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## Minutes of the Commission Meeting Held on September 7, 2017 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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Commissioners: (P= Present; A= Appointed; E= Elected)

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|--|-----------------------------------|
| - Gail Barmakian (A-Oak Bluffs)          | P Michael Kim (A-Governor)        |
| P Tripp Barnes (E-Tisbury)               | - Joan Malkin (A-Chilmark)        |
| P Christina Brown (E-Edgartown)          | P Katherine Newman (A-Aquinnah)   |
| - Peter Connell (A-Governor; non-voting) | P Ben Robinson (A-Tisbury)        |
| P Robert Doyle (E-Chilmark)              | P Doug Sederholm (E-West Tisbury) |
| P Josh Goldstein (E-Tisbury)             | P Linda Sibley (E-West Tisbury)   |
| P Fred Hancock (E-Oak Bluffs)            | P Ernie Thomas (A-West Tisbury)   |
| P Leonard Jason (A-County)               | P Richard Toole (E-Oak Bluffs)    |
| - James Joyce (A-Edgartown)              | P James Vercruysse (E-Aquinnah)   |

Staff: Adam Turner (Executive Director), Paul Foley (DRI Planner)

Chairman James Vercruysse called the meeting to order at 7:00 p.m.

### 1. MINUTES

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Commissioners Present: T. Barnes, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, M. Kim, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

*Fred Hancock moved and it was duly seconded to approve the minutes of January 5, 2017 as corrected by Doug Sederholm on line 330; "they could close them..." and on line 434; "if that person would be part..." Voice Vote. In Favor: 10. Opposed: 0. Abstentions 2. The motion passed.*

*Josh Goldstein moved and it was duly seconded to approve the minutes of April 13, 2017 as amended by Robert Doyle; he was listed as present on page 7, but it should be stated he was recused and he should also be recused on line 359. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.*

*Fred Hancock moved and it was duly seconded to approve the minutes of July 13, 2017 as corrected by Christina Brown and Fred Hancock; line 82 should state that "LUPC voted to recommend not to concur and recommend that the proposal doesn't need it...". Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.*

### 2. DRI 677 – TISBURY, VERIZON HEIGHT EXTENSION PUBLIC HEARING

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Commissioners Present: T. Barnes, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, M. Kim, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: Geoghan Coogan, David Dolch, Ellen Cummings

**Linda Sibley**, Public Hearing Officer, read the Public Hearing Notice. The applicant is Verizon NE Inc. The location is 228 Edgartown Road, Tisbury MA. The proposal is to increase the height of the Verizon tower used to transmit landline calls and internet access by a narrow width microwave between Vineyard Haven and Falmouth that also handles Nantucket. The tower would be increased from 77 feet above ground level to 130 +/- feet above ground.

## **2.1 Staff Report**

**Paul Foley** presented the following:

- The proposal is to increase the height of the Verizon Tower used to transmit landline calls and internet access via narrow width microwave between Vineyard Haven and Falmouth (that also handles Nantucket) from 77 feet above the ground level to 130 feet +/- above ground.
- Required local permit is a Special Permit from the ZBA.
- The site was reviewed.
- One new piece of equipment, an 8' dish, would be installed on the tower at elevation 125' and the following existing equipment on the tower would be relocated to a higher height on the taller tower:
  - A 6' diameter dish at 55' would be reinstalled at 95'.
  - A 6' diameter dish at 65' would be reinstalled at 102'.
  - An 8' dish at 75' would be reinstalled at 128'.
- The applicant says that a number of trees in Vineyard Haven between the tower and the Falmouth tower are approaching the height at which they will obstruct this transmission.
- Key issues include:
  - The existing tower and proposed tower photo simulation indicate that the higher tower would be significantly more visible along Edgartown-Vineyard Haven Road.
  - The existing tower is within the Island Roads DCPC. If the tower were moved further back on the property outside of the DCPC, the tower would be less visible while driving along Edgartown-Vineyard Haven Road.
  - If moved as far from back from the trees identified as possible, future obstruction would not be in the line of sight to the Falmouth towers; and it does not appear from the photos submitted that any other trees would obstruct the line of sight to Falmouth.
  - The tower is proposed to be heightened by 53 feet (a 69% increase), from 77 ft to 130 ft, in order to avoid possible future transmission interruption due to tree growth. The lowest dish on the proposed tower is located at elevation 95 feet. The three trees in question may not ever grow to the point of interference. In the event that they do grow to that height, by the time they did so, the technology may have changed. Alternatively, if the full height proposed now were reduced to what is necessary for the next 10-15 years, the tower could be heightened to the proposed height if and when necessary.
- The site visit has not yet been completed.
- The LUPC thought that perhaps a balloon could be floated to visualize the height, but the applicant felt the photo simulations were sufficient.
- The site plan was reviewed showing the location of the tower.
- The brick building was built in 1965, and in 1986 the tower was raised from 60 feet to 77 feet.
- The plot plan of the site was reviewed.
- The existing tower and the proposed tower plan were shown. There would be a 53 ft increase, adding two thirds more height to the tower.
- The dishes and their locations on the tower were reviewed; the current dish is located at 77 feet, and the new dish would be located at 95 ft.
- Photo simulations of the tower were shown.



