

# Edgartown Planning Board Minutes

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Tuesday, July 11, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, July 11, 2017 at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

## **SITE VISITS**

Board members may have attended site visits, scheduled for July 11, 2017, as follows:

- 9:30 AM AT&T/Fynbo, 14 Sampson Av
- 10:00 AM Edgartown Yacht Club, 1 Dock St

No deliberation was conducted during the site visit.

## **CALL TO ORDER**

The meeting was called to order at 5:30 PM, and the roll was called.

### **Call of Roll:**

*Present: Robert "Coo" Cavallo (Chair), Sam Sherman, Lucy Morrison, Fred Mascolo, Michael McCourt*

*Absent: James Cisek (Alternate)*

### **Also Present:**

*Georgiana Greenough, Planning Board Assistant; Douglas Finn (Planning Board clerk)*

A quorum was declared.

## **PUBLIC HEARING**

### **5:30 PM Island Holdings LLC (Winnetu Oceanside Resort) 31 Dunes Rd (52-26.1) SP: Katama DCPC.**

A public hearing was scheduled for Tuesday, July 11, 2017 at 5:30 PM on the application of Island Holdings LLC, d.b.a. Winnetu Oceanside Resort to convert existing 1,075 sf basement into 2-bedroom staff housing. The property is located on 7.1 acres at 31 Dunes Rd, Assessors' Parcel 52-26.1 in the R-60 residential district.

The hearing was held in accordance with MGL Chapter 40A and Edgartown zoning bylaw article 14.5.3.g. in the Katama DCPC. A full copy of the plans was made available for viewing by the public during regular business hours in the Planning Board office.

*Present for the Applicant: Mark Snider, Owner.*

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

Mr. Snider spoke about the project, briefly stating that they are licensed currently for 80 bedrooms. Board of health has signed off, and fire department has signed off.

Mr. Mascolo asked about the project's square footage.

No public comment was received. The public hearing was declared closed at 5:33 PM.

**DELIBERATION:**

Sherman: Assuming that the project meets code, I have no problem with this.

McCourt: There is a need for more housing on the island. In favor.

Morrison: Will there be a deed restriction preventing the new spaces from being used for guest housing? Answer: No, but it's impracticable to do so – we would definitely not be putting hotel guests there.

Mascolo: No issues. The plan converts space into more staff housing, which is needed.

Cavallo: Agree with other comments.

It was MOVED by Mascolo SECONDED by McCourt

*To approve the addition of two bedrooms in one apartment in the basement, as presented.*

VOTED: 5, 0, 0.

**OTHER BUSINESS:**

**Chapman Subdivision – Sign-Off:**

Mr. Barbini, SBH, Inc., presented a mylar of the approved subdivision plan for Chapman Way for signature, as previously approved by the Planning Board, the 20-day appeal period expired without appeal.

**Minutes – June 20**

Minutes from June 20 were reviewed and approved.

**Payroll – 6/27 & 7/11**

Payroll sheets from June 27, and July 11, were reviewed and signed.

**PUBLIC HEARING**

**5:45 PM - Public Hearing: New Cingular Wireless, LLC (AT&T): Fynbo, 14 Sampson Av (34-197)  
SP: PWSF**

The Planning Board conducted a scheduled a public hearing for Tuesday, July 11, 2017 at 5:45 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 to construct, operate, license and maintain a Personal Wireless Service Facility (“PWSF”) on “Property”

located at 14 Sampson Avenue, Edgartown, Massachusetts. The proposed site is located on a non-conforming lot within the R-120 Zoning District, on assessors' parcel 34-197.

The proposed PWSF includes without limitation a 115-foot monopole with antennas and associated radio communications equipment is a permanent solution to address a significant gap in the wireless network coverage in the Chappaquiddick area of Edgartown.

The hearing was 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.

A full copy of the plans was made available for public review during regular business hours in the Planning Board office.

*Present for the applicant: Brian Grossman, Anderson & Krieger; Dan Bilezikian SAI Communications, and Carl Gehring, Verizon.*

Mr. Cavallo, Chair, stated that, as chair, he would allow the applicant first to speak, and then allow proponents and opponents of the proposal to provide public commentary.

