

Edgartown Planning Board Minutes

Tuesday, October 17, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, October 17, 2017 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, and the roll was called.

Call of Roll:

Present: Robert "Coo" Cavallo (Chair), Sam Sherman, Lucy Morrison, Michael McCourt, James Cisek (Alternate)

Absent: Fred Mascolo

Also Present:

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

A quorum was declared.

BOARD BUSINESS

5:30 PM "Marijuana Establishments Temporary Moratorium"

In accordance with the provisions of MGL Chapter 40A, Section 5, the Edgartown Planning Board held a public hearing on October 17, 2017 at 5:30 PM in the Town Hall, Selectmen's Meeting Room – 1st Floor, 70 Main St, to consider amending the Edgartown Zoning Bylaw Article II. Definitions by adding the definition of "Marijuana Establishments" and adding Article 11.25 "Marijuana Establishments Temporary Moratorium".

The chair opened the public hearing at 5:31 PM.

Chief of Police David Rossi was recognized. Chief Rossi stated that the subcommittee that reviewed the matter recommends a moratorium as the best option for the town at this time, as it will delay licensing of any establishment related to recreational marijuana until such time as adequate regulations are developed by the Commonwealth, and by the Town.

There was some discussion about potential licensing requirements, local zoning requirements, and the other issues related to the matter.

Question: Has town counsel looked at this language? Yes, Atty Ron Rappaport, Town's Counsel, drafted the language that was presented tonight.

There being no further comments, the public hearing was closed at 5:41.

It was MOVED by Sherman, SECONDED by McCourt

To recommend the warrant article to the Edgartown Board of Selectmen for inclusion on the next Town Warrant.

VOTED: 5, 0, 0.

PUBLIC HEARING – “Proposed Amendments to the Edgartown Code”

In accordance with the provisions of MGL Chapter 94G, Section 3, the Edgartown Planning Board held a public hearing on October 17, 2017 at 5:45 PM in the Town Hall, Selectmen’s Meeting Room – 1st Floor, 70 Main St, to consider amending the Edgartown CODE or GENERAL BYLAW by adding Chapter 122, “Public Consumption of Marijuana or Tetrahydrocannabinol.”

The public notice was read.

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

McCourt: What areas are ‘under the control of the town’? Answer: public ways, sidewalks, parks, beaches.

Question (Sherman): Are there regulations in place or tests available to determine if someone has been ‘under the influence’? Answer (Rossi): That’s a good question. Observations by an officer are primary. A specific program called “DRE” (Drug Recognition Expert) is one pathway to certification for such, but there are few (if any) officers on the island currently certified.

There being no further public comment, the public hearing was closed at 5:50 PM.

It was MOVED by McCourt, SECONDED by Cavallo

To forward the language with the positive recommendation to the Board of Selectmen for inclusion on the next Town Meeting Warrant.

VOTED: 5, 0, 0.

6 PM - PUBLIC HEARING – Personal Wireless Services Facility – Herring Creek Road; Verizon Wireless (Elizabeth Mason, McLane Middleton)

At 6 PM, a public hearing was continued from October 3, 2017, on the application of McLane Middleton Professional Association, on behalf of Cellco Partnership d/b/a Verizon Wireless for an application for a special permit to attach small cell antennas and supporting equipment to existing, non-municipal utility poles over 30’. The pole is identified as Utility Pole #56/345 located in public right of way on Herring Creek Road (adjacent to 70 Herring Creek Road). The hearing was held in accordance with MGL Chapter 40A, Edgartown Zoning Bylaw Article 23.4.b. (Personal Wireless Service Facility) and 6409(a) of the 2012 Tax Act.

The public notice was read.

PRESENT: Elizabeth Mason, McLane/Middleton

The chair opened the public hearing at 6:05 PM.

Ms. Mason presented information in regard to the matter, and apologized for the inconvenience of a previous application for a separate installation that had been subsequently withdrawn without prejudice.

Ms. Mason described the application as proposing to place a 'microcell' device on top of an existing telephone pole adjacent to 70 Herring Creek Road. Ms. Mason stated that the pole is in the right of way, but adjacent to 70 Herring Creek Road, in line with a boundary line.

Ms. Mason introduced Steve Delsonno, site engineer, and Dan Goulet, C2 Systems, representing Verizon, a radio frequency engineer, who were available for questions.

