space which contains a wash basin and toilet, and which may also include a bathtub, a shower, or both.

Beach. Also known as "coastal beach" means unconsolidated sediment, subject to wave, tidal, and coastal storm action, that forms the variably sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bank line, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines.

Bed and Breakfast, Establishment. A private, owner-occupied house where four or more rooms are let or rented to the transient public and a breakfast is included in the occupancy charge. The only meal provided is breakfast, there shall be no cooking in rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. This use is permitted only in General and Limited Business Districts. (4/13)

Bed and Breakfast, Home. A private owner-occupied home where three or fewer rooms are let or rented to the transient public, and a breakfast is included in the occupancy charge. The only meal provided is breakfast which may be served between the hours of 5 AM and 11:30 AM, there shall be no cooking in occupied rooms, and the occupied rooms shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Boarding House, Home. A private owner-occupied home where three (3) or fewer rooms are let or rented to live-in boarders for stays of four months or more, and board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Bog, Marsh, Swamp, Wet Meadows. As defined in the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended through the Statutes of 1996, Chapter 258, Sections 17 through 20.

Build. The word build shall include the words "erect," "construct," "alter," "enlarge," "move," and any others of like significance.

Building. The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include "structure" unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Building, Accessory. A building devoted exclusively to a use(s) ancillary to and in support of the principal use of the lot on which it is located.

Building Height. The vertical distance from the average of the existing undisturbed grade at each corner of a building to the ridge, hip or highest point of the structure. (4/12)

Casino-style Gambling. Gaming activities, including Indian casinos, riverboats, barges, “cruises to nowhere” and those other activities specifically authorized by the Great and General Court. This definition shall not include the promotion or playing of the game commonly called Bingo or like games, or the like promotion of “Las Vegas” nights, as authorized by law, or the sale of lottery tickets or shares by the State Lottery Commission, as authorized by law.

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story.

Clear area. Area surrounding a wind turbine to be kept free of habitable structures. (4/05)

Communications Appurtenance. Any antenna, device, wiring or equipment utilized in connection with the reception or transmission of electromagnetic radiation (excluding the visible light spectrum) and which is attached to a pre-existing structure. A communication appurtenance shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Communications Building. Any building utilized primarily for the installation and operation of equipment for the generating and/or detection of electromagnetic radiation (excluding the visible light spectrum) and which is accessory to a communications structure.

Communications Structure. Any structure, tower or antenna that supports equipment (including antennas) for the transmission or reception of electromagnetic radiation (excluding the visible light spectrum). A communications structure shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Cottage or Cabin Colonies, or Motor Courts. A group of three or more detached dwellings under one ownership located on a single lot, which are customarily rented to the transient public by the day, week, month, or season. Each dwelling shall be limited to one and one-half stories in height.

Distributed Generation. Energy generation that is located at or near the end-user. (4/05)

Dune. Also known as coastal dune means any natural hill, mound or ridge of sand immediately landward of a coastal beach including such features when deposited by wind action or storm overwash. Coastal dune shall also mean sediment deposited by artificial means and serving the purpose of storm damage protection or flood control.

Dwelling, Single family. A separate dwelling unit consisting of one or more buildings designed for occupancy by one family only.

Dwelling, Two Family, Duplex. A detached building containing two dwelling units whether side by side, over each other or in any other combination.

Dwelling Unit. One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit.

Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. (04/07)

Educational Institution. A public, parochial, or private institution that provides educational instruction to students.

Established Roads. Street(s), with reference to the Town of Truro Subdivision Regulations.

Family. A single, non-profit housekeeping unit whether consisting of an individual, two or more persons related by blood, adoption or marriage, or maintaining a domestic partnership, or a group of persons who need not be so related and do not exceed five in number.

Fence. A barrier, solid or otherwise, which is used as a means of delineation, protection, confinement, or concealment.

Floor Area, Gross. The sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, and attics.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area. (04/07)

Garage. A structure used primarily for storage of motor vehicles.

Grade, existing. The vertical elevation of the ground surface that exists prior to any excavating or filling as defined by the most recent USGS topographical maps, except in the case where, by Planning Board approval, excavating or filling has occurred in the construction of a road. In these cases, finished grades, according to the approved plan, shall be used.