- The applicant's image of the trees in the line of sight were shown. The line of sight is almost directly north from the existing tower.
- The Island's landline microwave relay network plan was shown.
- The applicant was asked to identify the trees in the line of sight; 189 and 177 Edgartown Vineyard Haven Road and 66 Pine Street (which may be an incorrect address) were identified. Photos of the main trees in question were shown. The applicant has said that they are White Pines, which can grow to 150 feet tall and are native to New England. The trees are susceptible to high winds, especially in a corridor where they are located.
- The location of the antenna and the trees in question were shown.
- The applicant's reports for power density levels state it would not exceed the FCC limits. They were approved by the FAA, and would have no adverse effect on air flights.
- There is an osprey nest on one of the existing dishes.

## **2.2 Applicants' Presentation**

**Geoghan Coogan** presented the following:

- The purpose of the tower is a utility tower. It is not a luxury tower, it is a landline tower.
- Emergency services that dial from the ground go through that tower.
- The tower is vital to the Vineyard, and it is absolutely necessary.
- The purpose is to get the signal over to Falmouth, and it does not go from pin to pin.
- There are two dishes that are already impacted by the trees.
- The lowest level antenna on the proposal is at 95 ft, and that could also be impacted very shortly.
- The ability to call EMS could potentially be impacted tomorrow.
- The purpose of this project needs to be known, and it is to get the signal once and for all out of the line of sight, so calls can be made.
- With regards to the relocation of the tower, the applicants have no way to determine what potential impacts a new location would have. The property slopes, and it is difficult to determine which trees would then be impacted.
- There are pine trees and evergreen trees that have started to encroach on that area since 2013.
- The applicants cannot speak to another site with regards to the view line because it is vital to have the tower adjacent to the building and the infrastructure.
- The current site is extremely important to the service it currently provides.
- This application is not about wanting reliability, it is about needing reliability. In order to have services from this tower, the proposed height is absolutely necessary.

**David Dolch** presented the following:

- Microwaves are waves, not lasers that shoot in a pinpoint.
- An extensive study was done by NEC called path loss, which determined the expected loss of signal along the path of the microwave transmission.
- When a microwave goes there are Fresnel zones.
- The antenna point needs to be clear of obstructions, but also the edges of the Fresnel zones to a certain distance, because if not, there is backscatter which interacts with the outgoing beam, and there are losses to objects on either side.
- A microwave cannot be shot down a tight hallway, because the walls of the hallway would interact with it and cause problems.
- NEC modeled everything and that is how the applicants determined the minimum height needed to have a clear transmission path of 99.999% probability.

### 2.3 Commissioners' Questions

**Doug Sederholm** asked how much service loss Verizon has now from the two lower antennas. **David Dolch** said it is hard to tell exactly from the radio logs. He would have to have someone look into it to determine exactly, but there has been some impact on those radios. **Ellen Cummings** said the circuits start to bounce and the service may go up and down. If the police use those circuits for their radios, it is an intermittent outage not a steady outage. The trees affect that.

**Doug Sederholm** asked if there was a record showing the intermittent outages and their times. **Ellen Cummings** said the outages are monitored, and that they can provide the dispatch records.

