

Edgartown Planning Board Minutes

Tuesday, June 5, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, June 5, 2018 at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

CALL TO ORDER

The meeting was called to order at 5:34 PM.

Call of Roll:

Present: Sam Sherman, Fred Mascolo, Michael McCourt, Lucy Morrison, Scott Morgan, James Cisek (Planning Board Alternate).

Also Present:

*Georgiana Greenough, Planning Board Assistant
Douglas Finn, Planning Board clerk*

A quorum was declared.

SITE VISITS

The following site visits were conducted:

- 9:30 AM – West Tisbury Rd, Bennett Way

No deliberation was conducted as part of the site visit.

BOARD BUSINESS

The board agreed to address certain agenda items out of order, to better suit the convenience of the applicants.

MARX, ALEXANDER: 2 BEACH STREET (29B-84) Landscaping Plan.

The planning board reviewed a landscaping plan in accordance with a condition of a Decision for a Special Permit issued in April, 2016.

The landscaping plan was presented on behalf of Alexander Marx, owner of 2 Beach Street (29B-84). Present for the applicant: Michael Donaroma, Donaroma's Landscaping.

Discussion

Mr. Donaroma spoke about the history of the project, and reviewed the revised landscaping plan, including changes made after review by the Board of Selectmen, and the Conservation Commission. Specific changes include moving the privet back from Dunham Road, and a move of drainage ditches at the request of the building inspector.

The changes to the plan are anticipated in order to insure that water – both above-ground and groundwater – flow away from the abutters' property.

Mr. Donaroma outlined changes to design, which included some changes and additions to drainage system on the Naylor's property.

Mr. Donaroma requested approval of the plan by the board.

There was some discussion about aspects of the plan that appear to be in the public way. Mr. Donaroma spoke about the accepted width of the road as compared to the actual width of the public way.

Mr. Geoghan Coogan, representing the applicant, stated that Mr. Marx, and the Naylor's have reached an agreement on the plan. Mr. McCourt asked to see the written agreement; Mr. Coogan denied the request, stating that the agreement was confidential. However, Mr. Coogan affirmed that all parties have reached agreement, and consent to acceptance and approval of the plan.

It was MOVED by McCourt SECONDED by Mascolo

To approve the landscape plan for 2 Beach Street, as presented.

VOTED: 5, 0, 0.

5:30 PM PUBLIC HEARING: Owen Norton LLC, West Tisbury Road, (27-15.6 and 27-249) Definitive Subdivision Plan-Form C. Combine two parcels (27-15.6 and 27-249), extend Baylies Way by approximately 725 feet, and create five parcels (.73 acres, 1.04 acres, 1.04 acres, 1.04 acres, and 1.05 acres) in R-20. (Agent: Doug Hoehn, SBH, Inc.)

In accordance with Sections 81T and 81U of Chapter 41 of the General Laws, the Edgartown Planning Board held a public hearing on Tuesday, June 5, 2018 at 5:30 PM in Edgartown Town Hall – 1st Floor, on the application of Doug Hoehn, SBI, inc., on behalf of Owen Norton, LLC, Owner, for approval of a definitive subdivision plan entitled: "Plan of Land in Edgartown, MA prepared for Owen Norton LLC, Scale: 1" = 50', April 10, 2018", prepared by Schofield Barbini and Hoehn, Inc.

The applicant proposes to combine two parcels (27-15.6 and 28-249), extend Baylies Way by approximately 725 feet, and create five parcels (.73 acres, 1.04 acres, 1.04 acres, 1.04 acres, and 1.05 acres) in the R-20.

Mr. Finn read the public notice. The chair opened the public hearing at 5:46 PM.

Present for the Applicant: Doug Hoehn, SBH, Inc.

Presentation / Public Comment

Mr. Hoehn described the plan as a four-lot subdivision, as two existing lots will be used to create five lots, plus a parcel for a road. The lots will meet zoning (minimum ½ acre). Roads as proposed will meet Planning Board regulations for new dirt roads. Utilities will be placed along the road.

The area is in the south and west of the 'water divide' area, which limit construction to 1 bedroom for each 15,000 square feet of lot size. Houses will be limited to 2 or three

bedrooms, based on lot size. No guest houses will be permitted. Right to build a detached bedroom is reserved. Water will be by wells, with individual wastewater treatment systems on each lot. However, town water may be able to be drawn from an existing water line that runs along an east-to-west easement in the area.

