

EDGARTOWN PLANNING BOARD
Tuesday, November 27, 2012 - 5:30 p.m.
Town Hall - Selectmen's Meeting Room
Minutes

Those in attendance: Robert Cavallo, Chairman, Michael McCourt, Robert Sparks, Alan Wilson, and James Cisek, Alternate. Absent: Fred Mascolo.
Staff in attendance: Georgiana Greenough, Assistant

Edward B. Meyer, 42 Caleb Pond Rd (30-50) SP: Extend L portion of pier 20', add 30' platform, add 2 spiles, relocate existing spile, remove small platform deck.

Richard Barbini, Schofield Barbini & Hoehn, Inc. presented the application- existing pier at the opening to Caleb's Pond. There is a small "T" on the existing pier. They want to remove one small section on the opposite side of the proposed "L" where they will add 20 feet to the south side. The pier does not extend beyond the faired pier line. The Conservation Commission approved the application. The assistant read the recommendation of approval from the Marine Advisory Committee. There were no members of the public to comment on the application. The application met the recommendations of the Pier Permitting Guidelines set forth in the Edgartown Harbor Plan.

Alan Wilson made a motion to approve the application as presented with standard pier conditions including the Brewer amendment and the Wilson amendment. Mike McCourt seconded the motion and it was unanimously approved.

New Cingular Wireless/AT&T Mobility, 14 Aero Av. (45-423) SP: Construct & maintain a new wireless communications service with equipment to be located in the Katama Farm Silo.
Those in attendance representing AT&T: Dan Bilezikian, SAI, Shane Eagleson, Project Manager for AT&T, Don Haes, Radiation Safety Specialist, Betsy Mason, Anderson & Kreiger, attorneys for AT&T.
Those in attendance from the public: Glenn Hearn (West Tisbury) Trustee of the Farm Institute, Gene & Maria Gilsenan, Elizabeth Mason, Robert Sarno, Nancy Javaras, Samantha Burns (Vineyard Haven), Tom & Betty Burke, and Patricia Bakke.

Mr. Bilezikian presented the application and gave a brief history of the project. They approached the town in response to the RFP that was awarded on June 25, 2012. They were the only respondent. Per the RFP requirements, AT&T will install 9 panel antennas within the large (west) silo at a centerline elevation of 55'9" above ground level. Several steel panels from the wall on top of the silo will be removed and replaced with fiberglass replicas and painted to match the existing silo exterior. There will be no visible change to the silo. The antennas will be mounted on steel frames behind the fiberglass panels. AT&T's equipment shall be housed in a 11'5" (wide) x 28' (long) and 10' (high) prefabricated shelter on a concrete slab within a 39' x 23' fenced compound secured by an 8' tall stockade fence. The antennas and associated equipment within the silo will be connected to the equipment in the shelter by fiber and DC power cables buried underground in conduit and running up the inside of the silo. AT&T's emergency back-up generator will be housed within the equipment shelter to minimize noise.

Mike McCourt asked if this type of installation has been done before. Mr. Bilezikian responded that they have one in VT. It may be the first that the installation that is completely internal. There should be no problems installing the equipment inside the silo. They have installed in church steeples as long as the structure can be replaced with fiberglass material which does not affect the strength of the signal. Mike McCourt asked “Why is the shed placed away from silos?” Mr. Bilezikian said it is because the Farm Institute said they had farm activities in the area and preferred it be located to next to the Barn. The generator, located in the shed, will run once a week for an hour presumably on the weekends when campers are not around.

Shane Eagleson (Radio Frequency Engineer) prepared the coverage maps in the application package. He said the proposed level of service benefits 4G. He said the coverage signal is weak in that area (Katama). They want to provide an even level of service. The strength of the signal reaches 1.5 miles in distance. We listen to customer complaints that say they need to have a stronger signal, or they couldn't make a call, or a call was dropped. AT&T technicians do not know the individual customers who are making the complaints.

Mr. McCourt asked how many towers does AT&T use on the Island. The response was North St. Tower & Airport Tower that cover Edgartown.

Betsy Mason, attorney for Anderson & Krieger said that Section 10 of the proposal shows coverage maps comparing existing, and proposed coverage.

Don Haes. (Radiation Safety Specialist) Mike McCourt asked what is the greatest risk? Is it the signal coming from the tower or using the cell phone? Don Haes introduced himself and said he has a PhD in radiation safety and has been active in the industry for 30 years. He reviews and evaluates radiation frequency energy. He is part of an international committee that met twice a year studying exposure standards for 25 years. The issue is how you come up with standards. He has worked with science based medical professions, academics, military, and reviewed international papers to create a rating depending on how they measured the field. It is a statistical review with strict RF safety guidelines.

Mike McCourt asked if there was anyway someone could become overexposed to the radiation at this installation. Mr. Haes response was “no”. He said there is more of a risk with the actual cell phone, when it struggles to receive a signal, than with the antennas. Mr. Haes said the biggest risk is on rooftop sites as the antennas are highly directional.

James Cisek asked if there was a chance to see what the fiberglass panels look like before installed.

