

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY JANUARY 21, 2010
HOWES HOUSE 5 PM**

PRESENT: Eric Whitman (Chair), Tucker Hubbell, Toni Cohen, Bob Schwier, Tony Higgins

ABSENT: Larry Schubert, Nancy Cole

ALSO PRESENT: Atty Susan Roberts, Dan Bilezekian (AT&T Site Acquisitions), RFP Engineer Kevin Brower, Glenn Hearn

HEARING

5 PM Continuation of 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. The MV Commission did not concur that it is a DRI for them to hear. *No correspondence.*

Kevin Brower talked in general about wireless communication, and answered questions regarding the AT&T proposal. Susan Roberts gave the Board new submittals including maps with quantitative thresholds; a specific request for a Variance for height relief with a brief supporting the request, and further FCC and FAA permits.

A point brought up by the Martha’s Vineyard Commission was brought up: Is there a preference for a propane or diesel tank for the backup generator within the containment area? The ZBA leaned toward propane, while diesel was planned by AT&T. Ultimately, the Board said, it was not an issue: The airport should decide what is best for their safety needs.

The AT&T team was asked if they had a say on who collocates. The answer was that they entertain requests from other carriers and it’s first come first served as long as they have FCC licenses. There are 2 other spots available. Ken Brower briefly explained that a flag pole style antenna has all of its antenna and other equipment inside the pole, which is why a good ten feet is needed for each co-locator. The flagpole is more aesthetic, but the facility would have more capacity and take up less space for each carrier if the equipment were on the outside. Susan Roberts clarified for the Board that any co-locators must apply for Special Permits on their own, not as modifications of their AT&T Special Permit.

Board members asked, if the bylaw were changed to allow higher towers, could this pole be extended? Kevin answered that if this installation had been designed from the start to be able to add on, yes. The foundation is key; it needs to be designed for the actual height. And, the pole needs to be designed to be extended. The plans for this tower are done. If it was a stipulation of the permit, they could redesign. He said a DAS could come in handy in the situation of a Town not wanting another high tower; that is, a new higher tower may not necessarily increase service to the red and yellow (color codes) outlying coverage areas, but a DAS could be strung up to these outlying areas. The ZBA said that the DAS proposal for West Tisbury was along well traveled and inhabited roads, not outlying. American Tower, it was said, were meeting the demands of the RFP they responded to.

The Board said they would not be asking for this tower to be able to go higher; the bylaw has not been changed in this regard. Susan Roberts and Dan Bilezikian explained that in any case it would not be AT&T that would apply for the Special Permit; it would be the co-locater. In any case, Susan said AT&T would establish that they get the top slots. Kevin commented that the airport likes the monopoles ('flagpoles'). If you could have the poles with the arrays outside, and close mounted, the capacity for this sized pole would be higher and you wouldn't need the 10 feet for each carrier.

Tucker asked if the bylaw were changed and you could go up to 125 feet say, would that one pole be enough? Kevin said it would go a long way; height helps. He said they had a site in Chilmark, but it's in the trees which makes it almost useless. This is on Tabor House Road. It was commented that American tower had to wait to do their drive testing until the leaves came out. The leaves can cause gaps between nodes.

At this point the hearing was closed. Review has included a July formal Pre-Application Conference, hearings in November and January and a December review by the MV Commission. The Board voted unanimously to grant a Special Permit with conditions.

DISCUSSION

Krienes & Krienes draft wireless bylaw

BUSINESS

- The minutes of January 6 were approved.

The meeting was adjourned at 7 PM

Respectfully submitted

Julie Keefe, Board Admin.