Edgartown Planning Board Minutes

Tuesday, August 15, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, August 15, 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 August 1, 2017, as follows:

- 9:30 AM Flam, 18 Garden Cove Rd
- 10:00 AM 70 Herring Creek Rd (small cell antenna)
- 10:15 AM Howe, 9 Guernsey Rd
- 10:30 AM 76 Fuller St (small cell antenna)

No deliberation was conducted during the site visit.

CALL TO ORDER

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

Call of Roll:

Present: Robert "Coo" Cavallo (Chair), James Cisek-Alternate, Fred Mascolo, Lucy Morrison, Michael McCourt

Absent: Sam Sherman

Staff present:

Georgiana Greenough, Planning Board Assistant

PUBLIC HEARINGS

5:30 pm - Cellco Partnership d/b/a Verizon Wireless: Application to place Personal Wireless Service Facilities on non-municipal utility poles over 30'H adjacent to 70 Herring Creek Road, and adjacent to 76 Fuller St (Agent: Elizabeth Mason, McLane/Middleton LLC)

Ms Mason introduced Steve Galdato, site acquisition consultant and Ben Gulag, radio frequency engineer. Ms. Mason proposed the application to the board emphasizing that this project not a big macro site – (like North St). These are small cell antennas mounted on existing telephone/electric poles in two locations that fill in coverage and capacity gaps in the Verizon wireless service. It also improves service by increasing capacity improving service on slow and/or dropped calls and excessive data (e.g. texting, emailing, etc.) that narrows the pipe. The smart phone services have grown exponentially larger between 1990 and 2010.

Mr. Mascolo asked what the antennas look like. Ms. Mason responded that it looks like a trash can on the side of the pole about half way down.

Ms. Mason said she originally filed a petition with the Selectmen because utilities include wireless equipment. It is not a zoning bylaw when it is in the public rights of way. On Fuller St, the pole is 38'7" high with a 1' in diameter canister to be mounted on the pole with a radio head on top of the pole. The Herring Creek site has a side mount on a 36' high pole with the antenna about 24 ½' up the pole. On Fuller St the power has been relocated to the top of the pole - that establishes a search ring. For micro or small cell antennas the objective is low and small to increase localized coverage in a relatively dense area. The difference in the production of wattage was discussed. The small low gain allows power to be cut in half every 3 db.

Mr. Mascolo asked if the church steeple was appropriate. The response was no, small cell antenna technology does not look for a high points. The steeple would be considered a macro site. They are not looking to provide coverage. A small cell antenna with a line of site down the road or to the beach is what they are looking for to fill in dropped calls, etc.

Satellite transmission was an issue, regarding the Pegasus Project. It was so expensive it was not viable or feasible. There is no maintenance, no noise nor audible to the human ear. The battery life is about 20-years. Equipment in use for that length of time would probably be swapped out for something newer and smaller. There is no air pollution. The side mounted canisters are very small, low power and minimally obtrusive. They are fully compliant with RF levels for macro and small cell. Decisions are not allowed to be made based on RF levels if they are compliant.

Mr. McCourt asked about the technology and how long has it been in place. It is a relatively new technology. Currently Verizon has small cell antennas all over the Cape & Islands, including Newton, Needham, Dennis, Sandwich, etc. Verizon is filling in gaps to expand the 5-G revolution. It is the backbone of 5-G. No more 150' tall towers.

Mr. McCourt asked if they will be sharing poles? The response was that some may be shared, but more than likely it would be one pole per carrier.

Mr. Brillanti, a member of the public, asked if there would be alarm systems on the poles in the event that something happened to the equipment. Is the casing surrounding the canister able to be opened by an adult or child? No.

Mr. Joel Frelinghuysen, 76 Fuller St, Outside his window there is a 22 ½ ' high pole with a canister attached. It's an eyesore. It converts 13,000 volt line. Cellco will add to the antennas. He would like to point out that one year ago (2016), Verizon replaced a pole next to 24 Fuller St. It has no links, no transformer and is 8' higher than existing poles. This info came from an Eversource crew working in the area. They also stated that there were no downlinks on that pole. Mr. Frelinghuysen also wanted to point out that the area was recently included in the newly expanded Historic District, and one final word is that it would diminish the value of his property. We do not know the long term impact. What is the power amperage?

Mr. Mascolo believes there is a mistake in the pole numbers. He believes Verizon or the neighbor may have sited the wrong pole. Ms. Mason said that there should be no transformers on the proposed pole. She further stated that if there is a canister on any pole

they have sited, they will not use that pole. She indicated that she did not know what was proposed for the 24 Fuller St pole. It is not their project. Verizon does not replace poles. Eversource replaces poles and would not be likely to co-mingle projects.