Mr. Haes said we can't measure anything now because there are no antennas. The FCC provides guidelines so they can estimate exposure. The predictions (presented in his April 30, 2012 report) are overly conservative. The estimates assume that all antennas are on simultaneously, which is rarely the case. They take into consideration, ground reflection. They rely on the Mass Department of Health and FCC regulations.

The Chairman asked for any letters from other town boards or the public. There were no letters from other town boards. The assistant read petitions, letters and emails from: Javaras & Gilsenan families (against); Richard Kilcullen (against); Helen Bowring (against); Welcom family (against); Betty Jo Corridon (against); Cowan family (against); Emily Moore (against); Bill Mueller, MD (in favor).

Gene Gilsenan said his family lives 600 feet from the silo with children and grandchildren. He is not opposed to cell towers depending on who would be exposed over long period of time. He and his family would be exposed 24/7. He has read a lot of articles that say exposure for a long period of time is truly detrimental. He looked at the proposal. He wants to make sure the Board makes observations and complies with the zoning ordinance. He also added that the Town's bylaws say new cell towers are not allowed over 32 feet. Does the town own the silos? Are the silos filled with grain and slime, biohazardous materials, and rodents (that could seek refuge in his basement)? Has the BOH inspected the silos? Has a structural integrity study been done? What if a super storm (like Sandy) sweeps across the Katama plains and destroys the silo? Hopefully it will not be replaced with architectural trees. He said this is a large project located on conservation land, and asked how they got permitted to do that. Are they using easements through the land to run power lines? He believes it is a dangerous precedent and they need state approval.

Nancy Javares. The silo is directly behind her house. She feels the property values will decrease. She said the zoning bylaw 11.6 Conditionally Permitted uses would not approve anything that would adversely affect the neighborhood. Will parents be able to send their kids to a camp? Will people still buy food from the farm? Will it kill the future of the Farm? Will it reduce tax revenue for the town? Is there really a gap in coverage for emergency services? She said the police & firemen have two-way radios. She said she surveyed the Katama Association's 200 members. 90% have land lines. Do we really need this proposed service? The Planning Board serves the entire community. The proposal should not be accepted. It is not just a decision for the abutters. We need an unbiased study of negative radiation, and a panel of local realtors and appraisers to evaluate property values with and without the cell tower included.

Tom Burke said he and his family occupy a 1938 ranch house next door. He wonders over the 48 years he has been there if there are any radiation effects on his family. The report provided by Mr. Haes is very technical and he had trouble understanding it. He does not feel comfortable regardless of Haes report. He also wants to know what will be the impact on the Farm. There have been five different farmers at Katama Farm. Each operation has had its own problems. They all have failed. Economics was the issue. He wonders if the "cell tower" (wireless installation) is adding another obstacle to Farm Institute? Mr. Burke added that Aero Av. is located on conservation land. He said he is a licensed broker in Massachusetts and has talked to appraisers and read articles that cell towers have negative impact on sales. This tower will be a factor in buying a property. Whether or not the radiation is damaging, it is the PERCEPTION of radiation that is important. It boils down to benefits and costs. No one will know until a sale is done. It could be open to lawsuits. How would each of you feel if you lived 200 feet from the tower?

Maria Gilsean: The International Firefighters (handout provided) are concerned about radiation inside the structure. There have been reports of dizziness and sleeplessness. She said even Ed Markey was trying to change recommended levels of FCC requirements. In 1996 when the communications regulations were adopted, they did not know the effects of radiation. Now they are doing a second review and proposing changes to the FCC. She asked if AT&T has cell towers located on schools or hospitals. Mr. Bilezikian responded that they do have installations on schools and hospitals.

Jane Varkonda, Conservation Agent answered questions about the silos, ownership of the property and the Farm as follows:

1. The reason the project was initiated is because there was a gap in coverage for emergency services according to the Police & Fire Chiefs.
2. She spends a lot of time at the Farm and she has seen no rats in the silos. The silage is not toxic, but no one has bothered to remove it. The silage is not required to be inspected by the Board of Health. It is basically fertilizer.
3. The Farm and silos are owned by the Town's Conservation Commission. The larger silo, to be used by AT&T, is empty. The smaller silo is the one that contains silage.
4. Aero Avenue is located on conservation land and counsel is researching easements.

A motion was made to continue the hearing until January 8, 2013. It was passed unanimously.

Balder, 24 Navy Way (52-26.64) SP: Coastal District, Katama District, Island Roads District: Demolish & rebuild a single family structure and garage on a non-conforming lot.

George Sourati, Sourati Engineering Group, handed out site plan that shows the coastal district running through the middle of the proposed structure, and the Island Roads District running through the eastern portion of the proposed structure, with both regulations limiting the height of the structure to 26'. Currently the structure encroaches into the west side setback. The proposed structure shall conform to side setbacks because the architect turned the house to parallel Navy Way which now conforms to most of the structures in the neighborhood. The existing and proposed dimensions are as follows: single family structure from 1,735 s.f. to 3,411 s.f.; garage from 357 s.f. to 1,095 s.f.; and attached deck from 659 s.f. to 1,373 s.f.