A road association exists, and will guarantee maintenance of the roads.

The walking path located to the south of the property will not be adjusted or blocked, and the applicant will welcome conditions to protect that path.

No communications have been received by the Planning Office.

Jeane Marie Iwanicki (an abutter, Meetinghouse Hill) spoke about an easement on Meetinghouse Hill, and whether there would be any future access.

Mr. Hoehn confirmed that the properties as proposed will not have permitted access onto meetinghouse Hill Road. Mr. Hoehn welcomed the enforcement of such, as a condition for approval.

Ms. Iwanicki asked about a 'no-cut' buffer, or restriction on setbacks. Mr. Hoehn replied that the setbacks as established by the zoning will be the existing setbacks.

Ms. Iwanicki asked about the proposed selling price. Response (from Mr. Hoehn): no idea.

Ms. Iwanicki: Will the walking pathway along the water line easement be continued? Mr. Hoehn: The 20-foot water line easement will be preserved, but is not a protected 'ancient way', nor is it required to be maintained as open to the public.

Mr. Sherman stated that a condition precluding access to Meetinghouse Way will be included as a condition.

It was MOVED by Mascolo, SECONDED by Morgan

To close the public hearing at 5:59 PM.

VOTED: 5, 0, 0.

Mr. Morgan asked about use of the easement. Mr. Hoehn confirmed that the water easement is not a public walking path, and will not be preserved as such (the walking path along Kanomika will remain.)

There was some discussion between the board and Mr. Hoehn in regard to future potential for connections to public water or sewer systems. Future connections to Town water or sewer may be possible at some point in the future,

There being no further public comment; Mr. Sherman closed the public hearing at 5:59 PM.

It was MOVED by Mascolo SECONDED by Morgan

To approve the plan as presented, with the following conditions:

- There shall be no access onto or along Meetinghouse Hill Way from any lot;*
- The existing Water Easement (20 feet in width) must be preserved and may not be built upon;*
- Water shall be provided by private wells*

- *Wastewater shall be managed by private septic systems;*
- *Road must be finished according to the subdivision rules and regulations;*
- *Guest Houses are not permitted;*
- *Detached bedrooms are permitted.*
- *Connection to municipal water or sewer systems may be possible at a later date; if so, applicant agrees to return to the Planning Board for a modification to the subdivision plan at that time.*
- *All other Standard Conditions for Subdivisions shall apply.*
- *Form F Covenant must be completed and returned to the Planning Board for final approval prior to issuance of Decision.*

VOTED: 5, 0, 0.

5:30 PM (6:01 PM) DELIBERATION: STOP & SHOP (SP): Review written testimony received through June 5. Deliberation, determine conditions, and vote. (Agent, Geoghan Coogan, atty)

The Planning Board continued deliberation on the application of WJG Realty Trust and Stop & Shop, a subsidiary of Ahold USA, for a special permit to construct an addition of approximately 15,952 sf to a one-story pre-existing 25,259 sf supermarket and to complete re-construction of associated site work including the relocation of a drive-thru bank, increasing parking spaces and redesigning the parking lot.

Deliberation

Recommended Findings and Conditions were distributed to Board Members.

Findings as Proposed by Staff:

- That the proposal meets all dimensional and other lot requirements, with exceptions noted below;
- That the proposal will result in a net reduction in curb cuts on Upper Main Street.
- That the potential increase to traffic congestion may be able to be remedied through future modifications to the site, or to the surrounding areas;
- That the proposal largely meets dimensional and other lot requirements, outlined in 10.5.a;
- That the proposal continues the current layout of parking in front of the main structure, but does provide for additional side-lot parking. (10.5.a.3).
- That no signage is proposed to be placed within 15 feet of the street pavement line (10.5.a.5).
- That the proposal does not meet the requirements detailed in 10.5.A.4 (“...at least 20% of the lot shall consist of open space dedicated to natural or pedestrian use. Buildings, parking lots, access ways, and other uses shall be located as to leave the remaining open space in as usable and contiguous a form as is feasible.”)

The board agreed to these findings.

10.5.B: Parking, Loading, Access Requirements

- That the proposal does not provide the necessary number of parking spaces (10.5.b)
- That the proposal generally meets requirements for planted areas (10.5.b.4)
- That the proposal represents a reduction in curb cuts onto Upper Main Street (10.5.b.8)

10.5.C: Screening, Buffers, And Landscaping

- That the design of the 'wall' along the north boundary should be considered by the Planning Board.

