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Minutes of the Commission Meeting Held on October 5, 2017 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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| - Gail Barmakian (A-Oak Bluffs) | P Michael Kim (A-Governor) |
| P Trip 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) | - Linda Sibley (E-West Tisbury) |
| P Fred Hancock (E-Oak Bluffs) | P Ernie Thomas (A-West Tisbury) |
| - Leonard Jason (A-County) | - Richard Toole (E-Oak Bluffs) |
| P James Joyce (A-Edgartown) | P James Vercruysse (E-Aquinnah) |

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Dan Doyle (Transportation Planner).

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

1. NEW BUSINESS

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

1.1 Executive Director Report

Adam Turner presented the following:

- Staff has been working on the Menemsha Streetscape Project. The MVC was asked to guide the Town of Chilmark to look at safety improvements to the corridor. This effort was funded by the MVC, and a consultant from Yale University was hired. He completed two visits during the summer season and presented a series of recommendations, such as rearranging the Homeport parking and the turnaround area to align with the street, and marking where people are supposed to go to avoid conflicts. The area of study included the beach area, where a bus turnaround was recommended. The consultant's recommendations have been presented to the Chilmark Selectmen and Planning Board.
- This year, the MVC completed 700 tests for water quality in the area ponds, including Chilmark Pond and Tisbury Great Pond. He commended Sheri Caseau; she was out on the ponds every day. 12 ponds were tested. The results will be evaluated by Mass DEP.
- A grant was received to install permanent traffic counters in the ground that would produce wireless counts that anyone could look at. It could help island businesses as well.

1.2 Reports from Committees and/or Staff

Bill Veno presented the following:

- There is a group working with the State on a projection for population and economic growth. The group will also work on the Transportation Plan for the Commonwealth.
- The percentage of foreign born individuals was examined as a critical component. Nantucket has about 50% more foreign born individuals than Martha's Vineyard (16.3% on Nantucket, 9.7% on Martha's Vineyard). The majority of foreign born individuals are working age (25-65).
- The job breakout has changed over the past 15 years, and a chart of the leading industries as well as the long term growth prospects was reviewed. The largest cluster of job growth was in the professional business services, finance, insurance and manufacturing fields. Massachusetts is also accelerating in health, education and professional services faster than the rest of the country. The professions of the foreign born individuals are in higher skilled areas, and they are driving the Massachusetts economy.
- Households were examined by the Massachusetts Regional Planning Agencies; specifically, the change in households from 1980-2000 as compared to 2000-2015.
- Overall, there has been a great slowing in the growth of the number of households, and Martha's Vineyard has had a decrease.
 - **James Joyce** asked how household is defined.
 - **Christine Flynn** said a household is a unit of either family or non-family related housing.
- Cape Cod indicated that there are fewer available year-round units than there were ten years ago, even though there has been construction.

2. CHAPPAQUIDDICK PERMANENT TOWER-EDGARTOWN DRI 622-M PUBLIC HEARING

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

For the Applicant: Brain Grossman, Dan Goulet

James Vercruysse, Public Hearing Officer, opened the Public Hearing and read the Public Hearing Notice. The applicant is New Cingular Wireless PCS, LLC and MVWiFi LLC, Robert Fynbo property owner. The location is 14 Sampson Avenue Edgartown, Map 34 Lot 197, on 0.528 acres. The proposal is to remove a 104 foot tall temporary monopole tower and an 84 foot tall WISP antenna and replace them by constructing a permanent 115 foot high monopole on the same property with associated mechanical equipment.

2.1 Applicants' Presentation

Brian Grossman presented the following:

- The site plan and the pole specifications were reviewed.
- The proposed monopole would be 115 feet tall, and with the antennas slightly higher for a total height of 117 feet with the attachments.
- Once the permanent tower is erected on the site, the 104 foot temporary tower and the 84 foot WISP antenna would be removed.
- The permanent tower is planned for AT&T with a slot for Verizon and possibly another carrier in the future.
- There would be two HVAC units on the ground on a concrete pad. The antennas do not generate noise, but the proposed HVAC units and the proposed generator would; however, they would be quieter than what exists, and a noise report has been provided.

