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## Minutes of the Commission Meeting Held on August 23, 2018 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

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

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Dan Doyle (Regional Planner).

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

### 1. TRIBUTE TO MARK LONDON FORMER EXECUTIVE DIRECTOR

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

**Adam Turner** spoke regarding the passing of Mark London and the many contributions that he made to the Island. He was the longest Executive Director of the MVC, he held the position for thirteen years. He developed the Island Plan, the round-about project and the built environment among many other projects and the development of many policies. He spoke of his many accomplishments in Montreal and throughout his professional career. When he thinks of Mark he thinks of his passion to make the Island great. He was very generous to him personally and he will miss him. He recently laid the groundwork and the project for surveying historical properties on the Island and that has started in East Chop and Chilmark. He had a great understanding of things even if he didn't agree on them. He was someone you could count on and often was fearless. He was true to himself and the Commission and he loved the Island.

**Fred Hancock** said that on September 9, 2018 there will be a celebration of his life at the Chilmark Community Center.

**Richard Toole** said he was a great guy who stepped into a mess and handled it well.

**Christina Brown** said although he was a Canadian he loved the Vineyard. His wife told her that she would move to Montreal if they could vacation on the Island. His roots here are strong and will continue to be. We were fortunate to have such a man.

**Doug Sederholm** said the last time he spoke to Mark he was calling from Mass General Hospital and he remembers that he was so matter of fact about his prognosis and he was not hiding from what he was dealing with. He really admires him and he thinks Mark was under appreciated in many ways.

**Fred Hancock** said he was on the job 24/7 and he was always working for the community and the Island. He was excellent about explaining the how of the nuts and bolts but he always explained the why. He appreciates his tutelage.

**Gail Barmakian** said it wasn't just a job he was committed to the MVC.

## **2. EDGARTOWN STOP & SHOP-EDGARTOWN DRI 429-M2 REVISED PLANS TO RETURN FOR REVIEW**

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*Eligible Commissioners: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

*For the Applicant: Geoghan Coogan (Agent), Tom Scott (Project Architect)*

### **2.1 Staff Report**

**Adam Turner** said the applicant has come back to the MVC as one of the conditions and they will be presenting changes made to the exterior plans of the building. The applicant went to the Edgartown Planning Board with plans and they were approved. This was debated quite extensively in Edgartown. They have made changes to the roof, the sides of the building and the back.

### **2.2 Applicants' Presentation**

**Geoghan Coogan** said we incorporated the comments that we had received from Ben Robinson into the design as well as those from the Edgartown Planning Board and introduced Tom Scott the Project Architect.

**Tom Scott** presented the following:

- The changes have gone further with the eave detail along the edge of the building and it has been reduced to a more traditional eave condition. We have also decreased the large white band along the front.
- The dormers now match all around the building.
- We are keeping the cupola.
- The main entry is now on the left side of the building and the strong side of the store will now be on the left.
- This new plans will allow us to build new departments and maintain full operation and not lose any departments during construction.
- We still have an entrance on the right so there will now be two accesses.
- We will restore the brick on the knee wall/base of the building and remove the purple color. The front is shingles and the side material will remain.
- We are keeping the architecture consistent and more traditional.

### **2.3 Commissioners' Questions**

**Linda Sibley** said on the bottom view of the plan where you show vegetation do the trees represent a specific planting plan. **Tom Scott** said that is a view from the abutters. The trees currently exist and the ones on the left were planted by the abutters. There will be a 12 foot sound attenuating wall. We tried to recreate what is there for the elevations.

**Joan Malkin** asked what the material is that is to be used on the sides of the building. **Tom Scott** said it will be shingles to match the front.

**James Joyce** asked what the roof material is and will the HVAC be hidden. **Tom Scott** said it is asphalt shingle and the HVAC will be hidden. You will not see it from the street or the parking lot. The equipment is in the middle of the roof and it should not be seen from the parking lots. The old roof is a little lower and the gable elements will hide it from the perimeter.

