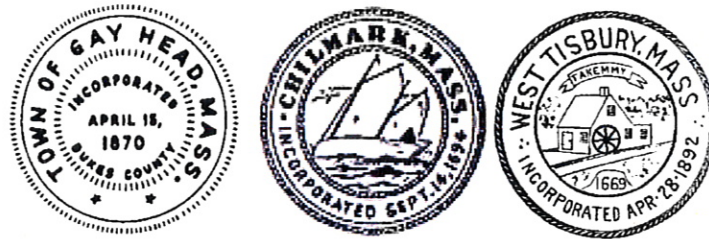
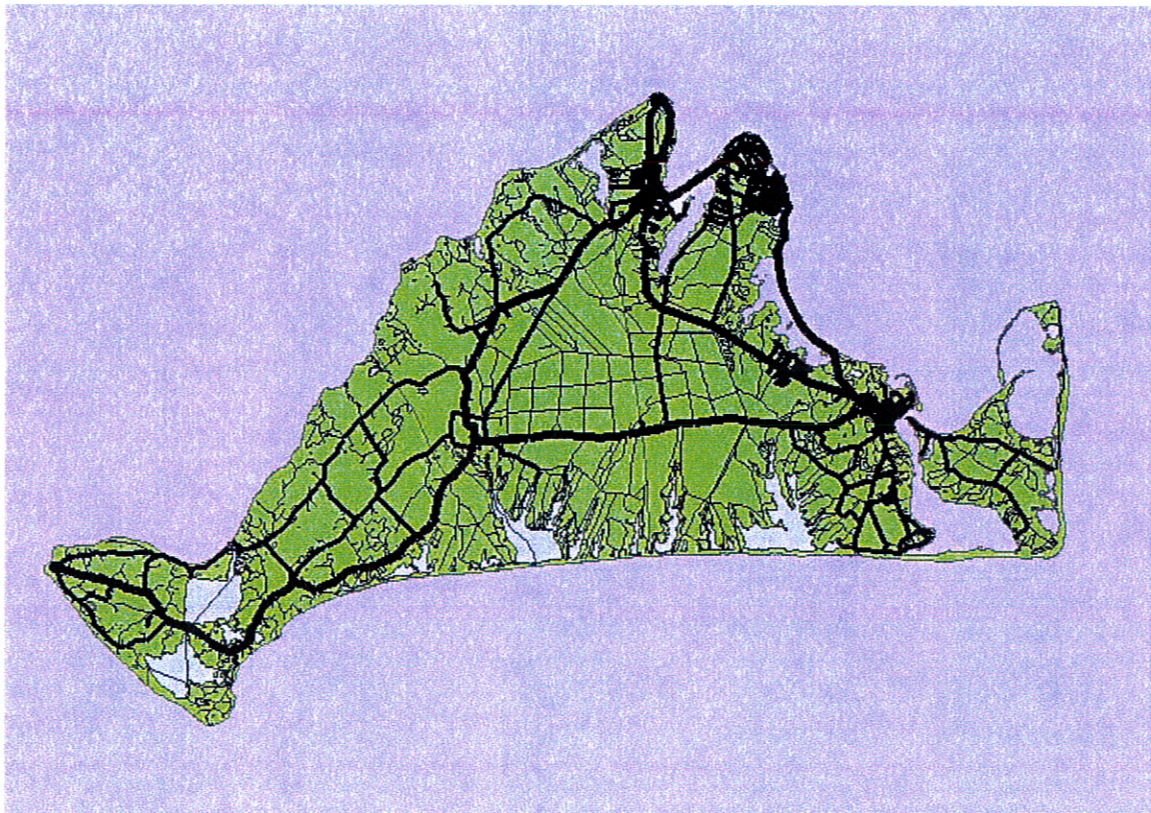


# Request For Proposals

## Up Island Distributed Antenna System



8/15/2008 1:12 PM



**Town of Chilmark**  
**Request for Proposals**  
for

# **Up Island Distributed Antenna System ( DAS )**

**I. General Information and Proposal Submission Requirements**

**II. Purchase Description/Scope of Services**

**III. Quality Requirements**

**IV. References**

**V. Rule for Award**

**VI. Price Proposal Form**

**VII. Non-Collusion and Tax Compliance**

**VIII. Additional Contract Terms and Conditions**

*NOTE: All times stated in this RFP are Eastern Standard (or Daylight) Time.*

<b>Event</b>	<b>Date</b>
RFP Available	Friday, August 15 <sup>th</sup> at 3:00 PM
Questions for Conference Due	Wednesday, August 27 <sup>th</sup> at 5:00 PM
Pre-Bid Conference	Tuesday, September 2 <sup>nd</sup> at 10:00 AM
<b>Deadline for Submission of Proposals</b>	<b>Monday, September 22<sup>nd</sup> at 4:45 PM</b>
Vendor Presentations	Week of September 29 <sup>th</sup> at designated times*
Winning Proposal Selected	Monday, October 14*
Contract Awarded	Tuesday, October 21*

*\*Approximate dates, subject to change*

**Town of Chilmark**

**Request for Proposals**

For

**Up Island Distributed Antenna System  
( DAS )**

**I. General Information and Proposal Submission Requirements**

This Request for Proposal (RFP) is intended to provide Vendors with a common, uniform set of instructions to guide them through the development of their proposals. The RFP is issued in compliance with Chapter 30B of the Massachusetts General Laws.

The Town of Chilmark is releasing this RFP on behalf of the Towns of Aquinnah, Chilmark & West Tisbury (Towns).

Terms used and conditions imposed in this RFP are not intended to imply or denote a particular Vendor nor are they to be construed as restrictive in any way. In responding to this RFP, Vendors must follow the prescribed format, where specified, and use the included forms, where provided, or reasonable facsimiles thereof. By so doing, each Vendor will be providing the Towns with information comparable to that submitted by other Vendors and thus be assured of fair and objective treatment in the Town's review and evaluation process.

- Proposers must submit separate sealed Price and Non-Price (Business and Technical) Proposals. These proposals must be delivered to the **Office of the Chilmark Board of Selectmen, 401 Middle Road, Chilmark, MA 02535-0119** by 4:45 PM on Monday, September 22<sup>nd</sup> 2008 AD.
- Note: Proposals submitted late will not be accepted and will be returned unopened to the offering Vendor.
- Price proposals must be kept entirely separate from technical proposals. Failure to follow this instruction will result in rejection of the proposal.
- All proposal prices submitted in response to this RFP must remain firm for ninety (90) days following the proposal opening.

- If, at the time of the scheduled proposal opening, the Chilmark Town Hall is closed due to uncontrolled events such as fire, snow, ice, wind, or building evacuation, the proposal opening will be postponed until 2:00 p.m. on the next normal business day. Proposals will be accepted until that date and time.
- Proposer shall submit Seven (7) copies of their Price and Business and Technical /Non-Price proposals and any amendments, one shall be unbound.
- Envelopes containing proposals must be sealed and clearly marked on their face as “(proposer name) Technical Proposal” & “(proposer name) Price Proposal”.
- All proposals must include a non-collusion form, tax compliance certificate, proposal pricing sheet, conflict of interest disclosure form, and reference form.
- A proposal must be signed as follows: 1) if the proposer is an individual, by her/him personally; 2) if the proposer is a partnership, by the name of the partnership, followed by the signature of each general partner; and 3) if the proposer is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and the corporate seal affixed.
- Proposer shall submit a non-refundable application fee of \$2,000.
- The release of this RFP presumes that a contractor will be selected and a recommendation for award of the contract will be made by October 21<sup>st</sup> 2008.
- The contract will be awarded within thirty (30) days after the proposal opening. The time for award may be extended for up to forty-five (45) additional days by mutual agreement between the Town and the responsive and responsible proposer offering the most advantageous proposal as determined by the Chilmark Chief Procurement Officer. If the approval of Town Meeting is required to authorize this contract, the contract award date is extended ninety (90) days after the proposal opening.
- If any changes are made to this RFP, an addendum will be issued. Addenda will be mailed, emailed or faxed to all proposers on record as having picked up the RFP.
- Questions concerning this request for proposals must be submitted in writing to: Tim Carroll, 401 Middle Road, Chilmark, MA 02535-0199 [tc Carroll@ci.chilmark.ma.us](mailto:tc Carroll@ci.chilmark.ma.us) before 5:00 p.m. on Wednesday, August 27<sup>th</sup> 2008 *in order to receive a response at the Pre-Proposal Conference*. Questions may be delivered, mailed, emailed or faxed. Written responses will be mailed, emailed or faxed to all proposers on record as having picked up the RFP if they do not attend the Pre-Proposal Conference.
- A pre-proposal conference will be held at **10:00 AM on Tuesday September 2<sup>nd</sup>, 2008** at the Aquinnah Town Hall, Selectmen’s Meeting Room, 65 State Road,

Aquinnah, MA 02535. The purpose of this meeting will be to review the RFP document and familiarize potential proposers with the DAS project area. Questions will be received and the Towns will distribute answers to these questions as described above. Potential proposers are encouraged to address any areas of concern. Attendance at the pre-proposal conference is not a requirement for submitting a proposal for this RFP. However, it is highly recommended.

