

Edgartown Planning Board Minutes

Tuesday, August 20, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, August 20, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

PRESENT: Fred Mascolo (Chair); Michael McCourt, Lucy Morrison, Scott Morgan, Glen Searle, James Cisek (Alternate).

ABSENT:

The meeting was called to order at 5:30 PM, and a quorum was declared.

SITE VISITS

No site visits were scheduled.

SCHEDULED BUSINESS

5:30 PM: ANR: 9 Maqua Way (47-107.13) James Stephens¹

An ANR Plan was presented by Mr. Doug Hoehn, SBH, Inc., proposing a lot line adjustment to a property at 9 Maqua Way, Assessors Parcel 47-107.13. No MVC Review is required, and no overlay district is involved. Mr. Hoehn described the plan as a simple lot line adjustment with no new lots to be created; the intent is to adjust the lot line in order to keep a family memorial on the property part of the main parcel.

It was MOVED by Morrison SECONDED by McCourt

To endorse the Form A plan as presented.

VOTED: 5, 0, 0.

5:35 PM: SPECIAL PERMIT Extension: Katama Airfield (45-25); Edg. Conservation Commission / Edg. Airport Commission²

Mr. Finn read a letter from Alyssa DaSilva, the manager of the Katama Airfield, requesting on behalf of the Airfield Commission an extension of the Special Permit for construction of the New Hanger. Mr. Finn stated that the original Special Permit was issued on May 3, 2018, and was valid for one year. The Planning Board has the authority to extend the permit by up to 24 months.

Mr. Peter Vincent reminded the board of the votes at the 2019 Town meeting and at the polls to approve the financing of the project, as well as private and CPC funds secured for the project.

The project is a long time coming, and is almost at the point where construction can be started.

Mr. Searle: When will work start? Mr. Vincent: Demolition in September, with construction to start afterward. The building will be a steel frame building, with the intent to preserve the look of the original building.

It was MOVED by McCourt SECONDED by Searle

To grant an extension to the original special permit to May 3, 2020.

VOTED: 5, 0, 0.

REVIEW AND SIGN DECISION – 32 Ocean View Avenue (29-137)

The draft decision was presented for review. Mr. Finn stated that Town's Counsel had reviewed and amended the decision, and Mr. Finn asked for a vote to approve and endorse the decision.

¹ Plan as endorsed transmitted to TC -- 08/21/2019

² Letter certifying extension transmitted to TC and Building Inspector -- 08/21/2019

After review of the decision, it was MOVED by Morgan SECONDED by Morrison

To approve the 32 Ocean View Avenue Decision as presented.

VOTED: 5, 0, 0.

5:45 PM: Admin. Review: American Tower (29A-96); Jacob Epstein, Black and Veatch

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, August 20, 2019 at 5:45 PM, on the request of Jacob Epstein, Black and Veatch, on behalf of American Towers, Inc., Owner, for administrative review of a proposal **to install two new cell phone antennas at a level of 118', and install associated equipment within an existing shelter at the site on the existing 161' tower.** The size of the compound will remain the same, and there will be minimal ground disturbance.

The application was made in accordance with Section 13 of the Edgartown Zoning Bylaw. The property is located at 59 North St., Assr. Pcl. 29A-96. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Mr. Joseph Rollins representing Black and Veatch, the applicant.

The chair opened the public hearing at 5:46 PM.

Presentation

Mr. Rollins described the proposal as replacing twelve antennas and replacing them with two. The antennas will provide service on the CBRS – the Citizens Broadband Radio Service - in the 3.5 GHZ band.

Mr. Rollins said that the technology is simple and straightforward, allowing the carriers to send and receive more calls, giving preference to military and first-responders, then regular customers.

Mr. Mascolo: So, the technology allows for prioritization for first responders?

Mr. Rollins: Yes, that's the intention of the design, as bandwidth allows.