Grade, finished. The vertical elevation of the ground surface as denoted on an approved Planning Board 'as-built' plan.

Ground Level. The finished level of the ground to be built upon.

Habitable Studio. A habitable studio shall consist of one or more bedrooms, with or without bathroom facilities, in a building detached from the principal residence, which is incidental and accessory to the principal residence and which does not include residential kitchen facilities. A room identified as a bedroom will be included in considerations under the State Environmental Code, Title 5..

Height, Wind Turbine. The height of a turbine measured to the tip of the blade at its highest point. (4/05)

Home Occupation. Any business which has been by custom carried on by a resident of a dwelling unit with a limited number of nonresident employees, and which does not change the residential character of the building. Home occupations shall include carpenters, plumbers, electricians, and similar tradesmen; home and yard maintenance providers; sale of art produced on premises; the sale of fish or shellfish; electronic repairs and services, telecommuting, and internet-based services; nursery school; furniture repair, refinishing, and upholstering; dressmaking; home hand crafts; home cooking; bicycle repairs; real estate; insurance; the practice of any recognized profession. Any other activity of a similar nature may be allowed on application for a Special Permit from the Zoning Board of Appeals in accordance with Section 30.2 of this Bylaw. Home occupation shall not include the operation of a store or food service serving the passing public, or the display or sale to the passing public of goods not grown or manufactured on the premises, or in the case of fish or shellfish, not caught by the resident.

Hotel. A building consisting of a room, rooms, or units customarily rented to the transient public by the day, week, or month which room or rooms contain their own bathroom facilities. Such room or rooms may also provide kitchen area for the storage, preparation and cooking of food provided that the room, rooms, or unit's

gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under § 40.3.

Lot. A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage. The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Lot Frontage. That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the mid-point of the corner radius. (4/05)

Lot Line, Front. A line dividing a lot from a street or road right-of-way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot.

Lot, Nonconforming. A lot lawfully existing at the effective date of this bylaw or any subsequent amendments thereto, which is not in accordance with all provisions of this bylaw.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design of this bylaw.

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides the measurement shall be taken from center of that side ten (10) feet out from the side of the building. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot of drop for every ten foot run)

Motel. One or more buildings consisting of furnished habitable units customarily licensed for occupancy by and rented to the transient public on a daily, weekly, monthly, or seasonal basis, containing two or more units under one roof, each unit having its own bathroom facilities and outside entrance.

Motel units shall consist of not more than one room exclusive of bathroom facilities and may also provide kitchen facilities for the storage, preparation and cooking of food provided that the unit's gross floor area exceeds four hundred (400) square feet. Two units may have a single connecting door that may be locked from either side.

Nacelle. The framing and housing at the top of the tower that encloses the gearbox and generation and protects them from the weather. (4/05)

Professional Offices. A building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Computer related services, Consultants, Contractors, Doctors, Dentists,

Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals.

Public Accommodations. Cottage or cabin colonies, motor courts, motels, or hotels.

Religious Institution. A church or place of worship or religious assembly with related facilities.

Residential Kitchen Facility. Any room or part of a room used or intended to be used for food storage and preparation, but not including a bar, a pantry, or similar room adjacent to or connected with a kitchen. This definition shall not apply to commercial establishments that provide lodging to the transient public.

Retail Business Service: A business engaged in providing services including but not limited to hair stylists, barber shops, banks, funeral homes, printing services, package and postal services, and janitorial services where the sale of goods is secondary and incidental to the service provided. (4/14)

Retail Sales: A business engaged in the selling of goods or merchandise to the general public where the rendering of services is secondary and incidental to the sale of such goods. (4/14)

Retaining and Sustaining Walls. Retaining walls shall be distinguished from sustaining walls by the fact that they retain cuts made into the natural grade of earth while sustaining walls are to be considered as "structures" used to create artificially elevated grades above natural grade. Sustaining walls erected for the specific purpose of raising maximum-permissible heights for any building are expressly prohibited.

