



**Hyannis Main Street Waterfront
Historic District Appeals Committee**

367 Main Street
Hyannis, Massachusetts 02601

BARNSTABLE
TOWN CLERK

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**MINUTES OF THE HYANNIS MAIN STREET WATERFRONT HISTORIC
DISTRICT APPEALS COMMITTEE HEARING
SEPTEMBER 12, 2019**

Members Present: Alison Alessi, Mary-Ann Agresti, Sara Colvin
Members Absent: None

Others Present: Elizabeth Jenkins, Director Planning & Development, Paul Wackrow, Senior Planner, Karen Herrand, Principal Assistant, Planning & Development. David Houghton, First Assistant Town Attorney.

Verizon New England, Inc.

v.

Hyannis Main Street Waterfront Historic District Commission, Appellee

(On application of Verizon New England, Inc. for a Certificate of Appropriateness for the communications tower extension at 49 Ocean Street, Hyannis – 2019-01)

(On application of Verizon New England, Inc. for a Certificate of Hardship for the communications tower extension at 49 Ocean Street, Hyannis – 2019-02)

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Appeals Committee under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a public hearing will be held at Town Hall, 367 Main Street, Hyannis, MA, Planning & Development Conference Room, 3rd Floor at **6:00 P.M.** on Thursday, September 12, 2019.

Appeal 2019-01

Verizon New England, Inc. has appealed the decision of the Hyannis Main Street Waterfront Historic District Commission (HMSWHDC) to disapprove the Appellant's request for a Certificate of Appropriateness for the communications tower extension at 49 Ocean Street, Hyannis as described in the application submitted on October 23, 2018. The HMSWHDC voted to disapprove the application on June 5, 2019 and issued a determination of disapproval on June 11, 2019. The Appellant seeks reversal of the HMSWHDC decision and issuance of the Certificate of Appropriateness, consistent with proposed findings provided by the Appellant, or a remand to the HMSWHDC for further proceedings consistent with the Decision of the Appeals Committee. The subject property is located at 49 Ocean Street, Hyannis, as shown on Assessor's Map 326 as Parcel 025.

Appeal 2019-02

Verizon New England, Inc. has appealed the decision of the Hyannis Main Street Waterfront Historic District Commission (HMSWHDC) to disapprove the Appellant's request for a Certificate of Hardship for the communications tower extension at 49 Ocean Street, Hyannis as described in the application submitted on October 23, 2018. The HMSWHDC voted to disapprove the application on June 5, 2019 and issued a determination of disapproval on June 11, 2019. The Appellant seeks reversal of the HMSWHDC decision and issuance of the Certificate of Hardship, consistent with proposed findings provided by the Appellant, or a remand to the HMSWHDC for further proceedings

consistent with the Decision of the Appeals Committee. The subject property is located at 49 Ocean Street, Hyannis, as shown on Assessor's Map 326 as Parcel 025.

The Public Hearing is opened.

The meeting was called to order at 6:00 p.m.

The Officers introduce who they are: Alison Alessi, Sara Colvin, and Mary Ann Agresti, stating their profession and position/requirement for being on this Committee.

First Assistant Attorney David Houghton in attendance, representing the Hyannis Main Street Waterfront Historic District Commission (HHDC) for the Town. He gives an outline of presentation and his role.

Attorney Michael Ford, representing Applicant/Verizon in attendance. George Mayer in attendance. They have some new data to present. The data compiled from a new software, temporary license for this. Some limitations. The data collection is ongoing. Reason for this data per the local Commission's decision was based in part upon the Findings of the peer review/reviewer during the Planning Board process. Mr. Maxim's conclusion – Affidavits re the problems with the system, this was reviewed as more anecdotal and not hard data, prejudicing Verizon. Additional evidence, Kevan Williams of Nippon Electric New York (NEC) systems. Testimony indicated that in 2013, his company was asked to design a new point to point radio for this. Verizon retained him because system not performing correctly. The separation between antennas – diversity space had to stay the same. Then a new radio wave guide, see Exhibit C (HHDC) submitted June 5, 2019, this is the date of the Decision as well. HHDC found that they didn't have time to review and didn't.

2016 – NEC Verizon hired again, system is unacceptable, alarms, outages, thus needing the extension.

Greater space diversity is needed to make system work properly.