Mr. Cisek: You'll be removing six antennas and adding two? Mr. Rollins, yes.

Mr. Cisek: The antennas will be smaller? Mr. Rollins: Yes.

Ms. Morrison: It seems as though you'll be removing twelve antenna emitters in total, and replacing them with two? Mr. Rollins: Yes – six antennas will be removed, and replaced with one; a total of twelve will be removed, and two added.

Ms. Morrison: Is there space available on the tower? Or will this take more space? Mr. Rollins: This is a direct replacement, so, yes. Mr. Rollins provided a visual representation of the new antennas, comparing them with the scale of the existing units.

Mr. McCourt: What about power requirements? Will this new technology require different or more power?

Mr. Rollins: No – the antennas will use the same or less, and will use existing cabling and other infrastructure on the tower itself.

Ms. Morrison: How large are the units? Mr. Rollins: About 24" in height.

Mr. Mascolo: Comment from the public?

Mr. Bruce Nevin: Who made the original antenna units? Mr. Rollins: I'm not sure.

Mr. Cisek: Just a note -- When we visited the site, we noted that the site wasn't secure. Mr. Rollins: I wasn't aware.

Mr. Morgan: I recently visited the site, and noted that it is again secure. It may have been a temporary oversight.

It was MOVED by Morgan SECONDED by Searle

To close the public hearing.

Deliberation

It was MOVED by Morgan SECONDED by Searle

To approve the propose request for work, with the following General Conditions for PWSF Installations / Modifications:

- 1) *Accordance with Plan: All work shall be completed in accordance with the specifications shown on the plans filed with the application and approved by the Planning Board.*
- 2) *Time Limit: All work must commence within one year of the stamp of the Town Clerk on the final decision. Any extension is governed by Section 17.7.B of the Edgartown Zoning Bylaw.*
- 3) *Recording of Decision: Prior to the issuance of a building permit and/or commencement of construction, the Applicant must record the special permit decision at the Registry of Deeds and provide a copy to the Building Inspector and the Planning Board.*
- 4) *Color of Equipment: All structures and equipment, including the antenna mount and antennas, shall be gray, including without limitation, coloring by means of exposed galvanized metal, painted surfaces or colored plastic/fiberglass covers. Surfaces shall be installed and maintained in a neat workmanlike fashion, with abandoned and deteriorated elements promptly removed.*
- 5) *Liability: The applicant will assume responsibility now and in the future with respect to its operations at the site, and for any adverse effects, including environmental ones, directly attributable to the Personal Wireless Service Facility.*
- 6) *Prior Conditions: Except to the extent inconsistent with the plans and conditions approved by this decision, all prior conditions and terms of the underlying special permits shall remain in effect.*
- 7) *Construction Hours: Except in the case of emergency, hours of construction, maintenance and installation, shall be conducted between 8 AM and 5 PM, Monday through Friday. No construction activities shall take place from May 20 to September 20.*
- 8) *Construction Quality: The applicant shall install all structures and equipment in conformance with the highest level of quality of construction for facilities similar in nature and function*
- 9) *Mitigation of Noise: Efforts must be made to mitigate any noise emitted from the applicant's equipment at the site.*
- 10) *Lighting: No lights shall be placed on the tower unless and until the FAA, or other governmental entity with jurisdiction, requires it. There shall be minimal exterior lighting on buildings or structures. Exterior lighting shall be activated by motion sensors wherever practicable. Exterior Lighting fixtures shall be focused, shielded or recessed fixtures.*

5:45 PM: Admin. REVIEW: American Tower: Installation of Generator – 59 North Street.

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board continued a public hearing

from August 6, 2019, 5:30 PM, on the request of Austin Cofrancesco, Transcend Wireless, on behalf of American Towers, Inc., Owner, for administrative review and approval to install a diesel-powered generator on a new 4' x 8' concrete slab, within the existing compound. This application was made in accordance with Section 13 of the Edgartown Zoning Bylaw. The property is located at 59 North St., Assr. Pcl. 29A-96. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Michael Elsier (Nanepashemet Project Management), on behalf of Transcend Wireless.

