

Zoning Board of Appeals Decisions Decisions for: 10-16-2014

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DECISION OF FALMOUTH ZONING BOARD OF APPEALS

SPECIAL PERMIT NO: 51-14

APPLICANT/OWNER: AMERICAN TOWER CORPORATION of Woburn, MA

DEED/CERTIFICATE: Book 3435 / Page 83

SUBJECT PROPERTY: 1006 East Falmouth Highway, East Falmouth, MA
Map 29, Section 02, Parcel 017, Lot 003B

Under a date of June 13, 2014 the applicant applied to the Zoning Board of Appeals for a Modification of Special Permits 65-98 and 34-11 pursuant to Section(s) 240-38 C. of the Code of Falmouth to add three panel antennas [to the tower] with associated equipment into existing cabinets at the base of the pre-existing communications tower located at 1006 East Falmouth Highway, East Falmouth, Massachusetts.

A public hearing was opened on July 24, 2014. Notice was duly given as required by Section 11 of Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing, at the Board's discretion, relevant and appropriate testimony was heard.

Board Members sitting: Chairman David Haddad, Vice Chairman Kenneth Foreman, Clerk Kimberly Bielan, Member Matthew McNamara and Member Patricia Johnson

Clerk Bielan read the Notice of Public Hearing into the record.

Jacky Clifford with TRM, Inc. [Tower Resource Management, Inc.] was present on behalf of American Tower Corporation. Ms. Clifford stated that she was unable to have their attorney present at this hearing. She explained that the request is to allow Sprint to add three panel antennas and three remote heads to the tower with associated equipment to be installed into existing cabinet at the base of the tower.

Clerk Bielan read the Town Department referrals into the record.

A referral was submitted from the Engineering Department with standard comments regarding runoff and change in any utilities location will require a permit from appropriate department.

Referrals submitted from the Building Department, Board of Health, Planning Department and Fire Department had no comment.

Board Questions:

The Board asked for clarification as to what is being added through this application and questioned the applicant regarding the bird wildlife schedules and policy.

Ms. Clifford explained that Sprint will add three panel antennas and three radio heads to their site on the pole which is shown on the plan submitted – lowest level on the tower; there will be associated equipment added to existing cabinets and no new cabinets are proposed. She said that American Tower has a department – “Bird Watch” that handles all bird policies, and that she cannot quote from the policies as she is not familiar with them.

The Board asked Ms. Clifford when installation of antennas would take place.

Ms. Clifford stated that contractors will work according to requirements of the bird policy, specifically not during nesting season. She said October is generally the ideal time.

Member McNamara noted that the file does not contain an adequate site plan – what was submitted is a topography plan and a fall zone is not shown. He asked how many carriers are currently on the tower.

Ms. Clifford stated that she thought the plan adequate and will look into it. She said she knows that Metro PCS and Sprint are on the tower but will have to find out who else is on the tower.

Member McNamara asked who is responsible when there is a problem at this site.

Ms. Clifford stated American Tower is responsible.

The Board and Ms. Clifford discussed the incident that took place at the tower site in May of this year regarding dead osprey and the nest strewn on the ground within the tower's fenced area. Ms. Clifford informed the Board that she will take all information regarding the incident to American Tower.

Member Cool asked how far the proposed apparatus would protrude from the tower as FCC requires protrusions to be less than 20' and also asked if there were any microwave dishes on this tower.

Ms. Clifford stated she would find out from engineer and get information to the Board. She said that to her knowledge there are no microwave dishes at this site.

Chairman Haddad asked if Ms. Clifford could say when the installation of the proposed antennas would be done.

Ms. Clifford stated she will confirm that no work to be done in nesting season.

Chairman Haddad asked if anyone present would like to speak in favor or opposition. There was no public comment.

Board Discussion:

Chairman Haddad said the Board's concerns are the active wildlife, policies of American Tower, responsibility and accountability for issues at the site. He would like additional information on the bird policy from American Tower; in the May incident regarding dead osprey at the site, who from American Tower went to the site; dimensions of panel – how far it protrudes from the tower; when was the back-up generator installed and by whom, who the carriers on the tower are; and an accurate stamped plot plan.

Member McNamara asked for clarification on the American Tower policy for wildlife from 2010 and how it can be improved, i.e. bonds, actions when nest is disturbed, bird death, etc.

