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Martha's Vineyard Commission

DRI # 662 Chappy Wireless Antenna

MVC Staff Report – 2016-04-08

Note: New information is printed in bold type.

1. DESCRIPTION

- 1.1 Applicant:** New Cingular Wireless PCS, LLC ("AT&T"); Robert Fynbo (Property Owner)
- 1.2 Project Location:** 14 Sampson Avenue, Edgartown Map 34 Lot 197 (0.528 acres)
- 1.3 Proposal:** To construct a 104-foot monopole antenna with guy wires, a ground mounted dish antenna 6' in diameter, and associated mechanical equipment in an existing shed.
- 1.4 Zoning:** R-120 Residential: Minimum Lot Area - 3 acres; Front Setback 50'; Rear Setback 25'; Side Yards - Setback 25 feet. The existing residence is a pre-existing non-conforming lot with non-conforming setbacks. Section 23.2 allows the Planning Board to "exempt the (wireless) installations from dimensional requirements..." Presumably the antenna/tower is considered a Structure – EZB: ***Structure is a combination of materials assembled at a fixed location to give support or shelter. A structure includes any building. Swimming pools and tennis courts shall be considered structures. A fence or wall over six feet high shall be considered a structure; an open terrace not more than thirty inches above grade shall not be considered to be a structure. A vessel shall not be considered to be a structure.***
- 1.5 Local Permits:** Special Permit from Planning Board. Building Permit for Structure:
- 1.6 Surrounding Land Uses:** Residential. **The proposed location is on a small lot in a relatively densely packed neighborhood on Chappaquiddick.**
- 1.7 Project History:** There is an existing WISP (Wireless Internet Service Provider) antenna that is 84 feet high on the property that was not reviewed by the MVC.
- 1.8 Project Summary:**
- To locate a wireless communications facility, including without limitation a 104-foot ballast mounted concealed antenna monopole with 3 guy wires and anchors, 3 panel antennas, a ground mounted dish antenna of 6 feet in diameter, coaxial cables, and 2 radio communications equipment cabinets to be located within an existing building.
 - The Applicants have said this is a temporary antenna to provide service for this summer. They plan to submit an application for a new taller permanent antenna within the next year.
 - The Applicant hopes to have this temporary antenna up and operational by Memorial Day. This is not a Cellular on Wheels (C.O.W.) often associated with Presidential visits.
 - A permanent antenna requires more permitting and thus will take more time than is available to provide coverage for this summer. Though intended for only six months the temporary antenna is structurally designed for an extended period of time. **The WISP tower would remain.**
 - Currently the antenna is planned for only AT&T but other providers could be accommodated.
 - **The base of the tower would be surrounded by a 6' stockade fence. Associated equipment would be housed in an existing outbuilding with cables connected via an underground conduit. Three guy wires would extend to ballast blocks outside the tower enclosure and there would be a 10' tall satellite dish in the yard.**

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Referred on March 15, 2016 by the Edgartown Planning Board; received at MVC April 5, 2016.
- 2.2 **DRI Trigger:** 9.1a (Construction of telecommunication tower over 35'). Mandatory Referral.
- 2.3 **Pre-Application meeting with staff:** March 8, 2016
- 2.4 **LUPC:** March 21, 2016.
- 2.5 **Site visits: Monday April 11, 2016 at 3:00 pm.**
- 2.6 **Public Hearing:** April 7, 2016; **continued to April 14, 2016.**

3. PLANNING CONCERNS

3.1 Some Key Issues

- **Location:** Is this densely packed residential neighborhood of undersized non-conforming lots the best location on Chappaquiddick for a wireless tower of this size?
- **Alternatives:** Has the town explored the possibility of a DAS (Distributed Antenna System) for Chappaquiddick?
- **Alterations:** The Application is from AT&T only for a "wireless communications facility, including without limitation...". How many other carriers could go on this tower? What would the process for adding carriers be? What would it look like with more carriers?
- **Temporary:** The Application anticipates a revised proposal in the future for a permanent tower. How long can this "temporary" tower be here? Could this temporary tower become the permanent application?
- **Fall Zone:** The house on the property where the antenna is proposed is within the fall zone of the antenna. Several buildings on abutting properties are just outside the fall zone.
- **Visibility:** The antenna will be the tallest structure on Chappaquiddick. Is a 104 foot tall monopole tower appropriate for the rural character of Chappaquiddick?