**Doug Sederholm** said the applicants talked about a backslash of objects in the way of the periphery of the beam and asked if there were any records of that occurring. **David Dolch** said the modeling software shows that the height of obstructions and the atmospheric conditions that have interference.

**Doug Sederholm** and **Linda Sibley** asked if the applicants have empirical data versus modeling. **David Dolch** said he did not know how to go about that. **Ellen Cummings** said that data would only show if the signal goes out of service, and there would be a trouble ticket, particularly for the higher level of circuits. There are requirements for redundant routes for those situations. When there are problems, it is ineffectual to have the redundant route become the main route for future use due to outages, because there is no backup route.

**Adam Turner** asked how long would the tower be protected at the proposed height, 20 to 30 years? When modeling this, how was the tree height taken into consideration? **Ellen Cummings** said the current trees were used to eliminate from having to do this again. **Paul Foley** said he tried to determine the height of the trees, and one looked to be 80-85 feet tall.

There was discussion about the elevation and tree height.

- **Ben Robinson** said he thought the tower was at elevation 120 ft above sea level, and the land drops after that along the line of sight. So things shouldn't be measured in a flat plain. The height of the tree has to be taken at a lower elevation to begin with. It puts the lowest transmitter at 215 feet elevation. What is the actual microwave range that it needs to maintain open?
- **David Dolch** said the range depends on the frequency of the radio being used and the distance it needs to travel. It is not a single answer. When modeling this, directional readings are taken to determine the angles of dispersion for each obstacle in the way.
- **Ben Robinson** said the Commissioners should know what the bottom is.
- **David Dolch** said it doesn't matter what level with regards to sea level.
- **Ben Robinson** said not with regards to the tree level measured at sea level.
- **David Dolch** said the obstruction is measured from center line of the tower and the azimuth is so many degrees and there is a tree at this azimuth and an angle of x degrees of depression, so many feet away. At no point in the calculations is the total height of the tree necessary.
- **Linda Sibley** said to know how high the tree is going to get, the biological limit of the tree is measured from its base.

**Ben Robinson** said there should be a way to construct a section between the two towers that shows the lensing of the microwave and where it would be affected the most. When was this microwave technology installed on the current tower, and when did you see the loss of signal? **David Dolch** said the height was increased in 1986, and the radios changed around 1999-2000. The signal interruption was before 2013.

**Ben Robinson** asked how it was determined that those trees were the disruptive elements of the signal. **David Dolch** said initially the tower technician went up and looked, and determined the trees were in



the way. Then more accurate measurements were taken to determine the angle of declination to the tree and the line of sight azimuth, and those numbers were run in the software.

**Christina Brown** asked for clarification that the Verizon towers are for landline phone calls, internet and police radios. **Ellen Cummings** said there are circuits that the police purchase to use for their radios because they have higher bandwidth. **Christina Brown** said all our landline calls to cell phones and cell phones to landline and emergency calls use the towers. **Ellen Cummings** said yes, anything landline.

There was a discussion about trimming the trees.