**Christina Brown** asked why the straight pieces were left in the center on the front of the building. **Tom Scott** said it was left for signage in the middle of the building. The band responds to the hip roof element in the middle.

**James Vercruysse**, Chairman, said the MVC action is to approve or not approve the new elevations.

**Doug Sederholm moved and it was duly seconded to approve the plans as presented.**

- **Fred Hancock** said on the west elevation he thought the MVC comments were objecting to the flat wall as well as the treatment of it. The front is great and works fine.
- **Linda Sibley** said she appreciates the applicant's willingness to come back to the MVC with these plans and the Edgartown Planning Board worked them over thoroughly.
- **Adam Turner** said he wished the applicant had done the east and west sides the same especially for the people walking through that area.
- **Doug Sederholm** asked if there is any reason not to do the other side other than cost as it would be a little more aesthetic.
- **Tom Scott** said it is cost and no other reason and yes it would be more aesthetic.
- **Joan Malkin** said if the applicant did make this change she suggests to flip the clapboard to shingle.
- **Tom Scott** said it would be all shingle.
- **Linda Sibley** said she wonders if someone would add to the motion a strong recommendation to make the change as a condition.
- **Doug Sederholm** said he was open to someone amending his motion.

**Fred Hancock made an amendment to the motion and it was duly seconded to approve the plans with the proviso that the west elevation be modified to include the change to extend the look at the front to the side with the overhang and with the same materials (shingles). Doug Sederholm accepted the amendment.**

- **Richard Toole** asked if this would now go back to the Edgartown Planning Board.
- **Linda Sibley** said no.
- **Geoghan Coogan** said the shingles on the side are already in place, it was stated backwards.
- **Katherine Newman** noted that there was head nodding from the Stop & Shop group and is that confirmation.
- **Michael Kim** said are we asking for a recommendation.
- **Fred Hancock** said no, we approved this project on the recommendation that the elevation be revised.
- **Linda Sibley** said the change will provide important shelter for those getting from their cars to the store.

**Roll call vote. In favor: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

### **3. MARTHA'S VINEYARD HOSPITAL MODIFICATIONS-OAK BLUFFS DRI 324-M5 DELIBERATION AND DECISION**

Eligible Commissioners: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, K. Newman, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

### **3.1 Staff Report**

**Paul Foley** presented the following:

- The packet of information includes the offers, an email with the offers, the 2015 compliance items, a letter from Josh Goldstein, Post Public Hearing LUPC Notes and topics for LUPC review and consideration.
- The as-built plans have been added to the offers. Within one year of the approval the Martha's Vineyard Hospital (MVH) will submit as-built floor plans and a corresponding site plan showing the existing uses to the MVC.
- LUPC asked for a comprehensive decision so one document and a site plan will be submitted.
  - **James Vercruysse** asked if when the MVC gets to the decision to approve will the plan be the newest.
  - **Paul Foley** said it would be and it would be all inclusive.
- The applicant has chosen not to make any offer with respect to some vacant land they own in Tisbury until the title is cleared and a suitable partner is established.
- There are also draft Benefits and Detriments that were reviewed by LUPC.

### **3.2 Commissioners' Discussion**

**Linda Sibley** asked if we have to go over everything again since there were eight Commissioners present at LUPC. **Fred Hancock** said those that were not there might want to hear what was discussed.

There was a discussion about offer 2 regarding changes of clinical use and business services/administration use.

- **Doug Sederholm** asked for clarification on offer 2. If any of the clinical use space is switched to business use or administrative does it have to come back to the MVC or can they do as they want. Clinical use should be a priority. He would hate to see that use of space changed without it coming back to the MVC.
- **Linda Sibley** said she can't image seeing that happen due to the importance and the need of clinical space.
- **Christina Brown** said years back changes were made and the hospital did not come back to the MVC timely.
- **Sean Murphy** said the applicant is looking for flexibility to move units around but not to make it all business services.
- **Doug Sederholm** said as long as they are representing not to reduce the clinical space he would be okay but it needs to be stated.
- **Linda Sibley** said as it is written they could make the space all business use.
- **Adam Turner** said offer 2 does not state that the hospital can get rid of the clinical space.
- **Doug Sederholm** suggested language as any reduction of clinical use space has to come back to the MVC.
- **Denise Schepici** said our core mission is clinical use not business use. Our intention is only to expand clinical services.
- **Michael Kim** said all clinical use and business services space is for running and management of the hospital so how can we tell them how to run a hospital.
- **Doug Sederholm** suggested that the MVC make a condition.

