

Edgartown Planning Board Minutes

Tuesday, December 19, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, December 19, 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 5:31 PM.

Call of Roll:

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

Absent: James Cisek (alternate)

Also Present:

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

A quorum was declared.

BOARD BUSINESS

5:30 PM PUBLIC HEARING: CONTINUATION FROM 11/14/2017: New Cingular Wireless, LLC (AT&T): Fynbo, 14 Sampson Av (34-197) SP: PWSF.

The chair continued a public hearing from November 14, 2017 on an application to Construct, license and maintain a permanent 115-foot monopole with antennas and associated radio communications equipment to solve a significant gap in wireless network coverage on Chappaquiddick.

Ms. Greenough reviewed the public notice, as well as continuations of the public hearing.

*Present for the applicant: Brian Grossman, Anderson & Kreiger;
Dan Goulet, C2 Systems;
Marc Ciretien*

Mr. Grossman reviewed the project. He stated that

- The project has been before the MV Commission; some items have been raised through that process. The MV Commission has not yet voted on the project, but may do so on Thursday, December 21, 2017.
- The MV Commission has reviewed options for alternatives to the proposed project and location.
- The current proposal is to replace the Chappy WISP 'lattice' tower, and the AT&T Temporary monopole, with a single monopole, 115' in height, with a primary location for AT&T antennas at the top, a location for Verizon Wireless at about 100', and Chappy WISP equipment, on a platform at about 90 feet, and a third co-location spot available at

about 80'. No guide-wires are part of the current project. All existing towers and tower support equipment will be removed.

- Connections will be run underground to the existing building, with some equipment on a concrete pad to be constructed.
- The only other (potential) change is the potential for camouflage for concealment. AT&T decision in regard to concealed antenna monopole is not site specific – it is not specific to this location, but to its network.
- In order to provide coverage, and to build out to its allowable capacity, a 'concealed' option will not work, and will not be entertained or proposed by AT&T.
- However, the option for camouflage, using a 'monopine' strategy, is possible, and AT&T is willing to use the 'monopine' camouflage on the proposed tower.
- The LUPC post-hearing discussion and deliberation suggests that deciding on either the 'monopine' or the 'monopole' option will likely be left up to the Planning Board.
- Mr. Grossman introduced Bob Fynbo.

Mr. Fynbo:

- Prior to 2008, there was little to no options for high-speed internet on Chappaquiddick.
- In 2008, a company called Ubiquitous introduced hardware that could make wireless high-speed internet access possible.
- In December, 2015, the Town's 'Cell Phone' committee suggested the use of Fynbo's property as a site for a cell tower, to which Mr. Fynbo agreed.
- Mr Fynbo suggested that the tower proposal will enhance options for internet for Chappy residents.

There were no questions for Mr. Fynbo.

Mr. Grossman:

- There has been some discussion related to Distributed Antenna Systems ("DAS"). DAS is not a practicable solution for Chappy, due to the absence of necessary utility poles or infrastructure.
- This is not an adequate solution from AT&T's perspective.

Mr. Mascolo: What is the difference in cost between DAS and a traditional cell tower?

Mr. Grossman: A DAS would require fiber to be strung between different nodes; Further, there are no poles along the beaches, and the addition of same would incur additional cost. Finally, recent small cell proposals for Edgartown have resulted in significant opposition by neighbors.

Mr. McCourt: How does DAS work with other networks? Can it be shared?

Mr. Grossman: If a neutral host does it, perhaps; however, if a specific carrier builds out a DAS system, it's likely that they would share the facility; this would result in multiple providers installing their own equipment.

Mr. Grossman: Even if there is existing utilizing structure (poles), natural screens such as trees would prevent signals from reaching even nearby homes.

Mascolo: Does the monopine have significant strength as a basic monopole?

Grossman: Structurally, yes – the monopine is required to meet structural requirements.

Mascolo: Has this been done throughout the country?

Grossman: at least throughout New England. They aren't always used – visually they sometimes do not work. In the case of Chappy, a monopine might work, it might not – it's a bit of a judgement call. The choice to use the masking technology is up to the board.

Sherman: Structurally, the engineering of the monopole is not altered; why is the monopine not affected by snow or wind load?

Grossman: To clarify: the building code does not change; the design for a monopine must be reinforced somewhat to meet the code. An increase diameter of 6-12”.

The chair advised the public that they would be allowed to speak once, and for no more than five minutes. Speaking shall be in order shall be by order of signup on the public hearing register.

Mr. John Ortman: Spoke in favor of the project.

Ms. Patricia Rose: In favor of the project.

Attorney Josph Bierwirth:

Representing Bob and Dana Strayton. Mr. Bierwirth requested confirmation that a zoning analysis, prepared for the Stayton's, had been forwarded to the board. Planning Board staff confirmed.

