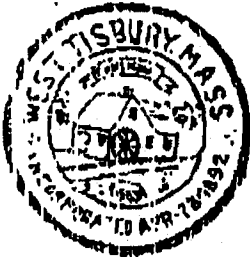


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To West Tisbury

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Town of West Tisbury

BOARD OF APPEALS

FINDINGS AND DECISION

RE: Application for Special Permit
Sprint Spectrum LP
71 Airport Road, Martha's Vineyard Airport

DATE: March 14, 2000

PROCEDURAL HISTORY

1. On or about December 28, 1999, Sprint Spectrum LP (Sprint) did apply for a special permit, pursuant to Section 7.620.1 of the West Tisbury Zoning By-Laws (hereinafter, the By-Laws), to erect a sixty-five (65) foot monopole and associated base station on Assessor's Map 28, Lot 1, 71 Airport Road, Martha's Vineyard Airport, West Tisbury (hereinafter the locus).
2. A public hearing was held on February 2, 2000, and terminated that same date.

FINDINGS

3. Sprint has a principal office located at One International Blvd., Suite 800, Mahwah, New Jersey, and is licensed to do business in the Commonwealth of Massachusetts.
4. Sprint's proposed use of the locus for a monopole constitutes a wireless communications facility (WCF) as that term is used in the West Tisbury Zoning By-Law and a personal wireless service facility as that term is used in the federal Telecommunications Act, 42 U.S.C. s. 332(c) (7) (C) (ii).
5. Sprint is licensed by the Federal Communications Commission (FCC) to provide cellular mobile radiotelephone service within a market area that includes West Tisbury.

6. Sprint has leased from the Martha's Vineyard Airport Commission a parcel containing 2,450 square feet to erect and operate the WCF on the locus.
7. The locus is zoned Industrial.
8. The proposed WCF is shown on a set of plans, the cover sheet of which is entitled, "Sprint Spectrum, LP, Site I.D.# BS23XC705B1, Martha's Vineyard Airport, 71 Airport Road, West Tisbury, MA 02575," prepared by Clough, Harbour & Associates, LLP, 171 Park Ave., West Springfield, MA, dated October 12, 1999 (hereinafter, the Plan), which was submitted as part of Sprint's application.
9. The Plan includes Drawing Number RDU705Z4 entitled "Comprehensive Site Plan" showing the site plan and layout of the WCF on the locus. The Plan includes Drawing Number RDU705Z5 entitled "Enlarged Site Plan." The drawings on Drawing Number RDU705Z5 detail the specifications for the installation of the WCF on the locus. The Plan includes Drawing Number RDU705Z6 entitled "Details." The drawings on Drawing Number RDU705Z6 detail the specifications for the installation of the WCF and associated base structure on the locus.
10. In addition to the Plan and its application, Sprint submitted the following documents:
 - a. Abutters listing for the property of the West Tisbury Airport;
 - b. Application fee of \$200.00 to the Town of West Tisbury;
 - c. Review fee of \$7,500.00 to the Town of West Tisbury to be placed in escrow;
 - d. Statement from Clough, Harbour & Associates outlining purpose of the Wireless Communication Facility in the Town of West Tisbury (Reason for Petition);
 - e. Statement from Sprint Spectrum LP authorizing Clough, Harbour & Associates to represent Sprint to the Town of West Tisbury;
 - f. Massachusetts Department of Health filing;
 - g. Copies of submittals pertaining to FCC Licensing;
 - h. RF coverage plots with and without the proposed Sprint Spectrum facility;
 - i. Digitized antenna pattern plot;