***Doug Sederholm moved and it was duly seconded to condition any reduction in clinical space has to come back to the MVC.***

- **James Vercruysse** read a letter from Josh Goldstein, who could not attend tonight, regarding the need for clinical use space and encouraging the Commissioners to approve the modification.

***Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.***

***Linda Sibley moved and it was duly seconded to accept the draft Benefits and Detriments prepared by staff based on LUPC.***

- Christina Brown said it should be added to the Benefits and Detriments that the hospital will maintain 61 beds at Windemere.
- Linda Sibley said that is in the offers.

***Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.***

***Linda Sibley moved and it was duly seconded to accept the change to the Hospital plan as represented by their presentation, plans, draft offers, the MVC conditions and the draft Benefits and Detriments.***

- Adam Turner said staff is to complete a written decision that will incorporate all the things that have gone before so it can be used for the future.
- James Vercruysse said this is an exciting time for the Hospital and moving in a new direction.
- Paul Foley said one of the offers is for the Hospital to come back to the MVC annually on the healthy aging issues.

***Roll call vote. In favor: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, K. Newman, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

#### **4. NORTH TABOR FARM SOLAR ARRAY-CHILMARK DRI 248-M2 MODIFICATION REVIEW**

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Eligible Commissioners: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: David Smith

##### **4.1 Staff Report**

**Paul Foley** presented the following:

- The project location is 4 North Tabor Farm Road, Chilmark Map 9 Lot 22 (6.3 acres).
- The proposal is to install a 56 module ground mounted solar array (77' long by 10' wide by 8'7" high) and will consist of a pipe frame base with solar panels attached.
- In 1987 the MVC approved with conditions DRI 248 by the Flanders Farm Corporation for a subdivision of 112 acres into 18 residential home lots plus a farm lot and a youth lot. The residential lots were 3-6 acres each. The farm lot was allowed a house for the manager.
- In 1994 the MVC approved with conditions a modification to DRI 248 as DRI 387 in which the farm lot was sold to the current owners under the conditions of the North Tabor Farm Committee and Farmer Agreement.
- The array is situated in such a manner as to not infringe on any applicable setbacks.
- The proposed location will have minimum visual impact and is situated in front of some woods but not in the land being farmed. You cannot see through the woods so the array is not visible from the road.
- The solar array is expected to generate 18.48 Kw and cover almost 100% of the farm and household energy needs.
- The site plan and site photos were reviewed.
- LUPC voted to recommend to the full Commission that the modification does not require a public hearing as a DRI.

***Doug Sederholm moved and it was duly seconded that the modification does not rise to the level requiring a public hearing. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.***

***Doug Sederholm moved and it was duly seconded to approve the modification.***

- **Linda Sibley** said at the LUPC the question was raised as to what protection the trees have to not be cut.
- **Joan Malkin** said there is a no cut zone but we also talked about having a V shape no cut zone to retain the vegetation.
- **David Smith** said the best way to guarantee the visual impact from the road is that we are willing to guarantee screening trees in the future if something happens to the vegetation but we need the ability to take away dead trees.
- **Joan Malkin** said if in the middle of winter the array is visible she would like a condition that the applicant would have to screen it.