Member Johnson made a motion to continue the hearing for further information to September 11, 2014 at 6:30 PM. Member Foreman seconded the motion. Motion carried 5 – 0.

Board voted 5 – 0 to continue the hearing to September 11, 2014 at 6:30 PM.

September 11, 2014: Continuation of #51-14 – American Tower Corp.
1006 East Falmouth Hwy, East Falmouth, MA

Members sitting: Chairman Haddad, Vice Chairman Foreman, Clerk Bielan, Member McNamara and Member Johnson

Jacky Clifford with TRM (Tower Resource Management, Inc.) was present along with Megan Cook from Bird Watch of American Tower and Jim Burgess of TRM.

Ms. Clifford reiterated briefly what took place at the previous hearing [July 24, 2014] and spoke on new information submitted as requested by the Board: revised plot plan, antenna protrusion of 5' from the tower, and correspondence with Chuck Martinsen, Falmouth's Marine Environmental Services, regarding death of osprey at site.

Board Questions:

Member McNamara asked for information on the backup generation that is not shown on the plans and how many and who the carriers are existing on the subject tower.

Ms. Collins stated she cannot address the generator as it was requested through a different carrier. Mr. Burgess stated he did not have much background on the generator but believes it to belong to Verizon. He further stated that the elevation plan is not accurate as the tower does not show the additional 10 foot extension and added that there are currently five carriers on subject tower: Sprint, T-Mobile, Metro PCS, Verizon and AT&T.

Member McNamara asked who controls the tower site and if they always know what is proposed on said tower.

Mr. Burgess stated that American Tower has total control and that there are checks and balances in place for activity on the site; although there may have been an error with the checks this time.

Member McNamara asked how American Tower is notified and what investigation is done when there is bird/nest activity and incidents.

Megan Cook explained that sometimes, not always, representatives from American Tower will accompany carriers to sites; they also do inspections on lighting and tower. She stated in this specific incident with the dead osprey, their local field technician had gone to the site to take photos and gather information and report back to Bird Watch.

Member McNamara commented that the pictures in the file are those sent to American Tower from our office that were taken by a Board member on the day the bird was found. We don't know which carrier was working on this site when we were there, does American Tower know and how does American Tower know about active or inactive nests?

Megan Cook said all carriers have to agree to be cautious of birds and notify American Tower of any activity; American Tower tracks all bird activity and nests at all sites. She said when an employee or contractor works on a tower, they have to notify us and they have to cease work if they see a bird/nest via our bird policy and then we track issues in our system going forward and monitor the bird's activity.

Member McNamara said that there appears to be a failure as this was not the first time there was bird activity and an incident at this site. It appears American Tower does not know when there may be activity. He said the American Tower Policy says "any activity [birds] on site is to be reported..." and asked is your policy working?

Megan Cook said that when they are notified about a bird we ask someone to investigate and in this incident they said the carcass was from last fall, the investigator found no malicious activity at this site. If American Tower found issues with a carrier then the carrier would be banned from the site. She said that they reach out to the wildlife agencies for advice, as well as the USDA and the Mass Environmental Biologist. In this case it is an adult bird that may have died of natural causes or had issues a month ago.

Member Johnson asked when the bird kill was reported. Ms. Clifford said sometime in May – maybe the 9th.

Administrator Budrow stated it was May 7, 2014.

Member Bielan asked if a contractor is on site, are they required to let you know.

Megan Cook stated only if we have a watch on the tower. They let us know they have work to do on the site but we do not know when work is actually done.

Mr. Burgess said carriers are allowed to do some things on sites with bird activity.

Member Bielan asked under the contract with the contractor, how would you hold the contractor accountable?

Megan Cook stated that they can suspend their ability to do work on any American Tower site – it has not been done on this tower.

Chairman Haddad commented that on May 7, 2014 there were workers on this site.

Megan Cook said they were not aware of it.

Member Foreman asked if any of American Tower's towers have security cameras for bird activity or workers.

Megan Cook stated that they have a few but it is not a common practice – one was done for a bald eagle at a site. She said there have been issues with the cameras at sites.

Administrator Budrow commented that since there has been two incidents with the birds and/or their nests at this site American Tower should have tracked this tower and asked if they have reports for the past three years on this site.