The chair opened the public hearing at 5:47 PM.

Mr. Brian Grossman introduced Mr. Carl Gehring, a representative for Verizon Wireless. Mr. Grossman stated that, while Verizon is not an applicant or co-applicant, they would likely co-locate equipment on the proposed tower, and requested that he be recognized for comment. The Chair agreed to allow Mr. Gehring to speak as part of the public presentation of the application.

Mr. Grossman made a presentation of the project. The elevation plan was presented, showing the existing lattice tower, the existing AT&T temporary tower, and the proposed tower, in relative scales. Cabling would run inside the proposed monopole to the existing building on the site. Remote radio heads would be mounted on the same equipment platform as the 9-panel antennas, as well as surge suppressors.

The tower-head will be at 115', with the top of the antennas at 117'. The term used in the permit -- "without limitation" -- is a term used to allow various equipment on the tower without being explicitly included in the proposed tower plan. Mr. Grossman stated that this term **does not** allow for an increase in height of the tower at a later time, as a matter of right.

Mr. Grossman stated that two small HVAC condensers, similar in size and capacity to residence-sized condensers, would be located outside the existing building. An emergency generator would also be located outside. An existing underground propane fuel tank would be used for fuel for the generator.

The generator would be located in a noise suppression enclosure for sound reduction. Fencing would also provide a noise barrier.

The generator is expected to be "cycled" – powered on for a short period – once weekly for maintenance purposes; this may be scheduled to occur at a regular time and day of the week as appropriate and preferred. In case of extended emergency, the generator would be on to power the tower. In the case of a power-outage, batteries on site would power the tower without the use of a generator for at least eight, and up to 24 hours.

If the AT&T tower is approved, the current Chappy Wireless Internet Service Provider ("WISP") equipment would be relocated to the proposed tower, and the current Chappy

WISP tower would be removed from the site. If the proposal is NOT approved the Chappy WISP tower would remain.

Mr. Grossman described the current AT&T coverage on Chappy, and showed a plan of Chappy, and an overlaid coverage map.

Mr. Grossman showed a plan showing overall coverage after the addition of the new tower. Generally, the tower would provide a significant increase in coverage, both in terms of range and strength. Some areas of Chappy would still not be covered at an “85%”, but the tower is proposed in the most compliant location, with the vast majority of the island covered.

Mr. Grossman described that, based on comment received by the Planning Board, the MVC and the public, an extensive study of almost every property on Chappy was examined as a potential site for a tower.

Mr. Grossman also stated that the submission packet had photographic estimations of the visual impact of the tower from multiple locations on Chappy.

Mr. Grossman stated that AT&T also considered a Distributed Antenna System (“DAS”) was not a feasible solution for this situation, stating some of the reasons as:

- A DAS is usually used to ‘fill in holes’ in a larger system.
- There are no poles along the beach to mount DAS equipment. New poles would have to be placed.
- Trees that are 40-65 feet in height will block DAS signals.
- A DAS is a wired network that is susceptible to downed signal lines, which would stop coverage.

Mr. Grossman stated that, based on their survey results the ‘macro’ solution of a tower is most appropriate to provide the greatest coverage with the highest reliability.

Mr. Grossman spoke about the technical differences (structure, support, guy wires) which define a ‘monopole’ tower, a ‘lattice’ and a ‘guyed’ tower.

Mr. Grossman stated that the estimated wind-speed resistance of the proposed permanent monopole tower is for a sustained wind speeds of 120mph, but that the tower could withstand gusts of up to 150 mph.

The tower is proposed to be gray in color. The color of the tower is negotiable, but gray seems to be the least intrusive, overall.