10.5.D: Building Design And Use

- That the proposal largely meets the requirements set out in 10.5.D, with some exceptions.
- That the proposal attempts to replicate the appearance of 'small businesses' to the greatest extent reasonable and practicable. (10.5.d.5)
- That the proposal and design have been revised by the applicant to be more consistent with the Town and Island character with respect to the roofline, trim, façade and sides facing the parking areas, in accordance with MVC DRI-429-M2, section 6.2.

10.7 Findings Required For A Decision

- That the current design is largely consistent, to the greatest extent practicable, with the traditional structures in Edgartown, as viewed from the public way (10.7.a)
- That the proposal reduces the number of curb cuts from three to two. (10.7.b)
- That the proposal provides significant improvements on the site to reduce intrusion to adjacent residential areas. (10.7.c)
- That the proposal will provide improvements to traffic and help to promote pedestrian safety (10.7.d)
- That the proposal will not adversely impact any scenic views. (10.7.E)

The board generally agreed to all findings.

Recommended Conditions

The Planning Board considered imposing the following conditions:

- That the applicant redesign the west curb cut and driveway in accordance with the conditions imposed by the MV Commission, and in compliance with technical requirements of the Vineyard Transit Authority in order to preserve bus travel into and out of the bus stop area. (Mr. Sherman stated that this could be conducted after the vote, and submitted to the Planning Board for later approval.)

- The applicant shall receive approval of curb cut, bus stop, and sidewalk designs from Mass DOT prior to issuance of a building permit;
- The applicant shall construct a shelter for bus patrons, as follows:
 - o The shelter shall be located west of the west Curb Cut, in front of the Rockland Trust Bank Building;
 - o The shelter shall complement or enhance the architectural style of the Rockland Trust Bank Building as proposed;
 - o The shelter design shall be is in keeping with the general architectural style of Edgartown;
 - o The shelter design shall be reviewed by the Vineyard Transit Authority as to placement, capacity, and sightlines. *
 - o The MV Commission shall also conduct a review of the shelter using any criteria deemed appropriate or necessary;
 - o The Planning Board reserves final review and approval authority of the design of the bus shelter. **
 - o The MV Commission shall provide final oversight and approval of any modifications to pedestrian ways related to the placement of the bus stop or bus shelter.

** Mr. Sherman requested that a provision requiring approval of the shelter by VTA for ADA compliance be removed, as the VTA is not the proper arbiter of ADA compliance.*

*** Mr. Sherman requested that the Planning Board have final review of the bus shelter.*

- Front Parking Areas
 - o Traffic in front parking areas will remain as current.

Mr. Sherman stated that, based on conversations with the applicant, changes to direction of traffic flow in the front parking lot would cause too much confusion for customers. Given the applicant's agreement to conduct a post-completion traffic study for one year, and agreement to make changes if needed.

- All dormers on the existing building and addition shall be converted to, or built with a hip-roof design.
- There shall be no outside carriage storage in or on any sidewalk, or pedestrian walkway, and that shopping carts be stored inside the building, or in designated cart storage kiosks in the parking areas.
- Regarding merchandise on display outside the store (one option)

- Outside displays of merchandise shall be limited to non-manufactured goods, such as flowers, plants, fruit, vegetables, or firewood as currently permitted; outdoor displays shall be readdressed after completion of the building.

There was some discussion related to current practices (the existing annual special permit), what constitutes 'two persons, side-by-side', etc. Ultimately, the board decided to maintain existing practices until completion of the addition, and to re-address the matter at that time.

- The applicant shall designate specific outdoor areas for employee break or lunch purposes in areas separate from public walkways or public entrances; that employees be strongly encouraged to avoid public walkways or public entrances while on break.
- Sound barrier perimeter fence:
 - The applicant shall construct a sound-absorbing perimeter fence along all truck loading / unloading areas, and all areas expected to be used primarily by delivery trucks;
 - The perimeter fence shall use sound absorptive barrier technology similar to Sound Fighter Systems' LSE Absorptive Noise Barrier System¹; specifically
 - Barrier shall be twelve feet in height from mean grade
 - Barrier exterior shall be UV resistant;
 - Barrier shall employ an acoustically absorptive, non-reflective design
 - Barrier shall be rated to provide at least 10 db reduction in sound
 - The applicant shall provide a design and proposal for the sound perimeter fence to the Planning Board for review and approval prior to issuance of a building permit;
 - Natural shrubs, bushes or small trees, deemed acceptable by the Edgartown Beautification Committee, shall be placed in front (inside) of the perimeter fence to improve the appearance of the area.
 - The applicant shall regularly repair and maintain the perimeter fence in order to insure functionality and aesthetic appearance.
 - Applicant shall not be responsible for any landscaping behind (outside of) the perimeter fence.
 - Applicant shall provide loading dock electrical service to operate trailer refrigeration ("shore power"), allowing trucks to be turned off while trailers are being loaded or unloaded.