- A proposer may correct, modify, or withdraw a proposal by written notice received by the Town prior to the time and date set for the proposal opening. Proposal modifications must be submitted in a sealed envelope clearly labeled "Modification No. \_\_\_." Each modification must be numbered in sequence, and must reference the original RFP.
- After the proposal opening, a proposer may not change any provision of the proposal in a manner prejudicial to the interests of the Town or fair competition. Minor informalities will be waived or the proposer will be allowed to correct them. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the mistake will be corrected to reflect the intended correct proposal, and the proposer will be notified in writing; the proposer may not withdraw the proposal. A proposer may withdraw a proposal if a mistake is clearly evident on the face of the proposal document, but the intended correct proposal is not similarly evident.
- The Towns reserve the right to waive any irregularities and technicalities; the Towns may, at their sole discretion, request a clarification or other information to evaluate any or all proposals;
- The Towns reserve the right, before awarding the contract, to require Vendors to submit additional evidence of qualifications or any other information the Towns may deem necessary;
- the Towns reserve the right to: (1) accept the proposals of any or all of the items it deems, at its sole discretion, to be in the best interest of the Towns; (2) reject any and/or all items proposed; or (3) award to multiple Vendors;
- The Towns reserve the right to further negotiate any proposal with the highest rated Vendor. If an agreement cannot be reached with the highest rated Vendor, the Towns reserve the right to negotiate and recommend award to the next highest rated Vendor or subsequent Vendors until an agreement is reached.
- The Towns may cancel this RFP, or reject in whole or in part any and all proposals, without penalty, if the Towns determine that cancellation or rejection serves the best interests of the Towns.

- **Rejection of Proposals**

The Towns reserve the right to reject any and all proposals received in response to this RFP. Some examples of why a proposal may be rejected are if the Vendor:

- Fails to adhere to one or more of the provisions established in this RFP.

- Fails to submit its proposal at the time or in the format specified herein or to supply the minimum information requested herein.
- Fails to meet the minimum evaluation criteria specified in this RFP.
- Fails to submit its proposal to the required address on or before the specified submission deadline.
- Misrepresents its services or provides demonstrably false information in its proposal, or fails to provide material information.
- Fails to submit required Price Proposal Form enclosed

### **Required Proposal Format**

In order to maintain comparability, enhance the review process, enable the Towns to perform a fair analysis and evaluation of proposals, it is required that proposals be organized in the same and uniform format. Each Vendor must furnish all requested information in the formats specified by this RFP. Promotional materials are not wanted and will not be considered as meeting any of the requirements of this RFP. However, Vendors may supply company brochures supporting their experience in implementing DAS.

All Vendors responding to this RFP will submit the following:

- I. Business and Technical Proposal (non-priced)
- II. Price Proposal

The proposal shall be packaged in two (2) separate sealed and marked envelopes as follows:

- I. **Sealed Package #1 “Business and Technical Proposal (non-priced)”**

*NOTE: Vendors must not include any price proposal information in any part of the Technical and Business Proposal.*

The outline of the Business & Technical Proposal must be as follows:

- a. Proposal Certification Form (Appendix A).
- b. Introductory Letter.
- c. Vendor Compliance Form (Appendix E).
- d. Vendor Qualifications and Experience Summary.
- e. Project Approach and Plan of work.

- II. **Sealed Package #2 “Price Proposal”**

Pricing information must be completed as per the conditions specified on the form provided in Appendix B.

### **Clarification of Proposals**

Vendors may be required to discuss or clarify their proposal with the Towns at any time during the evaluation and selection process.

**Vendor Examination of the RFP**

Vendors must examine all information and materials contained in and accompanying this RFP. Failure to do so will be at the Vendor's risk. This will include, but not be limited to, all relevant state and federal laws and regulations.

**Vendor to Assume Total Responsibility**

The successful Vendor will be required to assume total responsibility for the completion and delivery of the services offered in its proposal.

The Towns will consider the successful Vendor to be the sole point of contact with regards to all contractual matters, including performance or service of any subcontractors, unless otherwise stated.

**Withdrawing a Proposal**

Any proposal may be withdrawn prior to the date and time the proposals are due. Any proposal not withdrawn will constitute an irrevocable offer, for a period of 120 days, to provide the Towns with the services specified in the proposal.

**Local Conditions**

Vendors should become familiar with any local conditions, which may, in any manner, affect the services required. Each Vendor is required to examine carefully the RFP terms and to become thoroughly familiar with any and all conditions and requirements that may in any manner affect the service to be performed under the contract. No allowance will be made due to lack of knowledge of these conditions.

**Conflict of Interest**

All Vendors must disclose the name of any officer, director, or agent who is also an employee of the Towns. All Vendors must disclose the name of any Towns' employee who owns, directly or indirectly, any interest in the Vendor's business or any of its branches.

**Firm Price**

Prices offered by the Vendor will be firm and not subject to decrease during the term of any contractual agreement arising between the Towns and the successful Vendor as a result of this RFP, unless otherwise stated.

**Evaluation of Proposals**

The Chief Procurement Officer will establish an Evaluation Selection Committee of six, which will include a Selectman and designee from each of the three Towns. The Evaluation Selection Committee will convene, review, and evaluate all proposals submitted based on the factors set forth in the RFP. The Chief Procurement Officer will participate as the second member from Chilmark. This team will evaluate each proposal for responsiveness to the minimum requirements and comparative criteria and required forms.

The Evaluation Selection Committee reserves the right to interview any or all Vendors and to require a formal presentation with the key people who will administer and be assigned to work on the contract before recommendation of award. This interview is to be based upon

the written proposal received. Failure to comply with this request, if made, will result in the Vendor not being considered for award.

The Evaluation and Selection Committee reserves the right to negotiate further terms and conditions with the highest ranked Vendor. If the Evaluation and Selection Committee cannot reach a mutually beneficial agreement with the first selected Vendor, the Committee reserves the right to enter into negotiations with the next highest ranked Vendor and continue this process until agreement is reached.

### **Execution of Contract**

Upon the acceptance of a proposal, the Towns will incorporate into its standard contract form appropriate specifics for this procurement and submit the contract to the successful Vendor for signing. In the event that the successful Vendor fails, neglects or refuses to execute the contract within a specified number of days after receiving a copy of the contract from the Towns, the Towns may at their option terminate and cancel its action in awarding the contract and the contract shall become null and void and of no effect.

Incorporated by reference into the contract which is to be entered into by the Towns and the successful Vendor pursuant to this RFP will be:

- a. All of the information presented in or with this RFP and the Vendor's.
- b. All written communications between the Towns and the successful Vendor whose proposal is accepted.

A designated official of the Vendor and the Boards of Selectmen of Aquinnah, Chilmark and West Tisbury shall execute the contract. Before the Towns may execute a contract, the successful Vendor will be required to provide its federal taxpayer identification number (FID).

### **No Assignment**

Assignment by the successful Vendor to any third party of any contract based on the RFP or any monies due shall be absolutely prohibited and will not be recognized by the Towns unless approved in advance by the Towns in writing.

### **Confidentiality and Public Records Law**

Under the Massachusetts General Laws, the Towns cannot assure the confidentiality of any materials or information that may be submitted by a Vendor in response to this RFP. Thus Vendors who choose to submit confidential information do so at their own risk.

All proposal documents or other materials submitted by the Vendor in response to this RFP will be open for inspection by any person and in accordance with Chapter 119, Massachusetts Statutes.

### **Force Majeure**

Neither party will be liable to the other for any failure or delay in rendering performance arising out of causes beyond its control and without its fault or negligence. But the failure or delay must be beyond its control and without its fault or negligence. Dates or times of performance will be extended to the extent of delays excused by this section, provided



that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

**Cancellation of Award/Termination**

In the event any of the provisions of this proposal are violated by a Vendor, the Chief Procurement Officer will give written notice to the Vendor stating the deficiencies; and, unless the deficiencies are corrected within ten (10) days, the Towns may terminate the contract. Upon cancellation hereunder, the Towns may pursue any and all legal remedies as provided herein and by law.

Access to any and all work papers will be provided to the Towns after the termination of the contract, including any “As-Built” documents that may exist for the DAS.

**Default**

In the event that any awarded Vendor should breach this contract, the Towns reserve the right to seek remedies in law and/or in equity.

**Legal Requirements**

The Vendor shall be an independent, duly licensed and/or certified contractor and possess the staff, experience, equipment, and abilities to provide all needed services successfully.

The Vendor and all employees and agents of the Vendor shall fully comply with all town, state, and federal laws and/or mandates applicable to the services to be furnished.