Megan Cook said if a nest is reported, it is tracked.

Administrator Budrow stated then American Tower can give us a report and said that workers were present at this site the day the dead osprey was found.

Megan Cook stated that if tower work is happening, they know about it; however, we may not track nest activity. She said they could do a summary of bird activity notes for this site.

Member Bielan asked if American Tower puts up nest poles.

Megan Cook said American Tower has a few but that the osprey tend to use them and still nest on the tower.

Board Discussion:

Member Bielan said she is not buying all the information given at the hearing by American Tower and has issue with the bird policy of American Tower and is not clear on it; but feels the underlying message is that American Tower does not protect the birds and believes the policy has no teeth.

Member McNamara said he is upset that there are no proper plans before the Board and at this second hearing; and American Tower didn't know who the carriers on the tower were – the Board just received the info at this second hearing. He said he believes the policy is 'verbal fluff'. The subject tower is currently pending litigation for other issues. He said he is concerned about moving forward without accurate plans and suggested some conditions if the Board approves the application. He spoke on conditions that would require administrative approval with a timeline and monetary fines. He said it is a privilege to have a tower – not a right.

Member Foreman said he feels the Board cannot go forward tonight. He said he feels a camera is needed to keep a record of activity or even a key card and the Board should condition it.

Megan Cook stated that American Tower takes the issues very seriously; they could put a lock on the site to tighten security and do more to protect the bird/nest(s).

Member Bielan suggested American Tower submit proposed additional policies in writing.

Member McNamara made a motion to continue the hearing to October 16, 2014 at 6:30 PM. Member Bielan seconded the motion. Motion carried 5 – 0.

Board voted 5 – 0 to continue the hearing to October 16, 2014 at 6:30 PM.

October 16, 2014: Continuation of #51-14 – American Tower Corp.
1006 East Falmouth Highway, East Falmouth, MA

Board Members sitting: Chairman Haddad, Clerk Bielan, Member McNamara and Member Johnson

Vice Chairman Foreman absent – 4 members sitting (quorum)

Attorney Edward D. Pare, Jr. with Brown Rudnick LLP was present on behalf of the applicant who is being represented by Jacqueline Clifford of Tower Resource Management, Inc. (TRM). Attorney Pare spoke on the plans that were recently submitted per the Board's request and asked the Board if they were okay with the plans. He spoke on the information that Megan Cook [Bird Watch] submitted to the file which gives two solutions concerning protection of the birds: 1) install anti-bird equipment on the tower, i.e. "bird spider" – a deterrent to keep birds from nesting and recommended by the U.S. Fish and Wildlife Service; and 2) "lockdown" of the site during nesting season. Attorney Pare stated that the goal is to protect birds.

Board Questions:

Member Bielan asked how we would know if nests are present at this site. Why wait to do something during nesting season. There have been two incidents at this site so why should the Board not condition this to be installed now.

Attorney Pare said because there are no nests currently. Attorney Pare asked about the two bird incidents that the Board has been referencing.

Chairman Haddad explained the incident on May 7, 2014 where the osprey was found dead within the fenced area of the tower and the nest strewn – pictures in the file show this. He said he visited the site that day and saw the dead bird and the nest strewn and there were workers present. He asked how the site is accessed by workers.

Attorney Pare stated it is not site specific; some have a code but that some locations have keys. Megan Cook stated the site would have a combination code that only a few people would have.

Attorney Pare stated that there is no evidence of a baby bird in the nest, just an adult bird deceased on the ground; and there is no evidence that American Tower was responsible. He explained that the 'bird policy' has been submitted to the file and said that the system has not failed.

Member Bielan asked for clarification regarding a master key and that in the future the Bird Watch Group would give approval prior to a contractor doing work on site.

Megan Cook explained that the Bird Watch Group only gets involved when there is a bird present at the site; once a nest is established a code lock would be put in place and a contractor needs to say when work will be done. American Tower will put a sign on site that workers have to notify the Bird Watch Group prior to entering the site.

Member McNamara asked what deterrent will be used at this site and will it require FAA approval.

Attorney Pare stated that the spider deterrent at each platform; if need be it may be enhanced; it will not require FAA approval.

Member McNamara asked that in the event of a bird or nest who does the Bird Watch Group contact? Can they contact the Board of Appeals staff?