Mr. Sherman asked the board to comment on the value of landscaping in an area for loading and unloading cargo. Mr. Mascolo stated his preference for landscaping be done on the outside (abutters' side) of the fence.

¹ Reference: <https://www.soundfighter.com/products/lse-absorptive-noise-barriers/>

Mr. Morgan suggested that landscaping features inside the fence might help to improve sound abatement.

Mr. Sherman suggested that **the fence need not be landscaped inside in areas where trucks would be parking / backing up, but should be landscaped in other areas.**

Mr. Sherman requested that ‘shore power’ be added as a condition.

- Traffic monitoring study
 - The applicant shall conduct ongoing traffic monitoring and analysis for a period of one year from issuance of an occupancy permit;
 - Study shall record traffic counts
 - East- and West-bound traffic passing the site on Upper Main Street,
 - Traffic entering and exiting the site at both curb cuts
 - Wait times for traffic exiting both curb cuts;
 - Traffic flows through the front-of-store parking areas
 - Traffic counts shall be conducted at various times of day, and at various points over the year, so as to provide reasonable and reliable conclusions throughout the year;
 - The applicant will present, at a regularly scheduled meeting the results of the traffic study, detailing the results of the traffic monitoring and analysis study, including potential solutions that might be considered to resolve any potential areas of concern.
 - The applicant shall continue to work with the Town in good faith to resolve any outstanding traffic problems related to uses at the site.

Ms. Morrison asked if the town had the authority to require a traffic study on Upper Main Street. The applicant agreed that the traffic study would be possible, and agreed to the condition.

- The applicant shall apply for and receive approval for any signs to be constructed on the building or on the site prior to issuance of a building permit.
- The applicant shall remove any existing metal tree guards, shall not use tree guards, and work with the Edgartown Beautification Committee to protect existing and new trees.

*(Mr. Sherman expressed concern about new tree guards that might “allow room for growth”. Ms. Morrison asked that **no new tree guards be permitted**; board agreed.)*

- The applicant shall file a copy of its landscaping plan with the recommendations of the Edgartown Beautification Committee and the Planning Board for review and approval prior to issuance of a building permit.

Ms. Greenough also asked about lighting in the parking area. The applicant confirmed a lighting plan and photometrics study are both included in their proposal.

Mr. Sherman stated that the board had not yet concentrated on lighting. Mr. Mascolo said that improving night-time visibility might create light pollution problems, but might be an acceptable tradeoff for additional nighttime safety and security.

Ms. Morrison: Mr. Coogan presented a plan that proposed different lighting instruments; Mr. Coogan stated that the lighting instruments as proposed will be consistent with the lights on the site currently; Mr. Coogan stated that 'code' is being met, but just barely.

Mr. Sherman agreed that a lighting plan would be part of the final review of the landscaping plan, and should address security lighting towards the back of the property.

Mr. Adam Turner (MV Commission): Has the roof design, and the side overhang design met with board approval? Mr. Sherman: largely, yes.

Ms. Greenough read a written statement from Mr. Ben Hall, Attorney (included in file). Summary: Mr. Hall asked that the roof level at the rear of the building be pitched to 45 degrees in order to reduce 'shade impact' of the proposed structure. Further, Mr. Hall objected to the height of the proposed sound barrier.

Mr. Sherman: The fence is an acceptable compromise in order to receive better sound abatement quality. Further, to suggest the modification of the design of the building at 'this late stage' is unwieldy.

Ms. Morrison asked the applicant to respond to the letter.

Mr. Coogan stated that the plans as presented are a final proposal; Mr. Coogan suggested that the applicants may be willing to conduct a 'shadow study' or other study that might address the concerns of the abutters, but would not be willing to make changes to the building design.

Mr. Sherman asked for further comment from the Planning Board.

Mr. Mascolo: I think I missed one session of the public presentation; am I qualified to vote on this presentation?

