

Paul Foley

From: McIsaac, Scott [smcisaac@newstarfin.com]
Sent: Monday, January 21, 2013 10:54 PM
To: 'foley@mvtcommission.org'
Cc: 'Julie Keefe'
Subject: Opposition to Verizon Wireless Tower in West Tisbury

To the Commissioners:

I first came to Martha's Vineyard in 1964. My brother Christopher and I own the 8-acre property on Tisbury Great Pond directly west of the Doane property across Town Cove, which has been in our family since 1968. My current legal residence is in Milton, Massachusetts, but I have returned to the Vineyard every year and have made West Tisbury my permanent residence at times in my life, and I consider it my abiding home. In the past I have voted here, held my driver's license here, participated in West Tisbury town meetings. I have been employed by Alley's Store when the Alley family still owned it, by the Up-Island Super Market before it became Cronig's, and by at the Martha's Vineyard National Bank before it became Compass.

Like so many others, I cherish the unspoiled scenic coasts of Martha's Vineyard, and especially of Tisbury Great Pond. The lovely view of the unspoiled pond is the reason my parents bought our property, and the reason my brother and I still own it. Our property has an existing house and an additional buildable homesite, both with views of the Pond, and one or both of us are hoping to move there again as a permanent residence when we retire in the not-so-distant future.

Like so many of my neighbors, we were appalled to learn that Verizon Wireless is proposing to desecrate the coastal area with an unsightly utility tower that would violate many provisions of the Commissions Coastal District of Critical Planning Concern and the West Tisbury zoning bylaw. Even more appalling is the brazenly disingenuous way in which Verizon is trying to deny the applicability of the many safeguards intended to protect the coastal landscape from exactly this sort of degradation, and to assert -- however implausibly -- both that the proposed tower is necessary and that it cannot legally be disapproved. My brother and I join with the 22 other Opponents in submitting our joint Statement in Opposition, which spells out in greater detail our many objections to the proposal and the many grave flaws in Verizon's DRI and Special Permit applications.

In addition to our Statement in Opposition, I would like to take this opportunity to call your attention to two further points.

The first is to observe the extensive reliance on professional consultants' reports that Verizon has used to support its argument that the proposed location and height are in effect the only possible means for it to improve its service in West Tisbury, and that denial of its application would therefore constitute an "effective prohibition" forbidden by the federal Telecommunications Act. These include reports by a radio frequency engineer, a site acquisition consultant, two property value consultants, a noise consultant, and a "wireless planning and zoning" consultant, among others. Our Statement in Opposition raises many serious questions about the validity and accuracy of nearly every one of these reports and their conclusions, but it is understandable that you and the ZBA members may not feel qualified to challenge the professional opinions of Verizon's consultants. Section 8.8-19 of the West Tisbury zoning bylaw requires that the Town engage similar professional consultants to judge the quality and validity of the professional work contained in the Application, and Section 8.8-18. 2. requires the Applicant to reimburse any costs of such consultants as an application review fee. It does not appear that the ZBA advanced to this step before referring the matter to the Commission as a DRI.

Nevertheless, it is very clear that the proposal as submitted fails to satisfy essential DCPC and zoning requirements. There were also obvious flaws and omissions in the site selection and acquisition process, as noted in our Statement in Opposition. Verizon removed less conspicuous temporary equipment that it had been using to enhance its service before it engaged its professional consultants. Verizon executive Rich Enright also gave a nearly contemporaneous

statement to the Martha's Vineyard Times that the company was willing to build a less-conspicuous DAS network to serve Chilmark and Aquinnah. Given all these factors, an independent professional assessment of the quality of Verizon's submission and the validity of its analysis by qualified professionals is absolutely necessary. It seems very likely that independent professionals would advise the Commission and/or the ZBA that the proposal is not in fact the only feasible means available to Verizon to improve its wireless service in West Tisbury, and would be able to recommend specific feasible alternatives that are more compatible with regional planning goals and town zoning requirements. (Another provision of the zoning bylaw is that the Town may propose its own alternatives for comparison.) I therefore urge the Commission to require, as a condition of either a resubmitted DRI application or a referral of the matter back to the ZBA, that qualified independent professional consultants be engaged at Verizon's expense on behalf of the Commission and/or the ZBA to review the proposal and recommend feasible alternatives, consistent with Section 8.8-19 of the zoning bylaw. Given Verizon's corresponding argument that the necessity of its proposal also precludes disapproval under the Telecommunications Act, I also urge strongly that such consultants include attorneys who have specific experience and expertise in disputes involving the extent of local powers under the Telecommunications Act

Second, I would like to comment further on the co-location aspects of the proposal. As our Statement in Opposition notes, the proposal clearly contemplates co-location (which also appears to be the primary reason for seeking an intrusive and otherwise prohibited 70' or 80' height), but Verizon has declared in its application to the ZBA that co-location requirements are "not applicable." Consistent with this assertion, in our Statement in Opposition the 24 Opponents ask that co-location considerations be deemed inapplicable and unnecessary. We feel that the extra height needed to accommodate co-location is especially incompatible with the scenic preservation objectives of the Coastal DCPC.

However, there appears to be at least some popular sentiment in support of the idea of co-location as a strategy to minimize the number of unsightly towers that might be built by competitors in a given area. This seems to me an unfounded concern if the desire for excess height and therefore visual disturbance of the landscape is driven primarily by a desire to accommodate competitors rather than the minimum height necessary to support Verizon's own service. It would seem far preferable to have several providers providing the same quality of service by antennae mounted on several lower, relatively inconspicuous poles, than to have fewer, but taller and starkly conspicuous, poles degrading the landscape – especially if located in the protected scenic area of the Coastal District. In fact, the multi-sited approach is precisely the policy approach that the people of West Tisbury adopted when they passed the bylaw with its clear preference for "Opportunity Sites" no higher than 50'.

At a minimum, if the Commission considers co-location to be a desirable element of the proposal, that would throw into even starker relief the need to conduct an exhaustive search (and the inadequacy of Verizon's search process thus far) for the least visually intrusive site capable of supporting such a facility. A site meeting these constraints would ideally not be located in, or even visible from, the Coastal District. It also throws into starker relief the need to require that an acceptable application address thoroughly all co-location issues as if the facility were fully built-out with the maximum number of co-locators -- as the zoning bylaw requires but Verizon has deliberately ignored.

Thank you for allowing the opportunity to comment.

Very truly yours,
Ian S. McIsaac
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