Mr. Gino Courtney, Gaines Way, pointed out that the neighborhood has been vastly improved over the years, with beautiful expensive houses. Not likely the residents will be open to this type of visual development on utility poles next to their houses. This is not approved yet. What if the neighbors decide to bury all poles, like they did on North Water St? Ms. Mason said there may be 2-3-4 more depending on how many people are using phones.

Sylvia Frelinghuysen said all four poles in their area all have transformers on them.

Mr. Mascolo asked if Verizon would have to go in front of the Historic District Commission.

Ms. Mason said probably.

Paul Ronson, 94 Fuller St, said the neighborhood is definitely a residential neighborhood, but most of the houses are not occupied in the winter. Again, these houses are s ophisticated and expensive. Many of the neighbors already have broadband and wifi. He does not see how it aids the residents. He understands that Congress will not allow action on RF health issues. He added that the Conservation Commission should look into all the birds that live on the poles and street lights. The expanded service shall serve the beaches and tourists, rather than the residents.

Amanda Philips, 15 Starbuck Neck. She said she was glad the Selectmen gave this project to the Planning Board to evaluate. It looks like there is lots of equipment already on the poles. She questions on how the high traffic areas are determined by the applicant. The least intrusive means availability. Not the same as an electrical pole.

Sylvia Frelinghuysen said in very hot weather, is there a cooling fan, which could create a hum. Ms. Mason stated there are no fans.

Ms. Mason said Verizon will not file a petition to put small cell antennas on any pole that already has pre-existing canisters/transformers.

Sylvia – Some Eversource poles have guy wires.. Eversource will determine with Verizon.

Mr. Mascolo said we need to continue to do more research.

Mr. McCourt said this is a sensitive area. Are there other ways to shield it. People spend a lot of money on their properties. What is the ultimate good for the residents?

Ms. Mason said 1/8 mile radius will pick up slack and overload.

Will this petition go to the Selectmen, Historic District and Con Comm? Probably.

Mr. Mascolo said there is some confusion on which poles have been designated for the Verizon small cell antennas. It needs to be researched more thoroughly by Cellco.

A motion was made and carried unanimously to continue the hearing to Tuesday, September 19. The board expects the applicant to confirm the exact poles to be utilized for small cell antennas and respond to the various unanswered questions.

5:45 pm – Pamela Flam, 18 Garden Cove Rd (53-9) SP: Applicant proposes to demolish and replace a pre-existing, non-conforming single family dwelling on a non-conforming lot in the shore zone of the Coastal District. The new construction shall also be non-conforming and 10' into the 25' setbacks. (Agent: Chris Alley, SBH, Inc.; Greg Ehrman, Hutker Architects)

Chris Alley, SBH, Inc. described the existing site plan. Approximately 95% of the property is located in the Shore Zone of the Coastal District and Zone 1 of the Ponds District. There are major flood issues in the area, and the structure needs to be elevated according to Flood Plain Zone requirements. Currently the existing dwelling setbacks are 10' into the 25' side setback. The property has already used the 10% increase allowance so they will not be able to increase the square footage of the structures. The Conservation Commission has approved it. There will be new dwelling, a detached garage, and a shed.

Pam Flam recently took ownership of her mother's house at 18 Garden Cove Rd, and her daughter and family are living there now. She and her husband have decided to downsize and live in the renovated house year-round. They propose a very energy efficient building. They will be removing the large asphalt driveway and replacing it with shells. They will be giving back to nature by allowing natural grasses and a small garden to replace the existing lawn space. She is trying to be more respectful of the area.

Greg Ehrman said they will demolish the dwelling and construct a new house. It must comply with the regulations of the Flood Plain Zone. They will build it a bit further away from the pond. They have communicated with the neighbor who also does not meet their setbacks. The neighbor encouraged the project, <u>but asked that no construction take place in the summer</u>. They proposed to construct an unheated detached garage NE of the house. The dwelling shall be constructed with an entirely different design. The structure shall have a cement foundation slab on grade that shall be the base for which the additional rooms shall be attached. The additions shall be elevated on pilings that will allow the growth of native grasses underneath.

Mr. McCourt asked about grade. Mr. Ehrman responded that a garden space shall be raised up that will accommodate a 3' raised ramp to reach the front door. There are four sections of pilings under the additions for the bedrooms, studio, etc. There shall be no increase in square footage of the dwelling. There shall be a 150 s.f. decrease in the setback infringement. The height shall be under 26' from floor elevation to a pitched roof from mean grade. The stormwater shall be managed on site – there shall be no erosion issues. A small seawall shall be constructed and managed. They intend to be approved to the LEEDS standard for energy efficiency. There is no crawl space. Nor is there cavity space under the building materials.

The Board of Health has not yet approved the septic plan. The existing leach field needs to be expanded.

The Chairman asked if there were any letters regarding the project or anyone from the public that objected to or was in favor of the project? There were none.