- j. Notarized Statement signed by the applicant verifying the accuracy, truthfulness, complete and verifiability of the information contained in this application;
 - k. Statement signed by a Sprint Spectrum RF Engineer certifying accuracy;
 - l. Photographs of other existing Sprint Spectrum sites to show colors and shape of structure that will be used at this site;
 - m. Estimates of radiofrequency radiation and a signed certification from an RF engineer verifying the measurements are accurate and meet FCC guidelines;
 - n. FCC License to operate a radiotransmitter;
 - o. FCC Application for Antenna Structure Registration;
 - p. FAA Notice of Proposed Construction or Alteration;
 - q. FAA 2-C Survey Certification;
 - r. FAA aeronautical studies conducted by Airspace Safety Analysis Corporation;
 - s. FAA clearance letter no. 99-ANE-0738-OE;
 - t. NEPA/SHPO - National Environmental Policy Act assessment.
11. In the aggregate these documents, together with the Plan and the application constitute submittal of the required materials set forth in Appendix #2 of Section 7.600 of the By-Laws.
12. The submittals, including the Plan, demonstrate that the applicant has satisfied all of the standards and conditions set forth in Section 7.670 of the By-Laws.
13. Section 7.620.1 of the By-Laws authorizes the Board of Appeals to issue a Special Permit #1 for the construction of a WCF. In considering the application for such Special Permit #1, the Board of Appeals shall consider the following factors:
- a. communications needs served by the facility;
 - b. traffic flow and safety, including parking and loading;
 - c. visual impacts of such facilities on residential districts and scenic areas;
 - d. impact on neighborhood character, including aesthetics and property values;
 - e. impacts on the natural environment;

- f. potential fiscal impact, including impact on town services, tax base, and employment;
- g. potential human health hazards due to radio signal radiation from the proposed facility, to the extent not contrary to federal law;
- h. if primary coverage (greater than 50%) from a proposed WCF is outside West Tisbury, then the permit may be denied.

14. With regard to Sprint's application for a Special Permit #1, the Board finds that the WCF is needed the community in that there is a demonstrable gap in coverage; that the WCF will have no effect on traffic flow and safety, including parking and loading; that the visual impacts of the WCF on residential districts and scenic areas will be negligible due to the location at the airport; that the impact on neighborhood character, including aesthetics and property values will be negligible for the same reason; that impacts on the natural environment will be negligible; that fiscal impact, including impact on town services, tax base, and employment will be negligible; that human health hazards due to radio signal radiation from the proposed facility will be negligible; and that primary coverage from the proposed WCF is within West Tisbury.

DECISION

Pursuant to G.L. c. 40A, s. 9 and Section 7.600 of the By-Laws, the Board of Appeals of West Tisbury, after public hearing and findings of fact, hereby grants a special permit #1, with the following conditions, to Sprint for a wireless communications facility on the locus.

Conditions

1. The construction, maintenance and operation of the WCF shall be in substantial conformance with the Plan, as described in paragraphs 8 and 9, above.
2. The construction, maintenance and operation of the WCF shall be in conformance with the standards and conditions applicable to a Special Permit #1 as set forth in Sections 7.670, 7.680, 7.690, 7.710, and Appendix #1 of the By-Laws.

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3. During construction applicants shall conform with all local, state, and federal laws regarding noise, vibration, dust, and blocking of town roads. The applicants shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction of the proposed ways, services, and improvements shall not commence on any day before 7:00 A.M. and shall not continue beyond 6:00 P.M. There shall be no construction on any Sunday or federal legal holiday.

*I certify no appeal has been made.
Maureen F. Healy April 3, 2000*

ass't.

**TOWN CLERK
WEST TISBURY
MASS. 02575**

Sprint

RECORD OF VOTE

The following members of the Board of Appeals vote to grant a special permit subject to the above-stated terms:

Eric C. White
Toni Cohen
Amy Morse

Ray Higgins
W. H. [unclear]
[unclear]

The following members of the Board of Appeals are in opposition to the grant of the special permit:

Filed with the Town Clerk on March 15, 2000

Maurice F. Healy
asst. Town Clerk

Copy of Findings and Decision mailed to:

I certify that no appeal has been made.

Maurice F. Healy April 3, 2000

asst. TOWN CLERK
WEST TIBBURY
MASS. 02575