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October 4, 2017

BY EMAIL AND FEDERAL EXPRESS

Leonard Jason
Building Inspector
Town of Edgartown
70 Main Street
Edgartown, MA 02539

Trustees

Counselors at Law

Re: Zoning Enforcement Request
14 Sampson Avenue, Edgartown

Dear Mr. Jason:

Pursuant to G. L. c. 40A, §7, we write to ask you to enforce the Town of Edgartown zoning bylaw with respect to certain violations at 14 Sampson Avenue, Edgartown (“the Property”) owned by MV WIFI, LLC (“the Owner”). We write on behalf of Robert and Dana Strayton, who own property at 307 Chappaquiddick Road impacted by the zoning violations in question.

The Property is located within the R-120 Residential Zoning district. There exists at the Property an approximately 80 foot tall guyed tower (“the 80 ft. Tower”). It is our understanding that the 80 ft. Tower was constructed in 2008. It is our further understanding that the homeowner of the residential home located at the Property uses the 80 ft. Tower to house equipment for operating a commercial wifi internet service.

Prior to constructing and operating the 80 ft. Tower, the Owner failed to obtain a building permit or any other permit authorizing such construction or operation. Construction and operation of a tower such as the 80 ft. Tower for private commercial purposes is not allowed within the R-120 Residential Zoning District. No special permit or variance for the 80 ft. Tower was applied for, or obtained, from the Edgartown Planning Board as special permit granting authority or the Zoning Board of Appeals, which has sole authority to grant a variance.

As you are no doubt aware, the Property is the subject of a separate pending application for a special permit to construct and operate a new 115 foot monopole tower intended to house wireless antennae and radio communications equipment (“the

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Proposed Tower”). The application for special permit for the Proposed Tower repeatedly cites the existence and operation of the 80 ft. Tower as grounds for purportedly meeting the special permit criteria. However, the erection and use of the 80 ft. Tower is unlawful.

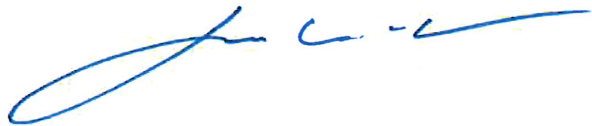
Accordingly, we respectfully request that you investigate this matter, including a zoning review of the outbuildings and additional structures located on the Property, determine the extent of zoning violations at the Property, and impose appropriate sanctions pursuant to Article XVII of the Zoning Bylaw. Specifically, we ask that you:

1. Compel the Owner to immediately cease operation of his commercial wifi business;
2. Compel the Owner to immediately remove the 80 ft. Tower from the Property; and
3. Refuse to allow any work at the Property for any purpose until the Owner addresses all existing zoning violations.

To assist in your review, we enclose a copy of a Plot Plan for the Property submitted in support of the application for special permit for the Proposed Tower which shows the location of the existing 80 ft. Tower on the Property.

Thank you for your attention to this matter, and please let us know if we can be of assistance in any way.

Sincerely,



Joseph L. Bierwirth, Jr.
Diane C. Tillotson

Enclosure



Hemenway
& Barnes LLP

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cc: Robert and Dana Strayton (by e-mail and first class mail)
Chairman, Town of Edgartown Planning Board
(by e-mail and first class mail)
Chairman, Martha's Vineyard Commission
(by e-mail and first class mail)