*Mr. Mascolo: Previous approvals of towers have been based on efforts to reduce noise, both of the generators, and the air-conditioning units. Is the same true of this site?*

*Mr. Grossman: Yes, we will make efforts to reduce noise of any equipment on the site, both the generator, and the air-conditioning. The equipment cabinets would be located in the building, and should not add any noise.*

*Ms. Greenough: The bylaws state ‘stealth’ technology is strongly encouraged for new tower placements.*

*Mr. Grossman: There are trade-offs for stealth technology – specifically the minimum separation for radio transmitting equipment, and a larger diameter structure. Both would result in a higher tower, with a greater visual impact. AT&T wanted to minimize*

*height, and maximize co-location options. Given that there is a non-stealth technology tower already on site, AT&T did not include 'stealth' technology in this proposal.*

Mr. Grossman stated that AT&T sought out alternative locations, and provided considerations. 425 sites were catalogued. 5 were familiar to AT&T, including town-owned properties. If the town wanted to lease properties, it would have to be done through Chapter 30B through a "Request for Proposals" process, which has not been done. An additional temp-site was considered, but was not available for a permanent site.

Criteria:

- Any site near the ocean was not considered, for visual and aesthetic reasons.
- 85 additional sites were ruled out by engineers as not acceptable.
- Additional properties under 3 acres were also ruled out.
- 14 Sampson Avenue is under three acres; however, by placing the permanent tower on the property, the total number of towers on Chappaquiddick would not change.
- 56 properties remained, with 53 owners.
- 52 certified mailings were sent, and one owner was contacted by phone.
- 32 letters received no response.
- 14 respondents declined.
- 7 expressed interest, with 5 falling out.
- 2 other sites were optioned by AT&T. However, the overall requirement of the ordinance, and the coverage needs, left the conclusion that the Sampson Avenue remained as the best option for coverage and logistic needs.

Mr. Grossman stated that no tower is invisible. However, visual simulations (through use of a crane elevated to the height of the proposed tower) demonstrate a minimal visual impact.

The facility would be unmanned. No employees would regularly be on site, but maintenance would be done once or twice a month. Overall traffic would be once or twice per month, with full build-out traffic increases to no more than four to six visits to the site per month.

The project would generate no heat, smoke, light, or glare, would add no students to the school system, and would put no burdens on other town services. Grossman: In fact, the service adds capability to public safety by providing backup communication method for emergency services.

The proposal will preserve the trees and natural assets on the site. The tower is not visible from historic locations, will not block ocean views, and will generally not be visible from most properties.

Alternate means of coverage would still involve a tower; however, the other two potential sites do not meet the technical requirements, or the town's needs, as well as the current temporary tower site.

The site will minimize necessary waivers as much as possible, and the placement of the proposed monopole will maximize setbacks as much as possible. The monopole design will also maximize co-location options.

Mr. Grossman re-introduced Carl Gehring, from Verizon Wireless.

Mr. Gehring stated that Verizon is interested in co-location options with this proposal. While antitrust rules prevent collaboration, geography indicates that ideal sites are similar for all carriers.

Mr. Gehring said that, on its own, Verizon Wireless would likely not pursue a tower. However, the option for co-location is financially possible to pursue.

Mr. Gehring presented potential coverage maps, given co-location on the proposed tower, which he stated would provide very similar increases in coverage for Verizon.

Mr. Gehring stated that any 'holes' in coverage could be filled with 'small cell' antennas. However, placement of a large tower is the first step.

*Mascolo: What percent of market-share of cell-phone users on Chappy are AT&T? what percentage are Verizon?*

*Mr. Grossman: Combined total – over 50%.*

*Mr. Gehring: Verizon wholeheartedly supports AT&T's petition.*

Mr. Grossman concluded his formal presentation.

*Morrison: How many visits per month, total, for all carriers?*

*Mr. Grossman: Total of four to six visits per month, inclusive of all carriers.*

Mr. Cavallo stated that over 80 letters have been received. Normal procedure would be to read those letters into the record. For the sake of time, the letters would be added to the permanent record without public reading.

Mr. Cavallo recognized Mr. Roger Becker.

Mr. Becker stated that he had been working on the option of a tower on Chappy since 2010. Rumors described potentials for a 180' tower. Mr. Becker thought that a better method would be possible. Mr. Becker explored the possibility of a DAS system (like Chilmark had adopted).

