



Town of Dennis

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**416 MAIN STREET - Monopole**

**PLANNING BOARD SPECIAL PERMIT - STAFF REPORT – August 14, 2025**

<b>APPLICANT:</b>	Leon D. Narbonne Trustee & AT&T C/O Michael Dolan, Attorney
<b>PROJECT ADDRESS:</b>	416 MAIN STREET, WEST DENNIS MA 02670
<b>MAP AND LOT NUMBER:</b>	65-23
<b>APPLICANT ADDRESS:</b>	Brown Rudnick LLP, One Financial Center, Boston, MA 02111
<b>CASE NUMBER:</b>	PBSP-25-7
<b>ZONING:</b>	GC 2; rear of property in R-40; Flood zones AE & X
<b>HEARING DATE:</b>	July 21, 2025; <b>continued to August 18 without taking testimony.</b>

<b>PROPOSAL</b>	Telecommunications Facility – Cell tower monopole camouflaged within light pole.
<b>REQUEST</b>	Special Permit per ZBL § 2.2.2(7)(h) and Section 7 to construct, operate and maintain a 25' AGL light pole with a cylindrical antenna on top with a height of 30'.
<b>PROJECT BRIEF</b>	<ul style="list-style-type: none"> <li>• The proposal is to construct and maintain a 25' tall light pole with a camouflaged cylindrical wireless telecommunications antenna on top extending to a top height of 30' AGL plus related equipment and cabling within the pole</li> <li>• The diameter of the proposed monopole is less than 13 inches at the base, then tapers to 8" 5/8" from 10'6" high to 25' high, then pops back out to 12" diameter for the actual antenna between 25' and 30' in height. Proposal includes related wires, conduit, fiber and other associated equipment located on the Pole.</li> <li>• AT&amp;T'S proposal was previously approved and granted a Special Permit by the Planning Board in 2022. Due to funding constraints AT&amp;T was unable to timely commence construction and its Special Permit expired.</li> <li>• The main change from the 2022 SP is the fiber and power will be from underground.</li> <li>• The stated purpose is to fill coverage gaps, address capacity issues and upgrade AT&amp;T's wireless service in the area along Main Street.</li> <li>• The wireless facility will consist principally of the following elements:             <ol style="list-style-type: none"> <li>1. One (1) metal LED light pole (measuring 25 feet in height).</li> <li>2. One (1) canister antenna (5 feet in height) mounted to the top of LED light pole.</li> <li>3. Fiber optic and DC power cables running along the pole to the new electric meter.</li> </ol> </li> <li>• AT&amp;T notes wireless communication services have evolved to offer a wider range of advanced services to include wide-area voice, data, internet, video, and broadband wireless data, among others. It has identified this site as high probability of extending coverage and they been unable to identify any existing building to collocate with.</li> </ul>
<b>PLOT PLAN</b>	Plot & Site Plan of 416 Main Street West Dennis, MA 02670, Barnstable County for AT&T 492 Old Connecticut Path Suite 210, Framingham MA 01701, by Centerline 750 West Center Street, Suite 301 West Bridgewater MA, 02379 and TEP OPCO LLC 45 Beechwood Dr. North Andover MA, 01845. Plan consisting of 2 sheets dated 06-05-2025 stamped by Daniel P. Hamm.

<b>BUILDING PLANS</b>	Plans of 416 Main Street West Dennis, MA 02670, Barnstable County for AT&T 492 Old Connecticut Path Suite 210, Framingham MA 01701, by Centerline 750 West Center Street, Suite 301 West Bridgewater MA, 02379 and TEP OPCO LLC 45 Beechwood Dr. North Andover MA, 01845. Plans consisting of 8 Sheets with Title sheet, General Notes, Locus Map, Site Plan, Plot Plan, Key Plan & Elevation, Equipment Details, and Electrical & Grounding Details. Plans dated 06-05-2025 stamped by Daniel P. Hamm.
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1. **Project Summary**
2. **Town Department Comments**
3. **§ 1.4.2.1 - Special Permit Granting Authority – Criteria and Proposal**
4. **§ 4.1.2 - Site Plan Review process**
5. **§ 4.1.2.5 Design Objectives – Criteria and Proposal**