It shall be the responsibility of the Vendor to be knowledgeable of all Federal, State, Town, and local laws, ordinances, rules, and regulations that in any manner affect the items covered herein which may apply. Lack of knowledge by the Vendor will in no way be a cause for relief from responsibility.

**Insurance Requirements**

The successful Vendor shall possess and maintain throughout the term of the contract insurance in the kinds and minimum amounts as follows:

Workers’ Compensation- Statutory Limits

**Automotive Liability**

Bodily Injury- \$500,000 per occurrence

Property Damage- \$500,000 per occurrence

**General Liability**

Bodily Injury- \$1,000,000 per occurrence

Property Damage- \$1,000,000 per occurrence

Aggregate - \$3,000,000 per year

The successful Vendor(s) shall furnish, within fifteen (15) days after notification of award, certificates from insurers clearly stating that the required insurance policies have been issued to the Vendor and will remain in effect during the time period required to complete the contract. The certificates must be in a form satisfactory to the Towns.

**Indemnification/Hold Harmless Agreement**

The successful Vendor shall, in addition to any other obligation, indemnify the Towns and to the fullest extent permitted by law, protect, defend, indemnify, and hold harmless the Towns, their agents, officers, elected officials, and employees from and against all claims, actions, liabilities, losses (including economic losses), and costs arising out of any actual or alleged:

- a. Bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting there from, or any other damage or loss arising out of, or claimed to have resulted in whole or in part from any actual or alleged act or omission of the Vendor, sub-contractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable in the performance of the work; or
- b. Violation of law, statute, ordinance, governmental administration order, rule or regulation by the Vendor in the performance of the work; or
- c. Liens, claims, or actions made by the Vendor or any sub-contractor or other party performing the work.

The indemnification obligations hereunder shall not be limited to any limitation on the amount, type of damages, compensation, or benefits payable by or for the Vendor or any sub-contractor under workers' compensation acts, disability benefit acts, other employee benefit acts, or any statutory bar.

Any costs or expenses, including attorney's fees, incurred by the Towns to enforce this agreement shall be borne by the Vendor.

Awardees recognize the broad nature of this indemnification and hold harmless article and voluntarily make this covenant and expressly acknowledge the receipt of ten dollars payable upon receipt of first invoice and other good and valuable consideration provided by the Towns in support of this indemnification in accordance with the laws of the Commonwealth of Massachusetts. This article will survive the termination of this contract.

### **Sub-contractors**

All sub-contractors must be approved in writing by the Towns. The Vendor will be fully responsible to the Towns for the acts and omissions of the sub-contractor and its employees. All responsibilities relating to the performance of this contract remain the responsibility of the Vendor.

## **PROPOSAL FORMAT AND REQUIREMENTS**

### **Proposal Certification Form**

The Proposal Certification form (available as Appendix A to the RFP) with all required information completed and all signatures, as specified, must be included.

### **Introductory Letter**

A narrative letter shall profile the background, experience with municipalities, and qualifications of the Vendor and summarize its ability to meet the experience requirements. The letter shall contain the signature of an authorized representative of the Vendor and not more than two individuals authorized to negotiate and sign a contract. Vendor narrative letter, and qualifications and summary should not exceed five (5) pages in length.

**Core Team**

The Vendor's core team (management, technical, and sub-contractors) who will be responsible for providing the required services shall be identified with the primary person responsible for each service clearly indicated. Information shall indicate their relationship to the project with an organizational chart. A summary résumé for each proposed team member is required. The specific individual(s) who will serve as the day-to-day contact and who will be responsible for the overall project shall be identified.

**Replacement of Vendor Staff**

All replacement personnel to be assigned to the Towns project are subject to written approval by the Chilmark Chief Procurement Officer.

Replacement personnel must have credentials equivalent, at least, to the individuals whom they replace. Résumés of replacement personnel are to be submitted to the Towns for review. The Towns reserve the right to interview replacement personnel prior to approval by the Evaluation Selection Committee.

The successful Vendor will be responsible for the briefing of replacement personnel as to the status of the project without affecting the completion date.

**Current Work Load**

An executive summary of all projects currently under contract or anticipated for the year 2008 shall be included.

## **II. Purchase Description/Scope of Services**

General description of the supply or services required:

The Martha's Vineyard Up-Island towns of Aquinnah, Chilmark & West Tisbury are seeking a Distributed Antenna System (DAS), or equivalent, to be installed and operated by a qualified vendor. The Up-Island towns are pursuing a DAS, or equivalent to avoid the construction of traditional cell towers, to extend & improve cellular telephone service in all areas of the three towns, and to extend & improve wireless communications for public safety and municipal agencies operating in our communities.

The primary purpose of this DAS is to provide cellular communications throughout the Towns for the residents and visitors to the Up-Island towns. The DAS shall be capable of supporting and encouraging multiple wireless service providers.

The selected vendor will, at their own expense and capital risk, design, construct, operate and manage the DAS. The vendor will retain full ownership of and liability for the DAS and related facilities.

This DAS may be constructed using fiber optic cables to connect a Hub/Base Station to remote access nodes along public rights of way. These nodes may be mounted on

existing and/or new strategically located utility poles, and/or existing structures. Traditional cell towers are not desirable due to their visual disturbance to the landscape. The vendor is responsible for the appropriate design of the DAS given the local conditions and bylaws. The vendor is free to propose other technologies that accomplish the established goals of the Up-Island towns.

RAN's are placed strategically so as to provide seamless coverage, but not so densely as to provide overly redundant coverage. The Towns prefer the use of existing standard utility poles when possible and appropriate.

**Estimated populations:** The Up-Island towns estimate that that they have a combined off-season population of 4,000, a summer population of 10,000 and a daily transient population of another 10,000 people. Our summer visitors are affluent and likely subscribers of wireless services.

#### **Location of Carrier Hotel**

The Towns have made available locations for a Carrier Hotel or Hotels. The Vendor may choose to lease these spaces at their own discretion. (Aquinnah landfill site, Chilmark Police Station or Landfill sites, West Tisbury Fire Station 1 or Landfill sites.) The noise emanating from the generators must have the sound pressure level restricted to  $75 \pm 5$  dBA at twenty (20) feet. Vendors should make use of sound attenuation techniques like sound barriers, or vibration dampers to curb the sound pressure levels. The generators are for emergency use only and may be operated once a month for maintenance purposes for two (2) hours. In the absence of the generators the noise emanating from all the equipment must be restricted to 60 dBA at twenty (20) feet.

#### **Proposed System/Project Management/Plan of Work**

A detailed narrative description of the proposed system as well as maps and diagrams sufficient to completely describe the proposed system shall be provided. Solid project management will be essential to the successful design and implementation of the DAS. The Vendor shall provide a preliminary project plan covering timelines, target milestones and completion dates. The Towns prefer a timeline of less than six (6) months.

#### **Plan for Annual Inspection & Testing**

A detailed narrative describing how the proposer will annually inspect and test the constructed system is required. This narrative should also address any repairs necessary to assure the continued level of coverage and services as originally proposed or improved.

**Contract term length:** The contract will run from the date of the contract award until sixty days after the Abandonment/Decommissioning of the DAS by the vendor.

**Pricing Proposal:** All proposal discounts must remain firm throughout the contract term. Proposal lease fees shall include an escalation factor based on the Boston CPI/U and applied every five years from the date of the contract award. All proposal revenue sharing percentages shall not be reduced during the contract term.

## Description of quality requirements:

- Vendor shall have a demonstrated ability and capability to own, operate, maintain and upgrade all aspects of the DAS, which includes, but is not limited to, marketing the system to wireless service providers.
- Vendor shall, at a minimum, operate a DAS that provides coverage along and within one half ( ½ ) mile of the following roads:

Aquinnah – State Road, Moshup Trail, Lighthouse Road, Lobsterville Road.

Chilmark – State Road, South Road, Middle Road, North Road, Menemsha Cross Road, Tabor House Road.

West Tisbury – State Road, Middle Road, North Road, Indian Hill Road, Old County Road, Lambert’s Cove Road, Edgartown/West Tisbury Road.

### Performance deadlines:

- “Letter of Intent to Construct” from Vendor to Town within 14 days after award of contract.
- DAS construction begins within thirty (30) days after award of contract.
- DAS completion of construction and deployment of fully operational system within one hundred and eighty (180) days after contract award.

## III. Quality Requirements

1. Proposer must provide all of the items described in Section II: Purchase Description/Scope of Service and comply with all Proposal Submission Requirements listed in Section I.
2. Proposer must have been in the business of designing, constructing, operating and managing distributed antenna systems for a minimum of three (3) years.
3. Proposer’s team must include a licensed engineer(s) qualified in the design and construction of a distributed antenna system, with a minimum of three (3) years experience.
4. Proposer must have satisfactory performance under at least two (2) different contracts similar in size to the proposed contract.
5. The proposed Project Manager must have completed at least three (3) distributed antenna systems of similar size and scope to this project.

