

Edgartown Planning Board Meeting Minutes
March 15, 2016 at 5:30 PM
Town Hall – 1st Floor Selectmen's Room

Members in Attendance: Robert Cavallo, Michael McCourt Robert Sparks, Alan Wilson

Members Absent: Fred Mascolo

Staff in Attendance: Georgiana Greenough, Assistant; Lucy Morrison, Clerk

Chairman Michael McCourt opened the meeting at 5:35 PM.

5:40 PM: Public Hearing: MV Ocean LLC (Wrigley), 24 Ocean View Ave (29-149) SP: Surface Water District. Proposal to construct, license and maintain a new 87' pier with 60' "T" and 4 spiles for two (2) seasonal floats all located within the Faired Pier Line

In Attendance: Sean Murphy

Mr. Murphy requested that the hearing be postponed to another meeting when the full Board would be present. The hearing was continued to March 29th.

Old Business:

Ms. Greenough gave the Board an update on the Edgartown Lofts project. The Building Inspector will be following up on some of the issues. The Board stated that they are confident that he will be able to handle the situation without any intervention from the Planning Board.

Ms. Greenough gave the Board an update on the Housing Production Plan (HPP) being drafted for each town. There are grants available for the creation of HPPs that the MVC will be applying for on behalf of each town. Ms. Greenough presented the letter of support for the state funding.

Ms. Greenough announced that she had received the new FEMA maps, and that they are available in the office. She has been in touch with the MVC for previous maps with parcel numbers to compare to the new ones. She stated that she thought the Planning Board should be proactive and send letters to people who are now located in the flood plain zone that were not before.

6:00 PM: Public Hearing Continuation: Beach St Properties LLC, 2 Beach St (29B-84) SP: Coastal District. Proposal to demolish 126 year old non-conforming structure on a non-conforming lot; remove portions of structure and garage located on town-owned property, and rebuild on existing footprint.

In Attendance: Geoghan Coogan, Louise Brooks, Bill Senst

Mr. Coogan requested that the hearing be continued to due to the four-member Board. The hearing was continued to March 29th.

6:30 PM: Public Hearing: Wasque Family Farm LLC/Jones, 45 Pocha Rd (34-231.11) SP: Island Road District. Proposal to relocate existing driveway on 45 Pocha Rd with easement to Land Bank & 47 Pocha Rd (34-231.12)

In Attendance: David and Joe Merry

David Merry approached the Board to explain the application. A site visit was conducted the morning of the hearing. Mr. Merry explained that a portion of the current driveway will be eliminated and totally closed off. The new driveway will run parallel to the eastern property line and will tie into the existing driveway. The end result will be a straighter driveway.

Mr. Wilson asked if there will be an easement to allow for the Land Bank to use the driveway. Mr. Merry stated that an easement will be granted.

There were no letters received on this application, and there was no one in the audience was present to speak on behalf of the application.

Mr. McCourt closed the public hearing at 6:37 PM.

Mr. Wilson moved to approve the application, with the condition that the Land Bank has access to their parking lot. Mr. Cavallo seconded, and the motion passed unanimously, 4-0.

6:45 PM: Public Hearing: New Cingular Wireless PCS, LLC ("AT&T") SP: Proposal to construct a personal wireless communications facility at 14 Sampson Ave (34-197)

In Attendance: Brian Grossman- Anderson & Kreiger, Kevin Mason- AT&T, Dan Dulay, Adam Darack, Mary Spencer, Hanley Clifford, Roger Becker, Bob Fynbo, Art Smadbeck, Chief Rossi, Molly Pickett, John Cavanero, Chris Kennedy, Peter Shemeth

Mr. Grossman approached the Board to present the plans. AT&T has proposed a 104 foot ballast mounted tower to provide coverage for a limited amount of time. The tower will house three panel antennas with underground coaxial cables. There will be three equipment cabinets, and a six-foot dish antenna mounted 10-feet high. The dish will be needed since there are not sufficient on-site utilities for data and phone calls to be routed properly.

