

Paul Foley

From: Robert Strayton [robstrayton@comcast.net]
Sent: Tuesday, September 26, 2017 3:15 PM
To: Robert Strayton; Paul Foley
Cc: Dana Stray ton
Subject: Questions for MVC

Paul,

Following are a list of questions for the commisioners' to consider. I, for one, would very much like to hear the answers to each of these.

As you can see there is much wrong with, and many potential pitfalls to, a tower on Sampson Ave, owned by Mr. Fynbo. The whole plan to site this tower, in this location is fraught with not just real danger to the neighborhood and the people in proximity to the tower, but it is very conceivable that at some later date the taxpayers will be stuck with removal of a tower there owned by Fynbo.

Best regards,
Rob Strayton

Following are questions important for consideration of a cell tower on Sampson Ave, Chappaquiddick.

1.) Please describe the "planned phases" of a Sampson Ave tower?

A.) Bob Fynbo in an email dated 1/19/2016, addressed to Randall Howse of AT&T and Adam Darrack of the Town of Edgartown states: "a permit to erect a replacement 120' tower seems doable.(If coverage is spotty it would likely be easier to apply for an additional 20'. 140' to start will likely be a non-starter in the community)."

B.) Kevin Mason, in a deposition, and under oath, stated on November 28, 2016 that AT&T's plan for a permanent tower was to erect a 140' lattice tower with 6 - 9 radiation centers per side, per carrier.

C.) Dan Goulet, of C2 Systems stated at the August 28, 2017 MVC LUPC meeting, when asked, by Linda Sibley, about the lack of coverage on Chappy's western side, whether there would be coverage in those areas responded, "Not for this phase of this buildout. There would not be coverage."

Given these three different sources all discussing "phases" and a minimum 140-foot tower height, we would like to know exactly what the planned phases of this tower are?

Obviously, the 117 foot height does not provide sufficient coverage, and 2 of these sources site a minimum 140 foot height, and Mr. Goulet, specifically describes phases of construction, so what, exactly, is the plan and what is the timeframe for this seemingly immediate expansion of the proposed tower?

What is the plan? And doesn't a larger tower, with more carriers, more equipment, higher height obviate the visual analysis, with its higher height and more obtrusive equipment, the noise analysis with the need for more and bigger generators and air conditioning units, and basically every other claim made about a tower on Sampson Ave?

2.) Mr. Fynbo, in his "Cell Tower Q&A" states that he will own the tower personally. There are several questions related to Mr. Fynbo's ownership of the tower that we feel is important to understand:

A.) What will be Mr. Fynbo's role in the ongoing operations of the tower? For example, in the event of an equipment failure will Mr. Fynbo be up on the tower or in the equipment shed making repairs? How far, and to what extent, is Mr. Fynbo authorized to make unilateral decisions about the safety and ongoing operations of the tower?

B.) What provisions are in place, in the future, to remove the tower, and truck it off not just Chappy, but off the Vineyard and to dispose of it properly? Who bears those expenses, which in the future, could conceivably run into 100s-of-thousands of dollars? Shouldn't there be a removal bond as was recommended by the MVC for the temporary tower, and how much should that bond be?

C.) What provisions are in place to prevent Mr. Fynbo/MVwifi, LLC from at some point in the future selling the property and/or tower to a large industrial management company like Crown Castle, Inc (NYSE: CCI), thereby turning his "residential" lot into an industrial complex owned, run & managed by a group of large, NYSE companies, which would be anything but a "home-based business" as permitted by Edgartown bylaws? And what are the zoning implications if such a scenario came to pass?

D.). If Mr. Fynbo personally owns the tower, who indemnifies abutters and property owners in the neighborhood for any damages arising from a tower placed in such close proximity to so many homes? What mechanisms are in place to secure that indemnification? That is, does Mr. Fynbo maintain a multi-million dollar liability policy, and if so, what mechanisms are in place to insure that coverage remains in place, and in effect for the duration of this tower on his property?

E.) Is Mr. Fynbo's ownership of the tower really a good idea, and what really are the long-term implications for such a scenario as it relates to the long-term well-being and preservation of Chappaquiddick.

3.) Mr. Grossman has repeatedly stated that if a cell tower were sited anywhere other than Sampson Ave, "effectively doubles the number of towers on Chappy." She has also state that Federal Law requires the co-location of services on a tower. Further, he has repeatedly stated that MVwifi would NOT be permitted to collocate on a tower anywhere other than Sampson Ave. Given the FCC collocation mandate, I would like Mr. Grossman to explain why MVwifi could not collocate, thereby still having only one tower on Chappy?

A.) I would also like Mr. Grossman to explain why replacing the less intrusive MVwifi tower with a far more intrusive and visible tower is more in keeping with the bylaws, especially given the externally mounted radiation centers proposed?

4.) How many towers and antennae currently exist in Edgartown (30+ not counting either the MVwifi tower and the temporary AT&T tower) and why is removing the MVwifi tower so important, and is that really sufficient justification to build such a large industrial development in the midst of a quiet residential neighborhood?

A.) Especially in light of Mr. Grossman's comments that a Sampson Ave tower would only provide "adequate coverage (Source: Edgartown Planning Board Public Hearing, July, 11, 2017, AT&T coverage map, Verizon coverage map)" and when taken with Mr. Grossman's statement after the August 28, 2017 LUPC meeting, that the other two leased properties on Chappaquiddick provide "good coverage, or we wouldn't have leased them?"