Rooming House/Home: A private owner-occupied home where three (3) or fewer rooms are rented to live-in residents for stays of four months or more, and no board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Rotor. The blades and hubs of the wind turbine that rotate during turbine operation. (4/05)

Saltbox Roof. The minimal gabled-roof in which one side shall not be less than one-quarter (1/4) the length, nor less in pitch, of the major rake of the principal roof.

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989 and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

Story. That portion of a building other than a basement, cellar, or attic included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Trailer Home or Mobile Home. A dwelling unit which at any time was a portable or mobile vehicle, or was designed to be portable and used for living purposes, whether standing on wheels or at a later date transferred to rigid supports.

Transient Public. Individuals who rent furnished public accommodations by the day, week, month, or season and whose principal residence remains elsewhere.

Truro Resident. A person who has lived in or worked in Truro for six (6) months prior to submitting an application for consideration under the Affordable Rental Housing Bylaw, or who has immediate family (specifically, mother, father, brother, sister, daughter, son, spouse or domestic partner) resident in the Town of Truro. This definition is for the sole purpose of establishing residency for unit distribution under the Affordable Rental Housing Bylaw.

Use. The purpose for which a structure or lot is arranged, designed or intended, or for which it may be used, occupied or maintained.

Use, Accessory. A use incidental and ancillary to the principal use of a structure or lot.

Use, Nonconforming. A use lawfully existing at the time of adoption of this bylaw, or any subsequent amendments thereto, which does not conform to one or more provisions of this bylaw.

Wholesale Trade: A business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. (4/14)

Wind Energy Conversion Facility. All equipment, machinery and structures utilized in the connection with the conversion of wind to electricity. This includes, but is not limited to all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads, and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines. (4/05)

Wind Monitoring or Meteorological Tower. Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground. Also known as “test” or “met” tower. (4/05)

Wind Turbine. A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower. (4/05)

Working Studio. A working studio shall consist of a room(s), in a building detached from the principal residence, which is incidental and accessory to the principal residence whose use is primarily for work. A working studio may include a toilet and work-related sinks but shall not include a shower or bathtub or residential kitchen facilities or sleeping accommodations.

**TRURO PLANNING BOARD AGENDA**  
**WEDNESDAY, November 2, 2016 – 6:00 p.m.**  
**Truro Town Hall, 24 Town Hall Road, Truro**

**DRAFT**

**Planning Board Members present:** Bruce Boleyn, Peter Herridge, Jack Riemer, Mike Roderick, Steve Sollog. Absent (excused): John Hopkins.

**Other participants:** Kristen Roberts, Stuart Parsons, Art Hultin, Contractor; Carole Ridley, Planning Consultant.

**Public Comment Period**

There was no public comment.

**Election of Planning Board Clerk**

Mr. Sollog took from the table a motion made and seconded at the October 18<sup>th</sup> meeting to nominate Mr. Riemer to serve as Clerk. Mr. Sollog noted that Mr. Riemer wanted information on the responsibilities of Clerk. Mr. Riemer agreed to accept the nomination for clerk of the Planning Board, understanding that the main responsibility was to fill-in in the absence of the Chair and Vice Chair. Mr. Riemer was elected unanimously.

**Definitive Plan – Public Hearing Continuance-Request for Further Continuance**

**2016-010PB Stephen Walsh, et al**, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6<sup>th</sup> and September 20<sup>th</sup> 2016. Applicant requests continuance to December 6, 2016 at 6 pm.

Mr. Boleyn whether there was a reason for the requested continuance. Ms. Ridley indicated that Mr. Lay, the applicant's representative, had indicated verbally that the applicant needed to seek relief from the Zoning Board of Appeals prior to returning to the Planning Board. Mr. Herridge made a motion to approve the continuance to December 6, 2016 at 6 pm. Mr. Boleyn seconded. So voted, 5-0.

**Commercial Site Plan Review Waiver Request**

**2016-007SPR Roberts Family Property LLC** seeks a Waiver of site Plan Review pursuant to §70.9 of the Truro Zoning bylaw, for renovations to an existing farmhouse to include first floor sales area, basement structural upgrades, new exterior ramp, and first floor entrance on property located at 11 Shore Road, Map 39, Parcel 131,137,158.

Kristen Roberts, owner, and Stuart Parsons, architect, described the project and answered questions from the Board. The proposed changes would enhance access for people with disabilities, and would enhance the structural integrity of the building. The changes would not increase the intensity of use on the property, but would enhance operations.