- AT&T is proposing a generator for energy backup that would be tied to an existing underground propane tank on the site. The existing generator for the WISP antenna would be replaced.
- The generator would cycle once per week for maintenance, and the schedule could be set to not interfere with the neighbors. It would run for approximately 45-60 minutes.
- There are two towers on the property now. The AT&T temporary tower was granted by the MVC to operate until May 2018. If the proposed tower is approved, AT&T would remove the temporary tower.
- Both the current temporary tower and the WISP antenna are secured with guy wires; the proposed tower would be freestanding without the need for guy wires.
- If the proposed tower is approved on the proposed site, the existing Chappaquiddick WISP antenna would be relocated onto the AT&T monopole, and the existing antenna would be removed. If approved at another location, there would be no need for Mr. Fynbo to remove the WISP tower, and it would stay.
- The coverage area of Chappaquiddick before the temporary tower was installed was shown, indicating the unreliable areas for AT&T service on Chappaquiddick. The proposed coverage areas after the permanent tower were also shown.
- Photographic simulations of the tower were shown and reviewed. A map of the locations where the photos were taken was reviewed. The tower was not visible from all photo locations.
 - Zoom in views were shown of the existing guy wire tower and the existing AT&T site.
 - Views were shown from the corner of Sampson Avenue and Chappaquiddick Road, and a view from the fire house.
 - Pictures were taken in the winter to indicate the visibility without leaves on the trees.
 - Zoomed in views were shown as an indication of visibility from several residences.
- The photo simulations showed an overall minimal visibility from a number of locations on the Island of Chappaquiddick.
- AT&T did extensive work finding alternative locations. 435 locations were identified, but not all were viable. Four properties were owned by the Town and were not available for lease. AT&T removed any property from the list that did not meet the minimum lot size of three acres, even though the existing site is 0.528 acres. Certified letters were sent to 52 of the qualifying property owners, and one was contacted by phone: 32 did not respond, 14 were not interested and 7 were interested. After further discussion, only two of the seven sites were viable; one on Majane Lane and one on Jeremiah Way. AT&T has an option to lease on either of them.
- Ultimately, from AT&T's perspective, the 14 Sampson Avenue site makes the most sense. The coverage achieves the coverage objective as stated in the supplemental radio frequency report. And, if a new site is proposed when a tower already exists, the question of why the existing tower could not be used always arises. In this case, neither the temporary tower nor the WISP antenna are structurally sound enough to support the equipment; hence the application to replace both towers with one that is slightly taller.
- Verizon Wireless also has a gap in coverage, and has expressed a desire to co-locate.
- To meet all the needs, the tower height has been increased from 104 feet to 115 feet.
- If the existing site is used, the existing WISP antenna on Mr. Fynbo's property would be co-located, and there would only be one tower on Chappaquiddick.
- The existing site provides limited visibility as a whole, and best achieves the coverage objective.
- Two possible alternative locations for the coverage area were shown. All three locations (the two alternatives and the existing) would provide good coverage; but the two alternative sites would not provide as much coverage in the densely populated areas.

- Once construction is complete, an SUV type vehicle would be used to service the tower. There would not be increase in additional vehicle trips; there would be approximately two trips per month per carrier.
- In AT&T's experience, the existing site would have a lesser impact than the two alternative sites, and minimizes the impact on the surrounding homes.
- From a design standpoint, AT&T has proposed a monopole, as it provides the greatest flexibility and provides AT&T coverage for licensed and future frequencies. It would allow for AT&T to plan for AT&T First Net. Verizon could co-locate, and Mr. Fynbo would relocate to the proposed tower. The monopole tower would also have another co-locator spot for another carrier.
- AT&T is proposing a 115 foot monopole that would be 117 feet to the top of the antenna. Any change would need to be done in accordance with State and Federal law. The "without limitations" clause in the application does not imply that the tower can be raised by right without approval.