***Joan Malkin moved and it was duly seconded to impose a condition that a triangular plan for a no cut zone is to be done if in the winter the array becomes visible and the applicant would come back to the MVC.***

- **Richard Toole** said why not see the array.
- **James Vercruysse** said he likes to see them it promotes green energy.
- **Christina Brown** said absolute invisibility is not possible and not necessary at a farm. It is a good thing that we want others to see.
- **Trip Barnes** said it is small array and let's put it to bed.
- **Linda Sibley** said deciduous trees in winter even without leaves are distracting.
- **Joan Malkin** said he she wanted to make her motion clearer. If the array is visible and the deciduous trees are not providing an adequate screen the applicant has to come back to the MVC. On a personal note North Road is beautiful with stonewalls and she does not think an array is a look that improves North Road.
- **Doug Sederholm** said this comment is from an appointed member from Chilmark.
- **Katherine Newman** said she feels the MVC may be over doing it in this case.
- **James Vercruysse** said we are now voting on the condition.

***Voice Vote: In favor: 3. Opposed: 11. Abstentions: 0. The motion did not pass.***

***Fred Hancock reiterated Doug Sederholm's motion (that was duly seconded) to approve the modification as proposed. Roll call vote. In favor: G. Barmakian, C. Brown, R. Doyle, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: T. Barnes. The motion passed.***

## **5. VERIZON TOWER-TISBURY DRI 677 PUBLIC HEARING**

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

For the Applicant: Geoghan Coogan (Agent)

**James Vercruysse**, Public Hearing Officer, read the Public Hearing Notice. The applicant is Verizon New England, Inc. The location is 228 Edgartown Road, Tisbury Map 14-A Lot 3 (4.12 acres). The proposal is to increase the height of the Verizon Tower to transmit landline calls and Internet access via narrow width microwave between Vineyard Haven and Falmouth (also handles Nantucket) from 77 feet above the ground level to 130 feet +/- above ground.

### **5.1 Public Hearing Process Discussion**

**Paul Foley** said who the eligible Commissioners are from the last public hearing for the Verizon Tower: T. Barnes, C. Brown, R. Doyle, J. Goldstein (not present), F. Hancock, Leonard Jason (resigned), K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

**Adam Turner** noted that Christina Brown can rehabilitate herself so she can participate as she missed one of the hearings. **Fred Hancock** added as long as it is done before Deliberation and Decision.

**Linda Sibley** suggested that in the future anyone who has missed a meeting should be warned in advance so if they want to participate they can rehabilitate themselves.

**James Joyce** said it was noticed as a new hearing and not a continued public hearing.

**Fred Hancock** said when the hearing is one year old we should not continue it.

**Paul Foley** and **Adam Turner** said we should have had the applicant withdraw and start over.

**Fred Hancock** asked what the notice says. **James Vercruysse** said the hearing notice does not say continued.

**Linda Sibley** said let's treat this as a new hearing and then check with counsel.

**Geoghan Coogan** said the applicant thought that is what was being done, a new public hearing.

**Adam Turner** said we can incorporate the old record into this one. **Fred Hancock** said we should not do that, we should start fresh. **Linda Sibley** said the old testimony does not count anymore.

## **5.2 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 (also handles Nantucket) from 77 feet above the ground level to 130 feet +/- above the ground.
- The zoning is R-2 Residential.
- The New England Telephone and Telegraph building was built in 1965. The tower was extended from 60' tall to 77' tall in 1986.
- The calls for this tower include police and fire departments, EMS and 911 calls.
- The additional height will be constructed above the existing tower.
- One new piece of equipment, an 8' dish, will be installed on the tower at elevation 125'.
- The following existing equipment on the tower will be relocated to a different height:
  - A 6' diameter dish at elevation 55' above ground will be re-installed at elevation 95'.
  - A 6' diameter dish at elevation 65' above ground will be re-installed at elevation 102'.
  - An 8' diameter dish at elevation 75' above ground will be re-installed at elevation 128'.
- The applicant says that a number of trees in the Vineyard Haven area are approaching the height at which they will obstruct transmission. The trees identified are on private property. The applicant has said the property owners are not interested in cutting or trimming the trees. If any of the trees were classified as shade trees they would require a public hearing to determine if they can be trimmed or removed.
- The Commission still has to do a site visit.
- LUPC requested that a trial balloon be floated at the proposed height. The applicant said they could not float a balloon. Staff suggests a drone view might help.
- The tower is proposed to be heightened in order to avoid possible future transmission interruption due to tree growth.
  - 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 might change.
  - Alternatively, if the full height proposed 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.

