

Edgartown Planning Board Minutes

Tuesday, August 29, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, August 29, 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 29, 2017, as follows:

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

No deliberation was conducted during the site visits.

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, and Sam Sherman

Staff present:

Georgiana Greenough, Planning Board Assistant

PUBLIC HEARINGS

5:30 pm – Continuation from August 15, 2017. 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 & Zone 1 in the Ponds District. The new construction shall also be non-conforming with a 15' infringement into the 25' setbacks. (Agent: Chris Alley, SBH, Inc.; Greg Ehrman, Hutker Architects)

At the last Planning Board meeting, the Chairman recommended continuing the Flam hearing to August 29th at 5:30 PM with a site visit in the morning. Mr. McCourt seconded and Mr. Cisek and Ms. Morrison voted yes. Mr. Mascolo voted no. Vote was 4-1.

Greg Ehrman, Hutker, Chris Alley, SBH, Inc., Adam Hayes, builder, and the owners, Pam and Mo Flam were in attendance.

Chris Alley reviewed the site plan stating the property is in the Ponds District zone 1 and Flood Zone VE & ____ . Those areas cause a severe limitation on any expansion of the existing single family dwelling (to be demolished).

Greg Ehrman continued the presentation by explaining the architectural plans. The existing survey on the house shows both existing and proposed structures. They will not expand or exceed the existing square footage of the dwelling (1,738sf). It will be pushed further away from the Pond and shall be constructed within the side setback, but shall be 150 sf less than the existing non-conformity in the setback. The one-car garage shall be approximately 25' from the corner of the proposed dwelling, and a shed shall be constructed partially in the shore zone near the entrance to the property. There is over 3,700 sf of an asphalt driveway and turnaround area that shall be removed and replaced with smaller loose gravel. The existing lawn shall be replaced with native grasses. The architectural drawings show that there is no imposing landscaping. There is a cement slab foundation from which there shall be five elevated areas (of living space) partially on pilings. There is an elevated boardwalk to the front door and adjacent to an elevated garden of approximately 2' above natural grade. The pilings shall allow water to wash under and allow natural grasses to grow.

The proposed dwelling shall have 3 bedrooms and 2 baths. It shall be the primary residence of Mo and Pam Flam. It is proposed that one of the bedrooms is an artist studio.

The elevation plans show on the top of the sheet the existing elevation and the bottom of the sheet is the proposed elevation from three different sides (not north).

The applicants spoke to the direct abutters about the project and explained the square footage in the existing setback shall be reduced by 150 sf. The abutter asked if the Flams would respect their request to not allow construction in the summer months.

The structure is designed to meet or exceed LEEDS, net positive energy regulations. There shall be no oil or propane on site or delivered to the site. The external siding of the dwelling shall be all weather- natural cedar shingles which shall weather to silver-grey. Active solar is proposed for the roof.

Mrs. Flam said the house shall be rebuilt as primarily energy efficient – light on the land, and environmentally sensitive. The garage shall be 451 s.f. and the shed shall be 71 s.f. The garage shall be for one car & storage of sailing gear and yard equipment. It shall not be insulated and finished with the natural cedar shingles. It was noted one key point is that all stormwater shall be managed on site. The family has a strong sense of stewardship to the land.

Chief Shemeth asked how high will the grasses grow under and around the sides of the house? He suggested they come up with a fire program to keep the grasses low and away from the building to prevent grass fires. There is a fair amount of phragmites on the property which shall be carefully managed. Chief Shemeth recommended no higher than 18" tall and away from structure including the concrete foundation. He will recommend more specific distances from house to grasses. He reminded them that mulch catches on fire also.

Mr. Cavallo closed the public hearing and asked the board to deliberate. Mike McCourt said he was glad there was a second site visit, and he now understands why the architects did what they did. He is in favor of the project. James Cisek said he is impressed with the preservation of the environment and has no problem with the project. Lucy Morrison asked if there was any way to move the artist's studio further away from the property lines and out of the setbacks. Response was it is 11' wide and is not realistic to move over. Lucy Morrison also asked about the skunks and otters that may take up residence under the house.

It was determined that the critical height is not habitable. Lucy Morrison also inquired as to whether the management of phragmites would be mechanical or chemical. Fred Mascolo said they have not expanded the footprint and approved the project as presented.

Fred Mascolo made a motion to approve the project as presented with conditions: 1. no outside construction between May 15-Sept 15; 2. provide a landscaping plan; and 3. Provide a fire prevention program regarding the tall grasses near & under the structure. The reasons for approval are they reduced the non-conformity by 150 sq. ft. and they are aggressively preserving the land and environmentally responsible in their design to be energy efficient. Mike McCourt seconded the motion and it was unanimously passed, 5-0.

5:45 PM – Continuation from July 11 and August 15, 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 Chairman opened the continuation of the hearing and asked those who wish to speak to keep their comments under 5-minutes. He asked for proponents of the project.

Chris Kennedy, Trustees of Reservations, stated he had no issue with the cell tower proposed. For many years emergency communications have been their main concern. Now, with the temporary tower, emergency calls go through the communication center, 911. Mr. Mascolo asked how many calls come through per day. Mr. Kennedy averaged about 2 per day. He stated the temporary tower has done everything they needed. He understands the concerns of the neighbors, but now they are accessing police and fire departments for emergencies, whereas prior to that time, the radio communications were abysmal.