Mr. Bierwirth also asked about other specific information, sent with the previous 48 hours, had been received. This was confirmed by staff.

Other general comments from Mr. Bierwirth:

- The application that proposes this tower is in a densely populated area with undersized lots. The nearest house is only 70 or 80 feet away.
- The proposal will be intrusive.
- The proposal is, in essence, an outsized commercial use in a densely populated area.
- Front and rear setback requirements; we submit that the applicant has not met the criteria for the special permit as listed in the Edgartown Bylaw.
- The proposal relies on the existing tower for validation.
- A primary purpose of the current bylaw is to protect the character of residential neighborhoods. One can't 'bootstrap' that requirement to an existing non-conforming use.
- There are other options for locating a permanent tower – Majane Lane (a more forested area ½ mile from Sampson Avenue). However the infrastructure is not in place at that location.
- Under bylaws, section 11.6, the PB is required to make findings: an appropriate location, that the use doesn't affect the character of the neighborhood, and that the project is screened from public view.
- Alternative locations: bylaw requires that the applicant demonstrates that it cannot provide the needed services from one or more compliant options. An alternative that provides substantial coverage that is more in keeping with the bylaw should be considered.
- The 'monopine' is an option for camouflage, but not concealment. All constructions of new facilities are required to be concealed.

- Other parts of the bylaw that need to be met are in regard to in-house businesses; the home-business exception needs to take place in a residential structure; that is not the case, here.
- The zoning analysis has several mandates; 'shall' instead of 'should' or 'may'.
- Section 17.5 of the Zoning Bylaw requires that the Planning Board determine that the proposal is 'in harmony' with the intent of the bylaw.

Dana Strayton:

- Chappy WISP is not threatened by the potential for rejection of this proposal.
- DAS is possible, through the 'Connect America' fund. Chappaquiddick may qualify for a publicly funded buildout for DAS.
- These and other alternatives have not been explored sufficiently, and should before this proposal is approved.
- The proposal is a 20-40 year proposition that will 'destroy our neighborhood'.

Robert Strayton:

- The potential of Verizon going on the tower is not quite clear. Will the support equipment be shared?
- There are technological problems for either problems, re/ noise levels, A/C design, and other concerns.
- A number of design issues raise concerns; how the various carriers can be co-located, and its impact, should be taken into consideration.
- There are better sites for the tower. A letter submitted previously details concerns of the construction and scope of the footings and foundation necessary to support the tower.
- The 2003 MV Source Water Plan states not to use petroleum based lubricants for drilling a well; how will a 40'x40' hole be dug without use of petroleum based lubricants?
- The alternative sites will have less impact on the aquifer.

Mr. Strayton referenced a study in relation to radiative emissions of cellular devices, and the power of equipment to be placed on the proposed tower. The Chair immediately stopped Mr. Strayton, stating that the Board could not include radio emissions as a factor in their deliberations, and requested that no testimony regarding radiative emissions be presented.

Carl Gehring, Verizon Wireless.

- Verizon has significant gaps on the island and needs wireless.
- With AT&T's proposal, the option to improve Verizon's coverage becomes possible.
- Site sharing ('co-location') is more common now than before.
- A lease has been executed already, to become a tenant on the proposed tower.
- A portion of the existing structure will be used to house Verizon equipment. No separate generator or A/C will be installed. No additional equipment will be installed outside.
- Either a monopine or monopole is fine with Verizon.
- Encourages approval of the project.
- Previously built cell-phone towers: Two types of bases – deep casson and spread matt; the second is no deeper than a common house cellar hole.
- The proposal is not industrial, but rather a piece of unmanned, unoccupied wireless telephone utility; it is more of a non-use; once built, there will be no activity on the site.

Mr. Cavallo: So, to be clear: no new structures on the site?

Mr. Gehring: We'll be just using space inside the existing site.

Mr. Fynbo: The generator and a/c is designed to support multiple carriers.

Mr. Adam Darack:

- From what I have heard about DAS in Chilmark, the success is questionable; recommend that the board consult with reps in Chilmark.
- To use full stealth technology increases the footprint, and the height of the tower. A previous attempt to invite such proposals has been met with fierce resistance from residents.

Mascolo: You were on the board when the site was picked out?

Darack: The site wasn't 'picked out'. The Chappy Wireless committee was exploring DAS as an option. There were technology concerns; however, the committee wanted to give DAS a shot. There were a number of conversations with AT&T, with tours of the island. The collaboration between AT&T and Mr. Fynbo happened outside of the work of the town; it was a decision by the carrier.