1. **TOWN DEPARTMENTS COMMENTS:**

- a. **NATURAL RESOURCES:** Signed off, no comment.
- b. **HEALTH:** Signed off, no comment.
- c. **ENGINEERING:** Zoning violations should be corrected before review.
- d. **BUILDING:** Property is currently under enforcement for Zoning Violations for outside bulk storage, unregistered vehicles and unpermitted accessory structures in the R-40 District
- e. **PLANNING:**
  - i. §7 encourages co-location within existing towers but, per § 7.2.3.2.4 monopoles are the preferred type of freestanding structure. However, the cobra style light is not appropriate within the property. The proposed 30’ tall cobra LED light is more appropriate along a highway.
  - ii. The applicant should consider removing the light, which appear to have no real purpose and is likely to violate the dark skies condition. Otherwise they might consider camouflaging the cell within a flagpole or on top of the tower in the building structure behind the proposed light.
  - iii. The coverage map submitted by the applicant appears to show the proposed monopole tower would increase “moderate data rates to high data rates” to a very small area along Main Street including the properties at 228 Main Street with 22 residential units, Colonial Plaza at 394 Main Street with several small businesses and the former Christmas Tree Shops at 425 Main Street along with a few single-family homes. Applicant says the monopole will also increase capacity.
  - iv. **Zoning Violations:** The property upon which the tower is proposed has numerous zoning violations with numerous unregistered vehicles, boats, boat trailers, mattresses and other junk littering the back of the property, primarily in the R-40 District portion of the property. The first public hearing was postponed to give the applicant time to clean of the violations. The Applicant has said the property will be cleared by Friday (8/22) before the continued public hearing. The proposal, if approved, should be conditioned that no Building Permit will be issued unless the zoning violations are cleared and some guarantee they will not reappear once a permit is issued.
  - v. The property would have to apply for a Special Permit for a Contractors Yard to continue as such, but that is not possible as the rear part of the property in the R-40 and uses belong in Industrial.
  - vi. Property has been cited in recent past for creating illegal accesses to Alburmar Road. Resolved.
  - vii. **Landscaping:** Recently degraded and altered natural environment within the flood zone. Until the violations are cleared up the Board should not review the project. Once cleaned up the project should be reviewed and the property conditioned to prepare a landscape plan to re-establish a buffer to the residential neighbors before a Building Permit is issued.
  - viii. **Lighting:** The proposed cell is within a cobra style highway street light. The style of light is inappropriate for the location and no information on the lumens or light spillage is included.

- ix. **Noise:** According to the AT&T Small Cell Noise Analysis Table 6 the noise will not be discernible.
  - x. **Zoning District Intent (§2.1.5.7):** *General Commercial II and III – To integrate the evolution of a commercial development pattern with an older mixed use area so that it is compatible ... and preserving the value of land and enhancing the existing vegetation, visual landscapes, and amenities with consideration of neighboring properties, and to conserve the value of existing structures and buildings with good period design recognizing the importance of recycling of old structures and buildings for future generations thereby retaining the character of the area, the town, and the quality of life in a rural seaside NE Village.*
2. **§ 1.4.2.1 Special Permit Granting Authority:** Special permits may be granted only upon a finding by the Board that the proposed use will not create a nuisance, hazard or congestion, or other significant harm to the neighborhood, nor cause derogation from the general purpose and intent of the By-Law, the stated district intent or applicable use criteria. The following criteria must be met:
- a. *The use is allowed by special permit in the district in which proposed, pursuant to §2.2.2 - Use Regulations Schedule; **The use is allowed per Section 7 of the Dennis Zoning Bylaw.***
  - b. *Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5; **The clear intent of Section 7 is to camouflage cell facilities within existing structures. Proposal is a structure that is not existing but is the type found along the street, not yard.***
  - c. *Adequacy of management of traffic flow within the site as well as in relation to adjoining streets and properties, so as to minimize unsafe or harmful impacts of the use; **No impact.***
  - d. *Compatibility of the proposed use with surrounding land uses, so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values; **The monopole would be more suitable if it replaced the flagpole or was located in the building tower, rather than mimic the cobra highway street lights.***
  - e. *Adequacy of provision of utilities and other necessary or desirable public services; **Adequate.***
  - f. *Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and neighborhoods; **Proposed highway light serves no discernible purpose and would create artificial light that would spill off the property***
  - g. *Adequacy of protection from degradation and alteration of the natural environment, including but not limited to slopes and other topographical features, vegetation, wetlands, groundwater and water bodies and wildlife habitat. **The property is currently in violation of degradation and alteration of the natural environment, including but not limited to slopes and other topographical features and vegetation within the flood zone. Once cleaned and if approved the project should be conditioned to re-establish a buffer to the residential neighbors.***
3. **§ 4.1.2 - Site Plan Review process:** *The purpose of Site Plan Approval “is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Dennis by providing a detailed review of the design and layout of certain developments which have a substantial impact upon the character of the Town and upon traffic, utilities and services therein”.*
4. **§ 4.1.2.5 Design Objectives:** The following design objectives (*italics*) in addition to any standards elsewhere in the Zoning By-Law, shall be used by Planning Board in considering all site plans.
- a) **Landscaping:**
- a. *Every effort shall be made to minimize removal of existing vegetation and to integrate existing mature trees and vegetation into the landscape plan. **Property has numerous zoning violations including recent removal of existing vegetation.***
  - b. *Natural buffers ... shall be maintained whenever possible. **Removal of vegetation noted above.***
  - c. *Landscaping shall include masses of trees and vegetation around/near buildings to reduce perceived scale and set them into the landscape. **Once cleaned up the project should be reviewed and the property conditioned to prepare a landscape plan to re-establish a buffer to the residential neighbors before a Building Permit is issued.***