Ms. Roberts talked about the parking issues. They are working diligently to improve availability of parking. They have been working with the Police Department, and are

working under the new Town event's policy that requires submission of a parking plan for events that are expected to generate additional parking needs and on-street parking. The requests are reviewed by the Police Department.

Mr. Herridge asked about whether or not there had been a water analysis for insecticides and pesticides, and Mr. Riemer asked about chemicals stored on the property. Ms. Roberts said there has been an analysis done; as of 2014 they do not use glyphosate herbicides. They follow all regulations regarding the chemicals they do use and report to the Truro Health agent annually as required. Mr. Riemer asked about the other buildings and residents. There is only one apartment occupied where the winemaker lives. There is one bedroom left from when there used to be a Bed and Breakfast on the property. Parking and tour buses were discussed further.

Mr. Riemer said he does not feel comfortable waiving site plan review. He would like more information on parking and the other buildings on the site.

Mr. Sollog spoke about water issues. Ms. Roberts read into the record a statement from the winemakers regarding use of chemicals. Art Hultin spoke on the water issues noting that the issues around ground water protection had been reviewed thoroughly and addressed in the 2007 site plan and 2010 site plan waiver. Nothing has changed on the site since the approvals in 2007. Mr. Riemer spoke about the minutes from that meeting and said that he did not find adequate addressing of water issues.

Ms. Roberts talked about their time constraints. They will not be able to do the project if they have to go through site plan review. It would mean not being ready to open for the summer season. Mr. Hultin explained that they are simply trying to provide handicapped accessibility.

Mr. Herridge said that the renovations are reasonable and should be considered. He noted that the information in the Board's packet and Ms Roberts' statement indicated that they are taking the water issues very seriously and are meeting requirements. (See attached Overview of Agricultural Practice Employed by Truro Vineyard.) Mr. Herridge moved to approve the request of **Roberts Family Properties, LLC** for a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for renovations to an existing farmhouse to include first floor sales area, basement structural upgrades, new exterior ramp, and first floor entrance on property located at 11 Shore Road, Map 39, Parcel 137. This is based on the fact that the proposed renovations **will not** have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs. Mr. Boleyn seconded the motion. So voted 4-1. (Mr. Riemer voted against.)

### **Temporary Sign Permit**

**Payomet Performing Arts Center**, seeks approval for two Applications for Temporary Sign Permits pursuant to §11 of the Truro Sign Code. One application requests permission to place two (2) temporary 48" high by 36" wide signs (November 16 – December 15, 2016) for various events in two locations (Route 6 at Noons Heights Road and Route 6 at South Highland Road). A second application requests permission to place one (1)

temporary 9" x 39" sign located 48" off the ground (November 16 – December 15, 2016) at the intersection of So. Highland and Old Dewline Roads.

Mr. Herridge made a motion to approve both sign permit requests; Mr. Boleyn seconded. So voted, 5-0.

### **Discussion on Possible Zoning Articles**

§40.2 Affordable Accessory Dwelling Units

§30.3 Seashore District

§30.4 Water Resource Protection District

Ms. Ridley spoke the Zoning Articles under consideration. Following the Board's vote to send the Seashore District draft bylaw to Town Counsel for review, the subcommittee further revised the bylaw and that also was sent to Counsel to review, in lieu of the prior version sent. There is no feedback from Town Counsel. The Board will wait to further discuss the bylaw once feedback is received. Ms. Ridley spoke about the joint meeting with the Board of Health and Water Resources Oversight Committee on November 16<sup>th</sup> at 5:30 pm to discuss groundwater protection measures. The Board was given a packet of information for that meeting.

Ms. Ridley then referred to the proposal that she has been working on for the revision of the AADU By-law. She reviewed the draft provisions that had been provided in the Board packet. The provisions are intended to isolate the policy questions that need to be discussed and decided before a bylaw can be drafted. Once the provisions are agreed to, they can be given to Counsel to draft a bylaw.