## COMPARATIVE CRITERIA

## Objectives

- **System Performance:** The Towns of Aquinnah, Chilmark & West Tisbury are desirous of having a state of the art DAS that provides complete coverage of the Towns and will attract all the major WSPs
- **Capability:** The System must support at minimum the common system protocols: GSM, CDMA, and iDEN and their 3G enhancements.
- **Scalability:** The System must not only meet the current requirements of the WSP's, but also be scalable and capable of meeting future growth in terms of coverage, capacity, technology and services.
- **Simulcasting** is not a strict requirement of the Towns but may offer WSP's superior performance. The Towns recommend that simulcasting be a characteristic of the proposed System and will look favorably towards systems that support it.
- **Co-location:** The DAS system must have the ability to co-locate multiple WSPs on a single RAN. The Towns will look favorably towards RANs that support 4 or more WSPs simultaneously.
- **Near Equivalent Performance:** The System must provide optimal and nearly equivalent performance regardless of the different operating bands and frequencies of each WSP.
- **Fault Tolerance and Redundancy:** The Vendor shall provide a description of the fault tolerance features within their design and network / system / element redundancy if any. The Towns will look favorably on "robust" system designs.
- **Preliminary Acceptance Test Plan:** The Vendor will also provide a preliminary test plan and description of how the system will be tested at its expense and accepted in order to demonstrate that the System provides for coverage, co-location, capacity, and fault tolerance and notification. The successful Vendor will be required to provide this detailed and specific test plan before proceeding with the project.
- **Antenna Dimensions:** The dimensions of the whip antennas to be mounted on the poles are not to exceed eight (8) feet, and shall be placed at strategic locations so as to provide maximum coverage. Other antennas may be acceptable, especially on existing structures.
- **System Aural Noise:** The noise emanating from the RAN equipment mounted on telephone or other poles should be limited to 40dB at 20 feet.
- **Additional Features / Future Service Growth**

- Systems should have the ability to add WiFi access points to the existing RANs in the event that the Towns decide to implement WiFi hot spots for data mobility.
- If the Towns decide to implement 4.9 GHz services, the proposed system should have provisions for this technology

## 1. Relevant experience of proposer and/or proposed project staff:

*Highly Advantageous:* The proposer has at least five (5) years of experience designing, constructing, operating and managing distributed antenna systems on projects of similar size and scope to this project.

*Advantageous:* The proposer has at least three (3) years of experience designing, constructing, operating and managing distributed antenna systems on projects of similar size and scope to this project.

*Not Advantageous:* The proposer has less than three (3) years of experience designing, constructing, operating and managing distributed antenna systems on projects of similar size and scope to this project.

## 2. Staffing plan and Technological Design:

- The Vendor shall provide a brief narrative of the advantages and disadvantages of its system compared to the other DAS systems currently deployed or available.
- The Vendor must demonstrate that the DEP equipment it is proposing supports all the protocols currently in use by the major WSPs.

*Highly Advantageous:* The plan of services proposes a detailed, logical, and highly efficient scheme for designing, constructing, operating and managing distributed antenna system.

*Advantageous:* The plan of services proposes a credible scheme for designing, constructing, operating and managing distributed antenna system.

*Not Advantageous:* The plan of services is not sufficiently detailed to fully evaluate, or the plan does not contain all the components necessary to design, construct, operate and manage a distributed antenna system.

## 3. Proposer's demonstrated ability to complete projects on a timely basis:

**Highly Advantageous:** All of the proposer's references indicate that the projects were completed on schedule or with minimal, insignificant delays.

**Advantageous:** Only one of the proposer's references indicates that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last three years experienced substantial delays attributable to the proposer.

**Not Advantageous:** Two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last year experienced substantial delays attributable to the proposer.

**Unacceptable:** More than two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer.

#### **4. Proposer's demonstrated ability on similar projects:**

- The Vendor must demonstrate that the specific system it is proposing has been successfully deployed in a similar implementation where at least one commercial WSP is making use of the system.

**Highly Advantageous:** More than five (5) of the proposer's references are for projects that were similar in size and complexity to this project .

**Advantageous:** Only one of the proposer's references indicates that the project was for a project that was similar in size and complexity to this project.

**Unacceptable:** The proposer has not completed a project that designed, constructed, operated and managed a distributed antenna system.

#### **5. Evaluation of the proposed plan:**

- Technical Design, Project Approach and Plan of Work
  - a. Project management structure and effective organization of assigned staff.
  - b. Project implementation plan.
  - c. System capabilities, features and services.
  - d. System design and performance criteria.
  - e. Thorough system acceptance test procedure.
  - f. Thorough operational and support plan.
  - g. Sensitivity to public concerns.



- h. Ability to work with Towns staff.
- i. Flexibility to attract the maximum of wireless service providers.

**Highly Advantageous:** The proposal contains a clear and comprehensive plan that addresses all of the project objectives stated in the RFP.

**Advantageous:** The proposal contains a clear plan that addresses most of the project objectives stated in the RFP.

**Not Advantageous:** The proposal does not contain a clear plan that addresses most of the project objectives stated in the RFP.

## **6. Evaluation of an oral presentation or interview:**

- Clarity of presentation on approach and project plan.
- Ability to work with Towns staff.
- Response to standard questions.

**Advantageous:** The proposer's oral presentation was clear and well organized and demonstrated the proposer's ability to communicate effectively.

**Not Advantageous:** The proposer's oral presentation was unclear and disorganized and did not demonstrate the proposer's ability to communicate effectively.

## **7. Proposer's ability to provide support services:**

**Highly Advantageous:** The proposer provides 24-hour maintenance and repair using island-based crew.

**Advantageous:** The proposer provides maintenance and repair 8:00 AM to 8:00 PM daily using island-based crew.

**Not Advantageous:** The proposer provides maintenance and repair using off-island crews.

## **8. The proposed service area:**

**Highly Advantageous:** Proposer will install a distributed antenna system that provides complete cellular telephone coverage to the Up-Island towns.

*Advantageous:* Proposer will install a distributed antenna system that provides cellular telephone coverage to the roads named above (page 12).

*Unacceptable:* Proposer will install a distributed antenna system that provides less than required above.

## **9. The proposed schedule of implementation:**

*Highly Advantageous:* Proposer will install a distributed antenna system that provides complete cellular telephone coverage to the Up-Island towns within 180 days of contract award.

*Advantageous:* Proposer will install a distributed antenna system that provides complete cellular telephone coverage to the Up-Island towns within 360 days of contract award.

*Not Advantageous:* Proposer will install a distributed antenna system that provides cellular telephone coverage to the roads named above within 180 days of contract award.

*Unacceptable:* Proposer will install a distributed antenna system that provides less cellular telephone coverage than the roads listed above, or provides cellular telephone coverage to the roads named above in more than 181 days after contract award.

## **10. The proposed distributed antenna system's visual impact:**

*Highly Advantageous:* Proposer will install a distributed antenna system that provides the maximum of "stealth" to hide the project from public view with the least apparent antennas and facilities.

*Advantageous:* Proposer will install a distributed antenna system that provides facilities that blend in with the existing conditions.

*Not Advantageous:* Proposer will install a distributed antenna system that does not blend in with the existing condition or utilizes traditional cell towers.

*Unacceptable:* Proposer will install a distributed antenna system that utilizes only traditional cell towers.

## **IV. References**

Proposer must submit a complete list of contracts they have performed that are similar in size and scope to this contract, including contact names and telephone numbers. Poor references may be a basis for a determination that the vendor is not a responsible proposer.

Proposer must submit a complete list of all jobs performed in the past two (2) years, with contact names and telephone numbers.

Proposer must submit a complete list of all current customers who have had a distributed antenna system installed and operational for at least two (2) years, with contact names and telephone numbers.

### **Financial References**

Proposer must include a credit report from a credit reporting agency indicating the proposer's credit history for the last seven (7) years. The credit report must be dated no earlier than 60 days prior to the proposal submission date.

Proposer must include a business information report or business profile from a credit reporting agency dated no earlier than 60 days prior to the proposal submission date.

Proposer must include financial statements for the last two (2) years, including a statement of net assets and a statement of activities, attested to by a certified public accountant (CPA). The CPA must attest that the financial statement is true and accurate to the best of his/her knowledge.

## **V. Rule for Award**

The Town will determine the most advantageous proposal from a responsible and responsive proposer, taking into consideration the price and all evaluation criteria set forth in this RFP.

## **VI. Proposal Pricing Sheet**

The proposal price(s) must be typewritten in or written in ink in the space(s) provided on the official Proposal Pricing Sheet. In the event of a discrepancy between the unit price and the extension, the unit price will govern. Proposal prices shall encompass everything necessary for furnishing the service. Appendix B.