- b) **Circulation:** *With respect to vehicular and pedestrian circulation, including ... parking and loading areas, special attention shall be given to: ...Separation of pedestrian and vehicular traffic; Delineation of parking stalls and loading zones;... Accommodations for the handicapped: **Monopole should not impact but current practices needlessly impact some points such as boat trailers in handicapped spots and pickup trucks on front lawn.***
- c) **Surface Water Drainage:** *Requires a Stormwater Management Permit*
- d) **Building Location:** *Proposed building and structures shall be integrated as much as possible.*
- e) **Building Design:** *The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roofline, arrangement of openings, color, exterior materials, proportions and scale of existing buildings in the vicinity. **Proposed pole meets setbacks.***
- f) **Special Features:** *Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets. **Property needs to control itself.***
- g) **Safety** - *All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, & other emergency personnel and equipment. **Monopole does not impact.***

**5. § 7 COMMUNICATIONS FACILITIES:** § 7.1.1 The Purpose of this section is to regulate communication facilities so that these services may be provided with minimal harm to the public health safety and general welfare.

Specifically, the Communication Facilities section of the Zoning By-law has been created to:

- § 7.2.3.1.9 Night lighting shall be prohibited unless required by state/fed law and shall be the minimum necessary.
- § 7.2.3.2 New communication towers may be constructed provided that the facility complies with the following:
  - § 7.2.3.2.1 Towers shall be set back from the lot lines a distance equal to the height of the tower except that a tower shall be no closer to the nearest lot line of a residentially zoned lot or a lot in residential use: 30' x 30' / 35' = 26'
  - § 7.2.3.2.2 One tower shall be allowed per lot. 2.3 No tower shall be more than 150 feet above the natural grade.
  - § 7.2.3.2.4 Towers shall be camouflaged based upon the proposed location and shall be painted a neutral, non-reflective color designed to blend with the environment. Monopoles are the preferred type of structure.
- § 7.3.4.6 (Design requirements) If lighting of the site is proposed, the applicant shall submit a manufacturers computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed. **If LED is retained, the applicant must first provide this information.**

<b>PROPOSED CONDITIONS IF APPROVED</b>	<ol style="list-style-type: none"> <li>1. The lot owners shall apply for all required permits and will comply with the intent of the Dennis Stormwater By-law, all requirements of the Dennis Conservation Commission and Board of Health and any other permits that are required.</li> <li>2. Construction shall not commence before 7:00 am nor continue after 7:00 pm Monday through Friday and shall not commence before 7:00 am nor continue after 5:00 pm on Saturdays. No construction shall occur on Sundays.</li> <li>3. The addition shall <u>not generate new light</u>, noise, litter, odor or other sources of nuisance. Any new lighting shall be restricted to downward-shielded motion sensitive security lighting that is “Dark-Sky” compliant.</li> <li>4. Failure to comply with Town permits shall be cause to revoke this Special Permit.</li> <li>5. Before a Building Permit is issued a landscape plan, establishing sufficient vegetative buffers along the property boundary and in the R-40 section of the property, is to be reviewed and approved by the <b>PB/Planner</b> and implemented before permit issued.</li> <li>6. Project must conform to all conditions in Zoning Bylaw § 7 (Comm. Facilities) including Regulations, Procedures, Monitoring, Maintenance, Abandonment, Bonds, etc..</li> <li>7. Per §7.4 “The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the communication facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to meet all of the requirements noted in 7.7.3.1-7.7.3.3”; 7.7.4; and 7.7.5.</li> </ol>
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