One issue is whether the by-law should require a special permit, whether it should be allowed by right, or under certain conditions, by right. There is an interest in making these permits easier to obtain. Enforcement was discussed, as well as a registration process that could be enacted. There should be a provision for the abuse of the process. Mr. Boleyn asked what Wellfleet does to prevent abuse. Mr. Sollog is concerned that this will change Truro into a two families-per-lot community. Ms Ridley noted that design criteria can be included in the bylaw as requirements. Septic issues were discussed. Title V requirements add cost to the process of creating an ADU. The many issues and concerns involved can be addressed in the by-law as conditions or requirements.

Ms. Ridley asked if the Board was ready to agree to the provisions and provide them to Town Counsel to develop a draft. It was agreed that the Board is not ready to forward the provisions to Town Counsel. Ms Ridley offered an interim measure to flesh out the draft in more detail. She mentioned that there seems to be agreement on taking out the *affordability* piece. She asked if the Board likes the idea of a new non-discretionary permit, which would be similar to a site plan review. Ms. Ridley offered to bring a new draft in which the major issues of the by-law will be outlined to a future meeting soon.

### **Vote to Appoint Planning Board Representative to Community Preservation Committee**

Mr. Sollog nominated Mr. Herridge to serve as the Planning Board representative on the Community Preservation Committee, Mr. Boleyn seconded. So voted, 5-0.

## **Review and Approval of Meeting Minutes**

### **October 25, 2016 Site Visit**

Mr. Boleyn asked if the minutes could be amended to show that it was a site visit. Mr. Sollog made a motion to approve as amended, Mr. Herridge seconded, so voted, 5-0.

### **October 18, 2016 Planning Board Meeting**

Mr. Boleyn made a motion to approve the minutes of the October 18 meeting, Mr. Herridge seconded. So voted 5-0.

## **Reports from Board Members and Staff**

Ms. Ridley reminded the Board about their new Town email accounts. There are two applicants for the Planning Board. Ms. Ridley asked if Board members would be available to meet with the BOS on November 15th or the 16th. Board members said they would be available.

Ms. Ridley explained the Attorney General's Notice regarding Article #30 that appeared recently in the Banner. The Attorney General required the publication to address notice requirements that had not been met at the time of the public hearing. The Attorney General's notice completes the requirements.

Mr. Boleyn made a motion to adjourn, Mr. Herridge seconded. Meeting adjourned at 7:45 pm.