5.) On the plot plan of the Fynbo/MVwifi lot we see 5 structures, not including the towers. What is not shown is the septic system and leaching field? Since Mr. Fynbo sold this lot to a corporation, MVwifi, LLC, in July, 2016, that septic system would have to be Title 5 compliant. Is there a Title 5 compliance certificate, since it does not appear in the records of the Dukes County Register of Deeds, nor is there a building permit contained in the jacket at the Building Inspectors office? Given the history of the property transferring ownership between family members there was no Title 5 requirement for those previous transfers, but now, having been sold to a corporation, the property is required to have a Title 5 compliant septic system. Further, the location of the septic system and leaching field are critical in the siting of a large tower. Heavy machinery will be required to dismantle the existing towers and to erect the new tower, and very likely for any additions, or simply ongoing maintenance and repair, and with over 4 neighboring wells within 150 feet of the proposed tower, any damage to the septic system could endanger the wells of the very nearby property owners. A schematic, site and Title 5 certificate, as mandated by Massachusetts State Law, must be in place before any further consideration can be given to Sampson Ave.

6.) Mr. Goulet, at the August 28, 2017 LUPC meeting stated that the current, temporary, ballast-mounted tower was selected "because of the very tight confines of the Sampson Ave lot." We would like Mr. Goulet to explain, given the still "tight confines" of that lot, how this much larger tower fits into that "tight footprint?"

7.) Mr. Goulet, at an August 15, 2017 Edgartown Planning Board public hearing, on an application from Verizon to install "small cell sites" on Fuller Street in Edgartown, was asked about radiation emitted by those "small cell" sites. Mr. Goulet responded by stating that "unlike a macro site, a cell tower, which emits 600 - 700 watts per sector," to clarify his remarks. It is our understanding, that his answer implies, that each of the three sectors, for each carrier, emits 600 - 700 watts per sector, times three sectors, or 1800 - 2100 Watts times 2 - 4 carriers, or 3,600 - 8,400 Watts of radiation that the neighbors would be exposed to day and night?

Further, upon reading the FCC output limitations, it appears that the FCC permits an output limitation of 100 Watts with a peak-to-peak output of 200 Watts, so again the real amount of radiation could be upwards of 10,000 to almost 17,000 Watts of radiated energy bombarding every living thing around this tower?

8.) Mr. Grossman at both the July 11, 2017 Planning Board hearing and the August 28, 2017 LUPC meeting stated that the "without limitations" clause was there because AT&T "could not list every nut and bolt on the tower." Is AT&T willing to remove that clause from its application, as it seems to pave the way for later raising the height of the tower or making other modifications, with all attendant problems that would cause.

Shouldn't there be a provision that stipulates: 'The Tower shall be built in a manner that it may never be extended to a height greater than 115 feet.'

9.) AT&T has cited "peak demand" and "additional capacity" as reasons both for the siting of the tower, and for its need for externally mounted radiation centers. AT&T has had two full "peak seasons" utilizing the temporary tower. It would be interesting to see exactly when, and how often, and for what duration, the current tower reached capacity and was no longer available to users? Based upon the experience of AT&T users on Chappaquiddick, that during the "peak season," none have had issues making voice calls, or utilizing data services. It is important, to see this usage data, requested by Adam Darrack of Edgartown, since these are AT&T's justifications for both siting and the externally mounted equipment.

10.) The stated goal at the inception of a discussion of a cell tower on Chappaquiddick, was for "public safety." Correct?

A.) AT&T uses the term "target coverage area" but that term has never been specifically delineated. It has been used to describe the beaches, but the beaches could be covered by smaller towers constructed at property owned by TTOR? (Source: AT&T alternative site analysis, 2017)

B.) Mr. Fynbo claims in his Q & A that it is about coverage in the Enos Lots?

C.) Chief Shemeth and Chief Rossi have described a use and a need for cell reception across all of Chappaquiddick. Since a "target area" has not been specifically defined by the applicant and since the tower is about "public safety" shouldn't we defer to the two senior public safety officials, who seem to have stated that coverage everywhere on Chappy for every One on Chappy should be the goal of a Chappaquiddick cell tower? And if that is the case, then shouldn't a cell tower be placed in a location where it covers the entire island of Chappaquiddick?

D.) Wouldn't a location at a higher elevation than the proposed 20' elevation provided a larger coverage area, while requiring a shorter, and therefore less intrusive tower? (Source: 2011 AT&T alternative site analysis, 2017 Verizon RF Analysis)

If the tower is in fact about public safety, then ultimately maximizing coverage must be the goal, and while simultaneously using the shortest possible tower, that can only be achieved on higher ground, like Majane Lane.

Ultimately, AT&T must show it cannot provide coverage from any other location. Given that it has leases with 2 other private landowners, and given that it has shown it could provide service from over 425 locations on Chappy, and given that there are locations, like TTOR property that would permit service using a tower even smaller than the current temporary tower (100'), then it is our contention that AT&T has failed to meet the requirements under the Edgartown Bylaws for siting a PWSF on Chappaquiddick, and that the current proposal fails to meet the stated objective of improved public safety across the entire island of Chappaquiddick, especially in light of the fact, that a strategically located tower, on one of the leased sites could provide coverage of not only the entire island of Chappaquiddick, but also to underserved areas of Katama, South Beach, Edgartown Outer Harbor, Fuller Street, Edgartown Inner Harbor, Katama Bay, and redundant coverage of Downtown Edgartown, thereby maximizing safety across not just Chappaquiddick, but across Edgartown, and the surrounding waters and beaches.