

ARTICLE XXIII. PERSONAL WIRELESS SERVICE FACILITIES

23.1 Definitions

Personal Wireless Service (PWS): Telecommunications defined in Section 704 of the Telecommunications Act of 1996, which include, primarily, commercial mobile radio services as defined by the Federal Communications Commission ("FCC"). (For purposes of this article, other wireless services that provide services from central terrestrial antenna site(s) to subscribers, such as "WiFi" or "WiMAX" internet services shall be considered PWSs.)

Personal Wireless Service Facility (PWSF): An installation that performs the communication between a PWS provider authorized by the FCC to provide such services in Edgartown, and its subscribers. Such installation may consist of such elements as antennas, interconnecting cables, antenna mounting structure or apparatus, electronics, utility interfaces, and relevant equipment. Each PWSF consists of the installation belonging to one PWS provider.

23.2. Purpose

In order to enable the provision of PWS in the Town of Edgartown, adequate and comprehensive cellular phone service to the citizens of Edgartown while protecting the character of residential neighborhoods and of the Town, the following bylaw applies to all applications for installation of PWSFs and ancillary equipment installations, including but not limited to support structure, antennas, transmitting, receiving and combining equipment, transmission, cables and backup power source.

23.3 Special Permit Required

In all zoning districts, PWSF's and ancillary equipment installations may be allowed by special permit from the Planning Board. The Planning Board may exempt a PWSF from dimensional requirements delineated in other Articles of this Zoning bylaw, provided the Planning Board makes the following findings:

- a. The applicant has demonstrated that it cannot substantially provide the needed service from one or more PWSFs that are more compliant with the bylaw, or the proposed PWSF, with dimensional waivers, has no material impact on the safety, health, general welfare and quality of the life in Edgartown.
- b. There are no alternative means of placing one or more PWSFs to substantially provide the needed service that have a lesser overall impact on Edgartown.
- c. That the proposed PWSF is designed to minimize the extent of the requested dimensional waiver(s) by judicious placement on the parcel and judicious analysis of the necessary height.
- d. That the visual impacts of the proposed PWSF are mitigated to the maximum practicable extend by such means as described in Sec. 23.4.

23.4 Criteria for Special Permit

- a. PWSFs shall be designed to utilize concealed antenna units often called "stealth" technology, unless it is impracticable to do so, on the proposed site or alternative sites, or unless the Planning Board finds the visual impact of the proposed PWSF does not materially affect the Town of Edgartown.
- b. If a height greater than 32 feet above ground is proposed for a PWSF antennas or appurtenances, the applicant for the PWSF must demonstrate the need for the height according to 23.3.
- c. All new construction of PWSFs shall be concealed, for example in existing or new structures that are compatible with the architecture of Edgartown such as flagpoles, light posts, steeples or other innovative methods as they are developed and evolve.
- d. PWSF towers supporting exposed antennas and apparatus that are existing as the date of adoption of this bylaw (February 12, 2011) may be exempted from this concealment requirement.

- e. If the Planning Board finds that the proposed PWSF, without concealment causes no material negative visual impact on Edgartown, the Planning Board may permit screening, camouflage, or terrain and existing vegetation to mitigate the visual impact of the PWSF.
- f. Design of installations shall be traditional, in keeping with the character of Edgartown, and shielded from the abutting structures and public view.
- g. All installations and modifications shall comply with the Massachusetts Building Code, specifically with reference to its adoption of steel antenna structure standard TIA-222 as amended from time to time.
- h. The criteria of Section 11.6 and 17.5 of the Edgartown Zoning Bylaws shall be met.

23.5 Application

- a. Each application submitted for consideration shall, unless waived by the Planning Board, be prepared by professionals qualified in the necessary disciplines, such as civil engineers and wireless communications engineers, among others.
- b. The PWS provider must be the applicant or co-applicant, who holds the license or authorization to operate the facility, demonstrate the leasehold commitment to the site, and permission of the site owner to apply for the special permit.
- c. Applicant must supply a list of alternatives considered and demonstrate that it cannot substantially provide the needed service from one or more PWSFs that are more compliant with the bylaw, or the proposed PWSF with dimensional waivers, has no material impact on the safety, health, general welfare, and quality of life in Edgartown, and there are no alternative means of placing one or more PWSFs to substantially provide the needed service that have a lesser overall impact on Edgartown.
- d. The applicant must provide a demonstration of need, supported by maps, and written explanations of data.
- e. In addition, the applicant shall submit other information which may be required by the Planning Board to assist in its review process. The Planning Board, at the applicant's expense may contract with professionals including engineers to assist in its review of the application, which expense shall be reasonable and in accordance with applicable laws of the Commonwealth.

23.6 Prohibited

New wireless towers over 32 feet in height are prohibited, unless the Planning Board makes all necessary findings in Sec. 23.3. Prohibit the installation of any wireless communication antennas and apparatus on the Edgartown Water Department Standpipes unless the Board finds that in lieu of using the standpipes, there are no alternative locations that do not require dimensional waivers in 23.3 for one or more PWSFs to substantially serve the coverage needs.