Mr. Grossman explained that there will be a 14-foot by 14-foot frame supporting the ballast. There will be three guy wires with anchors that attach halfway up the tower. Mr. Grossman said that the guy wires generally fall below the tree line, and will not usually be seen. The tower will be surrounded by a six-foot stockade fence.

There is an existing 80-foot tower on property owned by Mr. Fynbo that will not be impacted at all by the new tower. Mr. Grossman explained that AT&T had explored the potential option of extending the existing tower, but it was determined that the existing facility could not structurally accommodate all of the necessary equipment. Mr. Grossman stated that it would have been the preferred option, but that it was not feasible.

Mr. Grossman displayed the current coverage maps to the Board. It was obvious from the maps that AT&T does have a significant lack of coverage on Chappaquiddick. Mr. Grossman then displayed and explained the coverage plots of the new projected service area; approximately 78% of the gap was covered by the new tower.

Mr. Grossman reviewed section 23.3 of the Edgartown zoning bylaws, and explained that waivers will be needed for several of the dimensional requirements. He stated that the application includes the following requested exemptions: The property is 0.55 acres, instead of the required 3 acres; and the guy anchor closest to Sampson Ave is five feet from the property line, when 31.5 feet is required. Mr. Grossman added that the tower will be 33 feet from the property line and 22 feet from the fence.

Kevin Mason presented his Alternative Analysis report.

Mr. Grossman stated that the goal is to have the temporary tower functioning and providing service by Memorial Day. He stated that the timeline will be manageable if the application moves through the review processes quickly. He explained that AT&T had also examined other options, but determined that the timeline prevented them from going through the 30B process to utilize a town-owned property. Mr. Grossman also stated that the Trustees of Reservations had expressed reluctance to lease their property on Wasque, and the DCPC restrictions made 14 Sampson Ave a much more appropriate location.

Mr. Grossman stated that the site is intended to be temporary, but will still meet all building codes and FCC regulations. He stated that the tower is being designed and built to the same stringent standards as if it were a permanent solution. Mr. Grossman said that generally, the tower conforms to the zoning regulations, other than the two waivers needed. The concealed antenna design preferred by the bylaw was used. He stated that efforts to shield the view of the facility were taken, as shown in the cabinets located inside a building, and the fencing. There will be no parking or storage on site. There will be no changes made to the access to the site. The facility will be unmanned, and is passive in nature. There will be no smoke, fumes or flashing lights. There will be no changes in traffic patterns, natural resources, or habitats.

Mr. Grossman stated that a permanent solution is currently being designed, and a location planned. There are different regulatory agreements and requirements for permanent towers. There is not enough time to create a permanent solution before summer; hence why AT&T is pursuing a temporary option.

Mr. McCourt asked if any information from the temporary site would be used to influence the permanent site. Mr. Grossman replied yes, that the performance of the temporary tower will provide an idea of the coverage on a permanent basis, and will be used as a factor in the design of the permanent tower. Mr. McCourt pointed to some of the white areas on the plot coverage map for the temporary tower, and asked if anything would be done to resolve the remaining areas with no cell coverage. Mr. Grossman replied that nothing was proposed at this juncture.

Adam Darack mentioned the Katama Farm silos. He stated that eventually there will be the potential for cell antennas which may help the remaining white spaces. Mr. Cavallo asked if the silo project was still

happening. Mr. Darack replied that it was, and that Verizon will be rebuilding the silo. He was not sure where the project was in terms of construction.

Mr. McCourt asked if there had been any efforts to coordinate with Verizon. Mr. Grossman stated that there is nothing specific to report, but that working with other carriers is a large part of AT&T's future plan.

Mr. Wilson asked if it would be difficult to transport construction materials to Chappaquiddick. Mr. Grossman stated that AT&T will be renting construction barges.