Mr. Sherman called a recess to allow staff to confirm voting eligibility of members.

Board stood at recess at 6:45 PM.

Board called to order at 6:52 PM.

Mr. Finn presented records of attendance for each member, explained the attendance record, and suggested that all sitting members of the Planning Board are eligible to vote; Mr.

Sherman reviewed the records, and concurred; two absences, one each for two members, were to public hearing dates where no testimony was given and no evidence received, but the hearing simply continued to a later date.

Ms. Morrison asked about the 'shadow study', and whether that could be part of a condition of the final special permit.

Action

It was MOVED by McCourt SECONDED by Morgan

To approve the plan, with conditions as stated and recorded; further, that the lighting and landscaping plan shall be reviewed and approved prior to the issuance of a building permit.

VOTED: 5 (MORRISON, MASCOLO, SHERMAN, MCCOURT, MORGAN), 0, 0.

5:50 PM PUBLIC HEARING: New Cingular Wireless LLC ("AT&T"), 14 Sampson Av (34-197) SP: Construct 115' Personal Wireless Service Facility ("PWSF") with antennas and associated radio communications equipment on a non-conforming lot. (Agents: Art Kreiger, John Elder, Anderson & Kreiger, Dan Bilezikian, CAI)

The Planning Board scheduled a public hearing on Tuesday, June 5, 2018 at 5:50 PM in the Edgartown Town Hall on the application of Anderson & Kreiger et al. on behalf of New Cingular Wireless PCS, LLC ("AT&T") for a special permit for Construction of a Personal Wireless Service Facility ("PWSF") including 115 foot antenna monopole with antennas and associated radio communications equipment.

The proposed site is located on a non-conforming lot within the R-120 Zoning District, on assessors' parcel 34-197.

The hearing is held in accordance with MGL Ch. 40A Section 9 and the Edgartown zoning bylaw under Articles 11.6; 11.9.e.; 17.5. and 23.3.

Ms. Greenough read the public notice. Present for the applicant: Mr. Arthur Kreiger, Jonathan Elder, Dan Bilezikien, Martin Levin; Also present: Carl Guehring, as legal counsel for Verizon.

Presentation by Applicant

Mr. Kreiger described the application, and reviewed the history of the project, including original submission, membership of board as applied to final approval, withdrawal of original application without prejudice, and refiling of application.

Mr. Kreiger stated that, as of May 31, 2018, the MV Commission has verbally confirmed that they do not need to review the refiled application.

Mr. Kreiger stated that a monopole, or 'monopine' design would be used; a 'stealth' tower with internal antennas would not be compatible with the site.

The antenna would serve AT&T, Verizon, and MV WiFi; space for a third cellular provide is available, but not taken.

Mr. Fynbo has operated a tower (of some form or other) since 1976; ChappyWISP has existed since 2008.

The single proposed tower would replace two existing towers (Chappy WISP, and the temporary tower.)

Mr. Kreiger stated that the tower would provide coverage to areas that otherwise would not be served, including the beach areas; improve call quality and reliability; provide broadband access.

Mr. Kreiger stated that cellular service is essential for public safety, and cited support for the project by local fire, police and other emergency responders.

Mr. Kreiger described the process by which the site was identified, including identifying possible sites; Three final sites were selected as final candidates: 14 Sampson Avenue, Majane Lane, and Jeremiah Road.

Sampson Avenue complies if certain dimensional waivers are granted: three-acre minimum lot size, and the fifty-foot setback requirement (the tower will be 44' from the boundary).

The facility is designed to minimize the impact of the waivers.

Mr. Kreiger stated that approval of the tower provides approval of the structure at a height as required.

Mr. Kreiger stated that use of stealth technology would result in a taller tower, which is not preferable.

Mr. Kreiger stated that, if the board concludes that the tower represents no visual impact to the town.

Mr. Kreiger read from Edgartown Bylaw, Section 23.5.c: “demonstrate that it cannot substantially provide the needed service from one or more PWSFs that are more compliant with the bylaw, or the proposed PWSF with dimensional waivers, has no material impact on the safety, health, general welfare, and quality of life in Edgartown, and there are no alternative means of placing one or more PWSFs to substantially provide the needed service that have a lesser overall impact on Edgartown.”

Mr. Kreiger stated that, in AT&T’s opinion, the tower will have no negative material impact on the town, but would provide a positive impact on the health and safety of the town.