- **Leonard Jason** asked if the trees could be trimmed.
- **Linda Sibley** said Verizon doesn't own them.
- **Ellen Cummings** said the applicants were told they could not trim the trees, as it would kill them and the owners didn't want them cut.
- **Ben Robinson** asked how much the applicant was thinking of topping the trees.
- **David Dolch** said it wasn't considered as an option. As soon as the idea was mentioned, they were told it wasn't an option and it would kill the trees.
- **Geoghan Coogan** said in 2013, the property owners were contacted about taking the trees down or topping the trees. The Tree Warden at the time said some of them were shade trees and couldn't be taken down.
- **Linda Sibley** asked if that was a Town decision and if so, they would have needed to hold a public hearing.
- **Geoghan Coogan** said partially.
- **Linda Sibley** asked if the applicant had the actual identifications of the individual trees.
- **Geoghan Coogan** said the trees are the ones that Paul Foley identified on the slides/photos.
- **Linda Sibley** asked who identified the trees as White Pines. She was not sure they were in fact White Pines.
- **Ellen Cummings** said she believed it was Fred LaPiana who identified the trees, and that he said the trees could not be trimmed because it would kill them.
- **Doug Sederholm** said he heard in the discussion that in order to make a determination if a tree can come down, there needs to be a public hearing and not just the Tree Warden saying no. Did that process occur?
- **Ellen Cummings** said she spoke to the Town Manager, Jay Grande, and was referred to Mr. LaPiana. She asked him if the trees could be trimmed, and he said that it would kill the trees. She said she would talk with the homeowners, and he said he would get back to her. In the meantime, the applicants identified the addresses and decided to reach out to the three properties, 177 Edgartown Road, 189 Edgartown Road and 66 Pine Street, (which may be an incorrect address). The applicants sent certified mail and dropped letters at the door. Technicians were sent out, but didn't get a response from the owners. One response was received from Tristan Atwood, 177 Edgartown Road, a property that has two trees on it, and his response was that the trees absolutely cannot be cut down. At the other addresses, the homeowners were there, but the technicians were told to leave. That gave them the impression that they were not interested. Ms. Cummings got another phone call from Mr. LaPiana and he asked her if she was contacting the owners, and he informed her that he was classifying them as shade trees, and they would not be able to be removed.
- **Geoghan Coogan** said the trees are on private property, so even with a public hearing they might not be able to be taken down.
- **Doug Sederholm** asked if these people were told that if the trees don't come down, the tower by their house would go up 53 feet. Trees have a value and it is possible to determine the replacement cost of the trees. Was any compensation offered to these property owners? He is

curious as to what it would cost to increase the tower height versus what it would cost to buy those trees and make them disappear. It seems it may be an alternative worth exploring.

**Trip Barnes** said when originally put up in 1985, the tower was 60 feet tall. In 1986, 17 feet was added, which lasted 31 years. Why now is there an addition of 53 feet, when 17 feet lasted 21 years? It seems it is a big jump. **David Dolch** said the spectrum has changed and he believes Verizon has added another hop. The population of the Vineyard has increased. Only so much can be transmitted over one antenna. The top of the tower is the highest antenna. To add more below it, the highest one needs to be raised. In 1999-2000, the FCC took certain frequencies away from microwaves and gave them to cellular communications. The higher frequencies are a tighter beam that go through rain, fog and over water better. They gave the frequencies to cellular just for those reasons, because cellular is considered a more universal service.

**Trip Barnes** asked what would hold the tower in place if raised to the proposed height. **David Dolch** said a structural analysis was completed. The tower would be beefed up, and stiffeners would be added to the angled steel. The specifications were shown.

**Linda Sibley** said the map shows the fall zone as the Edgartown-Vineyard Haven Road. **David Dolch** said the fall zone needs to be mapped as part of the application. **Linda Sibley** said there was something to gain if the tower were moved back.

There was a discussion about alternatives and alternative technology.

- **Michael Kim** said he appreciates that the applicant modeled an alternative on the site that would raise the height for the same technology. Were there any studies that would achieve the same 99.999% for reliability through different methods? Are there any feasible alternatives to microwave towers right now?
- **David Dolch** said no.
- **Josh Goldstein** asked about using fiber.
- **David Dolch** addressed the undersea cable. A Verizon cell call rides on the Comcast undersea cable that has no terms service on it. If the cable gets hit by a dredge or a storm tears it up, it will get repaired when Comcast gets around to it. This tower is for emergency services, 911 services, so that cable is not reliable enough to be considered as an option. It has been hit before, and they are not cost effective.
- **Linda Sibley** said Verizon has explored alternatives, and they are not viable.
- **David Dolch** confirmed that.
- **Ellen Cummings** said if the fiber option were viable, the tower would still be needed as an alternate route.
- **Michael Kim** asked if a higher number of shorter towers in different locations would have the same impact. Was that explored?
- **David Dolch** said he was not sure where a tower could be located on the Island that would be on the other side of the trees.
- **Michael Kim** suggested perhaps a simple study for alternatives sites.
- **Geoghan Coogan** said the applicants would have to purchase other properties.

**Fred Hancock** said when he was reading the FAA Permission, it said a beacon needs to be installed on this tower. **David Dolch** said he believed it said a beacon did not need to be installed. **Fred Hancock** said it did say it had to be installed, so Commissioners need information on what that beacon would be, and at what height a beacon is needed. What is the intermediate height between 77 ft and 128 ft that the beacon would not be necessary?

