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Martha's Vineyard Commission Land Use Planning Committee Meeting Notes - May 22, 2006

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: Christina Brown, John Breckenridge, Chris Murphy, Ned Orleans, Paul Strauss, Doug Sederholm, Deborah Pigeon.

MVC Staff Present: Mark London, Paul Foley,

Town: Camille Rose (Selectmen and Planning Board)

1. Cingular Wireless (DRI 590)

Present for the Applicant: Scott Lacey (Anderson & Krieger LLP)

Project Location: Church Street, Aquinnah, MA Map Lot (acres)

Proposal: Wireless communication facility within a replica replacement of part of the steeple of the Community Baptist Church in Aquinnah.

Chairman Brown opened the meeting at 5:37 pm.

Legal Issues

- Scott Lacey indicated that Cingular is contesting Aquinnah's referral to the MVC referral on the grounds that it was not timely. Cingular is proceeding with this MVC DRI application, but reserves its rights. They will make this clear at the beginning of the public hearing, and then go on.
- The judge will first decide whether to proceed with the case before the MVC makes its decision (as recommended by Cingular) or let the MVC proceed first (as recommended by Aquinnah).
- Cingular questioned the appropriateness of having the MVC hire David Maxson as a wireless consultant since he has advised Aquinnah and suggested that he clarify whether he is in violation of MGL 268. Camille Rose, Aquinnah Selectman, noted that Mr. Maxson has not worked on this project but has advised the town on a dispersed system (DAS)

Proposal

- Three antennas wireless communication facility within the steeple of the Community Baptist Church in Aquinnah.
- The upper part of the existing 48' steeple is proposed to be replaced with a fiberglass replica that allows radio waves.

- Three antennas would be at 37'. The steeple would be detailed, textured, and colored to match the existing.
- An 8'-high stockade fence would surround an 8'-by-10' compound area near the church for three mechanical cabinets 3' by 3' by 8' feet high.
- Construction would take three months in the spring or fall. Once constructed, the facility would only require a monthly maintenance visit, unless there was an emergency.
- The noise level would be 48 decibels at the property line, less than the ambient sound. It would be 21 decibels at the nearest abutter, 271' away.
- There is no backup generator, only batteries.

Traffic

- ***Doug Sederholm moved and it was duly seconded to waive the traffic study. LUPC agreed unanimously.***

Issues to be Explained at the Public Hearing

- Cellphone coverage range (show map).
- Cost of installation.
- Church's position (it would be helpful to have a representative).
- Co-location. Scott Lacey indicated that Cingular would not have exclusivity. It has not talked to other companies about co-location because the site has not been approved yet. It's a matter of timing. They may decide to pursue other avenues if you tell them it is under litigation. It is not clear whether it is technically feasible to co-locate other carriers without increasing the height of the steeple.
- The impact of proceeding with this proposal or the viability of implementing a DAS system, which could potentially offer more comprehensive coverage.
- Town's position. A Town representative will explain the rationale behind the zoning bylaw.

Adjourned: 6:31 p.m.