

Edgartown Planning Board Minutes

Tuesday, October 16, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, October 16, 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 5:30 PM.

Call of Roll:

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

Also Present:

Douglas Finn, Planning Board Assistant

A quorum was declared.

The board reserved the right to address unscheduled agenda items out of order as needed, or for the convenience of the applicants.

SITE VISITS

No site visits were scheduled.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

Installation of small cell antenna and supporting equipment on utility pole #5-50S, located within public right of way. Pole is located approximately in front of 223 Upper Main Street, the 'Wavelengths' property.

The Edgartown Planning Board scheduled a public hearing on Tuesday, October 16, 2018 at 5:30 PM, in the Town Hall, Main Street, on the request of Elizabeth F. Mason, Esq., McLane Middleton, on behalf of Cellco Partnership d/b/a Verizon Wireless, Owner, for a special permit, under Section 11.6, Section 17.5, and Section 23.3 of the zoning bylaw for installation of small cell antenna and supporting equipment on a utility pole located within public right of way. The pole is located in the public right of way, adjacent to 223 Upper Main Street.

Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Tom Hildreth, McLane / Middleton

The public notice was read. The chair opened the public hearing at 5:30 PM.

Presentation

Mr. Hildreth introduced Martin Lavin (C2 associates), as well as Steve Relsonno, Ben Sicillin, and Corey Vaccaro, from Structure Consulting Group.

Mr. Hildreth briefly reviewed the history of applications for small-cell installations in Edgartown.

A previous application, for a small cell on Herring Creek Road, was approved by the Planning Board last year.

Mr. Hildreth described the purpose of the installation – to support large ‘macro’ installations (towers, etc.) with small, low energy emitters, in order to provide localized coverage in a small footprint; this takes traffic off of the ‘macro’ sites, and shifts it to the small cell, and allows for better balance of data payload.

An FCC ruling from January helped to reduce roadblocks to implement small cell installations.

Mr. Hildreth described a “Small Cell” as consisting of an extension that is mounted to the top of an existing phone pole, onto which the cell antenna is attached. Other supporting equipment is mounted lower on the phone pole, well out of the way of pedestrian traffic.

There was some discussion related to whether customers using other cell providers would benefit from the installation.

The extension of the pole, and the height of the antenna, would add about seven feet to the height of the pole.

Mr. Hildreth stated that, should the electric provider place a transformer onto the pole, the small-cell would be required to be moved and reinstalled in another location.

The operation of the device was reviewed, from a customer’s point of view. The need was described. Various other ‘macro’ sites on Martha’s Vineyard were considered.

The impact of the proposed small-cell facility was reviewed. The method of monitoring traffic passing through ‘macro’ sites was discussed. The areas of service from the two Edgartown ‘macro’ sites was reviewed.

Question: Does this site, as proposed, cover Fuller Street? Unlikely.

Question: Is there a plan for a small-cell site near Fuller Street? Unknown at this time.

There was some discussion related to the manner by which small-cell sites have been implemented.

There was some discussion related to the massing of the antenna and support equipment on any given pole for a small-cell installation.

The small-cell is connected ‘upstream’ to the network through fiber cable on the poles.

Public Comment

Question: The ‘Fuller street’ gap will not be addressed with this site? Answer: yes.

Question: Will this gap in coverage be addressed at some point in the future? Answer: Yes, likely, at some point.

Question: The total height of the pole, plus the equipment? Answer: about 36 1/2 feet? Yes.

Question: Color of proposed equipment? Utility Gray.

Question: Can you prevent any additional equipment from going on the pole, and preventing this installation? Answer: no.

There was some discussion about the backhaul of data from this site to the cell telephone company switching site.

There being no further comment, it was MOVED by Mascolo SECONDED by Morrison
To close the public hearing.

VOTED: 5, 0, 0.

Deliberation

Sherman: This seems to fall under the same need to expand services to keep up with demand. The installation will not be obtrusive, or interfere with viewsheds.

Mascolo: Public safety is always a concern, and this additional cell will help insure access to emergency services if needed.

There being no further discussion, it was MOVED by Mascolo SECONDED by Morrison

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

- *This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds, and provided a copy to the Planning Board and Building Inspector.*
- *The construction shall conform to the application and Plans as submitted to and approved by the Planning Board.*
- *Construction activities must commence no later than one year after the Special Permit is issued.*
- *No construction activity will take place earlier than 7:30 AM or later than 5:30 PM, or on Sunday, or from June 15 through September 15.*
- *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.*
- *Owner will be responsible for all liability now and in the future with respect to its operations at the site, including without limitation any adverse environmental effects, directly attributable to the Personal Wireless Service Facility.*
- *Applicant will conform to the highest level of quality of construction and materials.*

VOTED: 5, 0, 0.

5:45 PM PUBLIC HEARING – REPETITIVE PETITION – JAMES JOYCE – 9 GREEN AVE. (20D-14)

The Edgartown Planning Board scheduled a public hearing on Tuesday, October 16, 2018 at 5:45 PM, in the Town Hall, Main Street, on the request of James E. Joyce, under MGL Chapter 40A, Section 16, to adjudicate a repetitive petition. The property is located at 9 Green Avenue, Assr. Pcl. 20D-14. Copies of the application are available in the Planning Office for public review.