## 2.4 Public Testimony



**Nancy Langeman** lives at 30 Winyah Lane and she currently sees the tower when she opens her front door, so she can visualize what it would look like in the future. She is a public health professional and is very concerned about the healthcare implications of this tower. She did some research and said she is not an engineer, so it took some time to go through the information. Dr. Andrew Wild is trained at Harvard Medical School and basically says there simply isn't enough information about the potential risk of microwaves to the public, particularly to children. This is a significant concern. The FCC says microwaves are safe, but there are articles that say they are not. More needs to be known about the health impact. The current tower has been poorly maintained. It has had flapping fabric on it for years that can be heard, and there are birds nesting up there. Increasing the tower height means more of those covered areas that may also be poorly maintained. The unsightliness is also a concern. She asked the Commissioners if they had to look at the tower each day out their front door and wonder if microwaves were bothering their health or possibly causing cancer, would they allow this to happen when there are alternative sites, such as the dump and the Park n' Ride where no one would be permanently impacted by those microwaves. She asked the MVC to take that into consideration.

**Charles Noonan** lives at 221 Edgartown Road. He tells people that he lives directly across from the brick building or the giant tower so they can find his house. One of his concerns is particular to property devaluation and also quality of life. Right now, the north side of his house on Edgartown-Vineyard Haven Rd faces the brick building and the tower. From the opposite side, he cannot see the tower at all. He wished that the balloon study happened, but it is his belief that even raising the tower to the alternative minimum height means he would see it all the time. He is currently in sight of the radio tower with the red beacon, and it is a reminder that power is still on to the Island, but he does not need a second one right above his house warning him of airplanes. He is very concerned that any changes in the height of the tower would immediately affect his life. He was very concerned about another big red light. There is an osprey nest that is currently on the lowest or medium dish, and the osprey returns there every year. It is the only nice thing about the tower, and he wondered if anything is being done to relocate the nesting site. He has terrible radio reception and only gets the Yankee AM station, and wondered if the new tower would make that worse. The tower itself is expanding, but the square base is not. He was very interested to know if the addition of a new dish would increase the cumulative amount of RF microwave radiation emanating from the site. He believes he is the closest abutter in terms of the location of his house, as opposed to property lines. He imagined the amount of power that is being generated would increase when the size of the dish increased, and requested clarification. He has a concern for his health and wellbeing. High frequency transmission studies have been conducted on animal populations, but there is no conclusive data on relative human health and safety within the emission zone.

## **2.5 Commissioners' Discussion**

There was a discussion about the microwave radiation and power.

- **Doug Sederholm** stated that both neighbors have testified and asked questions relating to health concerns from microwave radiation, and the Commissioners are all concerned about that. Do any of the microwaves that are emanated by these antennas at the current height reach street level?
- **David Dolch** said there was a study conducted. He can't say no, because microwaves are everywhere. There is microwave radiation, but it is minuscule to 0.001, the barely detectible range and by raising the tower, it becomes barely less detectible. So he can't say no, they are there. An extremely delicate meter is needed to read it, which is what that study showed.
- **Doug Sederholm** asked if there were any studies that show adverse effects on human health from microwaves.



- **David Dolch** said from those levels, no. Everything official indicates there is no impact at the levels under discussion.
- **Doug Sederholm** asked if there would be increased power from these antennas if they were raised to the proposed height.
- **David Dolch** said there would be another antenna added, but there would be no increase in the power of the existing radios, and the impact on the ground level of the existing radios would actually be lower. The additional radio would not increase the power above the point where it is today.
- **Adam Turner** said the FCC is the agency that looks at RF radiation and they have issued several reports that he has seen. He asked if the applicant could possibly make them available. Commissioners are looking for data since this is a Public Hearing.
- **David Dolch** said he would ask the company that did the studies to provide that report.

**Nancy Langeman** said that the groups that said more research should be conducted on microwaves are the National Research Council, the National Academy of Sciences, and the National Academy of Engineering. The studies that she read said the FCC really doesn't want to deal with microwave issues, and other literature should be considered to find out what the health risks are.