Dan Goulet presented the following:

- The concealed monopoles worked for the older 2G and 3G technologies, because they did not have remote radio heads mounted behind the antennas. The concealed monopole restricts the carriers from using the newer technologies.
- Some carriers refuse to install their equipment inside a concealed monopole, because the antennas don't fit inside or will block the airflow and overheat.
- For AT&T, there would be three antennas per sector on a triangular platform, and the remote radio heads would be located behind them.
- The remote radio heads have been moved from the base station on the ground where they were connected to the antennas on the tower by heavy coax cables, and now are on the tower and able to connect with short jumper cables, and then connected to the ground using fiber. This provides for less loss and allows the carriers to use all frequencies licensed by the FCC.
- The site was designed to not be too tall, where it would grab signal from other users over the water.
- Photos of the past and proposed technologies were shown and reviewed, and addressed why the antennas cannot be concealed.

2.2 Commissioners' Discussion

There was a discussion about the network connection.

- **Fred Hancock** asked if the connection from the antenna to the network is still a dish.
- **Brian Grossman** said no, the dish was replaced, and fiber was already installed on the site.
- **Fred Hancock** asked if new fiber would need to be installed for Verizon.
- **Brian Grossman** said the existing fiber would be sufficient for all of the carriers.

Fred Hancock asked if the applicant needs FAA approval for the proposed tower. **Brian Grossman** said no.

There was a discussion about the decommissioning of the tower.

- **Fred Hancock** asked if there were provisions for decommission.
- **Brian Grossman** said AT&T was not planning to decommission the tower, but if required at the Planning Board level, they could provide that plan and removal bond.
- **Fred Hancock** said the Commissioners want to be sure that AT&T would be responsible for the removal of the tower at the end of its proposed life.
- **Brian Grossman** said the property owner would own the tower, but there could be a bond for removal. It generally costs \$30,000-\$40,000 to remove a tower, but with the added expenses of the ferry to Chappaquiddick, it was estimated to cost between \$50,000 and \$55,000.

Fred Hancock said he did not think the applicant wanted to be limited to just the frequencies that can be used. **Brian Grossman** said it is impractical to list every piece of hardware to be installed. A very specific proposal has been submitted. There may be something else that is needed, it is not an attempt to list every nut and bolt.

Doug Sederholm asked if the cabinets generate sound. **Brian Grossman** said noise is generated by the electronic fan, but the building would contain the HVAC noise. The HVAC runs as temperature controlled.

Robert Doyle asked about the timeline to remove the existing tower. **Brian Grossman** said the temporary tower would be removed shortly after construction of the permanent tower, after operational testing of the new monopole was conducted.

2.3 Staff Report

Adam Turner presented the following:

- The proposal is to remove a 104 foot tall temporary monopole tower and an 84 foot tall WISP antenna, and to replace them by constructing a permanent 115 foot high monopole on the same property with associated mechanical equipment.
- The zoning is R-120 Residential. The minimum lot area is three acres with front setback of 50 feet, and rear and side yard setbacks of 25 feet. The existing residence is a pre-existing nonconforming half-acre lot with nonconforming setbacks. Section 23.2 allows the Planning Board to exempt the wireless facility installations from the dimensional requirements.
- The surrounding land use is residential. The proposed location is on a small lot in a relatively densely packed neighborhood on Chappaquiddick.
- The required permits are a Special Permit from the Planning Board and a Building Permit for the tower.
- There is an existing 84 foot tall WISP (Wireless Internet Service Provider) antenna that is 84 feet tall on the property, that was not reviewed by the MVC, and an existing 104 foot temporary tower that was approved with conditions by the MVC in 2016 as DRI 662.
- The applicant has always intended to come back to the MVC with a permanent tower application.
- Key issues include:
 - The alternative analysis did not evaluate any properties under three acres. The analysis indicated that two other properties were identified within the search criteria, and with which there is the option to sign leases. Has the applicant adequately reviewed all the reasonable alternatives?
 - Does the proposal risk changing the use of the property from residential to light industrial?
 - The 104 foot tower was permitted on a temporary basis, and now provides the basis for the 115 foot tall permanent tower.
 - The application is from AT&T only for a “wireless communications facility, including without limitation...” Verizon already plans to locate on the tower. What would be the process for adding carriers be?
 - The house on the property where the tower is proposed is within the fall zone. Several buildings on abutting properties are just outside the fall zone.
 - The tower would be the tallest structure on Chappaquiddick; is a 115 foot tall monopole appropriate for the rural character of Chappaquiddick?
 - Generators for the project could impact the residential neighbors. If more carriers are added, would there be a need from more equipment that would generate more noise?
- There were no issues with Stormwater.