The Chair continued the public hearing at 5:56 PM.

Presentation

Mr. Elsier presented the overall project, and illustrated the proposed layout; Mr. Elsier presented information about the generator, which is to be a 25kw diesel generator, with a self-contained fuel storage capable of between 12 and 24 hour power backup provision.

Mr. Searle: Why diesel over propane? Mr. Elsier: The objective was to minimize the expansion; a propane generator would require more space and equipment – additional gas plumbing, tanks – whereas the diesel generator is a single self-contained unit.

There was discussion related to the placement of the generator, sound emission anticipated from the unit.

Mr. Morgan: There could be a concern related to the generator noise, as the generator is going to be facing a residential area, whereas the other two currently on site face a relatively wooded area.

There was discussion related to the capacity of the generator, and the run duration.

Ms. Morrison: Can you confirm that the fence line needs to be changed? Mr. Elsier: Yes, the fence line will have to be bumped out in order to provide room for the generator.

Fred Mascolo: How much? Mr. Elsier: About 9 feet – a total of 9-foot by 15-foot area.

Ms. Morrison: There are some concerns about access on the site by emergency services, and the bump-out of the fence will worsen that problem. Do you plan to do more clearing of the site in order to provide access around the fenced compound? Mr. Elsier: We are happy to work with emergency personnel to develop a plan for access, and to clear trees and understory necessary to provide emergency access to the site.

Mr. Morgan: Have you given thought to squaring off the existing fence area instead of creating another bump-out? Mr. Elsier: We did not consider that, as the proposed generator location is closest to the equipment that it will support.

Mr. Cisek: Have you spoken to the Fire Chief? Mr. Finn replied, stating that Chief Schaeffer had recommended conditions for approval that would insure access to the site be clear and accessible for emergency vehicles.

There was some discussion related to the previous work to widen the road in the past.

Mr Mascolo asked for public commentary.

Ms. Dana Strayton: How large is the site? Ms. Morrison: According to the Assessors' records: 4.1 acres.

Ms. Strayton: Are there House sites abutting the site? Mr. Morgan: Yes, around much of it, with some conserved wooded area to the north.

Ms. Strayton: And this proposal is for a diesel generator? Mr. Mascolo: Yes.

There being no further comment, it was MOVED by McCourt SECONDED by Searle

To close the public hearing.

Deliberation

Mr. Morgan: I've been very impressed with the work done on the site before. I'm sure that this work will be completed in a similar fashion.

Mr. Finn recommended certain conditions for approval, as well as requiring the applicant work with the Town to clear and maintain emergency access to the site.

It was MOVED by McCourt SECONDED by Searle

To approve the propose request for work, with the following General Conditions for PWSF Installations / Modifications:

- 1) Accordance with Plan: All work shall be completed in accordance with the specifications shown on the plans filed with the application and approved by the Planning Board.*
- 2) Time Limit: All work must commence within one year of the stamp of the Town Clerk on the final decision. Any extension is governed by Section 17.7.B of the Edgartown Zoning Bylaw.*
- 3) Recording of Decision: Prior to the issuance of a building permit and/or commencement of construction, the Applicant must record the special permit decision at the Registry of Deeds and provide a copy to the Building Inspector and the Planning Board.*
- 4) Color of Equipment: All structures and equipment, including the antenna mount and antennas, shall be gray, including without limitation, coloring by means of exposed galvanized metal, painted surfaces or colored plastic/fiberglass covers. Surfaces shall be installed and maintained in a neat workmanlike fashion, with abandoned and deteriorated elements promptly removed.*
- 5) Liability: The applicant will assume responsibility now and in the future with respect to its operations at the site, and for any adverse effects, including environmental ones, directly attributable to the Personal Wireless Service Facility.*
- 6) Prior Conditions: Except where inconsistent with the plans and conditions approved by this decision, all prior conditions and terms of the underlying special permits shall remain in effect.*
- 7) Construction Hours: Except in the case of emergency, hours of construction, maintenance and installation, shall be conducted between 8 AM and 5 PM, Monday through Friday. No construction activities shall take place from May 20 to September 20.*
- 8) Construction Quality: The applicant shall install all structures and equipment in conformance with the highest level of quality of construction for facilities similar in nature and function*
- 9) Mitigation of Noise: Efforts must be made to mitigate any noise emitted from the applicant's equipment at the site.*
- 10) Lighting: No lights shall be placed on the tower unless and until the FAA, or other governmental entity with jurisdiction, requires it. There shall be minimal exterior lighting on buildings or structures. Exterior lighting shall be activated by motion sensors wherever practicable. Exterior Lighting fixtures*