This was not considered by HHDC. Also, George Mayer gave an opinion that he thought the height was necessary for Verizon. Hoping that this Appeal Committee will consider this new information that the local Commission did not consider.

George Mayer in attendance, he refers to the NEC report dated Sept. 10, 2019, Exhibit A. He reads through the report and makes reference to the graphs, Exhibit B.

..Software showed significant signal loss at times throughout the period of July 13th through August 18th. During much of this time, the received signal strength dropped by 70% or more – (comment: unusual drop). At those times, the integrity of the digital signal is compromised, often to the point of causing dropped calls and internet data errors. This is analogous to what happens when driving away from an FM radio station and hearing only a portion of the program as it gets weaker, before it drops out completely. On July 16th, July 17th, August 6th and August 8th, the microwave system signal strength was well below what the receivers are capable of hearing, causing the link to drop. When the link integrity is compromised by a weak signal, a 911 call for example, would more than likely not go through, When the signal is below the receiver's ability to hear it, all communications will cease, including 911 calls, which could seriously jeopardize life and property. Business communications and financial transactions are severely hampered during these same times.

Verizon is obligated (comment – State of Massachusetts obligation) to send 911 calls originating on its landlines to GDIT (General Dynamics Information Technology) who is contracted by the state to provide Next Generation 911. When a 911 call is placed by a Verizon landline customer on the Island of Nantucket it is routed off-island via the microwave radio system into the GDIT NG911 network. GDIT is responsible for routing that call via their NG911 systems, along with the correct location and number information, to the appropriate PSAP (Public Safety Answering Point) for emergency services (Police, Fire, Ambulance)

dispatch located on the island. This requires routing the call over the microwave radio from Hyannis to Nantucket to get the call back on island to the PSAP. (comment – if signal out, won't go through). The performance monitoring data clearly indicates that the path is experiencing significant fading conditions down to the point of total link failure (comment – inoperative). Some amount of fading on a 26 mile microwave path over water is unavoidable; however the outages recorded are unacceptable for reliable communications when compared to a well-designed path where consistently deep fades rarely, if ever, occur. The data further verifies that the path is not optimized to minimize reflective fades. A computer analysis of the topology between the Hyannis and Nantucket (comment- signal bouncing off water) microwave sites, which is mostly water, concluded that both the tower height and the antenna spacing are insufficient to maintain reliable communications on and over-water path, which is the most difficult according to all published studies (Bell System Studies). This analysis resulted in Verizon requesting an increase in tower height and antenna spacing to minimize the signal variations and outages that could cause loss of 911 service as well as normal phone and internet traffic. According to the path analysis, the optimum main and diversity antenna separation for this path is 40 ft. (comment – standard number). The benefit of space diversity is to provide effective de-correlation; that is both antennas should not “see” the same reflection at the same time. (comment – upper/lower antenna fades). The existing antenna separation is 20 ft., which has proven to be inadequate to provide reliable service. In order to meet the recommendations in the path study to minimize signal degradation and optimize performance the tower must be raised to move the main antenna centerline to 145 ft. and the diversity antenna to 115 ft.

Reference is made to the graphs in the report/letter, Exhibit B (attached with Exhibit A). This is representative of the signal levels. The system refuses to work because the receivers can't hear. Like an FM station that fades in and out. System 1 and 2 on different frequencies. Hyannis to Nantucket has totally failed a number of times. Nantucket from Hyannis transmitter is quite low power level. Significant drops/outages. If the system were designed/working properly the signal levels should not fluctuate. Red lines on the graph represent/prove that not working properly. This system is not in good shape at this time.

Mary- Ann Agresti asks/clarifies that there is a great percentage, but is there any way of discerning how many Nantucket calls are dropped – a percentage of calls in general, history of 911 dropped calls and the quantity.

Attorney Ford replies possibly a way to find this out, but not represented in this information.

Chair Alison Alessi states that they are looking for a dropped call log.

Attorney Ford replies that they/this report was to give information of how the system is performing.

Mary- Ann Agresti thought we were going to get info on dropped calls.

Sara Colvin asks about the chart and how to make a comparison and look at this data in a functioning system.

George Mayer replies – there is a 40 unit difference between the un faded signal, but this is dropping even deeper. This is not living up to the design criteria.

Attorney Ford clarifies if/do you want information for dropped calls more specifically?

Alison Alessi asks how is this related – land/or cell?