## **VII. Non-Collusion Form and Tax Compliance Form**

Proposers must submit a certification of non-collusion and tax compliance. Appendix C.

## **VIII. Additional Contract Terms and Conditions**

**TAXES.** Purchases by the Towns of Aquinnah, Chilmark & West Tisbury are exempt from federal, state or municipal sales and/or excise taxes.

# Appendix A - Proposal Certification & Signature Form

## Request for Proposal Aquinnah, Chilmark & West Tisbury DAS

I hereby certify that I am submitting the following information as my company's proposal and understand that by virtue of executing and returning with this proposal this **REQUIRED RESPONSE FORM**, I further certify full, complete, and unconditional acceptance of the contents of Pages 3 through 26 inclusive of this Request for Proposal, and all appendices and the contents of any Addendum released hereto.

VENDOR (firm name): \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY & STATE: \_\_\_\_\_

PRINT NAME OF AUTHORIZED REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF AUTHORIZED REPRESENTATIVE: \_\_\_\_\_

TITLE: \_\_\_\_\_ DATE \_\_\_\_\_

CONTACT PERSON'S ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX \_\_\_\_\_ TOLL FREE \_\_\_\_\_

INTERNET E-MAIL ADDRESS: \_\_\_\_\_ INTERNET URL: \_\_\_\_\_

VENDOR TAXPAYER IDENTIFICATION NUMBER: \_\_\_\_\_

**NOTE: Entries must be completed in ink or typewritten.  
An original manual signature is required.**

## Appendix B – Price Proposal Form

### Request for Proposal Aquinnah, Chilmark & West Tisbury DAS

The lessee shall pay to the Towns of Aquinnah, Chilmark & West Tisbury a percentage of any compensation received from co-location. Co-locators are subject to the same testing requirement as is the lessee. In no circumstance shall the lessee, or any potential sub-lessee use the land for any purpose other than for wireless antenna(s) and associated apparatus. An assignment shall be subject to Towns approval. The proposal shall include, if known at the time of preparation, the names and addresses of proposed co-locators and the terms of any agreements with co-locators. The Towns shall have the option of being one of the co-locators during the term of the lease,

#### **Price Proposals**

Price proposals must be based on annual lease payments to the Towns starting at commencement of contract, and include provisions for escalating payments in succeeding years. The following must be accommodated in the price proposal:

1. Lease of land for location of the Carrier Hotel. \$\_\_\_\_\_ per Square Foot for a term of \_\_\_\_\_ years with an escalation factor of \_\_\_\_\_ per \_\_\_\_\_.
2. Attachment of fiber to Town owned poles. \$\_\_\_\_\_ per pole per year.
3. Attachment of an individual RAN to Town owned facilities and/or property. \$\_\_\_\_\_ per RAN a year.
4. Percentage to be paid to the Towns from any co-locators. \_\_\_\_\_% of gross fees/rents/payments received from WSPs or other customers attaching equipment to the DAS.
5. Cost to town to utilize DAS network for municipal agencies. The towns are seeking free or discounted open access to the network, including but not limited to data services, WiFi or similar, and proprietary use by public safety at fixed (stations), mobile and variable (command post hard wire) sites.  
Cost: \_\_\_\_\_  
\_\_\_\_\_
6. Cost to town to co-locate. The towns are seeking free or discounted location of, including but not limited to, possible public safety radio systems to provide town wide coverage. Cost: \_\_\_\_\_  
\_\_\_\_\_

## Appendix C

### **CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

---

Signature of individual submitting bid or proposal

---

Name of Business

### **TAX COMPLIANCE CERTIFICATE**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

---

Signature of individual submitting bid or proposal

---

Name of Business

Appendix D - By-laws of the Towns of Aquinnah,  
Chilmark & West Tisbury



AQUINNAH ZONING BY-LAW

ARTICLE IX

PERSONAL WIRELESS SERVICE FACILITIES

Approved at Special Town Meeting  
May 23, 2000

As Part of the Aquinnah District of Critical Planning Concern

*Certified True Copy  
Carolyn Felt  
Town Clerk*

## ARTICLE IX: PERSONAL WIRELESS SERVICE FACILITIES

### SECTION 9.1 Purpose and Intent

9.1-1 The specific purpose of this By-Law is to minimize the visual and environmental impacts of Personal Wireless Service Facilities/ Wireless Communication Facilities (WCF) in order to preserve the historic, cultural, and archeological values of the Town of Aquinnah. The By-Law allows for the review and Special Permit process for WCF including all new technology attendant to it as it develops. The By-Law sets forth guidelines for their operation, consistent with the Telecommunications Act of 1996 and Aquinnah's existing zoning, which will protect Aquinnah's unique community character and ensure that the public health, safety, and welfare is safeguarded. The intent of this By-Law is that any WCF installed, operated or modified in the Town of Aquinnah will be the smallest (in height and size), most adequate equipment that is available to the carrier. Any appeals or variances to this regulation may be by Special permit from the Planning Board Plan Review (PB/PR).

### SECTION 9.2 Special Permit District Regulations

9.2-1 No WCF of any kind which radiates radio frequencies shall be erected, constructed, installed or modified without first obtaining a Special Permit from the Aquinnah PB/PR. Modification of existing or newly permitted WCF includes: the addition of personal wireless service(s) as defined in the Federal Communication Act of 1996; the addition of any other type of service(s) that involves changing the physical appearance of a WCF; the addition of tenant(s) by collocation, regardless of the type of service; change(s) in the physical appearance, physical characteristics or dimensions of the WCF; change(s) in equipment which will increase the level of radio frequency emission. The Special Permit granting authority for all WCF shall be the PB/PR.

9.2-2 For construction of WCF and for modification of and/or installation on an existing or newly permitted tower or structure, the PB/PR will consider the following in making its determination of approval:

- A. Communications needs served by the facility,
- B. Visual impacts of such facilities on residential districts and scenic areas,
- C. Impact on neighborhood character, including aesthetics and property values,
- D. Impacts on the natural environment,
- E. Potential fiscal impact, including impact on Town services, tax base, and employment,
- F. Potential human health hazard due to radio-signal radiation from the proposed facility, to the extent not contrary to federal law,
- G. Traffic flow and safety, including parking and loading.

9.2-3 All WCF in the Town of Aquinnah shall adhere to performance and design standards and conditions related to notice, siting, dimensions, design, noise, maintenance and inspection requirements, abandonment and discontinuation of use.

### SECTION 9.3 Site Plan Review -Siting Criteria

9.3-1 Site Plan Review before the Aquinnah Planning Board Plan Review shall be required with a public hearing. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their systems and provide engineering data to justify their use. The use of repeaters to assure adequate coverage while minimizing the number of required towers or antennas is encouraged.

A. **Areas Prohibited:** No WCF will be permitted on any scenic ridge line, scenic vista/viewshed (as determined by the Planning Board/Plan Review), wetlands or wetland buffer areas, or within any Aquinnah Coastal District (including Menemsha Pond) or Roadside District, Moshup Trail District or Cliff District. No WCF shall be located on the property on which schools, daycare facilities, parks and recreational areas or playgrounds are sited.

B. **Primary Coverage:** If primary coverage, as defined greater than 50%, from a proposed WCF is outside the Town of Aquinnah, then the permit may be denied.

C. **Minimum Lot Size:** The minimum lot size for the location of a WCF shall be two (2) acres.

D. **Site Periphery:** Existing on-site vegetation shall be preserved to the maximum extent practicable. All ground-mounted WCF shall be surrounded by a security barrier. Fencing and clear cutting are to adhere to Aquinnah zoning.

### SECTION 9.4 Siting Criteria; Height

9.4-1 Regardless of the type of mount the WCF shall not project above the average tree canopy height within a three hundred and fifty (350) foot radius of the support structure. All WCF shall be surrounded by dense tree growth to shield views of the facility in all directions. The PB/PR may permit an increase in the height up to thirty four feet above pre-construction natural grade if it determines that no material increase in visual impacts will result from the increased height. To clarify this means the height of a WCF shall not exceed by more than ten feet the height limits of the zoning district in which the facility is proposed to be located.

### SECTION 9.5 Siting Criteria; Setbacks

9.5-1 All WCF and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks will be observed:

- A. A WCF must be at least five hundred (500) feet from any residence, and must be at least fifteen hundred (1500) feet from any historic district, school, playground, day care facilities, recreational area and parks. Any guy wires, anchors, or other adjunct of the structure will be considered as part of the WCF and must meet all setbacks. No ground-mounted WCF shall be located closer than the height of the tower plus fifty (50) feet to an existing non-residential building. No ground mounted WCF shall be located on the property on which a school and/or playground, day care facilities, recreational area and parks are sited.
- B. No side or roof-mounted tower/antenna shall be located closer than five hundred (500) feet to an existing dwelling, and no closer than fifteen hundred (1500) feet to a school and/or playground, day care facilities, recreational area and parks are sited. No side or roof-mounted WCF shall be located on the property on which a school and/or playground, day care facilities, recreational area and parks are sited.