Megan Cook stated carriers who have work orders contact the operation center and they contact American Tower Bird Watch. When a nest is observed, the Bird Watch Group can contact the Board of Appeals staff.

Member Cool asked who does the individual who inspected the site of the bird death work for; did a biologist or Fish and Wildlife person go to the site?

Megan Cook stated it is protocol to have internal employees gather information for us; Biologists don't enter our sites – they observe from the outside. No Biologist or Fish and Wildlife person went to the site for this incident.

Member Bielan made a motion to close the hearing. Member McNamara seconded the motion. Motion carried 4 - 0.

Chairman Haddad closed the Hearing.

Board Discussion:

Member Bielan said she feels that American Tower believes they have no obligation to comply with the conditions imposed by the Board and the bird policy. She feels the Board is in favor of the proposed additional antenna and equipment, however strong conditions are needed to insure compliance and accountability.

Member McNamara said we [Board] want to approve a cell tower that needs to be upgraded, but we need to agree on bird policies. He said he likes Megan Cook's approach to discuss bird presence but is concerned when people can't be tracked for accessing the site. The goal is to protect the birds and bird deterrents are appropriate at this site. He said at the last hearing "no one knew who accessed the site, and when". Also discussed was key swiping to indicate who was at the site. He said there has to be some responsibility by the owner of the tower [American Tower]; and that they should, at the very least, inform the Board when birds are present. The bird deterrents and site access policy are an improvement.

Member Johnson said she agrees with Member McNamara, the spider deterrent looks appropriate for this site. She said American Tower indicated that Bird Watch Group can notify the Town when bird and/or nests are present at the site and she will vote for with enhancement.

Chairman Haddad said he agrees but wants Zoning Administrator notified when nests are present at the site and expects accountability for bird protection going forward.

Member McNamara said to sum it up the Board would like bird deterrent imposed now and not merely when nests are present; that the Zoning Administrator be notified when Bird Watch gets notification of bird nests present; and a tracking system for any access to the site should be conditioned.

Member Bielan suggested individual key cards that will identify who accesses the site as a code is not identifiable but a keycard is.

Findings:

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property located at 1006 East Falmouth Highway contains 2.34 acres of Agricultural A zoned land that is located within the Eel Pond Coastal Pond Overlay District (previous decisions erred in stating the property was located in the Bournes Pond Coastal Pond Overlay District). The subject property is also located within the Wildlife Corridor Overlay. The Applicant [TRM on behalf of American Tower for Sprint] applied for modification of previous Special Permits, #65-98 and 34-11 to allow the addition of three (3) panel antennas and associated equipment within the existing cabinets on the ground within the fenced area for this tower. The subject property was previously part of an 11.34 acre parcel owned by Gilbert Allenby which he subdivided in approximately 2001, into three lots with each lot carrying their own activity and tenant. The tower on subject property is owned by American Tower and has authorized the proposed addition to said pole. Special Permit #65-98 [1998] granted Omnipoint Communications Enterprises (Applicant) approval to construct a 90' monopole tower for the purpose of a telecommunications tower and cellular site. In 2011 modification of #65-98 was requested by American Tower [purchased tower from Omnipoint] and Metro PCS to extend the height of the tower to 100' and add Metro PCS as a carrier on said pole - this was granted under Special Permit #34-11.

It was noted in previous Special Permit #34-11 that the initial approval of this tower allowed three carriers and that during the years a fourth carrier was added to the pole without benefit of review and approval from the Cape Cod Commission or the Falmouth Board of Appeals; there were building permits for the tower issued in 1999 through 2002. In approving #34-11, the Board and Cape Cod Commission allowed the fifth carrier on the tower with the condition that there will be no additional carriers and/or antennas or ground equipment on subject property without review by the Board of Appeals.

The Board finds that Special Permit # 113-12 - AT&T applicant - allowed the addition of three (3) antennas, six (6) radio heads and one (1) surge arrester to the existing tower through modification of previous special permits noted herein.

The Board finds through testimony of the applicant [TRM] that there are five existing carriers on the pole [Verizon, Sprint, AT&T, Metro PCS and T-Mobile]. Furthermore, the Board further finds that there shall be no more than five (5) carriers allowed on the monopole without review and approval from the Cape Cod Commission and the Zoning Board of Appeals.