- There would be no impact on Affordable Housing.
- In terms of the overall traffic operations and parking issues, this proposal is not likely to have any traffic impacts.
- The permanent tower would be more visible than the temporary tower from a variety of sites around the Island, and for the residential neighbors.
- The key benefit is that the tower would provide public safety and uninterrupted service to Chappaquiddick residents and visitors.

2.4 Testimony from Public Officials

Peter Shemeth, Edgartown Fire Chief, said from the perspective of the Fire Department, the added service would provide communications that weren't available before. The temporary tower has improved things, and they would like to see that continue.

Chief Rossi, Edgartown Police Department, said that Mr. Handley Clifford was able to make a phone call from his cell phone that may have saved his life.

2.5 Public Testimony

Handley Clifford said being able to make an emergency cell phone call may have saved his life, and it was why he was at the meeting. He lives at 6 Sampson Avenue in the shadow of the tower, and is thankful for it. If the process for wireless communications on Chappy has to start all over again, a permanent tower may never happen. He was familiar with the owners of the Jeremiah and Majane properties, and said that they would litigate for years.

Joe Bierwirth of Hemenway & Barnes, represented the Straytons who were unable to attend the meeting due to a family wedding. He has submitted a letter to the zoning enforcement officer in Edgartown relating to the 84 foot antenna, where he did not see it receiving the proper permitting. AT&T has used the 84 foot antenna as some of the criteria for permitting the proposed tower. Mr. Grossman stated in his presentation earlier that the existing site is preferred because the WISP antenna exists. His clients were concerned about the siting of a cell phone tower in this populated area and if it was the most appropriate site. They felt that AT&T has not met the burden of locating alternative sites. He encouraged the Commission to be mindful of the issues.

- **Doug Sederholm** asked if he knew when the 80 foot antenna was installed.
- **Joe Bierwirth** said it was installed in 2008.

Molly Pickett is a direct abutter and felt that the temporary tower made the neighborhood look like a police barracks on the side of the road. There are appropriate places for cell towers, but it is another thing to install a tower in this compact, residential area. It would completely change the feel and flavor of the neighborhood. It is contradictory of what everyone has come to know as Chappaquiddick. She suggested that when the MVC does a site visit, to incorporate a visit to the tower behind the ice arena. She was all for safety, but the new permanent tower would not increase the coverage over the temporary tower. She suggested that the Commissioners consider the visual impacts, and explore the alternatives. Data needs to be looked at more deeply.