- C. A side-mounted WCF shall not project more than forty-two (42) inches from a building's facade, and in no case shall project into an easement, driveway, or setback.

## **SECTION 9.6 Design Standards**

### **9.6-1 Accessory Building Design**

Equipment shelters and accessory buildings shall be designed to be consistent with traditional Aquinnah architectural styles and materials ( wood clapboard or shingle siding) Equipment shelters shall be camouflaged behind an effective year your landscape buffer equal to the height of the proposed structure. The PBPR shall determine the landscape buffer. Buildings shall be no more than ten (10) feet high and shall be used only for housing equipment related to this particular site.

### **9.6-2 Fencing**

All WCF shall have a fence surrounding the perimeter of a WCF which is an antenna support structure, which fence shall also be included in the setback requirements. Access to the WCF shall be through a locked gate. The fence must be shielded with vegetation. The PBPR shall determine the style of fencing that is compatible with the site.

### **9.6-3 Visibility/ Camouflage**

The Planning Board/Plan Review (PB/PR) shall require the WCF to be painted in natural tones or otherwise camouflaged or screened by vegetation to create an effective year round visual buffer in order to minimize adverse visual impact. The PBPR shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.

### **9.6-4 Posted Signs**

A sign no greater than two (2) feet square indicating the name of the facility's owner(s) and a 24-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs are to be posted on the fence.

### **9.6-5 Lighting**

Lighting must be in compliance with the Aquinnah Lighting zoning bylaw. Unless required by the Federal Aviation Administration, no night lighting of towers or antennas of the WCF is permitted except for manually operated emergency lights for use when official operating personnel are on site.

## **SECTION 9.7 Safety Standards**

9.7-1 Radio frequency Radiation RFR Standards. All equipment proposed for a WCF shall be authorized per the FCC Guidelines for Evaluation the Environmental Effects of Radio frequency Radiation.

## **SECTION 9.8 Environmental Standards**

9.8-1 WCF shall not be located in wetlands or wetland buffer areas. No hazardous waste shall be discharged on the site of any WCF . If any hazardous materials are to be used on site, there shall be provisions for full containment. Stormwater run-off shall be contained on-site.

9.8-2 Clear Cutting of Vegetation. Clear cutting must be in compliance with the Aquinnah Zoning By-Law on clear cutting of vegetation. No cutting of trees or other vegetation shall occur within two hundred (200) feet of the facility without prior written approval of the PB/PR, and all supplemental landscaping required by the PB/PR shall be fully maintained.

#### **SECTION 9.9 Siting Criteria; Noise**

9.9-1 No WCF shall emit noise greater than fifty (50) decibels (dB) as measured from the base of the facility. Any violation of this excessive-noise provision must be corrected within five (5) business days of notice to the carrier by the Aquinnah Zoning Administer. The Zoning Administrator shall report any failure to correct such noise violation to the PB/PR.

#### **SECTION 9.10 Application Filing & Documentation Requirements for Special Permit by the Planning Board Plan Review.**

##### **9.10-1 Pre-application Conference**

A pre-application conference between the proposed applicant(s) and the PB/PR shall be scheduled a minimum of twenty one (21) days prior to submission of the application for a WCF Special Permit. The purpose of said conference is to foster preliminary discussion regarding planning, design, and siting of the proposed facility among the applicant(s), the PB/PR, and the residents of the Town of Aquinnah.

##### **9.10-2 Public and Abutter Notification**

Following the pre-application conference, the required public and abutter notification shall be at least twenty-one (21) days prior to the public hearing by the PB/PR.

##### **9.10-3 Independent Consultants**

A. Upon submission of an application for a Special Permit under this Article the PB/PR shall hire independent consultants whose services shall be paid for by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; structural engineering; monitoring of electromagnetic fields; and, if determined necessary by the PB/PR, other consultants. Upon submission of a complete application for a Special Permit the PB/PR shall provide its independent consultants with the full application for their analysis and review.

B. Applicants for any Special Permit for WCF shall grant permission for the Town's independent consultant(s) to conduct site visits, as the consultants deem necessary.

##### **9.10-4 Filing Requirements; Adequate Coverage, Capacity, and Justification of Need**

Applicants shall submit the following to the PB/PR:

- A. Written documentation of any WCF sites in Aquinnah and in the other towns on Martha's Vineyard in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise.
- B. Regarding each such facility site, written documentation that these facility sites are not already providing, or do not have, by adjusting the site, the potential to provide adequate coverage and/or adequate capacity to the Town of Aquinnah.
- C. Written documentation which specifies potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output.

- D. Applicants shall demonstrate with written documentation that they have examined all WCF sites located in Aquinnah and in the other towns on Martha's Vineyard, in which the applicant(s) has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing facility sites may be used to provide adequate coverage and/or adequate capacity to the Town of Aquinnah.
- E. Applicants shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites to provide adequate coverage and/or adequate capacity to the Town of Aquinnah. Radial plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

#### 9.10-5 Filing Requirements; General.

Applicants shall submit the following to the PB/PR:

- A. A notarized statement signed by the applicant(s) that all information included in the submittal is materially accurate, true, complete, and verifiable. Inaccurate, untrue, misleading or false information submitted in pursuit of a Special Permit by the applicant(s), the provider company, or their agents may be grounds for denial of a Special Permit.
- B. The exact legal name, address or principal place of business, and phone number(s) of applicant(s) and any co-applicant(s), as well as any agents for the applicant(s) or co-applicant(s). The landowner of the subject property, licensed carriers, and tenants for the WCF shall be considered co-applicants.
- C. The name, title, address and phone number of the person to whom correspondence or communication regarding the applicant(s) are to be sent.
- D. Original signatures for the applicant(s) and all co-applicant(s) applying for the Special Permit. If the applicant(s) or co-applicant(s) will be represented by an agent, original signature authorizing the agent to represent the applicant(s) and/or co-applicant(s).
- E. Copies of all submittals pertaining to FCC licensing; environmental impact statements; FAA notice; aeronautical studies; letter of approval from the Massachusetts Department of Public Health; and all data, assumptions, and calculations relating to service coverage and power levels.
- F. Details of proposed method of finance surety.
- G. Required plans and engineering plans, prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

#### 9.10-6 Filing Requirements; Siting

Applicants shall provide the PB/PR with a zoning or assessor's map which clearly locates all existing and proposed WCF for their carrier in the Town and outside the Town, within one (1) mile of its corporate limits. Applicants shall also provide a "one (1) inch = forty (40) feet" vicinity plan that shows the following:

- A. Property lines for the subject property.
- B. Property lines of all properties adjacent to the subject property within three hundred (300) feet.
- C. Existing tree cover on the subject property and adjacent properties within three hundred (300) feet, by dominant species and average height, as measured by or available from a verifiable source.

- D. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within five hundred (500) feet.
- E. Proposed location of WCF including mounts and equipment shelters.
- F. Proposed security barrier, indicating type and extent as well as point of controlled entry.
- G. Location of all roads, public and private, on the subject property and on all adjacent properties within five hundred (500) feet including driveways proposed to serve the WCF.
- H. Distances, at grade, from the proposed WCF to each building on the vicinity plan. Contours at each two (2) feet above mean sea level for the subject property and adjacent properties within five hundred (500) feet.
- I. All proposed changes to the existing property, including grading, vegetation removal, and temporary or permanent roads and driveways.
- J. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the WCF.
- K. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "sight lines" section 07.7.

#### 9.10-7 Filing Requirements; Additional Visuals

Applicants shall submit sight lines and photographs as described below:

- A. Sight line representations should be drawn from the closest public roads and the closest residential buildings (viewpoint) to the highest point (visible point) of the WCF. Each sight line should be depicted in profile, drawn at one (1) inch equals forty (40) feet. The profiles should show all intervening trees and buildings. The number and locations of the representations shall be determined by the PBPR.
- B. Each sight line should be illustrated by one (1) "four-inch by six-inch" color photograph of what can currently be seen (also called an existing or before-condition photograph).
- C. Each of the existing-condition photographs should have the proposed WCF superimposed on it to show what will be seen from public roads if the proposed WCF is built, including antenna(s), mount(s), equipment shelters, cables as well as cable runs, and security barriers, if any, for the total height, width and breadth.

#### 9.10-8 Filing Requirements; Cross Sections

Applicants shall submit cross-sections through the site which illustrate the following:

- A. Antennas, mounts and equipment shelter(s), with total elevation dimensions and average ground level of the highest point.
- B. If the security barrier will block views of the WCF, the barrier drawing should be cut away to show the view behind the barrier.
- C. Any existing structures on the subject property to remain.
- D. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- E. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two (2) - foot contours above mean sea level.
- F. Construction sequence and route(s) used to transport materials and equipment to the site.