Mr. Becker become part of the Chappy Wireless committee, and explored options. That committee was renewed for an additional two years. Proponents and opponents were also considered.

Mr. Becker stated that the Committee looked for compromise systems, when the carriers stated that a DAS system would not be beneficial for the carriers. While some held that a DAS system was possible, no carrier agreed to implement such as system. What does the town want to do?

Given strong opposition to a tower, the use of town property would be an uphill battle.

Other alternatives were considered. Mr. Becker stated that his letter to the Board suggested a few potential alternatives. First was to continue with the current tower for the time being.

*Mr. Becker: The temporary tower is working, yes?*

*Mr. Grossman: Yes, on a temporary basis. However, the proposed permanent tower has greater capacity.*

Dan Bilezikian, technical engineer for AT&T, stated that the Temporary tower would not support the equipment proposed for the permanent tower.

Mr. Becker: Will the permanent tower improve 9-1-1 service?

Mr. Bilezikian: Yes, it will, as the new tower does improve coverage, and will improve 9-1-1 emergency service.

Mr. Becker suggested that residents with Verizon phones would like to be included. The town survey indicated that most residents have either AT&T or Verizon service.

*Mr. Becker: How much tower space is needed for each carrier? 10 feet? 20 feet?*

*Mr. Bilezikian: Each carrier requires 20 feet of separation.*

Mr. Becker suggested that an additional 40 feet would allow full coverage for both AT&T and Verizon, and that he would like to see that the antennas are fully enclosed, using the requirements for stealth technology as listed in the bylaws.

Mr. Becker also asked that Verizon submit an application for their equipment, so that both applications could be considered at the same time as this application, as there may be more equipment on the site, which would need to be reviewed by the Planning Board, and the Martha's Vineyard Commission.

Mr. Becker further suggested that there be some contract with either the property owner, or the applicant, to ensure that no future upgrades would be added later on.

Mr. Grossman stated that AT&T did get the one-year extension from the MV Commission; and it was approved by the Planning Board, and is in effect.

Mr. Cavallo stated that the application had to be referred to the Martha's Vineyard Commission as a mandatory referral, and suggested that the board do so prior to making its own final decision on the application.

Ms. Greenough asked that, if anyone wished to submit comments about the application, that they do so in writing, in order that the comments can become part of the permanent record, which will be forwarded to the MV Commission as part of the application process.

It was MOVED by McCourt SECONDED by Mascolo

*To refer the application to the Martha's Vineyard Commission for review, in accordance with MVC DRI Checklist ver. 13 (April 15, 2017), Section 9.1, and to continue the public hearing until August 15, 2017.*

VOTED: 5, 0, 0.

Mr. Cavallo stated that public comments would continue to be accepted on this application.

**6:00 PM Public Hearing: Edgartown Yacht Club, 1 Dock St (20D-322) SP: Surface Water District.**

The Planning Board scheduled a public hearing on Tuesday, July 11, 2017 at 6:00 PM in the Edgartown Town Hall on the application of Schofield Barbini & Hoehn, Inc. on behalf of the Edgartown Yacht Club for a special permit to license and maintain extension to existing pier

by replacing piles and raising the level of the deck by two (2) feet; construct additions to existing buildings; and replace existing floats.

The property is located at 1 Dock Street, Assessors' Map 20D Lot 322.

A full copy of the plans was made available to the public during regular business hours in the Planning Board office.

The hearing was held in accordance with MGL Ch. 40A and Edgartown zoning bylaws under article 20.4.e. (Surface Water District).

*Present for the applicant: Richard Barbini, SBH, Inc., Bill Roman, General Manager, Edgartown Yacht Club.*

The public notice was read, and the hearing declared open at 6:54 PM.

Mr. Barbini spoke about the project, and apologized for an error on an earlier version of the plans, and described the revisions on the corrected version.

The proposal consists of rebuilding the entire wharf / pier. The first building (to the west) the sub-structure would remain. However, all other structures to the east, except the clubhouse, would be replaced and rebuilt at a higher elevation. New steel piles would be driven. I-Beams would be 'floated' under the buildings, and the buildings would be rebuilt on new I-Beams. The end result would be a base deck height that is two feet higher than the existing structures.