Mr. Kreiger presented several photo simulations, showing the expected visual appearance of the tower from several locations on the island of Chappaquiddick (part of the formal application packet).

Mr. Kreiger stated that the proposal would have no effect on market value.

Mr. Kreiger stated that radio emissions, and health related aspects are not part of the review process.

Mr. Kreiger presented graphic representations of estimated coverage from Sampson Avenue, Majane Lane, and Jeremiah Road.

Mr. Martin Levin spoke about the difference in coverage, as depicted on the map.

Mr. Kreiger stated one site may not be different from another; however, in total, the site at Sampson Avenue provides the best estimated coverage to the largest areas.

Mr. Kreiger stated that a tower located on Majane Lane would provide reduced quality of service for about 10% of covered population.

Mr. Kreiger further stated that the Paul Majane, owner of #2 Majane Lane, “due to changing circumstances, I no longer desire to have a cell tower constructed there, and will not agree to any extension or renewal of AT&T’s option to lease.” Mr. Kreiger deferred to Mr. Bilezekian for details.

Mr. Dan Bilezekian stated that, through his conversations with Mr. Majane, he learned that Mr. Majane was threatened with legal action if he proceeded with a cell tower on his property; further, that he was anticipating using his property for a new house for his son.

Mr. Kreiger stated that the Jeremiah Lane location does not provide as good of coverage as Sampson Avenue.

Morrison: It looks like Jeremiah Lane has less areas of non-coverage than the Sampson Avenue location. Response: Sampson Avenue provides coverage in more critical areas, such as the beaches.

Mr. Kreiger talked about potential conditions, as drafted:

- If the ‘monopine option’ is chosen, the tower will be brown, with green ‘boughs’.
- The details of maintenance of the site will be outlined in the lease agreement.
- The generator will be inside a fence, and inside an enclosure, but AT&T would prefer to not enclose it entirely in a building.

Mr. Kreiger concluded his presentation.

Public Comment

Mr. Sherman asked for correspondence from town boards or committees.

Ms. Greenough read a letter from Alexander Schaeffer, Edgartown Fire Chief, in support of the project, citing safety concerns, and additional capability that it would provide to the fire department on Chappaquiddick.

Mr. Adam Darack, IT Manager for the Town of Edgartown, spoke about his experience on the Edgartown Cell Committee (2014 through 2016). Mr. Darack spoke about the committee’s work related to town owned properties, and the RFP issued by the town. Mr. Darack stated that, at the time, the town received significant opposition to the town hosting a site for a PWSF; further, that process overlapped with AT&T’s private negotiations for a PWSF facility. Mr. Darack stated that the concern of the committee was, primarily, public safety, and the ability of the public to use cell technology to call for help in case of an emergency. Mr. Darack stated that, after years of research, a DAS system was proven to not be an effective solution. A second option for a tower failed to materialize. In seven years, only one vendor has proposed a viable solution.

Mr. Mascolo: Is there an emergency cell band reserved for, and used by first responders?

Mr. Darack: What you’re speaking of is “FirstNet” – a system of prioritized coverage on the cell towers for first responders. This technology will most likely be included in this system.

Further, local emergency management officials are interested in working with AT&T to place private radio communication on the tower, to increase range of emergency agency radios and other gear.

Mr. Sherman: It is the intention of the board to allow individuals to speak as they see fit. However, the Planning Board would like to prioritize new comments, and new input.

Ms. Greenough described new correspondence received (about 30-40 letters and emails), and stated that letters of comment would be placed on the Town's website for public review.

Mr. Carl Gehring (Verizon Wireless) spoke in support of the project. Verizon and AT&T share facilities across the island; Verizon has described the Sampson Avenue site as an ideal site for their equipment. Mr. Gehring spoke in support of the tower.

Mr. Hanley Clifford spoke in favor of the project, citing his experience as proof that cell service is essential for public safety; Mr. Clifford further described a recent incident, where individuals did not have cell service in their time of need.

Mr. Dimattia: Why can the Board not consider radio emissions?

Response (from Mr. Sherman): We are not allowed to address radio emissions, or consider them as part of their permitting process.

Mr. Kreiger stated that the Federal Telecommunications Act of 1996 prohibited communities from considering or addressing radio emissions as part of its review of cellular towers.

Ms. Theresa Dimattia (Enos Lots), spoke against the placement of the tower on Sampson Avenue, stating that she felt that the tower was being 'forced down our throats'.