The Board finds that there is a \$25,000.00 'Tower/Structure Removal Bond' for the subject tower that was submitted to the Board of Appeals July 18, 2011 in the event the tower is abandoned and needs to be removed.

The Board finds that there has been two incidents at the subject property wherein nests were destroyed and at least one dead osprey was found within the fenced area of the tower owned by American Tower. The Board further finds that there was no accountability from American Tower regarding the destroyed nest and osprey as there is no history as to who and when the site is accessed. Furthermore, the Board finds that through discussions at this hearing process, the applicant [American Tower] understands that the Board wants to have a better planned access to the site for accountability in the event of an incident in the future.

The Board finds that testimony was given by the applicant that there will be no impact or disturbance of an existing osprey nest; applicant further stated that American Tower has guidelines as to when equipment can be installed so as not to be disruptive to an active nest. The Board further finds that American Tower will submit prior to the issuance of a building permit for the proposed additional three panel antennas, an improved 'Bird Policy' for this site. Furthermore, the Board finds that testimony was given by Attorney Pare that American Tower and/or their Bird Watch Group can notify the Board of Appeals of any nests or disruption of nests on subject site.

The Board finds the applicant stated that their intention is to install a bird deterrent on the subject tower to help protect the birds. The Board further finds that the applicant stated they will inform all carriers doing work on this subject tower of the bird policy and the conditions as set forth herein. Furthermore, the Board finds that American Tower stated that the bird policy and access to the site will be upgraded and notification of each policy will be forwarded to the Board of Appeals.

The Board finds that the proposed additional three antenna panels to be added to the existing tower for Sprint as herein discussed by Tower Resource Management on behalf of American Tower, along with associated equipment with the cabinet on the ground will enhance the existing Sprint Service for the Town of Falmouth.

In addition to the above findings, the Board finds that the proposed addition of three panel antennas by Sprint will be in harmony with the general purpose and intent of this chapter and does include consideration set forth in Section 240-216 of the Code of Falmouth as follows:

- A. The site is adequate in terms of size for the proposed additional antennas and equipment to the existing tower and existing cabinetry as it does not change the existing tower height and footprint of the site.
- B. The site is suitable for the proposed addition of antennas and equipment to the existing tower and these additions will not add to any lot coverage, will not change the footprint of existing tower and fenced area, and will not impact the surrounding properties.
- C. There will be no impact on traffic flow and safety as there is no increase in the use of subject property.
- D. The visual character of the subject property will not change and there does not appear to be any impact on the neighborhood's visual character as the monopole exists and has several antennas; and there is no impact on any view or vista from the roadway or abutting properties.
- E. There is no sewage disposal system on subject property as none is required for the use on the property of a telecommunications tower.
- F. There are adequate utilities on subject property for the use discussed herein.
- G. The proposed additions to the tower represented herein will have no effect on the supply of affordable housing in Falmouth.
- H. There was no Site Plan Review required by the Planning Board and the referral submitted to the file from the Planning Department had no comment.
- I. The application is within compliance of all applicable sections of the zoning bylaws as represented.
- J. The approval of this special permit does not include any affordable housing.

Member McNamara made a motion to Grant the Special Permit by adopting the decision as drafted with conditions and as requested by the Board. Member Bielan seconded the motion.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals (herein referred to as Board) being of the opinion aforesaid and acting under the provisions of the Code of Falmouth voted 4 – 0 to Grant the Special Permit to American Tower (herein referred to as Applicant) as modification of previous Special Permits 65-98 and 34-11 to add three additional panel antennas to the existing tower and associated equipment within existing ground cabinetry on subject property known as 1006 East Falmouth Highway, East Falmouth, Massachusetts. This special permit is subject to the following conditions:

1. The addition of three panel antennas for Sprint and associated equipment to be installed in the existing ground cabinet shall be as represented to the Board and as shown on plans submitted and reviewed by the Board entitled as follows:

- Plans Prepared for Sprint on behalf of American Tower Corporation as prepared by EG Advanced Engineering Group, P.C. consisting of Sheets SP-1, SP-2, SP-3, C-1 (Plot Plan), C-2, A-1 through A-8, E-1 and E-2 all with final revised dates of 9/12/2014 and with a Board date 'received' stamp of September 27, 2014.