- Staff sent an email to the applicant on September 29, 2017 summarizing that the Commissioners asked for a number of clarifications on the proposal at the Public Hearing on September 17, 2017. The items requested at the public hearing included:
  - A record that shows the signal interruption or intermittent outage and when and at what times this occurred (if ever). At the September 9, 2017 public hearing the applicant said the outages are monitored and they have dispatch records.
  - There were questions about the beacon and what height it is required at.
  - Has anyone talked with the Town or the property owners who might prefer trimming to having a new taller tower?
  - We still need to schedule a site visit.
  - If you cannot do balloons it was suggested a drone could be used to see if there are any obstructions from the back of the Verizon property.
- The applicant submitted a letter on May 10, 2018 stating they could not float balloons, cannot provide accurate signal interruption data and lighting is not necessary. They provided a study that expanded the line of sight beam between towers to include a Fresnel curve that raised the number of trees in the way to 22.
- On August 8, 2018 the applicant submitted an affidavit from Michael E. Shea a Verizon Senior Manager and on August 23, 2018 the applicant submitted an affidavit from Joseph Baker a Verizon radio technician.
- The applicant has said that they have now identified at least 22 trees could be possible future obstructions.
- The site plan and site photos were reviewed. The site photos showed the current view versus the proposed for visibility of the tower from the Vineyard Haven Edgartown Road. Photos of the trees identified by the applicant in the Fresnel zone were shown.
- The Fresnel lens zone was shown and the Island landline microwave network was shown.
- Engineering plans were shown.
- There is an osprey nest in the current tower.

**Doug Sederholm** asked how deep the property is.

**Linda Sibley** asked how much does it fall away.

**Katherine Newman** said because of the trees the huge increase of height has to happen.

**Paul Foley** showed the line of sight to Falmouth and the trees in 15 years that could block the signal.

**Joan Malkin** asked what the scope of our jurisdiction is over a public utility.

**Katherine Newman** said what interrupted the hearing the last time.

### **5.3 Applicants' Presentation**

**Geoghan Coogan** presented the following:

- Geoghan Coogan introduced Joe Baker and Jennifer McCray from Verizon.
- This tower serves 911 calls and is a necessity. It is not for cell phone service.
- There are other avenues but we wanted to do it the right way so we are here at the MVC.
- There were 4 to 5 trees in 2013 and we did an exhaustive study since then and there are about 40 trees that will impact the tower and 22 trees that are in the zone now.
- The signals are already affected and it will get worse in that 911 calls will not be received.
- To get the tower up and out of the way once and for all we have to raise it.
- We went to the property owners of the trees and we did not get a yes to cutting them.
- Photos of the first two trees that abut State Road that affect the tower were shown.



- **Doug Sederholm** asked how much Verizon offered the property owners to cut the trees.
- **Geoghan Coogan** said the owners just said no to cutting them.
- **Linda Sibley** said she spoke with amateur arborists and they said you can't top the trees it will kill them.
- We are talking about 40 trees that impact the tower not just two or three. This is a necessity to raise the tower.

**Joe Baker** presented the following:

- He is a radio technician for Verizon for Martha's Vineyard and Nantucket.
- He showed how the Fresnel Zone works and demonstrated with a diagram including the tree line of site.
- For radio transmit waves there is a Fresnel Zone and to work well you need an unobstructed view.
- He showed on the diagram how the trees impact this zone and the amount of loss by the blockage diminishing the signal. For an unobstructed signal you need -37dBm which is a good signal. There is a natural loss and it has gone to -47 dBm in five years. When we have weather the signal loss decreases more. It goes from loss of bits to circuits to network outage.
- We are here proactively so we won't have network outage.

#### 5.4 Commissioners' Questions

**Gail Barmakian** said can you briefly describe the network of the 911 calls as she heard that the water tower has a tower for this. **Joe Baker** said all 911 calls are trunked off Island to be redistributed.

