



RE: Town of Oak Bluffs Fire-EMS  
347 County Rd., Highway Barn  
Oak Bluffs, MA, Map 29 Parcel 156

Town of Oak Bluffs, Massachusetts  
Office of the Planning Board  
P.O. Box 1327  
Oak Bluffs, MA 02557  
508-693-3554 x154  
PLANNING BOARD

**NOTICE OF DECISION      June 13, 2019**

**RE: Oak Bluffs Emergency Services Radio Tower  
Special Permit and Site Plan Review Application**

**Town of Oak Bluffs Fire-EMS  
140-ft. Radio Communications Tower  
347 County Rd., Highway Barn, Oak Bluffs, MA  
Map 29 Parcel 156, zoning district R3**

The Oak Bluffs Planning Board held a Public Hearing on Thursday, May 23, 2019 at 5:00 p.m. in the Upstairs Meeting Room at the Oak Bluffs Fire Station located at 6 Firehouse Lane, Oak Bluffs on the application of the referenced petitioners seeking:

*A Special Permit and Site Plan Review under Sections 8.3 and 3.2 of the Zoning Bylaws and sections 10.3 and 10.4 or any action related thereto, to construct a 140 ft. radio communications tower for public safety purposes.*

**DECISION:**      A motion was made to grant the special permit and approve the site plan based on the submitted plans and findings under Zoning Bylaws 8.3 and 3.2. The Board, consisting of Ewell Hopkins (Chair), Erik Albert (Vice Chair), Mark Crossland, and JoJo Lambert, voted 4-0 to grant the special permit and approve the site plan.

**Procedural History:**

- 05/23/18      Special Permit and Site Plan Review application received by the Planning Board
- 06/01/18      Special Permit and Site Plan Review application distributed via e-mail to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, Sewer Commissioner and Water District
- 06/22/18      Notice of Planning Board Public Hearing posted at Town Hall and mailed to abutters within 300 feet, the applicant and abutting planning boards

- 06/28/18 First Notice of Hearing published in *Martha's Vineyard Times*
- 07/05/18 Second Notice of Hearing published in *Martha's Vineyard Times*
- 07/12/18 First Public Hearing, Planning Board voted to send a letter of support and refer it to the Martha's Vineyard Commission as a Development of Regional Impact
- 07/17/18 Project referred to the Commission
- 01/28/19 Martha's Vineyard Commission Written Decision DRI 685 registered at the Dukes County Registry of Deeds
- 02/01/19 DRI 685 decision received by the Planning Board
- 02/19/19 Notice of second Planning Board Public Hearing posted at Town Hall and mailed to abutters within 300 feet, the applicant and abutting Planning Boards
- 02/21/19 First Notice of Hearing published in *Martha's Vineyard Times*
- 02/28/19 Second Notice of Hearing published in *Martha's Vineyard Times*
- 03/14/19 Second Public Hearing – CANCELLED by applicant, due to delay in preparation of detailed site plan
- 05/07/19 Notice of new second Planning Board Public Hearing posted at Town Hall and mailed to abutters within 300 feet, the applicant and abutting Planning Boards
- 05/09/19 First Notice of Hearing published in *Martha's Vineyard Times*
- 05/16/19 Second Notice of Hearing published in *Martha's Vineyard Times*
- 05/23/19 Public Hearing

## **FINDINGS OF FACT**

### **General Findings**

1. The Site is located at **347 County Rd., at the Highway Barn**, in the R-3 Zoning District shown on **Assessors Map 29** as **Parcel 156**, which is designated as a parcel under the Wireless Communications Overlay District.

2. The proposal is to construct a 140 foot tall self-supported lattice radio tower for public safety communications. The tower would be surrounded by a 50' by 50' compound enclosed by chain link fence with a 12'x10' concrete shelter and a 35KW outdoor generator with a

1000 gallon Liquid Propane (LP) fuel tank on a concrete slab. The tower would have two antennas for the radio frequency (RF) system and two 4-foot microwave dishes. –*MVC DRI 685*

3. The tower will be located to the left of the old salt shed behind the Highway Barn and be a new, pre-fabricated 10'x12' equipment shelter with a 6-foot extension. A generator will already be installed as well as a propane tank and pad at the back of the compound. –*Rob McCabe, Engineer for Applicant presentation*

4. Applicant is bringing new 200-amp electrical service to the shelter and installing two 36" micro dishes on the tower (one at 60 feet and the other at 135 feet) as well as two whip antennas (one at 100 feet and the other at 140 feet). – *Rob McCabe, Engineer for Applicant presentation*

5. The Oak Bluffs Fire-EMS Department is the primary applicant while all structure and equipment will be property of the Dukes County Sheriff's Office.