Ellen Cummings/Verizon in attendance. This tower only handles land line services. Whatever traffic is on this or any phone traffic, the link goes down and you have to call again.

Alison Alessi asks for breakdown of the system and how weather plays a part.

George Mayer clarifies that the traffic is split, they wouldn't have enough capacity, these are 3 different frequencies. This is to clarify that not just one set going out. Yes, weather is the primary issue.

Mary- Ann Agresti asks why now, has weather changed that much?

Attorney Ford replies that Verizon tried to fix this in 2013 and that's when NEC tried to improve it, but by 2016 it didn't fix the problem.

Mary- Ann Agresti asks how long has this specific technology been in place?

Ellen Cummings replies in 1962. The weather has become more severe on the Cape, clearly is a contributing factor. 2001 maintenance done for 6 years, they always saw a problem with the circuits bouncing, though the problem was the height of the tower, and it being too low/design to low.

Attorney David Houghton directs to George Mayer. 12 slides, Exhibit B, Hyannis System 3, 7/12-7/31, asks for clarity of the X Access. This represents a loss of signal strength. Clarification of how the graph reports are read.

George Mayer replies the Hyannis signal/looking at Hyannis signal.

Public Comment

Alan Feltham, Hyannis resident in attendance. This data being presented is based on the present system, confirms. If cost were not a factor is this the system we'd use? Is there another technology that could eliminate this problem/this is the best you can possibly get?

Attorney David Houghton would like to request, on behalf of HHDC, an extension of time to submit proposed Findings on behalf of HHDC that would support and a memorandum with legal points. He would like to do by October 2, 2019. This would have been the date that the Committee would have to decide. He would like Oct. 9th, to submit Findings of Fact on behalf of HHDC and memorandum. Have Planning & Development Dept. request a peer review, prior to Oct. 9th so he can submit the material and any new evidence. He would like to request a continuance/final to Oct. 24th 2019, to try to allow sufficient time if Verizon would like to file any rebuttal, that would give them time to submit. This is more judicial situation. Verizon should have time for final submission.

Chair Alison Alessi confirms meeting dates and confirms that this Commission will not be doing the Sept. 26th, 2019 date as previously discussed.

Discussion of dates and schedules.

Mary- Ann Agresti asks if this will be a report/what procedure?

Attorney David Houghton – Peer review submission and then he could prepare proposed Findings.

Chair Alison Alessi asks for timely submissions from all for review.

Elizabeth Jenkins states that Planning & Development would like sufficient time. When determination made by Committee -Need 2 weeks to render a final decision - Nov. 7th 2019, would be date to render a decision from an October 24, 2019, meeting.

Chair Alison Alessi – Continue the public hearing to October 24th, 2019. Peer Review need to be submitted before that time.

Discussion re submission dates:

**New documents be submitted by Oct. 9th 2019, HHDC –Attorney David Houghton.
Verizon documents in response by Oct. 16, 2019.
Next public hearing by Oct. 24, 2019.**

Attorney David Houghton requests the ability to speak about proposed findings orally at that time – Oct. 24, 2019, meeting/hearing. Confirms that the public hearing will be open through/past Oct. 24, 2019. Asks if any limitation of any evidence being presented by/on for October 24, 2019.

Chair Alison Alessi replies yes.

Alan Feltham asks if allowed to submit a question in writing?

Elizabeth Jenkins replies yes, the public hearing is opened until Oct. 24, 2019.

Chair Alison Alessi states that the questions be submitted in relation/per the new information/evidence.

Elizabeth Jenkins would like a motion from the Committee re the peer review request, scope of work per new data presented from Verizon – clarification of.

Attorney David Houghton clarifies the motion – re June 5th 2019, HHDC meeting and original Isotope Peer Review - asks that the peer reviewer present evidence per this information.

Chair Alison Alessi entertains a motion to request Planning and Development to conduct a peer review for limited scope of work as it relates to the new data entered by Verizon tonight, moved by Mary-Ann Agresti, so voted unanimously.

Chair Alison Alessi entertains a motion to continue the public hearing to October 24, 2019, moved by Mary-Ann Agresti, seconded by Sara Colvin, so voted unanimously.

The meeting is adjourned at 7:10 p.m.

Submitted
Karen Herrand

List of Exhibit Documents

Exhibit A – NEC letter/report dated September 10, 2019

Exhibit B - NEC graphs from report dated September 10, 2019