The Chairman asked for any correspondence to the Board. The assistant read letters and/or emails from: Raymond Drop, 16 Navy Way; Bill Mueller, 4 Dunes Rd; and Matt Poole, Edgartown Board of Health agent. Mr. Sourati responded that the height of the structure is currently 21.5 feet and will increase to 26 feet, and the footprint of the single family residence is not the largest in the neighborhood.

The Chairman closed the public hearing and asked for comments from the Board. Chairman Cavallo asked the applicant to stake out the property. Another member asked if the garage will be on a slab, and if the house will have a basement.

Mr. Sparks made a motion to continue the hearing to Dec. 11, 2012 to have the property staked out by the applicant. Mr. Cisek seconded the motion and it was unanimously passed.

T-Mobile Northeast LLC, 59 North Street Tower (29A-96): SP: PWSF: To modify existing PWSF by replacing six (6) panel antennas with six (6) new antennas of similar size, and replace outdated equipment cabinets and coaxial cables.

Those in attendance: Michael Johnson, Tower Resource Management Inc.

Members of the public in attendance: Pat Knapp, abutter, Larry Mercier, abutter.

Mr. Johnson summarized the application saying they are proposing to merely swap out the antennas currently located on the 161' guyed tower with newer models that are similar in size to the existing antennas. T-Mobile is in the process of modifying its telecommunications network to improve and enhance its services. He said the upgrade to 4G will improve existing voice and data coverage and pave the way for Long Term Evolution (LTE) service in the future.

Mr. McCourt asked if the signals are going to be stronger and or operate under the same level of frequency radiation. He mentioned the Board would like to have the distance reduced between the antennas and the tower.

Chairman Cavallo asked if there were any letters from other Town boards or committees or the public. The assistant read emails from Karen Burwick and Susan Coyle, 42 North St. who do not want a larger tower.

Pat Knapp noted that much of the changes are structural. Larry Mercier said the coaxial cables will be reduced. Mr. Johnson responded to the request for flush mounted antennas asking if that was a requirement for the Sprint application. He said he would attempt to accommodate the request (to reduce the distance from the tower to the antennas).

Bob Sparks approved application with general wireless facility conditions and also conditioned the special permit on the applicant's ability to reduce the proposed 6 mounts to be either flush mounted on the tower or that the distance from the tower to the antenna mounts be significantly reduced. Mike McCourt seconded the motion and it was unanimously passed.

Open Cape Corp., 59 North St. Tower (29A-96) SP: PWSF. To construct and maintain two microwave radio antennas & install equipment in the existing shed.

Those in attendance: Mike Scott, attorney, Nutter, McClennen & Fish LLP, Dan Vortherms, CEO Open Cape.

Members of the public in attendance: Larry Mercier, abutter, Art Smadbeck, Selectmen, Pat Knapp, abutter

Mr. Scott discussed the project. OpenCape is a non-profit corporation that was awarded a \$32 million Broadband Technology Opportunity Program grant by the National Telecommunication and Information Administration from American Recovery & Reinvestment Act stimulus funds on February 28, 2010. An additional \$8 million was funded by the Commonwealth and others, to build a fiber optic network on the Cape. They will upgrade existing services to Nantucket and add a microwave radio overlay to Martha's Vineyard. It is considered to be a "middle mile network" offering backhaul opportunities to the community.

It was noted that the system is a redundant back up for emergency services that has already been upgraded by the town. They did not bring fiber optic to Martha's Vineyard.

Mr. Scott said they provide 3 microwave point to point antennas, one of which is used by WHOI to the American Tower site on North St.

Art Smadbeck. This is definitely "not the last mile". There is no way to get this signal to anyone in Edgartown. There was an incentive to run fiber optics. They are putting the cart before the horse. Until we have a need for it or a use for it, it is a pointless exercise especially in a residential area.

Mike Scott said we are working from grant money and have an obligation to bring a presence to Martha's Vineyard. January 30, 2013 is the deadline when the grant runs out of money. It is being installed to provide an opportunity to the Town.

Dan Vortherms. The system is going to be used by the airport and correctional facility both of which need service in place. It's a middle mile service, not service to the home. It could be used for town governments. He said there is a timeline on federal government money.

Larry Mercier asked why they chose this tower. Mr. Smadbeck asked the applicant to find a location that is not located in a residential area. You are not looking at our problems with this tower that is located in a residential area. Mr. Mercier asked the applicant to look at alternate towers located on the island like the one that is being constructed at the ice arena across from the high school. Mr. Scott said Open Cape cannot use proposed towers. The towers must be up and running, as the grant has a deadline in January to complete the project. Chairman Cavallo would like to see alternative sites (not included in their studies) reviewed. He said their deadline is not the Board's concern. Mr. Scott said that Open Cape's engineers have told them this tower is the best one.

Mr. Mercier said the backhaul services might create a revenue stream. It is not a non-profit.

The Board voted unanimously to continue the hearing to Dec. 11, 2012.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Georgiana Greenough

Robert M. Cavallo, Chairman

Michael McCourt

Robert Sparks

Alan Wilson

James Cisek, Alternate

Edgartown Planning Board