3.2 Environment

- **Vegetation:** A few plants in the Applicants yard may be disturbed.
- **Habitat:** The site is not mapped as NHESP habitat.
- **Landscaping:** The mechanical equipment is proposed to be located in an existing outbuilding on the property. Guy wires would be connected to ballast blocks in the yard.
- **Lighting:**
- **Construction Schedule:** Once permitted the antenna will take about three weeks to construct and another week to integrate into the wireless system.
- **Fall Zone:** The house on the property where the antenna is proposed is within the "fall zone of the antenna". Several buildings on abutting properties are just outside the fall zone. The Applicant said that the antenna is designed to deflect and bend rather than fall straight over.
- **Energy/Sustainability:**
- **Wastewater / Stormwater:**
- **Nitrogen Loading: The proposal should not have an impact on nitrogen loading.**

- **Storm water:**

3.3 Transportation

- **Access:** The site is accessed from Sampson's Lane.
- **Parking:** The existing site has typical residential off street parking.
- **Traffic Summary:** In terms of overall traffic operations and parking issues, this proposal is not likely to have any traffic impacts.

3.4 **Affordable Housing**

3.5 **Economic Impact**

- The facility will be unmanned with occasional servicing.

3.6 **Scenic Values**

- **Streetscape: The antenna will be very visible from the residential neighbors.**

The Antenna will be somewhat visible from a distance from a variety of locations.

3.7 **Local Impact/Abutters**

- **The antenna will be very visible from the residential neighbors.**

4. **CORRESPONDENCE**

4.1 Town Officials: The Planning Board in its referral letter stated it has “determined the necessity for this wireless tower service is vital to the safety of Chappaquiddick...”

4.2 Island Organizations: The Vineyard Conservation Society has written asking the Commission to table immediate action until a an inquiry into a Distributed Antenna System (DAS) alternative has been exhausted. They strongly urge the MVC to consider the visual impacts and creative alternatives.

4.3 Public: Bob and Ellen Gurnitz have written in support citing a desperate need for improved cell service. **Rob Kagan** has written in support citing the need for cell service in the case of emergencies. **Linda Eckles** has written in opposition noting the site is a non-commercial densely populated residential area and will adversely impact values. She suggests alternative sites such as the community center. **Mary Scott Spencer** has written in support particularly for improved communications in the event of an emergency. **William and Susan Geresy** has written in support noting a 5 year planning process and the need for improved emergency communications. **Serene Forte and Teri Carilli** have written with concerns with the siting of the cell tower on a small residential lot, that it will decrease home values, opens the door for more towers on residential lots, and does not monetarily benefit the town as it would if it were on town property. **Ellen and Clark Sole** have written in support citing a real safety and security need. **Steve and Tina Pollock** have written in support citing safety, even though they will still be in a “dead zone”. They also think the visual impact of the new tower pales compared to the existing utility poles. **Corrine Costello** has written to object to locating the tower and equipment in a densely populated residential area that will adversely impact values and notes that the permanent tower will have to be taller to accommodate other carriers and suggests alternative location. **John and Sandra Cavanaro** have written with concerns that the neighborhood of undersized non-conforming lots is inappropriate and that the “without limitation” nature of the application could result in an ugly crowded tower. They ask, if approved, that the MVC consider conditions such as a public hearing for any changes, a continued search for alternative sites, no lights, and vegetative screening. **Molly Pickett** has written urging the MVC to reject the application based on the inappropriate site in a densely packed neighborhood, visual impacts, impact on and vagueness of the “without limitation” application. Since it only services AT&T this will set a precedent for more towers in the future. She feels that the Planning Board ignored a consensus on Chappy to look into alternatives such as DAS (Distributed Antenna System). She adds that the existing 90’ WISP tower may not have been properly permitted. **Dick and Judy Dimond**, abutters, have written in support noting the need for improved cell service and the quiet and unobtrusive operation of the existing WISP tower. **Rob Strayton** has written and is vehemently opposed. He lives in its shadow and notes that CDMA versus GSM technologies means that Verizon and Sprint users will not be able to use the tower. He cites only 17% of residents want a tower and recommends DAS.