6. The Martha's Vineyard Commission imposed a number of **conditions** which are detailed in **DRI 685** and are enforceable by the Town of Oak Bluffs' Building and Zoning enforcement officers. They are incorporated into this decision and detailed below:

a. Existing system: As offered by applicant, the existing VHF emergency communication network will remain fully functional until such time as the proposed Martha's Vineyard Public Safety Communications System (MVPSCS) is operational for the entire island.

b. Decommissioning: If and when the proposed 140' tower becomes obsolete or is no longer used it will be taken down.

c. Use: The proposed 140' Public Safety Communications System tower shall be designed and constructed, at a minimum, to the national code as determined in the latest ANSI/TIA-222 standard in effect at the time of construction for Class III structures for Dukes County.

d. Maintenance: This is a joint effort between the Town of Oak Bluffs and the Duke's County Sheriff's Office which is an independent State Agency with an obligation to help maintain and oversee the operations of the island-wide emergency communication network.

### **Exhibits**

- Application from Oak Bluffs Fire-EMS Chief John Rose, dated May 23, 2018
- Planning Board Statement of Support, dated July 12, 2018
- Construction Schedule and Cost Letter, dated May 2, 2019
- Site plans received from Pyramid Network Services, dated April 30, 2019
- Revised site plans received from Pyramid Network Services, dated May 9, 2019

**Testimony:**

There was no written testimony either for or against the project. Richard Toole, Oak Bluffs resident, said that he thought this was a great project and location. He mentioned that CVEC has a proposal to install a solar array and a battery backup at the landfill and wondered if they may be able to provide electricity for the communication tower.

**Applicable Laws and Decision Criteria:**

The application is governed by Oak Bluffs Zoning By-Law **Section 8.3** Wireless Communication Overlay District (WCOD) and **Section 3.2** Accessory Use Regulations; **Sections 10.3** (general special permit criteria) and **10.4** (site plan review criteria), among other provisions of the Zoning By-Laws, including MGL Chapter 40A, § 9.

**Specific Findings:**

The site (Map 29 Parcel 156) is a clearly designated parcel in the Wireless Communication Overlay District (WCOD). The Planning Board considered each of the following under Section 8.3 (WCOD):

- Communications needs served by the WCF;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Impact on neighborhood character, including aesthetics;
- Impacts on the natural environment, including visual impacts;
- Potential fiscal impact, including impact on town services, tax base, and employment; and
- New monopoles shall be considered only upon a finding that existing or approved monopoles or facilities cannot accommodate the equipment planned for the proposed monopole.

In considering Oak Bluffs Zoning By-Laws, Sections 8.3 and 3.2, the Planning Board determined that the proposed facility will not cause substantial detriment to the town or the neighborhood and found that the project is an essential service needed to adequately address emergency communications.

Under **Zoning By-Law 10.4, Section 10.4.3.3**: Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures.

**DECISION OF THE BOARD, CONDITIONS:**

The Planning Board determined that the Applicant's project, as proposed and as conditioned herein and in MVC Decision DRI 685, satisfies the requirements of the By-law.

Member Erik Albert made a motion to grant the special permit under **Section 8.3** and approve the site plan with the conditions detailed below. Member Crossland seconded. A roll-call vote was taken and the Board, constituting a quorum and the required supermajority, consisting of Ewell Hopkins (Chair), Erik Albert, Mark Crossland, and JoJo Lambert voted 4-0 to grant the special permit and approve the site plan with the following conditions:

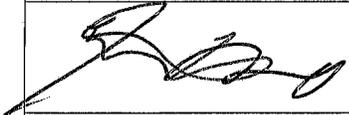
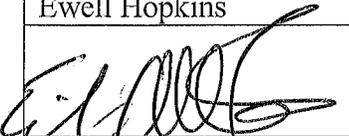
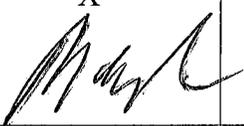
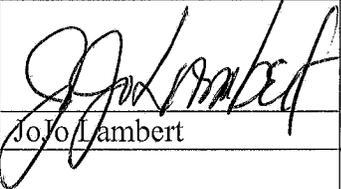
1. **Condition:** The tower may only be used for public safety and emergency communications and not be leased to any non-emergency or non-communications entities.
2. The special permit is subject to the conditions imposed on the applicant in the Decision of the Martha's Vineyard Commission on **DRI #685**. The MVC decision is attached to this document and is to be recorded as part of this decision.
3. The special permit is subject to the same conditions as other Wireless Communication Facilities (WCF) as outlined in Oak Bluffs Zoning By-Law **8.3.5 Conditions**.

**8.3.5 Conditions.** *All WCFs shall be subject to the following conditions:*

- 1) To the extent feasible, service providers shall co-locate on a single facility. Monopoles shall be designed to structurally accommodate other potential users (within a ten year period) where technically practicable.
- 2) New free-standing WCFs shall be limited to monopoles; no lattice towers shall be permitted. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure, provided, however, that a monopole may be erected higher than 100 feet where co-location is approved or proposed, not to exceed a height of 140 feet above mean finished ground elevation at the base of the mounting structure. No variance shall be issued for a monopole higher than 140 feet.
- 3) All structures associated with WCFs shall be removed within one year of cessation of use. The Board may require a performance guarantee to affect this result.
- 4) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- 5) The WCF shall minimize, to the extent feasible, adverse visual effects on the environment. The Planning Board may impose reasonable conditions to ensure this result, including painting, lighting standards, landscaping, and screening.
- 6) Traffic associated with the WCF shall not adversely affect public ways.
- 7) Fencing may be required to control unauthorized entry to a WCF.

**D. Record of Board Vote.**

The members of the Planning Board voted as follows to grant a Special Permit subject to the above-stated terms and conditions:

| Signature   | In Favor   | Against | Abstain | Recuse |
|---|--|---------|---------|--------|
| <br>Ewell Hopkins  | X  |         |         |        |
| <br>Erik Albert    | X  |         |         |        |
| <br>Mark Crossland | X<br> |         |         |        |
| <br>JoJo Lambert   | X  |         |         |        |
| (Not present)   |  |         |         |        |
| Bill Cleary   |  |         |         |        |

Filed with the Town Clerk on: \_\_\_\_\_ 2019

\_\_\_\_\_  
 Laura B. Johnston, Town Clerk

\_\_\_\_\_  
 Colleen Morris, Assistant Town Clerk

Copy of Special Permit Mailed to:

John Rose, Fire Chief  
 Oak Bluffs Fire-EMS  
 PO Box 2131  
 Oak Bluffs, MA 02557

Robert Ogden, Sheriff  
 Dukes County Sheriff's Office  
 149 Main Street, PO Box 252  
 Edgartown, MA 02539

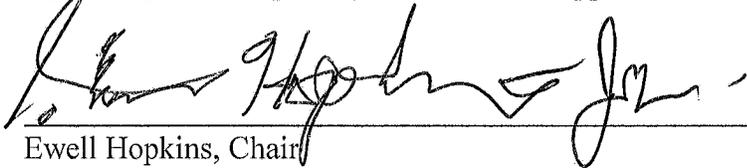
All Noticed Parties (see abutter list)

\_\_\_\_\_

The Planning Board of the Town of Oak Bluffs hereby certifies that a Special Permit has been granted to the Town of Oak Bluffs Fire-EMS Department, PO Box 2131, Oak Bluffs, MA 02557, affecting the rights of the owner with respect to land or buildings at 347 County Rd., Highway Barn, Map 29, Parcel 156. Said Planning Board further certifies that the decision attached hereto is

a true and correct copy of its decision granting said special permit, and that copies of said decision, and of all plans referred to in its decision, have been filed with the town clerk.

The Planning Board also calls to the attention of the Owner or Application that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the Owner or Applicant.



\_\_\_\_\_

Ewell Hopkins, Chair

Dated: \_\_\_\_\_, 2019

**This decision was filed in the office of the Town Clerk, on June 14, 2019. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.**

\_\_\_\_\_  
Date Appeal Period Expired

I hereby certify that no appeal has been filed within the twenty day period following the date of the filing of this decision.

Attest: \_\_\_\_\_  
Laura Johnston, Town Clerk