**Linda Sibley** said once this signal goes off Island it goes to our Emergency Center and then goes out to the Police Department etc. to dispatch.

**Doug Sederholm** asked if this is the only tower. Are there any other towers or routes?

**Joan Malkin** asked if there is any redundancy.

**Joe Baker** said this is Verizon's tower and there is no other way around for 911.

**Ben Robinson** said you just described degradation from 2013 to 2018. But there is a tree canopy in August versus March. Can you address that? **Joe Baker** said the data is accurate. **Ben Robinson** asked if he can provide data for March 2018. **Joe Baker** said he has seen the signal degrade. He used to climb the tower and has seen the increased growth in the trees.

**Ben Robinson** asked why there are two towers in Falmouth and West Falmouth. **Joe Baker** said there are two different frequencies 11G and 6G. 6G is better to transmit across water especially with rain delay and fog. Our plan is to have minimal loss. Without raising the tower we won't be able to provide service to the Island.

**Adam Turner** said if he dialed 911 on AT&T does it go through this tower. **Joe Baker** said when it comes back from Falmouth it goes to our tower.

**Trip Barnes** said he knows trees grow fast. He has seen the trees grow from years ago when the tower was originally built and he heard the same story about them then, that the trees will prevent a signal and apparently they were correct.

**Joan Malkin** asked if the tower can be relocated. **Geoghan Coogan** said the rear of the lot slopes down dramatically. If you move the tower to a lower spot you have to increase the tower for the Fresnel Zone.

**Richard Toole** said they have proved a point that a taller tower is needed but why not move it back so it isn't so visible. **Geoghan Coogan** said to move it back would cost significant money. **Joe Baker** said if it is

moved back there could be signal loss and it opens up another can of worms. The current location has very little impact environmentally.

**Ben Robinson** said the longer the cable gets the more signal loss so you would have to also move the building. **Joe Baker** said all of the traffic in the building goes through microwave signal.

**Fred Hancock** said obviously the tower should be raised. Is 53 feet an exorbitant amount to raise it since it lasted a long time at 77 feet? We did ask that question and we would also like to see a section drawing to see frequency capability. What is your projection of time until the new tower would be obstructed with new tree growth?

**Michael Kim** said what was the technology for the 77 foot antenna and what will it be like in 10 to 15 years? **Joe Baker** said it was a microwave system but not as advanced as it is now. We have gone way past ways of running the under seas cable. Overtime the Fresnel Zone has been encroached upon and now we need to raise the tower. We use ComSearch (the industry study) to determine criteria. **Geoghan Coogan** said the MVC has had the study for months and we did that study to see what we needed to do.

**Fred Hancock** said we did see the interference data at the current height but not at the proposed height.

### **5.6 Public Testimony**

**Nancy Langeman** lives at 30 Winyah Lane and is the first house. She is a nurse practitioner and a healthcare professional. She is raising health concerns. She went to Verizon to ask them to ask the owners to take down the trees and to offer them a financial settlement to do so. She read a statement to the MVC and submitted it for the record. The impact of radio frequency waves is mixed. Medical literature shows some increase in cancer especially brain cancer from cellular phone towers due to RF energy. Studies suggest that exposure at ground level may not be harmful but could be from a tower. Property values are a second issue and they will be impacted. The new tower will be in view of the neighbors. She is not a scientist or an expert on the subject, she is a healthcare professional, but she suggests that the MVC and the Board of Selectmen give consideration to this proposal.

- **James Joyce** said he understands that she does not want the tower but would she prefer that the tower be in the front or the back of the lot.
- **Nancy Langeman** said it would impact more neighbors if it were in the back.
- **Doug Sederholm** said he is not offering any opinion on what Nancy Langeman said but under the Telecommunications Act he did not think that we can make a decision based on her information.
- **Linda Sibley** said you quoted studies but you talked about cell towers. What about microwave signal?
- **Nancy Langeman** said she is not a scientist, she is a healthcare professional and the studies say microwave is worse. The jury is really out. There is not a lot of research and most is questionable.