Respectfully submitted,

Katherine Black



A	B	C	D	E	F	G	H	I	J	K	
Town of Truro-Buiding Department-September 2016 Building Permits											
273	#	Issue Date	Permit #	M & P	Location	Owner	Type of Work	Description	Builder	Fee	Estimated Cost
275	1	9/1/2016	16-186	42-43	38 Parker Dr	Claudia Goldstein	Add	workshop addition to existing garage with living space above	Daniel Silva	\$312.00	\$50,000.00
276	2	9/1/2016	16-187	46-343	22 Toms Hill Rd	Kathleen Collins	Add/Studio	addition to existing dwelling with crawl space, new construction of a two level studio and full basement	Eric Winslow	\$1,270.00	\$235,000.00
277	3	9/1/2016	16-188	36-9	91 Shore Rd	Deborah Paine	D	15x12 deck with a set of stairs	Deborah Paine	\$117.00	\$2,501.00
278	4	9/2/2016	16-189x	35-35	4 Pine Ridge Rd	Steve Royka	RR	strip and reroof with architectural shingles	Michael Hutchinson	\$50.00	\$6,600.00
279	5	9/8/2016	16-190x	52-12	107 South Parnet Rd	Carolyn Miller	RR, RS, RW	replace all windows, siding and roofing	Holly Tarterton, Art of Construction Plymouth Taylore	\$150.00	\$25,000.00
280	6	9/8/2016	16-191x	43-119	50 Longnook Rd	Bruno & Miranda Heller	Tent	temporary tent for 9/10/2016	Equipment Rental	\$50.00	\$0.00
281	7	9/8/2016	16-192x	9-9	428 Shore Rd	Jennifer Chisolm	RW	replace windows on second floor	Cape Associates	\$50.00	\$28,000.00
282	8	9/8/2016	16-193	46-234	11 Snows Field Rd	Edward & Barbara Oswalt	Solar	6.89 kw, 26 panel pv system	SolarCity	\$170.00	\$17,000.00
283	9	9/8/2016	16-194	36-108	66 Shore Rd	Mark Silva	Solar	6.6 kw, 22 panel pv system	Cotuit Solar	\$299.00	\$28,100.00
284	10	9/9/2016	16-195x	59-104	14 Sandpiper Rd	Norman Edinberg	RR	replace roof with 20 squares of certainteed land mark archite roofing	Roger Roderick	\$50.00	\$9,500.00
285	11	9/12/2016	16-196x	58-4	21 Cooper Rd	32 Cooper Road LLC	S	three sided shelter for horses	HO	\$50.00	\$2,900.00
286	12	9/12/2016	16-197x	42-237	5 Great Hollow Rd	Robert Rice	Demo	demo unit 4 and add bedrooms to unit 3	HO	\$50.00	\$0.00
287	13	9/13/2016	16-198	45-68	22 Resolution Rd	James & Anne Marie Corner	D/Retaining Wall	install sheet pile retaining wall and shore deck	Augustus Construction	\$68.00	\$250,000.00
288	14	9/13/2016	16-199	42-25	2 Chickadee Ln	Jeanine Bandiero	Solar	5.83 kw, 22 panel pv system	SolarCity	\$82.00	\$8,200.00
289	15	9/13/2016	16-200	24-13	8 Sams Way	Hart	SFR	garage, porch and deck	Realty	\$2,108.00	\$600,000.00
290	16	9/15/2016	16-201	39-337	4 Lauras Way	Tom Nadeau	SFR	new 3 bedroom home with 2 car garage	Thomas Nadeau	\$2,444.00	\$400,000.00
291	17	9/16/2016	16-202x	59-77	84 Prince Valley Rd	Nancy Pease	RS	reside main building gables	HO	\$50.00	\$2,000.00
292	18	9/16/2016	16-203	40-127	45 South Highland Rd	Ann D'Ercole	Alt	finish home office in garage	AJ Santos	\$105.00	\$17,000.00
293	19	9/16/2016	16-204	39-140	13 Hughes Rd	Gaarder	Solar	11.44 kw, 44 panel pv system (revised to be 49 panel, 12.74 kw)	SolarCity	\$160.00	\$16,000.00
294	20	9/15/2016	16-205x	2-5	674 Shore Rd	Kalmar Village	Tent	40x80 tent	American Tent & Table	\$50.00	\$0.00
295	21	9/20/2016	16-206x	54-1	20 Mill Pond Rd	Carole Reichhelm	Tent	46x85, 10x20 and 15x15 tents	Sperry Tents	\$50.00	\$0.00
296	22	9/20/2016	16-207x	42-2	12 Crestview Circle	Linda Werner	RW	replace 5 second story windows	Andrew Linder	\$50.00	\$6,000.00
297	23	9/20/2016	16-208x	22-44.16	125 Shore Rd U-16	Lynne Burns	RS, RW	replace door with window, sidewall with white cedar shingles	Joe Duarte	\$100.00	\$5,205.00
298	24	9/20/2016	16-209x	22-44.1	125 Shore Rd U-1	Michelle Jolley	RW, RD	replace 4 windows and entry door	Joe Duarte	\$100.00	\$2,084.00
299	25	9/20/2016	16-210x	36-141	1 Highland Rd	S&R Realty Trust	S	new shed	MWR Construction	\$50.00	\$3,000.00
300	26	9/20/2016	16-211x	36-9	91 Shore Rd	Deborah Paine	Stairs	build stairs on barn	Deborah Paine	\$50.00	\$1,532.00
301	27	9/20/2016	16-212	40-116	21 Aldrich Rd	Laurie Gavenda	Garage	26x26 two car garage	Ambrose Homes	\$440.00	\$40,000.00
302	28	9/20/2016	16-213	54-33	3 Rose Hill Ln	Guity Becker	Alt	interior repairs of wall, ceiling and flooring due to water damage	William Whalen	\$637.00	\$75,000.00
303	29	9/20/2016	16-214	50-274	14 Depot Rd	Janice Allee	Solar	14.75 kw solar pv system	Cotuit Solar	\$541.50	\$54,150.00