Start of construction would be Fall of 2018, and be ready for the Summer 2019 season.

The "clubhouse" would be saved, but the kitchen and offices would be rebuilt.

The current height is 21'; highest peak of the new construction would be 27'.

The proposal has been approved by the Edgartown Historical Commission, the Marine Advisory Committee, and approvals are pending from Army Corps.

Square Footage increase is less than 10%. A second floor over the kitchen has been added; however, there is no change in footprint.

Zoning is surface water district, but B1 zoning is the only zone that may apply.

The construction project is designed to avoid flooding of the buildings under most conditions, but will not be protected from all flooding, such as in hurricane-level storms.

*Mascolo: Are the new buildings being designed for the expectation of storms?*

*Answer: Yes – 110%.*

*Sherman: The other issue is with every foot in height, an additional 12 feet of ramp is necessary to maintain accessibility. The project does meet ADA requirements. The addition of ramps and floats improve accessibility.*

*Barbini: Additional square footage IS being added to the pier – part of 'squaring off' the east end of the pier.*

*McCourt: What about staging of materials for construction?*



*Answer: The plan is to start Tuesday after Labor Day. Materials would be stockpiled off-island prior to start of construction, and be transported via barge to the site. We will be asking the town for the use of the parking area for some materials staging.*

*McCourt: how much will be needed?*

*Answer: there will be multiple teams working. We will be working with the harbormaster to coordinate all efforts.*

Public Comment: Phil Reynolds spoke briefly about the project:

*Reynolds: A portion of the bulkhead is owned by me. The bulkhead was supposed to be sold to the town in the 1950s, but was not done for various reasons. A gap exists. I would like that gap between the bulkhead and the existing dock to remain.*

*Barbini: Agreed.*

Question: How much of a disruption will there be to the Derby?

Answer: We will look to minimize the disruption as much as possible.

*Ms. Greenough: Could a construction plan or schedule be provided to the Planning Board?*

*Roman: Yes, we will have a detailed construction schedule for this project, and we can provide a copy.*

*Sherman: with a gap in the dock, how will emergency egress work?*

*Roman: The emergency route would likely lead from the exit doors on the south dock, along the dock, and then reenter the building, allowing emergency exit on the north or east side.*

There being no further comment, the public hearing was closed at 7:18 PM.

DELIBERATION:

*Morrison: No comment.*

*Mascolo: As long as Phil Reynolds is happy, everything else seems in order.*

*Sherman: I would like to see calculations regarding the additional square footage in the building.*

*McCourt: A construction schedule should be submitted to the Planning Board as a condition for the permit.*

It was MOVED by Sherman SECONDED by McCourt

*To approve the application as received, with the following conditions:*

*That the applicant make clear identification and preservation of the "gap" at the bulkhead in the plans, as requested by Phil Reynolds;*

*That the applicant provide clear and complete calculations of any additional square footage added as a result of this renovation;*

*That the applicant submit a detailed construction schedule with timetable be received prior to issuance of any building permit.*

VOTED: 5, 0, 0.

## **OTHER BUSINESS\***

### **Discussion: Wilson/Bellizi Family, 24 Mill Hill Rd (29-50.2) Division of land. Issue on adequacy of road. Selectmen to be consulted re: widening the road. (Doug Hoehn, SBH, Inc.)**

Mr. Hoehn, SBH, Inc., was present with the Wilson Family, to discuss informally the division of 24 Mill Hill Road (Assessors Map 29, lot 50.2)

The family is looking into dividing lot 50.2 into two separate lots. The proposal would involve a formal subdivision, but is not proposing such subdivision at this point.

The proposal would involve a property line adjustment, the establishment of access along a deeded right-of-way, and the subsequent creation of a subdivision using that deeded right-of-way for primary access.

Mr. Hoehn presented plans (included herein by reference).

The request would also include a request for modification of a 2006 subdivision plan, previously approved by the Town, in order to remove a 'no cut' boundary along one portion of the property.

