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CAPE COD  
COMMISSION

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(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

**Via Electronic Mail**

August 13, 2019

Jonathon Idman, Chief Regulatory Officer  
Cape Cod Commission  
3225 Main Street, PO Box 226  
Barnstable, MA 02630

Evan Lehrer, Town Planner  
Town of Mashpee  
16 Great Neck Road North  
Mashpee, MA 02649

*Re: Blue Sky Towers II, LLC Wireless Communications Tower, et al  
101 Red Brook Road, Mashpee (Commission File No. 18012)  
DRI decision dated October 18, 2018 & recorded in Book 31869 Page 331*

Dear Evan,

I received your email with a Development of Regional Impact (DRI) referral enclosed on behalf of the Planning Board relative to the above-referenced project (copy of referral attached hereto). This is a re-referral of the project to the Cape Cod Commission. In 2018, the Planning Board had previously referred the project to the Cape Cod Commission for DRI review pursuant to Section 12(h) of the Cape Cod Commission Act<sup>1</sup>; and subsequently, the Commission reviewed and granted DRI approval for the project.

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<sup>1</sup> “Municipal agencies shall refer any proposed development which meets the standards and criteria set out by the commission for developments of regional impact to the commission for review, at which point the municipal agency’s review shall be suspended until the commission has reviewed the proposed development... The suspension of municipal agency review shall extend all constructive grant periods for municipal agencies for a period equal to the duration of commission review, such periods to resume running after a final commission decision is rendered.”

The Commission's DRI decision approving the project became final without appeal and is valid and in effect for seven years from its issuance. Pursuant to Section 13(e) of the Commission Act, the DRI decision allows local permits to be issued for the project during the effective period of the DRI decision.<sup>2</sup>

The Commission has undertaken its requisite review of the project and has granted the approval necessary and sufficient to allow the project proponents to pursue local permitting for the project. The Commission cannot accept the re-referral for DRI review and will not take up DRI review anew or otherwise revisit its DRI decision for the project.

Nothing in the DRI decision or the Commission Act prevents the town from enforcing its by-laws, rules or regulations during local permitting for the project. The Applicable review and decision periods for pending local permits will continue to run without tolling.

Sincerely,



Jonathon Idman  
Chief Regulatory Officer

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CC w/ENC: Kristy Senatori, Cape Cod Commission Executive Director via email  
Harold Mitchell, Cape Cod Commission Chair via email  
Ernest Virgilio, Cape Cod Commission Mashpee Representative via email

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<sup>2</sup> "The commission may approve, approve with conditions, or disapprove the development of regional impact. If the commission disapproves the development of regional impact no further work may be done on the development. A development of regional impact which has been approved, or approved with conditions shall be valid and effective, and municipal development permits may be issued pursuant thereto for seven years following the date of the written decision..."