Mr. McCourt strongly objected to the characterization.

Ms. Dimattia stated that, given that the coverage could be better in one location and not as good in others, given that relatively good coverage in either location, why not consider a less populated area?

Mr. Sherman stated that the larger community has to be considered, and the benefit and welfare of all residents and visitors have to be considered.

Mr. Sherman appreciated the comments, and stated that the Planning Board was required to consider all factors before making its decision.

Ms. Dia Trancynger, a resident of the Enos Lots area, expressed her concern, and concerns of neighbors in the past, related to residential businesses. Ms. Trancynger expressed her concern about the location, and the setback requirements. She further expressed her concerns that AT&T is focused on the bottom line, and that this process was a 'subterfuge' for AT&T's real focus. She further believed that Chappaquiddick was not being treated as part of the rest of Edgartown, and spoke about issues related to fire and police department response.

Mr. Sherman stated that, if there were concerns related to Fire and Police service on Chappy, that a conversation should be had with those departments.

James Dimattia, resident of Enos Lots, stated that, while cell service was not objectionable, the location was 'assinine' – placing a tower in close proximity to 23 residences.

Ms. Morrison (to Mr. Kreiger): is the tower grandfathered due to the Temporary Tower? Or the MV WiFi antenna? Response: The MV WiFi Antenna.

Jessica B. (on behalf of Robert and Dana Strayton) objected to the procedure. Jessica B. also asked for confirmation that the Straytons could present an opposition presentation at the July 10th meeting. Planning Board agreed, and stated that time would be reserved.

Dana Strayton spoke in objection to the site, and stated that the process should be restarted, and a new site selected that is more appropriate. Ms. Strayton stated that the site should present the same impact to the entire town, and not put the burden for the location on a small neighborhood on Chappaquidick. "There is a lot of land on Chappaquidick; a one-half acre lot is not appropriate."

Ms. Strayton compared the proposal to the site on North Street, in terms of lot size, and visual impact.

Ms. Strayton also stated that the proposal would affect real-estate values; Mr. Sherman asked for supporting evidence for that.

Mr. Kreiger (responding to implications that AT&T had put pressure on Mr. Majane), stated that there was no reason or cause for such an accusation.

Mr. Kreiger also stated that the temporary tower would not fill the cellular coverage gap indefinitely.

Mr. Bob Gurnitz spoke in favor of the project, stating that in his experience over the past seven years, no other proposal has been made or is anticipated. Support for cellular service is fairly broad, and has been expressed by public safety officials for some time. "Time is not on our side."

Mr. Carl Gehring clarified that the temporary tower does not serve Verizon's needs, and Verizon's customers are still without cellular service.

Mr. Robert Strayton asked the board to consider the impact of the proposal, and to consider whether the site is appropriate. "With due respect," the proposal deserves more attention and more study; Mr. Strayton stated that, regardless of the location, the installation of the tower will be very impactful; the board has an obligation to look at the long term impact of the tower. Given that AT&T has examined over 400 potential sites, there has to be other sites that are more effective, and less impactful.

Mr. Strayton: Given that AT&T signed leases proves that other potential sites exist, the board must consider the impact of this tower, and given the existence of a temporary tower, there is time to consider all options.

Mr. Sherman: I do not believe that there is time – I think we do have to consider this application in an expedited way. We do have to consider the application in front of us.

Mr. Strayton: The bylaw is written to consider an alternative site analysis, which allows the board to consider the applicability of a given site. AT&T has been working on this process for two or three years. Much of the information contained in this application could apply to an alternative site. Town-owned property is more appropriate.

Mr. Mascolo: Given the time, can we continue this to a later date?

Ms. Morrison: Can we first refer this (informally) to go to the MV Commission for preliminary review?

It was MOVED by Morrison, SECONDED by McCourt

To informally refer the application to the MV Commission, to determine if the previous approval of the previous application still applies.

VOTED; 5, 0, 0.

It was MOVED by Morgan SECONDED by Mascolo

To continue the public hearing to July 10, 2018, 5:30 PM.

VOTED: MASCOLO YEA; MCCOURT YEA; SHERMAN YEA; MORRISON YEA; MORGAN, YEA; DECLARED PASSED.

6:50 PM PUBLIC HEARING: "Town of Edgartown – Planning Board, RULES AND REGULATIONS FOR ISSUANCE OF SPECIAL PERMITS"

The Edgartown Planning Board scheduled a public hearing on Tuesday, June 5, 2018 at 6:50 PM in the Edgartown Town Hall to hear public comments related to proposed revisions to "Town of Edgartown – Planning Board, Rules and Regulations for Issuance of Special Permits."

