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Cellular Tower Plan Referred to MVC

By IAN FEIN

Adding another twist to the pending lawsuit with Cingular Wireless, Aquinnah selectmen last week voted to refer the proposed cellular antennae to the Martha's Vineyard Commission as a development of regional impact (DRI).

The commission will decide next month whether to hold a public hearing and review the project as a DRI.

The increased regulatory involvement comes two months after Cingular Wireless filed a pair of lawsuits against the Aquinnah planning board for denying a proposed cellular antenna inside the steeple of the Gay Head Community Baptist Church.

Selectmen decided to refer the project to the commission last Wednesday, after meeting with town counsel in executive session to discuss the pending litigation.

"This [referral] is an option that we should have considered from the beginning, but we did not," said selectman and planning board chairman Camille Rose. "Because there has been an appeal, [the special permit application] is still in the process. The decision of the commission could influence the process - and probably should."

The town filed formal court responses to the Cingular complaints, though neither the selectmen nor the planning board have revealed how far they intend to take the case. "We're just proceeding on a day-to-day basis, and are still obviously trying to negotiate with them," Ms. Rose said this week.

Cingular Wireless claims to be the largest wireless company in the United States, with more than 50 million subscribers and annual revenue of over \$32 billion. Aquinnah is the eighth smallest town in Massachusetts, with a population of less than 400 and an annual budget of \$2.5 million.

Town counsel Ronald H. Rappaport told voters at a special town meeting earlier this month that other municipalities - including two on the Vineyard - had not fared well under similar cellular challenges in the past. "I've been handed a lot easier cases to defend than this one," Mr.

Rappaport said when pressed.

Selectmen last week also scheduled another special town meeting, for Jan. 17, to tie up loose ends from the town meeting earlier this month when voters reluctantly agreed to lay the groundwork for a town-owned wireless facility at the landfill. At that meeting, Ms. Rose and other town officials presented additional language to proposed zoning bylaw amendments that went beyond the scope of the warrant and needed to go before another town meeting.

The additional language serves to switch the proposal from a town-owned cellular tower to a distributed antenna system, which is composed of a garage-like base station that connects via fiber optic cables to a series of small antennae placed on the top of utility poles across town. The system is less intrusive visually, and is used successfully on Nantucket and in Brookline, among other places.

Selectmen at the January town meeting will also request \$10,000 to continue its work with a wireless consultant and begin the bidding process for the antenna system. Town officials have expressed hope that Cingular may opt to use the town-owned facility and abandon its pursuit of the church steeple proposal.

In other business last week, selectmen appointed an ad hoc committee to once again take up the long-debated topic of installing reflective road signs in town. Public safety officials say the signs are necessary and required by federal law, while some residents feel that the signs are an affront to the town's rural character.

The committee - composed of Ms. Rose, conservation commission chairman Sarah Thulin and Martha's Vineyard Commission representative Katherine Newman - will host a meeting to take public comment, and then report back to selectmen with specific recommendations later this winter. "So the issue will be resolved once and for all," Ms. Rose said this week. "We promise this will be the end."

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