Mr. Wilson also asked about the latency delay with the use of satellites. Mr. Grossman referred the question to Dan Dulay, a radio frequency engineer. Mr. Dulay stated that two years ago, the latency delay with satellites would have been a major problem. He stated that with recent advances in technology, they are able to control bandwidth, and have compensated for that delay. He stated that the satellite will provide 3G data service, not 4G. 4G will be available once the infrastructure is in place and the satellite will no longer be necessary.

Mary Spencer asked how the temporary tower would impact those who currently have AT&T. She added that she has a booster to help increase her coverage at home. Mr. Grossman stated that the boosters are not portable and only work at home. He referred to the coverage plot, and stated that the temporary tower would provide service and data in the green areas on the map. Mr. Cavallo asked if Ms. Spencer would still need the booster. Based on her location on the map, Mr. Grossman stated that she would probably still need the booster for her house.

Hanley Clifford stated that he was happy to see this happening, and noted that bringing coverage to Chappaquiddick has been an ongoing discussion for a long time. He thanked AT&T and Bob Fynbo for their solution.

Roger Becker asked about the current Fynbo tower, and asked that it be considered as a permanent solution. He stated that he thought AT&T was going to increase the height of the tower and add their antennas. Mr. Becker stated that he was not in favor of having two towers. Mr. Grossman stated that once the permanent tower is constructed, the temporary tower will be removed. Bob Fynbo added that the towers will coexist for the summer, and that his will be taken down once the permanent tower is built.

Mr. Sparks asked if a generator will be necessary. Mr. Grossman replied that the temporary tower will not need a generator, and that there will be backup battery power available. Mr. Wilson added that the fire station down the road has a generator, if needed.

Art Smadbeck stood to thank everyone who has worked on this, specifically Adam Darack and Roger Becker. He stated that the Town has been working on this problem for a number of years. He said that he was present in the audience as a member of the Board of Selectmen to formally support this approach.

Chief Rossi stated that communication is paramount. He said that complete coverage over the whole Town of Edgartown would greatly improve the emergency response system.

Molly Pickett, a direct abutter to the site, stated that she was sensitive to the aesthetics of the tower. She, like Mr. Becker, had also thought that the equipment would be added to the existing tower on the property. She stated that she was upset to find that there would be a second tower, and that it would be located right next to the road. She stated that she was in favor of increased cell phone service on Chappaquiddick, but feel strongly that it should not have an aesthetic impact on the neighborhood. She stated that this tower would have direct effect on the views of those who live on Sampson Ave. She stated that she was aware of work AT&T has done with very inconspicuous towers and boxes in Boston, and knows that it can be done right. She also asked if the Town had considered using the new voice over IP for Comcast customers that would be as effective and has wide coverage. She also claimed that the original Fynbo tower was not formally approved by the Town. She had reviewed files in the zoning, planning, and building inspectors offices and could not find any permits. Mr. Wilson clarified that Mr. Fynbo technically does not have a tower, and that the structure is classified as an antenna, which does not need the same regulatory review.

Mr. Grossman stated that the tower will not be painted. He stated that the tower will have a matte finish, and not be bright white. Mr. Grossman also commented that he was familiar with the Boston projects being referred to, but that they were focused on narrow coverage issues, not broad geographic coverage issues like the ones facing Chappaquiddick.

Mr. Grossman stated that the proposed location for the temporary tower will not interfere with any of the existing structures or uses of the site. He said that advanced planning techniques were used to determine the best location for the tower. If this site is determined to be the best location for the permanent tower, the location of the temporary tower would not interfere with the construction of the permanent tower. He stated that the temporary tower would remain in place while the permanent tower was being constructed. This would prevent a lapse in coverage during transition. Mr. Grossman stated that it is not ideal to have a second tower, or to have the temporary tower located as close to road, but that it would only be for a few months.

Mr. Grossman emphasized that the temporary tower will be temporary. He stated that AT&T is committed to working on a permanent design. He did not want people to think that the temporary tower would eventually become the permanent tower.