**Linda Sibley** said from the point of view of the Commission's decision making, the question is not whether or not the applicants can locate a microwave tower there, since there already is one. The question is whether or not it can be raised. The only thing the Commission could potentially say is yes, it can be raised and here are some conditions, or potentially no it cannot be raised; but the existing tower would not go away.

**Katherine Newman** said it has been implied that the applicant has asked the neighbors about the trees, but could the trees be lowered, and could there be an effort to show the neighbors what they would get if they were more amenable.

**Linda Sibley** said she thinks there needs to be a talk with the Town. What she is hearing is that the communication with the Town has been a little confusing too. Are the trees on private property?

**Ben Robinson** said he thinks that is something that needs to be cleared up because he believes a shade tree has to be within the right of way or on Town property. So the Town doesn't have any say on trees on private property. Tisbury just went through that on Clough Lane.

**Leonard Jason** said Edgartown also went through it with the movie theater.

**Linda Sibley**, Public Hearing Officer, said the Public Hearing should be continued for several reasons. There needs to be a talk with the Town, and perhaps a staff member could talk with the owners of the trees. She is also not personally convinced that the trees are White Pines, as it is hard to tell from the pictures. There are some unanswered questions and reports have been promised by the applicant. There should be three weeks for the continuation of the public hearing, so answers and information can be obtained.

**Ben Robinson** asked if the MVC can ask the applicant to provide a section showing the actual signal.

**Linda Sibley**, Public Hearing Officer, asked that written questions be submitted within the next week and then the applicant would have two weeks to respond to them. That would be in addition to anything that was already heard tonight. A site visit still needs to be conducted, and she suggested that it include the locations of the offending trees. Perhaps two site visits, one in the early morning and one in the late afternoon. The applicant will also need to float a balloon, to determine the proposed height. The Public Hearing was continued until October 5, 2017.



**Geoghan Coogan** asked if perhaps the site visit could be done first, and then the balloon floated later. He wouldn't want to delay the site visit because the balloon couldn't be floated due to weather.

### **3. NEW BUSINESS**

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*Commissioners Present: T. Barnes, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, M. Kim, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

#### **3.1 Executive Director Report**

**Adam Turner** presented the following:

- The Pesticide Advisory Board met today to consider a one year moratorium on herbicide spraying on the Cape and Islands. There were six Eversource attorneys present, and the board basically caved. The board voted 6 to 1 with 1 abstention to not accept our offer of a moratorium to study. It was very disappointing because basically they didn't have a reason. They said they didn't know the aquifer depths. The good part is that it did go before them. It was not successful, but it is something we need to continue to do. Letters have been written every week from all over the Cape. He thought that once we went there, a one year moratorium to look at alternatives would happen. But Eversource decided that isn't what they wanted to do.
  - **Linda Sibley** asked if our House Reps and Senator were involved at all.
  - **Adam Turner** said they have been involved, but they were not at the hearing.
  - **Linda Sibley** asked if the MVC can send them a letter of outrage.
  - **Adam Turner** said he thought the whole process was an outrage.
  - **Leonard Jason** asked if the Island Road District can prohibit herbicides.
  - **Adam Turner** said we can look at our power, but he didn't think the MVC jurisdiction would have an effect on that kind of activity.
  - **Doug Sederholm** asked if this was the Public Utility Commission.
  - **Adam Turner** said it was the Pesticide Advisory Board to the Department of Agriculture, which permits what herbicides can be used and approves them. There was some compelling testimony to the case, which is why it was on the agenda. A lot of issues were raised that need to be addressed.
  - **Linda Sibley** said to Leonard Jason's point, she thinks the MVC should ask the attorneys about whether or not to push the question about how comprehensive Chapter 831 really is. She fully understands that the communities in general do not have the powers to do anything about this. Chapter 831 is pretty sweeping, and it might be time for us to try it.
  - **Doug Sederholm** asked if a DCPC could be created.
  - **Linda Sibley** said the question is does the MVC have the power.
  - **Doug Sederholm** added if herbicides could be regulated within that.
  - **Fred Hancock** suggested adding it to the fertilizer regulations.
  - **Linda Sibley** said the real question is if Chapter 831 is sweeping enough to do anything.
  - **Adam Tuner** commended the MVC staff and three towns who submitted opposition. Everyone is against it and we have to keep working at it.
- An appeal of the MVC decision was filed by Santander Bank, and with the sale of the building we are hoping to settle it.
  - **Fred Hancock** asked if they filed it within 20 days.
  - **Adam Turner** said they did.
- The MVC has a lot of current projects. The Commission staff is looking at the Chilmark/Menemsha street scape and making recommendations; assisting the dredge