Roger Becker lives a quarter of a mile from the site and was at LUPC meeting where Commissioners asked AT&T to come back with pictures of what the proposed tower would look like, and those have not yet been presented. He submitted photos of the current temporary tower that was approved at 104 feet and the view from 250 feet away. In terms of coverage, everyone loves the temporary tower. The coverage is good. He showed photos of the tower at the ice arena which is 120 feet with two carriers. The proposed tower would also include Mr. Fynbo's WiFi antenna. With regards to visibility, photos were shown. The tower won't be seen from Oak Bluffs, so it doesn't make sense to list all the places that the tower won't be seen. It will be visible from many locations, including people's living rooms. It will

have a large impact. At the LUPC, the Commission suggested that coverage of the current tower be shown, and it was stated that the coverage for the permanent tower would be the same as the temporary tower. He suggested that the Verizon equipment be added to the top of the temporary tower. Verizon and AT&T services would cover the majority of the people, and could be added in a similar way as the ice arena tower. It would put the temporary tower at 124 feet, but the antennas would all be enclosed, so that is an alternative. He suggested that a consultant be hired to see if the tower could be designed in a less impactful way. He was also concerned about the relationship of the MVC to the Edgartown Planning Board. The visual impact is a big part of the application. The Edgartown By-laws are very clear about what's acceptable in terms of external antennas. Will the Planning Board be tempted to approve this monstrosity because the MVC says this is the best location? Coverage is an issue, but what the tower would look like is also a huge issue. Safety is not the issue, everyone knows how necessary public safety is.

Bob Gurnitz said in terms of the response of residents, 37 letters were written and there was a 4 to 1 response in favor of going forward. No one feels the proposed tower is absolutely perfect. But AT&T has done an excellent job looking at alternatives. The current site already has fencing and the garage structure to house the equipment. He would appreciate expediting this application forward, and not engaging in multiple years of debate.

Patricia Rose said cell phone towers are unsightly, but necessary, and they eventually blend into the landscape. She loves the WIFI and cell service. She was in favor of the project going forward.

Claire Thatcher thought the temporary tower was fine because the monopole disappears, but when the exterior equipment is added, it becomes an eyesore. She would prefer a taller, concealed monopole rather than what is being proposed.

2.6 Commissioners' Questions

There was a discussion about the technology and frequencies of the temporary tower.

- **Doug Sederholm** asked what technology was used in the temporary tower.
- **Dan Goulet** said 3G and 4G is in the temporary tower, but only uses two frequency bands and it does not utilize all of the licensed spectrum bands, only 700MHz and 850 MHz.
- **Doug Sederholm** asked if their customer's phones accept those frequencies.
- **Dan Goulet** said they do, but need the increased frequencies of the 1900 MHz and 2100 MHz due to the increased demand in the summer season.
- **Brian Grossman** said AT&T is licensed to use four bands, and it allocates different services over different frequencies to gain efficiencies, and allows AT&T and other carriers to use MIMO.
- **Doug Sederholm** said although AT&T is licensed for multiple frequencies and would like to use them, the Commission is looking at the regional impacts, and the benefits to Chappaquiddick and Martha's Vineyard, as well as the detriments. He stated that the criteria may be different than the other permitting agencies like the FCC.
- **Dan Goulet** said the public safety equipment cannot be installed inside the towers because they use microwave dishes that would not fit inside the tower. The Chappy WISP antennas also cannot be concealed. Verizon would need to be addressed. With a three base station, AT&T would need three tiers, the bottom of which would be at 77 feet and the Chappy WISP would need to be at an 82 feet, which couldn't happen if the AT&T equipment is there. Verizon has to be 10 feet below AT&T, so they would be at 67 feet. The tower would need to be 152 feet tall in order to have enough space for the separations. He reiterated that the public safety equipment cannot go inside the tower.

Josh Goldstein asked if the photo Mr. Becker showed was accurate. **Brian Grossman** said he believed it was an accurate photo of what exists, but the proposed permanent tower would be built with a different equipment platform.

Ben Robinson asked if installing multiple towers was a viable option. He also asked if there would be a microwave dish on this pole as proposed, and how large would it be if on multiple towers. **Brian Grossman** said AT&T would not use microwave dishes, but Chappy WISP would. **Dan Goulet** said there is always an option to have multiple towers. **Brian Grossman** said they would probably be in the 104 foot height range, and the dish could be up to 48" in diameter.