Chief Shemeth said they are able to find the location of cell phone through the temporary tower. It makes it a lot easier and cuts down on confusion. You know exactly where the emergency is located. Emergency services shall continue to be more dependent on it.

Chief Rossi stated that this tower represents the future of communications. CNET held a conference and has been given a large grant to cover the country with a special emergency access. He said it will give all chiefs of police priority access, even over regular citizens who may get bumped off the access during an emergency.

Rob Gurnitz, a Chappy homeowner, said both chiefs of police & fire have stated it is a remote area and allows good back up communication in the event of lightning strikes, chainsaw accidents, where it saved the life of a man who lives right next to the tower. Mr. Gurnitz said it is way out front technologically.

Sidney Morris supports the project. It is in a dense neighborhood, where he used to live.

John (someone) asked about the monopole that was originally proposed.

Kristy Rose, who recently purchased a house within 200' feet from the cell tower said she wrote a letter in favor of the proposed tower.

One EMT said he is in favor with respect to accessibility to emergencies, and allows the team to communicate on Chappy.

Robert Strayton, is a Chappy homeowner, who lives very close to the tower. He said he is not opposed to the tower especially for public safety. It is not in the right location. He has no issue with the Chappy WISP for public safety. There is better coverage for all Chappy who needs to be covered. He believes the tower decreases his property value. We need to find another location, in the best spot for everyone.

Roger Becker said the current temporary tower on site provides good coverage. Meets zoning bylaw. 5 years ago we began talking about coverage to service those in trouble on the beaches. Many were concerned about how it would look. The Town tried to get DAS, but the carriers would not provide DAS. The carriers would provide a “beautiful” tower. There are nervous abutters worrying about the tower falling and hitting their houses. The YMCA arena has Verizon on a tower located in a commercial area in Oak Bluffs. There are no residences nearby. It is different from Chappy. The 120’ proposed tower will have Fynbo WISP attached along with other external antennas and radio equipment. There will be a lot to see on the proposed tower. The applicant does not show any pictures of the tower. Mr. Becker provided sample photographs of towers, with and without external antennas. The applicant is requested to construct it according to the zoning bylaw which has been done at the airport with a monopole and works fine. He suggests the Planning Board hire a consultant who can tell us why it needs to be done the way it is, and not just because it is the cheapest.

Robert Strayton emphasized we need more coverage and adequate coverage.

Chief Rossi – we already have it.

Mr. Darack said yes there are alternative locations, and lots of solutions. There are two different sites and heights. Grain Communications, a number of years ago, had the opportunity to use town property, but AT&T did not want to use DAS.

Rob Gurnitz said the existing spot is fine. It has fiber optics there, existing fencing, and already has a tower on the property. The two towers there currently will merge into one tower that will hold two carriers (AT&T & Verizon) and the Chappy WISP service. There has been much discussion on the subject including with Art Smadbeck, who asked many questions, the Bob Fynbo, to his credit, answered.

Fire Chief Shemeth said at this point we do not want to relocate what we have. It would take too long to move, and we might lose what we already have. Let’s move forward.

Sidney Morris, there are two other sites which have better coverage. Leave existing temporary and WISP where they are until another location can be determined and constructed. We also need coverage in Katama.

Molly Pickett, abutter to the Fynbo site, bought their house in 2011. She has seen the way the North Street tower has expanded – it’s ugly and big with lots of stuff on it. She resents the fact that laws have been put together in the town to protect the people. It’s obviously outrageous, despicable and absurd thing to do in this neighborhood.

Robert Strayton added that other neighbors are not here who abut the tower. I have 30-years of experience in the communications industry. And have a better understanding of the business for carriers. As a caveat his grandfather was a high ranking firefighter in NY who proposed safety and available communications to the public. AT&T has two other leases with property owners on Chappy. This situation needs rational justification especially for the

next 20-50 years including property values. There is an alternative site that provides the most coverage including Katama and downtown. We could discuss small cell antennas and the Katama Silo options. Alternative coverage provides good coverage and we need to cover everyone on Chappy. We need a way to minimize the structure so that it would not be 120' from a neighbor's house. Noise levels are real considerations. Alternate shall be higher is obviated. You need to look at all options.

Brian Grossman thanked Mr. Strayton.

Mr. Cavallo asked how do you address ugly?

Brian Grossman said we are at the Martha's Vineyard Commission discussing the site and whether or not they can supply the full array of services in an enclosed structure. Chappy WISP cannot be enclosed. There are lots of different considerations for permanent v. temporary towers. AT&T needs 3 antennas per sector.

Mr. Mascolo asked if there were smaller arrays.

There need to be more separation between the antennas if enclosed. Need at least 10' between each array. We use tower mounted amplifiers because we have fiber optics. Chappy WISP is at 84' and has less coverage.

Mr. Grossman said yes we have two alternative sites that have adequate coverage (average). We looked at land use planning and where do we think it should go. There is less noise than existing tower. There are some disadvantages, but we had to start somewhere.

The board voted unanimously to continue the public hearing to Tuesday, November 14, 2017 at 5:45 PM.

Adjournment

A motion was made, seconded and unanimously passed to adjourn the meeting at 6:55 PM.

Respectfully submitted,

Georgiana Greenough,
Planning Board Assistant

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

10/3/17

(date of vote)

Member

Member

Member

Member

Member