**Charles Noonan** lives at 221 Vineyard Haven Edgartown Road and lives directly across the street from the tower. Verizon has been unable to quantify the level of loss other than 10dBm of loss. This proposal is to raise the tower so 911 calls are not lost but there is also potential to add other services to the tower. Would Verizon be willing to explore higher frequency transmission? It would require equipment upgrades. Nato band would mean less problems going into the future. He feels we are being sold a tower that would have five more antennas and generate more revenue for Verizon. Last time we talked about a red light on the tower that would be seen through my windows and by my neighbors. The nesting place for Ospreys seems to be overlooked yet it seems important elsewhere on projects. The demonstrative loss to the community has not been demonstrated here. The more we do to this area the more we make it semi-industrial. He believes the sheriff is interested in his own tower for transmission.

This is a corporate attempt to maintain a contract. We have some questions from last year that have not been answered and there is no quantifiable data on 911 calls being dropped and interruption of emergency services.

### **5.7 Commissioners' Discussion**

**Fred Hancock** questioned the old report versus the new report. **Geoghan Coogan** said the new report is the ComSearch study. **Fred Hancock** said the MVC needs to see that report.

**Joe Baker** said if you are on the ground you are not affected by the RF signal. If you were up on the tower you would be affected. If you raise the tower you are even farther away from the RF. This is the best frequency over fog and water which is why we use it. He suggested reviewing the ComSearch study as it will be helpful.

**Joan Malkin** asked if the tower is suitable for other uses such as cellular. **Geoghan Coogan** said it will not be used for any other services and the MVC can condition that.

**Ben Robinson** said he would like to understand what equipment is in the building that is associated with the tower and what is the square footage. **Joe Baker** said that is proprietary information. **Geoghan Coogan** said we can get the square footage.

**Nancy Langeman** asked if there is any risk of the equipment on the tower coming down in a storm. **Geoghan Coogan** said it will be less as it will be built stronger. We have a fall zone and it is on the site plan.

**Doug Sederholm** said that Nancy Langeman mentioned a greater impact on the neighbors if the tower is moved back on the lot and asked for clarification. **Nancy Langeman** showed on the site plan the location of the houses and three house would directly see it if moved back.

**James Joyce** asked if there is anything the other way to block Nantucket. **Geoghan Coogan** said nothing blocks the other way for Nantucket. We did have a site visit and Ben Robinson was the only one there. We could not float balloons due to the FAA. We will make sure that the MVC has the ComSearch report. This project is not a corporate structure it is for 911 service. To move the tower we don't know what would be blocking it and that is another study.

**Doug Sederholm** asked if it is solely microwave and not cell. **Geoghan Coogan** said that is correct.

**Michael Kim** asked if the applicant had developed other serious alternatives and could we see why you have chosen this. **Geoghan Coogan** said this is the only alternative for this service.

There was a discussion about the height of the tower.

- **Fred Hancock** asked for how long this height will work.
- **Geoghan Coogan** said the report says forever and the trees will not reach this height.
- **Fred Hancock** said but perhaps it could be shorter and it would last and meet the needs.
- **Geoghan Coogan** said the study says the height solves the problem once and for all.
- **Linda Sibley** said what about if the technology changes.
- **Geoghan Coogan** said if the technology changes the tower comes down.

**Doug Sederholm** asked if this is the only way Verizon landline communicates. **Geoghan Coogan** said it is.

**James Joyce** said AT&T goes through this tower. **Geoghan Coogan** said it only comes back through this tower.

**James Vercruysse** said the MVC needs to schedule a site visit.

**James Vercruysse**, Public Hearing Officer continued the public hearing until September 20, 2018.

## 6. LAMPOST WORKFORCE HOUSING RECONFIGURATION-OAK BLUFFS DRI 670-M WRITTEN DECISION FOR MODIFICATION

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Eligible Commissioners: G. Barmakian, T. Barnes, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

Joan Malkin said line 22 is incomplete and staff will correct it.

There was a discussion about 5. Conditions, 1 Workforce Housing.