2. American Tower shall install permanent spider bird deterrents on subject tower to deter osprey birds or other migratory birds from nesting on this tower. Any such deterrent shall be a generally recommended deterrent by the U.S. Fish and Wildlife Service. A plan of the tower showing where the spider bird deterrents will be placed shall be submitted to the Board and shall be installed in conjunction with the approval of a building permit for the additional three panel antennas approved herein for Sprint service on subject tower. The installation of the spider bird deterrents shall be completed no later than April 1, 2015. In the event the deterrents are not installed on subject tower prior to April 1, 2015, there shall be no work whatsoever conducted on subject tower or ground cabinetry until proof of installation of the spider bird deterrents, in accordance with said plan, is submitted to this Board. The spider bird deterrents shall be maintained in good and workmanlike condition for the life of the tower.

3. American Tower and its tenants on the tower are required to comply with applicable federal and state laws and regulations with respect to bird activity. American Tower will be responsible to notify the Board of Appeals staff of any nest on subject tower by contacting the Zoning Administrator within five (5) business days of being apprised of the nest(s). [Testimony was given that the applicant would be amenable through their Bird Watch Group to notify the Zoning Administrator of any nest on subject tower when they are notified of said nest(s).]

4. The applicant shall install and maintain a secured electronic access system to gain access to the subject site via a locked fence to ensure there is a log of who accesses the site and when. Each contractor working on the site shall have a unique code to access the site. The secured access system shall be installed in conjunction with the approval of a building permit for the additional three panel antennas approved herein for the Sprint service on subject tower.

5. Following the disruption of any nest on subject tower, American Tower shall notify the Zoning Administrator within five (5) business days of being apprised of such disruption. American Tower shall also provide the Zoning Administrator with a log of all parties that have accessed the site using the secured access system data since the beginning of that year's nesting season (or April 15). In the event the Zoning Administrator first learns of the disruption of any nest on subject tower he/she shall notify American Tower of same. American Tower shall then provide the Zoning Administrator a log of all parties that have accessed the site using the secured access system data since the beginning of that year's nesting season (or April 15). Upon receipt of information, the Zoning Administrator shall review data and will notify the building department that no work shall be conducted at the subject site until an investigation is completed by American Tower Bird Watch Group and a report submitted to the Board of Appeals for approval. If the Board of Appeals or its Zoning Administrator finds the report complete, the Zoning Administrator will contact the building department and American Tower that work may proceed at the subject site.

6. American Tower [applicant] shall be responsible to notify all carriers located on the tower of the conditions set forth herein regarding this subject site. American Tower shall also notify and remind all

carriers located on the subject tower of American Tower's bird site practices and procedures and insure their compliance.

7. There shall be no derogation whatsoever from any of the conditions set forth in previous special permits at subject site except for administrative approvals on file with the Town Clerk and what is stated herein.

8. Any deviation, no matter how minor, from plans submitted and approved, orally or in writing, by this Board, shall be submitted to the Board for approval prior to implementation of said change. Minor changes may be administratively approved by the Zoning Administrator.

9. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed after the decision had been filed in the office of the Town Clerk with no appeal being filed, or an appeal has been filed within such time, is recorded in Barnstable Registry of Deeds. (Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.)

10. This permit shall lapse two years from the date on which this decision is filed in the Town Clerk's office if a substantial use of the Special Permit has not sooner commenced except for good cause as determined by the Board of Appeals.

Decision of the Falmouth Zoning Board of Appeals Continued:

Special Permit Number: 51-14

Applicant: AMERICAN TOWER CORPORATION of Woburn, MA

Subject Property: 1006 East Falmouth Highway, East Falmouth, MA
Map 29, Section 02, Parcel 017, Lot 003B

Action: The Board of Appeals, by the signature below, being present, certifies the vote of the Board as follows for the above referenced:

Vote: 4 - 0 to Grant the Special Permit modifying previous Special Permits 65-98 and 34-11 as represented to the Board, based on the Findings stated herein and with the above stated Conditions.

David Haddad, Board Chairman

_____ Date Filed With Town Clerk

Notice is hereby given that any appeal from this Decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Falmouth Town Clerk.

Notes:

SP 51-14 American Tower Corp - 1006 East Falmouth Hwy / Mod SP posted 11/7/14 mm