Michael Kim asked for clarification on the coverage maps of the temporary and the permanent tower. He asked if the applicant could provide an actual representation of the tower. **Brian Grossman** showed the specifications and indicated the microwave dish, the level where Verizon equipment would be installed, and indicated the other area that would provide for another co-locator in the future. The coverage area was similar to the temporary tower, but not exactly the same. Eventually, there would be slow data rates, and customers would experience latency and not have reliable service in season. There is a difference in signal strength.

Michael Kim asked if the applicant could provide a plot of peak reception. **Brian Grossman** said the coverage footprint is where the coverage would reach, but does not show the capacity issues. The capacity issues are the bigger issue, and the user experience within that footprint changes.

Doug Sederholm asked if the voice coverage was affected. **Dan Goulet** said it was, and as an example in Provincetown he had someone say that he could use his phone all winter long, but in the summer he had to go outside on his porch. The signal was not as clear, data input was not as fast and everything deteriorated. **Doug Sederholm** noted that Chappy is not Provincetown, so is the capacity that is being proposed needed? **Dan Goulet** said the capacity trend showed that the demand is increasing.

James Vercruysse asked if the applicant could go over the proposal as it pertained to the Edgartown Planning Board requirements. **Brian Grossman** said if the tower is permitted by Special Permit and no variances are needed. The Planning Board would need to grant waivers for lot size and setbacks.

Trip Barnes said he grew up on Chappy. He noted that Richard Chasin had one comment that he is more interested in range and safety rather than aesthetics. The tower is needed for safety reasons.

Josh Goldstein noted that he is good friends Chief Shemeth's daughter who is on the Edgartown Fire Department and lives on Chappy. He wants to be sure she is okay. This project is important to the rank and file, and is a big deal.

James Joyce was concerned about the noise. He asked if the AC units were residential size. **Brian Grossman** and **Dan Goulet** said the condensers are a similar size to residential units. It is the same concept as residential, but slightly larger.

James Joyce asked what the pole was rated at in terms of wind. **Dan Goulet** said 120mph.

Doug Sederholm asked why the radio heads couldn't be concealed. **Brian Grossman** said because they are large and generate heat.

Adam Turner asked why this site was preferred, and if it was only because the pole already exists there. **Brian Grossman** said the influence on the neighborhood is there already. In a different location, the issues are introduced to a new area and the concerns are shifted. The visual impact at this location is surprisingly limited. No tower will be invisible. Throughout the entire process, this has been the recommended location.

Adam Turner asked if the MVC could get more coverage maps and graphics to show the current coverage, and illustrate what Dan Goulet had mentioned. **Brian Grossman** said what Michael Kim asked is not necessarily graphic, but they could provide footprint data.

Christina Brown said she would like more information about how reliable the footprint is. She was concerned about the coverage for safety, and the Chiefs have said there is much better coverage with the temporary tower. What is the reliability, particularly in the summer? Has there been trouble with the temporary tower? **Chief Rossi** said as the broadband gets higher, the Police and Fire have priority and AT&T will offer that service.

Josh Goldstein asked if the First Net technology could fit on a concealed pole. **Dan Goulet** said First Net is still being designed.

James Vercruysse asked if AT&T has a policy to provide compensation for affected abutters. **Brian Grossman** said they do not.

James Vercruysse, Public Hearing Officer, continued the Public Hearing to November 2, 2017.

3. VERIZON TOWER HEIGHT EXTENSION-TISBURY DRI 677 CONTINUED PUBLIC HEARING

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

James Vercruysse, Public Hearing Officer opened the Continued Public Hearing DRI 677 without taking testimony and continued to November 2, 2017.


The meeting was adjourned at 8:55 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 662-M Chappaquiddick Permanent Wireless Tower MVC Staff Report – 2017-08-28
- DRI 662-M Chappy Permanent Tower Correspondence as of October 5, 2017 at 3:00 PM


Chairman

12.7.17
Date


Clerk-Treasurer

12-7-17
Date