Mr. Grossman stated that one of the concerns of AT&T's site acquisition teams was to identify existing structures. While the Fynbo facility is too low, and could not accept our gear. However, given that the existing property is used for wireless communication, it moved forward as a potential candidate.

Mr. Grossman stated that AT&T explored the site as an option, along with 425 potential properties, which was ultimately narrowed down to three potential sites – Sampson Avenue as a primary, and Majane Lane and Jeremiah Road as backups.

Mr. Grossman pointed out that the entire island of Chappaquiddick is zoned residential. Additionally, there will be visibility of any system, regardless of the location. AT&T believes that the proposal strikes the best balance – keeping one tower on Chappy while increasing service.

Alex Schaeffer, EMS.

- Public safety is currently in support of this proposal; wireless service allows for faster response to emergencies, whether it be by fire, police or EMS.
- The DAS solution would not support enhanced EMS communication; however, the monopole design would.

Peter Getsinger:

- AT&T has stated that the current location is easier. However, would AT&T be against another location?

Mr. Grossman replied, stating that AT&T does have leases on two other properties; however, this site balances the bylaw and its constraints and goals.

Felicia Cheney:

- In favor

Robert and Shirley Ozycz:

- In favor

Woody Filley:

- The process has been ongoing for quite some time. There is no perfect place to put a tower.
- Every single tower or cell structure in Edgartown is already located in residential zones.
- It has been difficult to cultivate carrier interest in building infrastructure to serve Chappaquiddick.
- The Bottom line: the carrier is here providing service, is willing to build the permanent infrastructure, and other carriers are willing to come in.
- There are trade-offs.
- Would I prefer a stealth tower? Yes.
- However, we have no control or ability to force AT&T to do anything. This is the proposal before us.

Ms. Strayton was recognized for follow-up comment, stating that the visual impact of the two backup sites have not been presented.

There were no further members of the public interested in speaking.

Mr. Cavallo polled the board in regard to keeping the public hearing open.

Mr. Mascolo: No.

Ms. Morrison: Yes.

Mr. Sherman: Yes.

Mr. McCourt: I don't believe that there's a need to keep the public hearing open.

Mr. Cavallo: No.

Mr. Cavallo asked if the board had questions for the applicant.

Morrison: how deep will the foundation be?

Dan Goulet (AT&T): Likely 17 feet by 20 feet square;

Cavallo: But not twenty feet deep?

Goulet: No.

Mascolo: Can this project hurt the groundwater?

Grossman: I'm not qualified to say, but I don't see any reason why groundwater will be affected by the foundation.

Mascolo: And two towers come down, one goes up?

Grossman: In essence, yes; although the new tower will be built and made operational before the existing towers will be removed.

Sherman: Cost of the alternative sites?

Grossman: The alternative sites would be more expensive, and there is no infrastructure in place now.

Staff asked if, should the board request a bond regarding maintenance or removal be appropriate, or if they could be conditions of any approval?

Grossman: AT&T has done similar bonds in the past, and would be willing to accept this as a condition.

Cavallo: What's next?

Ms. Greenough offered options to the board in regard to the next steps:

- The board could close the public hearing, or leave it open;
- If the board closes the public hearing, it could leave the record open to allow for submission of specific information expected to be received.
- The board should not close the record, or conduct a vote, until the MV Commission returns its decision sometime on or after January 11.

Mr. Mascolo (to Mr. Filley): Would Chappy residents prefer the monopole or monopine designs?

Mr. Filley: I have no idea.

Mr. Mascolo asked if some input could be gained from the Chappy residents.

Mr. Sherman suggested closing the public hearing, but keeping the record open to allow for submission of the MV Commission report.

Mr. Mascolo again asked if a poll could be conducted to get opinions on 'monopole' versus 'monopine'.

There being no further public comment, it was MOVED by Sherman, SECONDED by McCourt

To close the public hearing, but to leave the record open solely to receive the final decision from the MV Commission, and to close the record upon its receipt.

VOTED: 4, 1, 0. (MORRISON)

Staff were instructed to add deliberation on the application to the agenda for January 16, 2017.

OLD BUSINESS

No old business was addressed.

ITEMS REQUIRING SIGNATURES

- The board reviewed and approved payroll sheets for the periods ending December 12 and December 26.
- No decisions were ready for review.

NEXT MEETING

The next regular meeting was scheduled for Tuesday, January 16 at 5:30 PM.

ADJOURN

There being no further business, it was MOVED by Morrison, SECONDED by Sherman
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:55 PM.

Respectfully Submitted,
Douglas Finn, Clerk

APPROVED by vote of Planning Board
at a regular meeting, held on
12/29/17
(Date of vote)

Robert M. Cavallo
Cavallo

Richard J. Mascolo
Mascolo
McCourt

John Morrison
Morrison

John Sherman
Sherman