The hearing was held in accordance with MGL Ch. 40A Section 9 and the Edgartown zoning bylaw Articles 17.6.

Ms. Greenough read the public notice. The Chair opened the public hearing at 8:09 PM.

Due to the late time, the chair asked for a motion to continue the public hearing.

It was MOVED by Morgan, SECONDED by Sherman

To continue the public hearing to July 10, 2018.

VOTED: 5, 0, 0.

OLD BUSINESS

No old business was conducted.

OTHER BUSINESS

No other business was presented.

ITEMS REQUIRING SIGNATURES

Minutes

The board reviewed and signed minutes for January 23, 2018, and May 8, 2018. Minutes for May 22, 2018 were referred back to staff for revision.

Payroll

The board reviewed and approved payroll for the week ending May 29, 2018.

Upcoming Payroll Periods end: June 12, June 26.

Decisions

Upcoming Meetings

Upcoming meetings are tentatively scheduled for June 7, June 19, July 10 and July 24.

ADJOURN

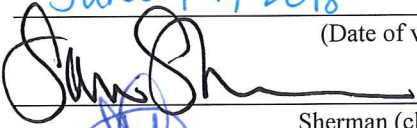

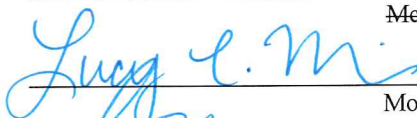

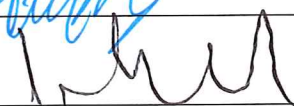
There being no further business, it was MOVED by Sherman, SECONDED by Mascolo
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 8:09 PM.

Respectfully submitted,

Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>June 19, 2018</u>	(Date of vote)
	Sherman (chair)
	Mascolo
	McCourt
	Morrison
	Morgan
	Cisek (alternate)



TOWN OF EDGARTOWN
The Planning Board

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SIGN IN SHEET 6/5/2018 (Date)

Name (Please PRINT)	Street Address	Town	Agenda Item
Guy Stutz		Carleton MA	Stop & Shop
LISA Leary	33 Broad St	Chatham MA	Stop & Shop
Tara Foxx	6 Christina Dr	Easton MA	Stop & Shop
Ludiva Figueiredo	1385 Hancock St	Quincy MA	S+S
James Taylor	VIA B	Provincetown	S+S
Randy Haver	VIA B		S+S
Dan Biligikrai	125 Tremont St.	Rehoboth	ATT
Geghan Coogan	241 Dagsell Vt	Yis	S+S
Jon EDER	IPSWICH MA		ATT
ANT KROHNER	BELMONT		ATT
CARL GENRING	ON BEHALF OF VERIZON WIRELESS		
Bob Gurnite	15 Mendon Ln	Edg	ATT
MARTIN LAVIN	65 Daermouth	HUBURN H	ATT
Rich Sultzeberg		MV Times	→
Dia Tucker	49 Pocham Ave	Edgartown	ATT
RUSSELL ETHORGE	9 BERRY AVE	Chappy	ATT
Jean Marie N Iwanich	25 Meeting House Ch	Edgartown	Owen Norton
Milse Donarona	46 BRAYES WAY	" "	Donarona's
Stere Ewing	53 14 th St South	Edg	A
Dana Stanton		Weston MA	ATT
Jessica Bern	on behalf of stantons		
Robert Strayer			ATT
Andrew DiSanto	23 Meeting House Hill	Edgartown	
James DiMatteo	3 Wagon	Edgartown	ATT
Sara Brown	Vineyard Gazette		
Margaret Knight	16 Knight Ln	E	ATT
JOHN ORTMAN	56 E. CAPE Page Ave	E-TOWN	ATT
PATRICIA ROSE	"	"	"
CHRISTINE WHITE	39 meetings way	Edg MA	S+S - Baylies
Bob Fybo	14 Sampson Ave	Edg	ATT
Jack O'Neil	10 Ents Owl	Edg	
Ronald Ryz	10 ENOS AVE	Edg	
Adam Dorack	Town Hall	EDG	ATT
Hanley Clifford	6 Sampson	EDG	cell tower
Jeanne Tilghman	1 Lewis Ave	EDG	cell tower