committee in Edgartown, and the completion of the plan update; surveys and information for a potential grant application for remote work, and the need for office space for Featherstone; the Aquinnah Arts grant; there is some regional policy money and we are negotiating with Tisbury and Oak Bluffs on what they want to do; the Tisbury Open Space Plan with the Vision Group; completing the Water Quality Policy; monitoring the Air BnB legislation; the Oak Bluffs Master Plan; three towns have approved their Housing Production Plans; updating the Unified Work Program, which is a transportation item; updating the inventory of historical structures, so when a project comes to the MVC as historical impact, we will have some context to look at; studied algae blooms in West Tisbury; traveling to Cuttyhunk several times and participating in several different issues, including housing and applying for grants; 625 water samples of Island ponds for testing; developing new taxi regulations.

- **Doug Sederholm** asked if there were model regulations to provide to the towns.
- **Adam Turner** said the MVC is working with the towns.
- Funding has been secured to install permanent count stations with automated results, so every day in these ten locations, you can go on line and look and we can better monitor the traffic.
- The MVC received an Edey Grant to consolidate 30 years of nitrogen data. We are basically developing costs of doing nothing for nitrogen, which is state of the art.
- Additional projects include: The MVC has been asked to do an Open Space Plan in Aquinnah; there are a ton of GIS projects for the Tisbury Department of Public Works, including open space and linking data to GIS; the MVC is considering getting a drone with cameras so we can better look at what we are doing on projects; the MVC is the prime mover and shaker of using pictometry software which is also state of the art; today we concluded an agreement with the Tribe to update their Coastal Hazard Plan. This year, Adam would like to focus on coastal resilience. The MVC should be the leader of climate change and coastal resilience.
- The MVC is spread out as much as we can be and are doing a lot of good work and taking it to the next level. We are in every town now doing significant projects.

#### **4.2 Reports from Committees**

##### **PED**

**Fred Hancock** said the PED will start working on the Affordable Housing Policy this fall. We will try to build on the prior efforts. Staff will gather documents that are pertinent to this and look at the work product from the previous work done on the policy to see if that is a place to start. There was a Nexus study done on affordable housing and there is the housing needs assessment. We need to figure out what the equivalencies are now. Right now, the applicant gets a choice of paying a certain fee or providing a service/unit, and at the same time we are giving credit for workforce housing, so that needs to be put into our policy, so we have a set of equivalents. We need to know the monetary value and the equivalent for workforce housing, and what qualifies as an affordable unit, and have something in writing so we can show standards. The documents will be on the MVC website so they can be examined, and then a PED meeting to get started will be scheduled.

##### **Nitrogen Policy**

**Doug Sederholm** said the Committee has worked hard on the Nitrogen Policy. Joan Malkin has done a tremendous amount of work on it, as has staff. We are getting close to the end of our work will be ready to present it to the Commission shortly.

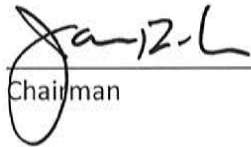
**Adam Turner** noted that next week's meeting on Stop & Shop is at the Edgartown Library at 6:00 p.m.

The meeting was adjourned at 8:25 p.m.



DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on January 5, 2017
- Minutes of the Commission Meeting – Draft, Held on April 13, 2017
- Minutes of the Commission Meeting – Draft, Held on July 13, 2017
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of August 14, 2017
- Verizon Tower Height Extension RF Radiation Report
- Verizon Tower Height Extension ZBA Application and Plan May 2017
- Verizon Tower Height Extension DRI 677 Elevations
- Letter to The Martha's Vineyard Commission, Dated September 4, 2017 from Chief John F. Schilling, Chairman of the Martha's Vineyard Public Safety Communications Committee, Re: Proposed Verizon Tower Extension

  
Chairman

11/16/17  
Date

  
Clerk-Treasurer

11/16/17  
Date