The Chairman closed the public hearing. The Chairman asked the board for comments. Mr. Cisek said he had no problem, and was pleased with the environmentally designed structure. Mr. McCourt suggested there be another site visit as it is a complicated design to interpret from existing plans and elevations. Mr. Mascolo said there was no need for another site visit. He has already been there. Mr. McCourt said it is not the existing structure that is the

issue, but the proposed structure that is uniquely different with the raising of grade, setback violations, pilings, and the four flat 18'roof lines, etc. Ms. Morrison agreed that another site visit is necessary. Chairman Cavallo added that he definitely would like to go on the site visit.

Ms. Morrison said the project is a non-conforming structure on a non-conforming lot in an overlay district, and she questioned if the Planning Board may grant a variance under the special permit process, even though the applicant will be demolishing the structure in the Shore Zone (Coastal District) and Zone 1 (Ponds District) and shall not rebuild on the existing footprint. Further the applicants have planned to locate a portion of the structure within the 25' setbacks, specifically at 10'.

The Chairman recommended continuing the hearing on August 29th with a site visit in the morning. The continuation of the public hearing is scheduled for 5:30 PM. Mr. McCourt seconded and Mr. Cisek and Ms. Morrison voted yes. Mr. Mascolo voted no. Vote was 4-1.

6:00 pm – Howe Realty Trust I, 9 Guernsey Rd (36-334) SP: Applicant proposes to construct a 20' x 44' swimming pool, gazebo, deck, patio, landscaping and associate utilities in the inland zone of the Coastal District. (Agent: Doug Hoehn, SBH, Inc.)

Mr. Hoehn presented the description of the Howe swimming pool project. He noted that the inland zone of the Coastal District was almost not in the overlay district. The proposed pool location is on existing lawn adjacent to the dwelling. The lot is a conforming lot, and a conforming guesthouse is proposed in the future. There is a slight drop-off of the land toward the Bay. There shall be a retaining wall. A pergola shall be constructed on the bayside of the existing garage. The completed pool checklist was provided.

The Chairman asked if there were any letters regarding the project or anyone from the public that objected to or was in favor of the project? There were none. The Chairman closed the public hearing and asked the board for comments. Mr. Cisek was satisfied with the project. Mr. McCourt said it was standard and had no problem. Ms. Morrison asked if there was a dry well that could use the pool water for emergencies, e.g. fire. No. Mr. Mascolo asked what the elevation of the pool is above ground water. It is 25 feet. Chairman Cavallo had no problem with the application.

Mr. Mascolo made a motion seconded by Mr. McCourt to approve the project as presented with standard pool conditions. The vote was unanimous. 5-0.

6:15 pm – Continuation from July 11, 2017: New Cingular Wireless, LLC (AT&T/Fynbo), 14 Sampson Av (34-197) SP: Applicant proposes to construct, license and maintain a permanent 115-foot monopole with antennas and associated radio communications equipment to solve significant gap in wireless network coverage on Chappaquiddick.

The applicants were unable to attend the meeting due to previous engagements. The board explained to the general public the process and proceeding to hold hearings and adhering to State and local regulations. The Town opted to not take specific testimony regarding the Tower, because the applicants were not at the meeting to answer any questions regarding the

application. Roger Becker started testifying as to the design of the structure, and was asked to hold his testimony to the next public hearing.

Paige Scott Reed, attorney, Anderson & Kreiger, attended the meeting as an attorney, but not as a representative for AT&T. She explained that the hearing may not be closed until it has run its course at the Commission and has been returned to the Planning Board along with the written decision. After the Planning Board has taken any remaining testimony from either the applicant or the general public at a public hearing, they may close the hearing and public proceedings to deliberate and subsequently vote on the project.

Mr. Strayton said it was unconstitutional. Ms. Strayton used her cell phone to video the proceedings without making a public announcement to the Chairman.

Chairman Cavallo stated that their proceedings were not unconstitutional, and asked Mr. Strayton to leave.

The board voted unanimously to continue the public hearing to Tuesday, August 29 at 5:45 PM.

OTHER BOARD BUSINESS

Disseminate and discuss OML Complaint against the Planning Board by Robert H. Strayton. The above referenced OML Complaint was disseminated to the board and discussion followed. The board shall respond to Mr. Strayton and the Massachusetts Attorney General's office accordingly.

Form A – Cleo Wild, 16 Forever Wild Way (44-45) Modify and existing Form A, not yet recorded. (Agent: Doug Hoehn, SBH, Inc.) Mr. Hoehn explained that an older Form A was submitted in 2013, and now the applicants would like to modify it by dividing it into two different pieces. There is front on both lots on Forever Wild Way. It appears there is a walking easement to the water. The land is registered in Land Court, and they are paying a lot of taxes. The applicants shall sell one of the lots. Chairman Cavallo asked if it was 131 or 132. Unknown. Mr. McCourt made a motion to endorse the Form A as it had adequate frontage on each lot. It was seconded and unanimously passed. 4-0. The alternate, Mr. Cisek, does not have authority to vote on divisions of land.