Present: Mr. James Joyce, Applicant.

The Chair opened the public hearing at 5:45 PM.

Present: Mr. Joyce (Applicant).

Mr. Finn explained the nature of the request, and the scope of review to be conducted:

Previously, the ZBA denied a request from Mr. Joyce to demolish an existing barn, and construct a two-story addition to the existing non-conforming structure.

Prior to Mr. Joyce reapplying with a similar proposal, the Planning Board must determine if there has been a specific and material change in the conditions upon which the previous unfavorable action was based.

Mr Sherman: Our job is to decide whether or not to allow this to back to the ZBA, based on whether it is substantially different from the original application, NOT to adjudicate the proposal itself.

The board reviewed the plans, and asked a number of questions related to the changes to the proposal. Some questions were asked in relation to the materials from the original structures that might be repurposed with the repairs / construction.

Public Comment

There was no comment from the public.

Deliberation:

It was MOVED by McCourt SECONDED by Mascolo

To close the public hearing, and to approve the repetitive petition as presented, as the proposal incorporates substantial changes that address the reason for denial of the original application.

VOTED: 5, 0, 0.

5:55 PM REQUEST FOR DE MINIMIS DETERMINATION – BURNHAM AND MAGNUSON – 16 GUERNSEY LN (36-360)

Applicant is requesting a de minimis determination for a proposed dormer to be added to an existing primary dwelling on a non-conforming lot in the R60 and Inland Zone of the Coastal District. House meets all setbacks. Proposal will add about 600 square feet of floor space; there will be no expansion of footprint or bedrooms.

The planning board reviewed the request, and examined the elevations and cross section.

Mr. Magnuson was present, and discussed the proposal. The board discussed the specifics of the project, and reviewed the zoning regulations as related to this lot.

It was MOVED by Mascolo SECONDED by McCourt

That the project as proposed is "de minimis", and requires no further action by the Planning Board.

VOTED: 5, 0, 0.

OTHER BUSINESS:

BYLAW CHANGES – PRELIMINARY DISCUSSION / REVIEW OF DRAFTS

Mr. Finn presented several proposed changes to the Zoning Bylaw, as follows:

- Defining "Accessory Use" separately from "Accessory Structure"
- Defining a "Primary Building"
- Defining an "Accessory Building"
- Defining a "Minor Accessory Building"

Mr. Finn presented some draft definitions for the board to consider.

There was some discussion related to the draft definitions, and the intention behind the proposal. The board generally agreed not to make changes in the definitions at present, and expressed its desire to avoid any conflicts of responsibility between Town Departments.

There was some discussion related to the need to maintain checks and balances; there was some discussion related to the role of the Planning Board as an arbiter / adjudicator of projects and proposals.

There was further discussion related to other potential proposals related to bylaw changes expected to be presented at later meetings.

Belizzi / Wilson Subdivision

There was a discussion in relation to the Belizzi / Wilson subdivision, approved by the Planning Board in 2005, in relation to the 'no-cut' buffer around the subdivision property, and the potential for a lot-line adjustment to the northern bounds of the property.

Updates

Mr. Finn provided additional updates:

- The Steamship Authority will be making a presentation at the next MV Commission Meeting,
- Additions are being planned for the Airport Business Park Business Plan, to develop and lease additional lots.
- A dredging project at the Lighthouse Pond off of North Water Street is in the planning stages.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

No other business was presented.

ITEMS FOR REVIEW / SIGNATURE

MINUTES

Minutes from September 24, 2018, and October 2, 2018, were presented for review.

It was MOVED by Mascolo, SECONDED by Morrison

To approve the minutes of September 24, 2018, as presented.

VOTED: 5, 0, 0.

PAYROLL

Payroll for the period ending October 16 was reviewed and approved.

DECISIONS

Two decisions presented for signature.

- Leaf / McHugh – SP – 284 Upper Main Street
- Owen Norton LLC – Modification to Subdivision

SCHEDULE

Meetings were tentatively scheduled for the following dates: November.13, 27; Dec 4, 18.

ADJOURN

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


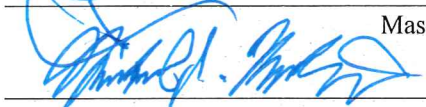
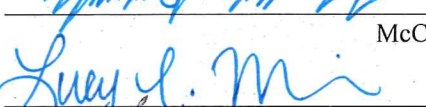
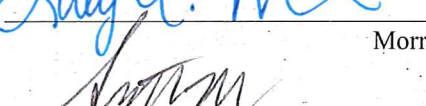
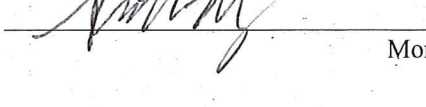
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:53 PM.

Respectfully submitted,

Douglas Finn,
Administrative Assistant

| | |
|--|-------------------|
| APPROVED by vote of Planning Board at a regular meeting, held on | |
| <u>November 27, 2018</u> | (Date of vote) |
|  | Sherman (chair) |
|  | Mascolo |
|  | McCourt |
|  | Morrison |
|  | Morgan |
| _____ | Cisek (alternate) |