shall be focused, shielded or recessed fixtures.

The applicant shall further work with the Town Fire Chief to insure that access to the site is adequate for all emergency equipment.

Generator

1. *The applicant shall implement the “Optional Upgrades: <65db @ 7 Meters”, as described on page 3 of the Exhibit “T-Mobile DC Diesel Generators – 15kw and 25kw” as submitted to the Planning Board.*
2. *The Applicant may implement either the “Standard – 130 Gallon Tank”, or “Upgraded – 220 Gallon Tank” for fuel storage at their option, and with approval from the Edgartown Fire Chief.*
3. *Fuel Storage on site will be in accordance with all state and local regulations, and with approval from the Edgartown Fire Chief.*
4. *“Exercise” of the generator shall be during daylight, midweek only.*
5. *“Exercise” of the generator should be as infrequently as possible, and for as the minimum period necessary, to insure good working order.*
6. *The Planning Board retains the right to petition the applicant for changes to the generator ‘Exercise’ schedule, if the Planning Board determines that the generator operation is harmful to the neighborhood.*

VOTED: 5, 0, 0.

6:00 PM: TENTATIVE: REPETITIVE PETITION: GARY DAULA, 147 SOUTH WATER ST. (29A-19)(CONT'D FROM 8/6/2019, 7/9/2019)

The Planning Board continued a public hearing from August 6, 2019, on a request from Mr. Gary Daula, on behalf of Rex & Laura Lee Gedney, Owners, to adjudicate a request for a repetitive petition to the Zoning Board of Appeals for a special permit, determining whether there are specific and material changes in the conditions upon which the previous unfavorable action was based.

This application is made in accordance with Section 16 of Chapter 40A of the General Laws. The property is located at 147 South Water Street, Assr. Pcl. 29A-19.

The chair continued the public hearing at 6:13 PM.

Mr. Finn noted that the applicant had requested a continuance from August 6, in order to complete modifications to the plan. Mr. Finn also noted previous concerns expressed by the board: a request for an updated site plan, a concern about the third floor dormer, and the overall massing of the proposed structure.

Gary Daula and Richard Torcia presented a new site plan³ as well as the modified floorplans and elevations.⁴

Presentation

Mr. Torcia: We met with the neighbors, including neighbors Heather Cohan and Pam Findley; we did a site visit to their homes. We listened to their concerns, took notes, and made adjustments to the house. We met them personally. We reviewed the plans with our architect.

Changes from the original:

- The original proposal was about 4,100 square feet; the house is about 27% smaller, with living space in the basement, and on the first and second floors.

³ “A Plan of Land in Edgartown Massachusetts Surveyed for Rex Gedney and Laura Lee Gedney”, Scale 1” = 20’, prepared Gregory Marcella, P.L.S., Oak Bluffs, Mass, dated May 15, 2019 – included in application file.

⁴ “Daula Residence, 147 South Water Street, Edgartown, MA”, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA., dated 08/20/2019, Including A-01, A-02, A-03, A-04, and S-01 – plan included in application file.