- **Joan Malkin** suggested to revise line 189 as "... the units shall only be rented...".
- **Fred Hancock** said what is stated is what was offered by the applicant so we can't change it.
- **Christina Brown** said 1.1 has temporary housing but 1.4 has rented on short term basis.
- **Ben Robinson** said 1.4 is referring to non-workforce housing.
- **Fred Hancock** said 1.2 precludes recreational rentals so 1.4 is unnecessary. It is confusing.
- **Adam Turner** said 1.4 may preclude them from having seasonal workforce housing.
- **Ben Robinson** suggested saying prohibited from renting as vacation rentals.
- **Fred Hancock** said we could say no sub rentals.
- **Geoghan Coogan** said the decision is what was voted on. It was not discussed regarding sub rentals.
- **Adam Turner** said the MVC clearly did not approve subletting.
- **Fred Hancock** said how does this prohibit you to proceed?
- **Geoghan Coogan** said you are adding another condition that was not discussed at an open hearing.
- **Linda Sibley** said 1.4 covers something that was discussed.
- **Doug Sederholm** said 1.2 takes care of it. What do we care if they sublet to a local worker?

***Linda Sibley moved and it was duly seconded to remove 1.4 as all of the important conditions are covered in 1.1, 1.2, 1.3 and 1.5.***

- **Ernie Thomas** said the purpose of 1.4 is to prevent renting a room on a nightly or weekly basis which is prohibited.
- **Fred Hancock** said the applicant's intent and the MVC's intent was for workforce housing. If there is a need for a short term workforce housing this would prevent that.
- **Ernie Thomas** said he was trying to clarify for workforce housing.
- **Linda Sibley** said as long as you meet 1.1 and 1.2 if you had a workforce person and needed to meet a one week stop gap would we want to prevent that, probably not.

***Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.***

Joan Malkin said on line 213 the word store should be changed to business.

***Doug Sederholm moved and it was duly seconded to approve the modification as corrected. Roll call vote. In favor: G. Barmakian, T. Barnes, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.***

## 7. MINUTES

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Commissioners Present: G. Barmakian, T. Barnes, C. Brown, R. Doyle, F. Hancock, J. Joyce, M. Kim, J. Malkin, 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 May 10, 2018 as written.***

***Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.***

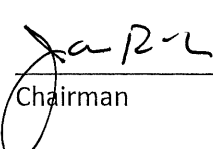
**Fred Hancock moved and it was duly seconded to approve the minutes of May 24, 2018 as written.  
Voice vote. In favor: 11 Opposed: 0. Abstentions: 3. The motion passed.**

**Fred Hancock moved and it was duly seconded to approve the minutes of June 14, 2018 as written..  
Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

The meeting was adjourned at 9:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on May 10, 2018
- Minutes of the Commission Meeting – Draft, Held on May 24, 2018
- Minutes of the Commission Meeting – Draft, Held on June 14, 2018
- DRI 324-M5 Offers
- Email from Sean Murphy, Dated August 16, 2018, MV Hospital/Windemere DRI 324-M%
- Memorandum from Sean Murphy, Dated April 1, 2015, Martha's Vineyard Hospital
- Memo form Josh Goldstein, Dated August 21, 2018, Martha's Vineyard Hospital
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of August 20, 2018
- Memo form MVC Staff to Land Use Planning Committee, Dated August 23, 2018, DRI 324-M5 Hospital/Wildflower Close – Possible Conditions
- Martha's Vineyard Commission DRI # 248-M2 North Tabor Farm Solar MVC Staff Report 2018-08-23 which includes DRI 248 Conditions, DCPC regulations, equipment specifications and site plans
- Martha's Vineyard Commission DRI # 677 Verizon Tower Height Extension MVC Staff Report 2018-08-23 which includes a letter from the applicant dated May 10, 2018, affidavits from two Verizon employees and Vineyard Haven RSL Signal Degradation report
- Decision of the Martha's Vineyard Commission DRI 670-M Lampost Workforce Housing Conversion Modification Draft

  
Chairman

11.15.2018

Date

  
Clerk-Treasurer

15 NOV 2018

Date