DiMinimis Application: Trademark Services, LLC, 1 Mariners Landing (21-34.223) Combine two "condo" Units 4A + 4B into one large unit. (Agent, Pam Swan) The diminimis application was determined diminimis and the request to combine two living quarters condos into one large living quarter was approved unanimously, because there was no additional square footage added to the space.

Discussion: STOP & SHOP – Identify final key points and issues to discuss that the applicant needs to address. Stop & Shop key issues were discussed at the last meeting as outlined by Paul Foley the MVC. The project has been referred to the MVC, and they are holding their LUPC meeting next Monday, August 21 AT 5:30 PM.

Modification to a Special Permit: McCaslin: 63 Kanomika Rd (38-8.33) Eliminate Finding #2 in the Decision "The sports barn shall not be heated or insulated." (Patrick Ahearn, architect; Norman Rankow, contractor) Patrick Ahearn, architect, presented the modification to the special permit requesting the removal of the above referenced "finding" in the decision. It was noted by board member Lucy Morrison that the statement was verbalized at the hearing. Mr. Ahearn said nonetheless, he wanted to have the statement removed. He said the purpose of the sports barn was to have parties and fun, and you need to heat and insulate the building. The board argued that, as such, it would become living space. Mr. Ahearn argued that he was providing a deed restriction which does not allow a guesthouse or living quarters in the sports barn. Ms. Morrison said it is "creeping" .... The accessory structure's foundation is already in place. Mr. Mascolo added that other sports barns have been approved. He said it is the way the wealthy are entertaining. He made a motion to approve the modification. Mr. Cisek amended the motion requesting the deed restriction that does not allow the structure to become a guesthouse or living quarters. Mr. McCourt seconded and it was passed unanimously.

Wave Lengths – update. Colin Young addressed an issue stated by the direct abutter and owner of the Clarion Hotel in an email to the Planning Board this morning. The issues are that the construction was not under control because the workers were not compliant with the construction hours – working up to 9 pm. Additionally, the sprinkler system sent out an alarm in the middle of the night which continued for quite awhile. Mr. Carter said both incidents were very disruptive to his hotel guests and some of the restaurant guests requested the return of a portion of their cost of the meal. Mr. Young said he wasn't informed of the alarm until the next day. He does not know what is wrong. It might be water accumulation in the basement. He said the construction will not be done after hours anymore. The board thanked him for the update.

Adjournment

A motion was made and seconded to adjourn the meeting at 8:05 PM.

Respectfully submitted,

Georgiana Greenough,
Planning Board Assistant

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

9/12/2017
(date of vote)

Member

Member Alternate

Member

Member

Member

TOWN OF EDGARTOWN
The Planning Board

SIGN IN SHEET 8/15/2017 **(Date)**

Name (Please PRINT)	Street Address	Town	Agenda Item
Eugene Courtney	34 Chinsewey	Chy	Tel Poles
Amanda Phillips	15 Starbuckneck	EDG	Cell
Paul Cronson	94 Fuller St.	EDG	Cell
[illegible]	76 Fuller St	EDG	Cellco
Jane Horwitz	21 Starbuck Neck	EDG	cellco
Sylvia Freling Kuyson	76 Fuller St	EDG	Cellco
Twanette Tharp	18 Starbuck Neck	EDG	Cellco
Stephen DeSonno	Structure Consulting Group	Arlington	Cellco
DAN GOULET	C SQUARED SYSTEM	AUBURN, NH	CELLCO
JOHN J. DROPICK	135 LITCHFIELD RD.	EDGARTOWN	CELL TOWERS
ROBERT N GURNITZ	15 Meadlane	"	"
TOM PARDLE	8 PAMELA WAY	"	"
Robert Strayton	307 Chappy	Edgartown	Cell Tower
Colin Young	223 Upper MAIN	EDGARTOWN	WAVELENGTHS
Chris Alley	SBTI, INC	VH	FLAM
Greg Ehrman	Hutker	VH	Flam
Doug Hoehn	SBH	VH	Howe, Wild
SEAN DOUGHERTY	HUTKER	VH	FLAM
PHILLIP BRILLANTE	70 OCEAN AVE	CHAPPY	TOWER
WILLIAM WING	790 STATE Rd.	VH	Howe
Mo Flam	47 N William St	VH	Flam
Pamela Flam	47 N William St	VH	Flam
[illegible]	20 Gamon	OB	Flam
ROGER BECKER	296 CHAPPY RD	EDTN	CELL TOWER
CHRIS Kennedy	23 Pocha Rd Ext	EDGTN	Cell Tower
Paige Scott Reed	Anderson & Kreiger	Boston	cell tower