- There is no living space on the third floor, only a crawl space; dormers on the third floor have been removed.
- The height of the building was previously proposed to be 32', the height is now 25' 10".
- The house was 48' long, now 44'.
- The side porch has been shortened.
- The house is now mirrored from the original design, moving the 2nd floor balcony to the south side.
- The tree in the front yard will be preserved. The pool has been eliminated.

Mr. Torcia: We believe that we have addressed the major concerns regarding massing. When we met with Pam Findley, she stated that she was in support of the modified design. We met with Heather Cohan once, and have sent her the revised plans for review. We felt that our last meeting with the Planning Board was constructive and felt our meetings with the neighbors were equally constructive. We believe that the process is working.

The chair invited comment from the public.

Ms. Heather Cohan: The site plan shows a 20-foot easement, which I think is a utility easement. Why is it shown? Does it have any bearing on the subject lot? Mr. Torcia: that was included by the engineer who prepared the site plan, out of a desire to be thorough. It has no bearing on our proposal whatsoever.

Ms. Cohan: We appreciate the removal of the pool, and the lowering of the roof. Will the basement be considered living space?

Mr. Finn advised that the board was permitted to adjudicate the exterior of the structure, but not the interior layout.

Ms. Cohan: Will the decision by the Planning Board be conditional?

Mr. Mascolo: No – this is a simple yes or no decision. We can either approve or deny the repetitive petition to the Zoning Board of Appeals.

There being no further presentation, it was MOVED by McCourt, SECONDED by Searle

To close the public hearing.

VOTED: 5, 0, 0.

The public hearing was closed at 6:28 PM.

Deliberation

Mr. Searle: The plans are significantly different, and address the concerns laid out by the ZBA in their denial of the original Special Permit application.

Ms. Morrison concurred, as did Mr. McCourt and Mr. Morgan.

There being no further deliberation, it was MOVED by McCourt SECONDED by Searle

To approve the request for a repetitive petition.

VOTED: 5, 0, 0.

Discussion / Presentation: Katrina Nevin, re Chase Road traffic and pedestrian concerns.

Ms. Katrina Nevin, Chase Road, was present to discuss a number of concerns regard traffic on Chase Road and Pinehurst Road.

Mr. Searle noted that, as a resident of Chase Road, it would be inappropriate to participate as board members. Mr. Mascolo and Mr. Searle recused themselves from the board, and joined the discussion as private residents in the audience.

Presentation and Discussion

Ms. Nevin introduced a number of residents of Chase Road.

Ms. Nevin stated that car and truck traffic was excessive, and high-speed. The resulting conditions on the road are not safe for cyclists or walkers, and the situation seems to be getting more and more dangerous each year. Some solutions have been proposed: There are no speed limits clearly posted.

Ms. Morrison confirmed that Chase and Pinehurst Roads are town roads, and that Edgartown West Tisbury Road was a state-maintained road.

Ms. Nevin: We ask that the board consider proposing the following measures to the Town to help to mitigate traffic volume and speeds:

- 1 - A speed limit reduction, which might make GPS / Mapping software reroute around the area.
- 2 - A blinking 'speed' sign on Chase Road. Even if it could be temporarily placed, it could be very effective. It would help folks to recalibrate their speed.
- 3 - We recommend that Chase and Pinehurst Roads be limited to local deliveries only. Larger trucks are not appropriate for the road, given the lines and grades.
- 3a - "Share the Road" signs might raise awareness of cyclists and pedestrians in the roadway. Additionally, painted markers on the road surface would help to maintain that awareness.
- 4 - We suggest expanding the 20 MPH speed zone up from Edgartown Hardware up to the entrance to Cottles, and moving the signs accordingly.
- 5 - We suggest a pedestrian crosswalk across West Tisbury Road at Chase Road.
- 6 - Speed bumps might work - on Chase and Pinehurst Roads; A wider, more gradual bump would be preferred over a short, sharp bump.
- 7 - Not recommended, but as a last ditch effort: Making Chase Road a one-way road. We would not recommend this - unless it is the only way to resolve issues in that neighborhood.