Mr. McCourt asked if a flag pole design was being considered for the permanent tower. Mr. Mason stated that the permanent tower would also need to accommodate Mr. Fynbo's equipment, and a flag pole design would not be able to do that. He added that a typical flag pole tower is about 24 inches in diameter for one carrier and up to 40 inches in diameter for multiple carriers. He stated that he preferred a lattice design for the permanent tower. Guywires are not typically used with the lattice design, but due to the high winds in the area, this tower would need them.

Mr. Darack stated that he has done extensive work and communication on alternative systems for Chappaquiddick. He stated that there are major stumbling blocks, including cost and infrastructure. He added that the groups are not trying to rush into anything.

Ms. Pickett inquired again about the services through Comcast. Mr. Grossman stated that it is an entirely different service provided by a different carrier. The voice over IP would have no effect on wireless subscribers. Mr. Dulay added that the voice over IP could only be used at home.

John Cavanero commented on the aesthetics of the tower. He wanted to remind the Board that the site is a non-conforming lot located in a residential neighborhood. He stated that a half-acre lot in three-acre zoning is a significant difference; and that the tower is heavily industrial, especially if permanent. He stated that he respects the need for coverage on Chappaquiddick, but asked that the aesthetics be addressed. He stated that he appreciated notification of the hearing and looked forward to hearing more going forward regarding the permanent tower.

Mr. Grossman stated that the permanent site will have its own separate permitting process. He emphasized that the temporary tower is not the final proposal.

Chris Kennedy, stated that he fully supported the temporary solution. He served on the Chappy Wireless Committee for some time. He assured the audience that bringing cell coverage to Chappaquiddick has been a long and deliberative process. As superintendent of the Trustees of Reservations, he stated that there were approximately 178,000 people on the beach from the Gut to Katama with spotty cell coverage last summer. He recounted stories of how people were unable to call for help when needed, and said that it is fortunate that there have not been more fatalities.

Alex Schaffer, a Chappaquiddick resident, stated that the lack of cell coverage is frustrating on a day to day basis and was all in favor of the temporary tower.

Mr. Wilson recounted the story of how he was hit by lightning, and was unable to call for help until the storm passed.

Lilly Walter asked if cell coverage would be improved for those without AT&T. Mr. Grossman stated that the temporary tower would only benefit AT&T customers. He stated that there is some capacity for co-location if another provider steps forward, but with the tight timeline it is unlikely. Mr. Grossman stated that permanent location will definitely have the option for co-location. He also added that GSM phones would be able to use the increased coverage to call 911. Peter Shemeth requested clarification on GSM phones.

John Caverno inquired about the procedure should AT&T decide to add more equipment to the tower. Mr. McCourt stated that the applicants are required to come before the Board every time they want to modify something, for either an administrative review or a full public hearing depending on the type of modification.

Roger Becker expressed concern regarding the temporary and permanent towers. He stated that it was important to know that there was no intention of leaving the temporary tower in place. He urged the Planning Board to condition this particular application to be reviewed in 6 months to see how it worked. He also suggested that the application be reviewed every six months after that initial review. Mr. Grossman stated that he had no objections to the reviews.

Ms. Greenough read the Federal Telecommunications Act Section 332c7 which regulates the location, construction and modification of towers.

Mr. Wilson moved to refer the application to the MVC as required by the checklist. Mr. Cavallo seconded, and the motion passed unanimously, 4-0.

Mr. Turner announced that the MVC has already held their staff meeting for the application, and stated that it will be reviewed at the LUPC meeting on Monday. The full MVC review has been scheduled for April 7th. Mr. Turner stated that the MVC realizes the public safety implications of this application and will try to move through the application as quickly and efficiently as possible.

Ms. Greenough tentatively scheduled the next public hearing for April 14th at 5 PM.

Christina Brown stated that the MVC has already posted public hearing notices, and reminded the Board that they are welcome to attend the MVC hearings.

The Board stated that they appreciated Ms. Brown and Mr. Turner's attendance at the meeting.

The meeting was adjourned at 7:48 PM.

Respectfully Submitted,

Lucy Morrison

Michael McCourt, Chairman

Robert Cavallo

Fred Mascolo

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed: _____