No action was requested by Mr. Hoehn at this time. However, Mr. Hoehn also reminded the board about another subdivision on Mill Village Road at this time, and that the condition of the road is a concern.

Mr. David Burke was recognized. The maintenance of Mill Hill road has been an ongoing issue. The maintenance of Mill Hill Road is the responsibility of the town. The road has not been maintained, and there are significant concerns about access by residents, town departments, and emergency services.

*Question: Has the maintenance of this road been accepted by the town?*

*Hoehn: Yes.*

Mr. Burke stated that poor road maintenance – in all seasons – continue to be a concern.

Donna Bettencourt stated that the Planning Board voted, on January 3, to request the Selectmen widen the road for safety reasons.

*Mascolo: did we send that letter?*

*Greenough: the letter wasn't sent. We need to find out what the process is for sending a letter.*

*Ms. Bettencourt: If the road belongs to the town, it needs to be maintained by the town. Safety continues to be a concern.*

*Mascolo: we're wrong, you're right. We need to get that letter written right away. Our mistake, and you have our apology. By the next meeting, it will be done.*

Mr. Miller stated that he was expecting to pursue a division of his property, and would be looking for direction as to how that should be done. Members of the family are looking to make use of the property.

Sherman: The 15 acre subdivision cannot be further subdivided?

Hoehn: Yes, that's one of the conditions of the subdivision as approved.

McCourt: We should review the decision from '06.

Sherman: Can more than one dwelling be built on a single lot?

Hoehn: Town bylaws might allow it, but not sure.

Wilson: The intention is to go from two lots to three, with the lot adjustment necessary to provide the necessary road frontage.

There being no preliminary plan presented to the Board at the time, no further action was taken.

### **Stop & Shop Expansion – Update. (Adam Turner, MVC)**

Mr. Adam Turner was present to provide an update on the proposed expansion of the Stop and Shop on Upper Main Street. Mr. Turner presented the board with copies of the application as submitted to the Commission.

The Planning Board took three to four months to consider the original plan, and then referred the plan to the MV Commission on January 18, 2017. The MV Commission has been working with Stop & Shop to get a complete application until now. The plan, as presented to the board, is what the MVC has received.

Mr. Turner asked that the board review the application, and provide comments to the MVC.

*Mascolo: is there a new drainage plan?*

*Turner: Yes. MVC Consensus is that the drainage plan as originally submitted was inadequate, as was the entrance, and other issues. The traffic impact of this plan, and the study, has concluded that the impact of the project was not significant enough to be a factor.*

*Turner: We have consistently told S&S that we expect the problems to be resolved with the design. We expect them to fix the design flaws with the current site.*

Mr. Turner asked the board to review the plans, and provide commentary to the MVC.

*McCourt: The new Stop and Shop will be increasing traffic volume into and out of the facility, regardless of what they might say.*

*Turner: The testimony we've taken suggests an increase in traffic will be the result. The board was encouraged to review the traffic study.*

*Mascolo: The quick fix for the Triangle: stage police at the stop-sign at the triangle, and the entrance to the Stop and Shop.*

*Morrison: We will be dealing with the same population, so there won't be a massive increase in traffic.*

*Sherman: Was the Meetinghouse Way traffic considered in the traffic study?*

*Morrison: No.*

Turner: We have not had a public hearing yet, so we want to get public comment from the Planning Board, so as to consider all issues at the one time.

Mascolo: Issue #1: Noise; Issue #2: Landscaping and design (in keeping with Edgartown expectations). #3: Improved customer experience.

Morrison: I will not be involved on with the MV Commission on this project, so as to maintain full participation with the Planning Board.

Mr. Turner was thanked for his time.

**NEXT MEETING**

The next Planning Board meeting was scheduled for Tuesday, July 18, 2017 at 5:30 PM. The meeting was subsequently cancelled.

**ADJOURN**

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

*To Adjourn.*

VOTED: 5, 0, 0.

The meeting was declared adjourned at 8:05 PM.

Respectfully Submitted,

Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on
_____
(date of vote)
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Member
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Member
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Member