**9.10-9 Filing Requirement; Alternate Sites**

Applicants shall provide the PB/PR with a description of alternate sites for the proposed WCF and/or associated equipment with the following information:

- A. One U.S.G.S. topographic map which identifies the location of alternate sites.
- B. An assessor's map of the lots or tracts of the alternate sites showing the acreage and dimensions of each site, the name and location of adjoining or nearest public roads and names of abutting property owners.
- C. Any additional information necessary to provide a comparison of the costs and environmental impacts of the alternate sites with that of the proposed site.

**9.10-10 Filing Requirements; Design**

Applicants shall submit the following:

- A. Equipment brochures for the proposed WCF, such as manufacturer's specifications or trade journal reprints for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- B. Materials of the proposed WCF specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These should be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- C. Colors of the proposed WCF represented by a color board showing actual colors proposed. Colors should be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- D. Dimensions of the WCF specified for all three directions: height, width and breadth. These should be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- E. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- F. If lighting of the site is proposed, the applicant(s) should submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout should indicate the locations and types of luminaries proposed.

**9.10-11 Filing Requirements; Noise**

Applicants shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed WCF, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- A. Existing, or ambient: the measurement of existing noise.
- B. Existing plus proposed WCF: maximum estimate of noise from the proposed WCF plus the existing noise environment.
- C. Such statement should be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this bylaw.

**9.10-12 Filing Requirements; Radio Frequency Radiation (RFR)**

Applicants shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed WCF, for the following situations:

- A. Existing, or ambient: the measurements of existing RFR.



- B. Existing plus proposed WCF: maximum estimate of RFR from the proposed WCF plus the existing RFR environment.
- C. Such certification shall be signed by a RF engineer, stating the RFR measurements are accurate and meet FCC Guidelines as specified in the RFR standards of this bylaw.

#### **9.10-13 Filing Requirements; Hazardous Materials**

Applicants shall provide a written description of the type(s) and quantities of any hazardous waste and/or hazardous materials to be used, stored, or generated for each wireless carrier proposed to be located on the project site, as well as provide a written description and plans for containment of any hazardous materials or waste.

#### **9.10-14 Filing Requirements; Federal Environmental**

A. The National Environmental Policy Act (NEPA) applies to all applications for a WCF. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The Federal Communications Commission (FCC) requires that an Environmental Assessment (EA) be filed With the FCC prior to beginning operations for any WCF proposed in or involving any of the following:

1. Wilderness areas;
2. Wildlife preserves
3. Endangered species habitat
4. Historical site
5. Native American religious or cultural site
6. Flood plain
7. Wetlands
8. High intensity white lights in residential neighborhoods
9. Excessive RFR exposure

B. At the time of application filing, an EA that meets FCC requirements should be submitted to the PB/PR for each WCF site that requires such an EA to be submitted to the FCC. Applicants should list location, type and amount (including trace elements) of any materials proposed for use within the WCF that are considered hazardous by the federal, state or local government

#### **SECTION 9.11 Co-location**

9.11-1 Licensed carriers shall share WCF and sites where feasible and appropriate thereby reducing the number of WCF that are stand-alone facilities. All applicants for special permit for a WCF shall demonstrate a good faith effort to co-locate with other carriers.

9.11-2 In the event that co-location is found to be not feasible a written statement of the reasons for the infallibility shall be submitted to the Town. The town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The town may deny a special permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

#### **SECTION 9.12 Maintenance**

9.12-1 The applicant/carrier shall maintain the WCF. Such maintenance shall include, but shall not be limited to, structural integrity; painting; and landscaping.

**SECTION 9.13 Monitoring of Emissions**

9.13-1 Monitoring of radio frequency emissions shall be required prior to beginning commercial transmission and annually thereafter to confirm compliance with applicable regulations. This monitoring shall be performed by an independent consultant hired by the Town. Costs related to monitoring shall be paid by the WCF carrier(s). See Appendix 1 for a full description of monitoring and compliance regulations.

**SECTION 9.14 Structural Violations**

9.14-1 In the event the structure is not maintained or is found to be unsafe, the owner(s) of the WCF shall submit a plan within ten (10) business days of notification to repair the defect(s). Failure to accomplish this remediation within twenty (20) days of the initial notification shall be a violation of the Special Permit and subject to a fine of three hundred dollars (\$300) per day for each offense. Such fines shall be payable by the owner(s) of the facilities. After 10 days of such fees if remediation is not complete the carrier's permit will be revoked.

**SECTION 9.15 Cessation of Operation**

9.15-1 Except by prior approval of the PBBR all active WCF shall be operated continuously except for maintenance. Any cessation of operation for more than five (5) contiguous days shall be reported to the Zoning Administrator within five (5) working days.

**SECTION 9.16 Abandonment/Discontinuation of Use**

9.16-1 If a carrier plans to abandon or discontinue operation of a WCF, the carrier shall notify the Zoning Administrator of the proposed date by certified U.S. mail. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, or if the facility ceases to operate, the WCF shall be considered abandoned. "Ceases to operate" is defined as not performing the normal functions associated with the WCF and its equipment on a continuous and ongoing basis for a period of ninety (90) days. Upon abandonment or discontinuation of use, the carrier shall physically remove all structures associated with the WCF and the site shall be fully restored to its former condition, or to such condition as the Zoning Administrator may require, within ninety (90) days from the date of abandonment or discontinuation of use. If a carrier fails to remove a WCF in accordance with this article, the Town of Aquinnah shall have the authority to enter said property and physically remove the facility. Applicants shall, as a condition of the Special Permit, provide a financial surety payable to the Town of Aquinnah to cover the cost of removal of the WCF, the remediation of the landscape, and the abatement of any pollution when the facility ceases to operate. Every owner/operator of a WCF shall be required to post and maintain a bond with the Town of Aquinnah in the amount of one hundred thousand dollars (\$100,000.00) to cover such costs.

**SECTION 9.17 Filing Fees**

9.17-1 Every submission for a Special Permit for a WCF or for a Special Permit for a proposed modification of an existing WCF shall be accompanied by a Filing Fee of one thousand dollars (\$1000) payable by certified check to the Town of Aquinnah. A Special Permit and/or new operating license shall not be issued until all fees due and owing have been paid. A schedule of fees for permitting a WCF monitoring of emissions and inspection of structures, and any other

fees shall be established by the Board of Selectmen in consultation with the Planning Board. This schedule may be amended from time to time. Failure of the applicant(s) to pay such fees shall result in revocation of the Special Permit.

#### **SECTION 9.18 Insurance**

19.8-1 WCF shall be insured by the owner(s) against damage to persons or property with coverage limits not less than ten million dollars (\$10,000,000.00). The owner(s) shall provide a certificate of insurance to the Selectmen's office on an annual basis in which the Town of Aquinnah shall be an additional named insured. The PB/PR may from time to time require the applicant(s) to increase the limits of such coverage.

#### **SECTION 9.19 License to Operate**

A. The Zoning Administrator shall issue a License to Operate the WCF only when the applicant(s) has met all special permitting requirements, as listed above, and paid all fees in full. The License to Operate shall be renewed annually, on or before September 1.

B. The Special Permit for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into continuous year-round service within one (1) year of the date of the issuance of the Special Permit.

#### **SECTION 9.20 Exempted Uses**

9.20-1 The following WCF are exempt from this bylaw but not from the Town of Aquinnah Zoning:

- A. Amateur (ham) radio not licensed for commercial use.

#### **SECTION 9.21 Interference**

9.21-1 Communication towers and antennas shall not cause a disruption to, or interfere with, other radio, communications, or television transmissions or equipment. If such disruption or interference is found to be caused by the operation of the communication tower, the subscribers and/or lessees shall notify their equipment operators to abate the deficiencies.

#### **SECTION 9.22 Appendix 1**

9.22-1 **Monitoring and Evaluation of RFR Pre-Testing.** After the granting of a Special Permit and before the applicant(s)'s WCF begins commercial transmission, the applicant(s) shall pay for an independent consultant, hired by the Town, to monitor the background levels of EMF radiation, around the proposed facility site and/or any repeater locations to be utilized. Testing results shall meet FCC and state standards. A report of monitoring results shall be prepared by the independent consultant and submitted to the Aquinnah Board of Health.

9.22-2 **Monitoring and Evaluation of RFR Post-Testing.** After transmission begins, the owner(s) of any WCF located on any facility site shall pay for an independent consultant, hired by the Town, to conduct testing and monitoring of EMF radiation emitted from said site, and to report results as follows:

- A. There shall be routine annual monitoring of emissions by the independent consultant using actual field measurement of radiation, utilizing FCC and state monitoring protocol. This monitoring shall measure levels of EMF radiation from the facility site's primary

antennas as well as from repeaters (if any). Testing will be conducted over a 24-hour period during the peak use time in August, to give the most accurate indication of impacts on abutters and others. A report of monitoring results shall be prepared by the independent consultant and submitted to the Aquinnah Board of Health within thirty (30) days of completion of the testing. Any major modification of an existing facility, or the activation of any additional permitted channels, shall require new monitoring.

