

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES NOVEMBER 4, 2009
6:30 PM 2ND FLOOR OF TOWN HALL**

PRESENT: Eric Whitman, Tucker Hubbell, Tony Higgins, Toni Cohen, Nancy Cole, Bob Schwier, Larry Schubert

ALSO PRESENT for All or Part of the Meeting: Joan Jenkinson, Pat Jenkinson, Dan Bilezekian (AT&T), Atty Susan Roberts (Anderson & Krieger), Glenn Hearn, Richard Knabel

BUSINESS

- The minutes of October 28 were approved as written
- Complaints by Pine Lane resident regarding heavy equipment use and storage on 3 lots in the neighborhood: After discussion, the ZBA concluded it was the Zoning Inspectors purview, and they would support him should any violations be found.

HEARING

6:40 An application by Walter and Joan Jenkinson for a Special Permit to alter and extend a pre-existing, non-conforming (by setback) shed: Replace an existing 14' by 12'6" metal shed, approx 18' from the north bound at its nearest point, with a wooden shed to be 14' by 24' by 15' tall. Section 11.1-3 of Zoning Bylaws. Map 32, Lot 79; 1074 State Rd; Village Residential District. *Correspondence: 1) Nancy Dole, in favor*

Pat Jenkinson explained that once they realized they'd need to get a special permit to replace their shed, they decided to request to make it larger so that it could really be of use to them. The following was established: The property consists of a gas station and garage for repair of vehicles both in existence before zoning was adopted in 1972. The metal shed in question predates 1972. The existing shed is 18' from the northern bound which is the middle of a private road running past the property on the north. The Village Residential District sideyard setback is currently 20 feet, or 25 feet if adjacent to a street, which this shed is. The applicants do not propose to encroach any more than the 18 feet. The proposed use is for the storage of products used by the gas station and the storage of equipment. The applicants do not propose to put plumbing or electricity in the shed. The Board finds that the setback relief granted and the expansion in size are minimal; that the shed will be an improvement to the property; that demolition delay would probably not be required. The placement of the garage will have the least impact on neighbor Hasty Runner.

The construction applied for to will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size, and design.

7:00 An application by Anderson & Kreiger LLP on behalf of Cingular Wireless PCS, LLC ("AT&T") for 1) a Special Permit #1 under Section 8.8-2(A)(1) to construct a 75' flag-pole style monopole and a 12' by 20' equipment shed for a wireless communication facility; 2) Request for waivers from certain application filing requirements under Section 8.8-12 consistent with the July ZBA pre-application conference; 3) Any other zoning relief required. The proposal is a relocation and upgrade of an existing pole at the Airport. The location is Map 28, Lot 1, off

Amelia's Way off Airport Rd, Cell Tower Site 2; Light Industrial District. *Correspondence: 1) Planning Board; 2) David Maxson of Broadcast Signal Lab (Commentary on application)*

The applicants submitted additional material: Photo simulations of a crane test taken at various locations and FAA determinations regarding their proposal. The Planning Board wrote in support of the proposal as it is located within and appropriate for the Light Industrial District. Dan Bilezekian (Site Acquisitions, AT&T) and Atty Susan Roberts (Anderson & Krieger) represented the application as they did at the July Pre-Application Discussion. They and the Board read Dave Maxson's report. Dan and Susan explained again that their existing 30' pole at the airport (put up before any WCF Zoning in place) is on a leased parcel of land at the airport and the lease is about up. The airport plans to demolish an old building on the parcel and redevelop the area. They created a new site for a cell tower and sent out RFPs. AT&T responded and "won". They plan to upgrade it to 75' feet and to make other improvements to provide better coverage.

The Board were shown the color coded coverage maps; existing and projected increased coverage for when the tower is up and running. Dave Maxson had commented that the quantitative signal levels were not provided. Susan and Dan said they're not shown because the Company likes to keep it competitive, confidential. It was pointed out that the coverage maps incorrectly list a tower site in another town as that of West Tisbury.

Further on the coverage maps, Dave Maxson wrote that if the signal thresholds are different for the GSM voice service and UMTS data service, these differences should be produced for the record. Dan said he did not think the services are differentiated; he'd consult an RF engineer on this. Larry pointed out that it would be helpful to have these numbers, for example if another applicant, like DAS, stated that their system would be needed to supply more adequate coverage in these areas. Dave also posed questions regarding the listing of only one PCS license. Dan will provide all licenses. Regarding FAA approval for the tower, the applicants stated Deborah Potter, Asst Airport Manager, has told them the pole will require a flashing red light at night like the other WCF at the airport. Dave had written that the Board could state their preference among strobes or red lights for night and striped pole or strobes for day. The Board said they would defer to what the FAA wants.

Dave pointed out an error in interpretation of the zoning bylaw's height interpretation in the request to be over the permitted 60'. The Board discussed this section and that a Variance for height could be granted under part 3 of the application, "Any other zoning relief required", which was part of the notification process. Dave's report questioned why AT&T needed to take up 2 of the 4 slots. If it is desirable to maximize co-location and reduce number of poles built, he suggested the Board ask AT&T to install more complex antennae within the pole that could operate using only one slot. The applicants said because the antennae are inside the pole, they need the space of the 2 slots. The Board did not question this. Dan opined that the other carriers already at the airport would upgrade rather than co-locate on the AT&T pole, but there were other companies, and especially new companies, that would seek to locate.

In conclusion the applicants said they would supply the numbers and other broadband information to the Board. The Board voted to send the application to the Martha's Vineyard Commission under the wireless communication section of their standards and criteria; that is any WCF exceeding 35' must be referred to the Commission. This is a concurrence vote referral.

The Land Use Planning Committee may decide it does not need Development of Regional Impact Review. The applicants asked that the ZBA support their seeking for a non-concurrence from the MVC. The Board will send a letter stating they do not think this is a DRI and are favorable to granting the application, without taking a formal vote, on the following merits: It is located in a Light Industrial District; the pole design and height would not be detrimental to the neighborhood and Town and there would be no material visual impact; the closest residential structure is 918' from the site; it is a replacement tower to be on a site that the Airport has developed specifically for this use; wireless communication coverage in West Tisbury and beyond will be improved.

The meeting was adjourned at 8:15 PM.
Respectfully submitted, Julie Keefe Board Admin.