Mr. Morgan: Is it worse one way or another? Ms. Nevin; It's pretty equal in both directions in the summertime.

Mr. Morgan: I saw the speed limits signs placed there; I know that coming off of West Tisbury road onto Chase, it's too easy to make the corner too fast.

There was discussion related to speed mitigation techniques on West Tisbury Road.

There was some discussion related to making sections of Pinehurst one way (From Main to Chase).

Mr. Morgan: I know that I've seen traffic go quickly down that road in the past.

Mr. Cisek: The crosswalks make sense - and the moving of the speed limit signs also make sense - I would recommend that change.

Mr. Finn spoke briefly about table crossings, or elevated crosswalks.

Mr. McCourt commended Ms. Nevin on the presentation, and asked if they would be interested in presenting their case before the highway superintendent and police chief, who could provide their comments.

Mr. Finn suggested that a larger conversation might also include members of the public.

The idea of expanding the scope of area to include more areas downtown was discussed.

Mr. Searle: On Chase and Pinehurst: It's NASCAR 101. They rev up, they fly. The UPS vans, deliveries, etc. And there are folks walking, kids. Something should be done.

There was some discussion about the effectiveness of squaring off of the corners on Chase Road.

Mr. Bruce Nevin described some of the history of the curbing, and whether some encroachment had occurred over time.

Mr. Mascolo: As a board, you have the right to ask the MV Commission to have their traffic planner do a study of the area.

There was some discussion related to the methods of measuring traffic volume and speed. Mr. Mascolo described some of the history of similar studies for Upper Main Street.

Mr. McCourt; I don't know if this will help or not, but we've looked at this in the past, but nothing's been done. We need to really move on this – we need to at least try something to help solve the problem.

There was some further discussion related to the types of traffic, and the speed at which it travels. There was some discussion related to how certain regulations could be put into place on the local level.

Ms. Nevin: If Edgartown-West Tisbury road is a state road, how long would it take to get changes made on that road, such as a table crossing? Mr. Mascolo: the state petitioning process could take time -- a lot of time. And in the end, it might be difficult to get the State to move on the process.

Mr. McCourt: I think that we could make some of the improvements very quickly: signage and etc.

Mr. Mascolo: As a resident: Please use the traffic planner for the MV Commission, they are the professionals, and they can recommend some changes that could be quickly put into place, and perhaps suggest a path forward.

There was some discussion to extend the discussion to other member, other parties, including MV Commission specialists. Mr. Finn will coordinate with all parties, and schedule a second presentation and discussion as part of a future Planning Board Meeting.

Ms. Nevin was thanked for her time.

ADMINISTRATIVE

REVIEW AND SIGN PAYROLL

Payroll for the period ending August 20, 2019 was reviewed and signed.

PLANNING BOARD MINUTES

Minutes from several meetings were distributed. Mr. Finn requested that the board review the minutes, and be ready to vote on them at the next meeting on September 3, 2019.

**OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED
48 HOURS IN ADVANCE**

No other business was presented as requiring immediate attention.

SCHEDULE OF UPCOMING MEETINGS

Meetings were tentatively scheduled for September 3 and 17, October 1 and 15.

ADJOURN

There being no further business, it was MOVED by Morrison, SECONDED by Morgan

To Adjourn.

VOTED: 4, 0, 0.

The meeting was declared adjourned at 7:20 PM.

Respectfully submitted:
Douglas Finn, Administrative Assistant

APPROVED by vote of Planning Board
at a regular meeting, held on

October 29, 2019
(Date of vote)

[Signature]
Mascolo

[Signature]
Mccourt

[Signature]
Morrison

[Signature]
Morgan

[Signature]
Searle

Cisek (alternate)