Ms. Mason also stated that a compliance document is provided.

Question: What happens when a need for the service expands or grows in this area? Answer (from Mr. Goulet): we would need to expand with other similar devices on other poles. Each pole acts like a 'cloud-radio access' network; it makes the connection between the cellular user and the tower at North Street.

McCourt: Modifications to the pole would require further approvals by the Planning Board? Answer: Yes.

Sherman: Is there a high likelihood that more devices such as these devices would be required? Goulet: Yes, demand continues to grow, and this is a way to avoid building additional towers. Small cell devices help to offload demand in the 'shadow' of the main tower.

Sherman: What is the radius of service for this device? Answer: Radius is the wrong word; this provides expanded service to the immediate 'line of sight' service.

McCourt: Can this be shared with other networks? Answer: No.

Question: What about other carriers?

Answer: They would need to lease space on other poles.

Questions were asked, and answers given, about the physical specifications of the devices proposed to be added. There were questions and answers about the look of the devices to be added.

Ms. Greenough suggested that the board consider whether a limit will be placed on the number of devices that could be added. Mr. Sherman stated that the proposal was to add only one device at this time.

Mr. McCourt asked a few questions in regard to the age of the technology, and the rollout of same in this area, and region.

Question: What about "DAS" – how does this differ? Answer: DAS is a series of small antennas on the poles that are interconnected with fiber on the poles. This system interconnects through wireless signals to the tower. No battery backup is provided with the devices.

There being no further public comment, the chair closed the public hearing.

The chair asked for a motion.

It was MOVED by Morrison, SECONDED by Sherman

To approve the application, with the understanding that this permit is granted with the condition that the application is approved on the merits of the case as presented, and does not establish a precedent.

VOTED: 5, 0, 0.

Ms. Mason was thanked for her time.

Miscellaneous Business

All Island Planning Board

A request to resume participation in the All Island Planning Board was entertained. A letter of response from Dan Seidman was read.

The Planning Board generally agreed to take the matter under advisement.

Pre-Application Review

Ms. Greenough asked for general direction in regard to incomplete applications that may have been submitted without authorization from the owner of the property.

As an example, Ms. Greenough reported that an application had been presented to the board for review. An application, received in the office around October 2, 2017, is for a special permit to add to a condominium / mixed-use building in the B-II district. However, the application is incomplete – with no proper plan, and the applicant has not provided authorization from the condominium association granting the applicant permission to apply for the Special Permit.

Ms. Greenough stated as an aside that, in this particular case, the project had already been commenced, with no building permit issued. The Building Inspector was aware of the issue, but issuance of a stop-work order from the Inspections Office had not been confirmed.

Ms. Greenough asked for direction in regard to the application. Should it be formally accepted to be acted upon?

The board stated that they would not accept the application as it is incomplete, and does not provide the required information. Ms. Greenough is to return that answer, and the incomplete application, to the applicant.

OTHER BUSINESS

Ms. Greenough reported that the Administrative Assistant's hours are now 32 hours per week, and the Administrative Clerk's hours are increased to 18 hours per week.

ITEMS REQUIRING SIGNATURES

The board reviewed and approved the minutes from October 3, 2017.

The board reviewed and approved payroll sheets, for the period ending Oct 17, 2017.

No decisions were presented.

BOARD ANNOUNCEMENTS

- Stop & Shop Expansion – MVC continued hearing to be held on Thursday, Oct 19, 7 PM.

NEXT MEETING

The next regular meeting was scheduled for **Tuesday, November 14, 2017 at 5:00 PM.**


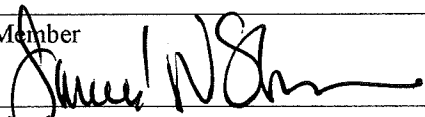
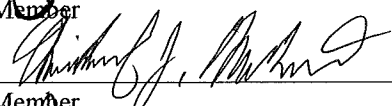
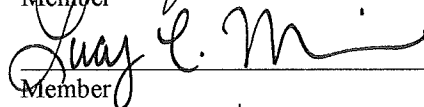
ADJOURN

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

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:45 PM.

Respectfully Submitted,
Douglas Finn, Clerk

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

Member
Member

Member

Member

Member
11/14/2017
(Date of vote)