**9.22-3 Excessive Emissions.** In the event that state or federal standards are not met, including but not limited to FCC guidelines and Massachusetts Department of Public Health Regulations, the WCF shall cease to operate immediately and up until such time as such WCF passes such standards as contained in a subsequent written report of the independent professional technician. If standards and regulations are changed, then the owners of the WCF shall bring them into compliance with the revised standards within six (6) months of the effective date. Failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

### **SECTION 9.23 Appendix 2, Definitions**

**Adequate Coverage:** Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95 dbm, as long as the signal regains its strength to greater than -95 dbm further away from the Base Station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain a strength of greater than -95 dbm.

**Adequate Capacity:** Capacity is considered to be "adequate" if the grade of service is  $p=.05$  or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the personal wireless service facility in question, where the call blocking is due to frequency contention at the antenna(s).

**Antenna:** Any transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

**Base Station:** The central radio transmitter/receiver that maintains communications with mobile radio telephones within a given range (typically a cell site).

**Cell Site:** The location at which communications equipment is located for each cell. A cell site includes antennas, a support structure for those antennas, and communications equipment to connect the site to the rest of the wireless system. This equipment is normally housed in a small shelter at the base of the site. Although many antennas are placed on towers, where existing structures provide for sites that are higher than their surroundings, antennas will be placed on them. Antennas have been placed on water towers, grain silos, and building rooftops.

**Co-location:** The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

**Electromagnetic Fields (EMF):** EMF are fields of radiation produced by all electromagnetic waves, from gamma rays to radio waves. Radio frequency radiation, produced by wireless facilities, is one kind of electromagnetic field.

**Equipment Shelter:** An enclosed structure, shed or box at the base of the mount within which are housed batteries and electrical equipment.

**Frequency:** A measure of the energy, as one or more waves per second, in an electrical or light-wave information signal. A signal's frequency is stated in either cycles-per-second or Hertz (Hz).

**Major Modification of an Existing Facility:** the changing of any portion of a WCF from its description in a previously approved special permit including but not limited to ownership and/or design.

**Monopole:** The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

**Monitoring Protocol:** The testing protocol which is to be used to monitor the emissions from existing and new personal wireless service facilities upon adoption of this article. The Board of Health may, as the technology changes, require by written regulation, the use of other testing protocols.

**Mount:** The structure or surface upon which antennas are mounted, including the following types of mounts: Roof-mounted – mounted on the roof of a building. Side-mounted – mounted on the side of a building. Ground-mounted – mounted on the ground.

**RF, Radio Frequency:** A frequency well above the range of human hearing.

**Radio Frequency Radiation (RFR):** The emissions from personal wireless service facilities which can in excessive amounts be harmful to humans.

**Repeater:** A small receiver/relay transmitter of not more than twenty (20) watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.

**Security Barrier:** A locked, fence or berm that completely seals an area from unauthorized entry or trespass.

**Wireless Communication Facility (WCF):** Facility for the provision of personal wireless services as defined by the Telecommunication Act. All equipment, including any repeaters, monopoles and antennas, with which a personal wireless service provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part



TOWN OF CHILMARK  
CHILMARK, MASSACHUSETTS

TOWN OFFICES:  
Beetlebung Corner  
Post Office Box 119  
Chilmark, MA 02535  
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May 23, 2008

This is to certify that Article 20 appeared on the Warrant at the Annual Town Meeting held on April 28, 2008 and the action taken thereon:

**ARTICLE 20.** To see if the town will vote to amend the Zoning Bylaws as follows:  
ARTICLE 2 DEFINITIONS by deleting "WIRELESS COMMUNICATIONS TRANSMITTER Section 2.20" and inserting the following definitions:

**WIRELESS COMMUNICATIONS 2.20**

**Section 2.20.1 Antenna** means the device from which radio frequency emissions are transmitted and received to and from free space.

**Section 2.20.2 Antenna Support** means any device which may support an Antenna, which includes such means as existing buildings, towers, masts, poles and the like.

**Section 2.20.3 Base Station** means the equipment for one or more wireless services installed at a site to propagate and receive wireless communications.

**Section 2.20.4 Base Station Facility** means the place within which one or more wireless services install equipment to support the operation of an antenna system.

**Section 2.20.5 Chilmark Plan Review Committee** means a special committee, the members of which are the members of the Planning Board, the members of the Zoning Board of Appeals, and a member appointed by the Board of Selectmen, who may be a Selectman.


and ARTICLE 4 NON-ACCESSORY USES Section 4.2B by recinding section 6 in its entirety "*A wireless communication transmitter (WCT), is subject to the following:*" and replacing it with the following:

ARTICLE 4 NON-ACCESSORY USES Section 4.2B

6. Wireless Communications Equipment and Facilities, subject to the following:

a. Purpose: The purpose of this provision is to balance the need for the safety and convenience of wireless communications with the Town's desire to preserve the rural nature of the Town as set forth in its Master Plan.

b. Applicants seeking approval for any wireless communications Antenna, Antenna Support, Base Station or Base Station Facility shall comply with the following:

A true copy.  
Attest:   
Margaret T. Orlando  
Town Clerk

- 1) If feasible, any Wireless Communications Antenna shall be located on existing telecommunications facilities or other suitable existing Supports. The applicant shall submit documentation of the legal right to install and use the proposed Antenna Support. Otherwise, the applicant shall have the burden of proving that a good faith effort has been made to so locate and that it is not feasible to locate on an existing Support. Failure to meet this burden shall be grounds for denial of the application. Any owner of an existing Antenna Support, which currently supports an Antenna, must provide appropriate space on a reasonable and non-discriminatory basis or documentation from an impartial expert stating the reasons for not allowing the applicant to share the Antenna Support. All wireless communications Antennas, Antenna Supports, Base Stations and Base Station Facilities built in Chilmark shall be constructed to accommodate additional providers and the owners must make the Support available for use by other wireless communications providers on a reasonable and non-discriminatory basis.
- 2) All applications shall be completed on a form provided by the Town. Such form shall contain an agreement indemnifying the Town from all legal liability resulting from the construction and operation of the wireless communications Antenna, Antenna Support, Base Station or Base Station Facility. The form shall be signed by an individual authorized to execute a binding indemnification.
- 3) All applications shall contain the following information and supporting documentation:
  - a) Inventory of the applicant's existing Antenna Support, Base Station and Base Station Facility sites, including but not limited to specific information about the location, height and design of each Antenna Support;
  - b) The availability of suitable, pre-existing Antenna Supports or other structures in Chilmark and abutting towns;
  - c) A scaled site plan and elevation view for any proposed Antenna Support Antenna, Base Station, Base Station Facility or any combination thereof;
  - d) A copy of all FCC licenses for the provision of wireless services and related communications links (if any) that the applicant intends to operate.
  - e) Such additional information as may be relevant to the factors listed in 4.b. below.
- 4) Permitting for Antennas, Antenna Supports, Base Stations and Base Station Facilities.
  - a) There is hereby created a Chilmark Plan Review Committee, the members of which shall be the members of the Planning Board, the members of the Zoning Board of Appeals and a member appointed by the

Board of Selectmen, who may be a Selectman.

b) The Chilmark Plan Review Committee may issue a special permit for any proposed Antenna, Antenna Support, Base Station, Base Station Facility, any modifications made to existing Antenna, Antenna Support, Base Station, Base Station Facility, or combination thereof by a two-thirds (2/3) vote of the membership of such committee in accordance with the following procedures:

1. A joint public hearing by the Site Review Committee and the Chilmark Plan Review Committee shall be held for the applicant to present the proposed Antenna, Antenna Support, Base Station or Base Station Facility plan;

2. Recommendations from the Site Review Committee shall be submitted to the Chilmark Plan Review Committee;

3. The Chilmark Plan Review Committee shall provide a written opinion explaining its decision. Such decision shall consider and be based upon the following factors:

a. Height and type of proposed Antenna and its Support;

b. Visibility of the Antenna and its Support in the view shed of any property owner(s);

c. Need for reception in the area;

d. Proposed location(s) versus possible alternate location(s);

e. Ability to mask the nature of the Antenna Support;

f. The number of Antennas involved in the system and in any particular area;

g. Intrusion of the Antenna or its support above the ridge lines or in public views;

h. Distance from any residence or public building property line of the Antenna Support;

i. Compliance with all applicable Town regulations for structures, except for setbacks along public or private ways;

j. The maximum level of radio frequency (RF) output of any Antenna, Base Station or Base Station Facility;

k. Ability of the applicant to financially and functionally provide and maintain the proposed system;

l. Proposed location of any Antenna or Antenna Support in the Roadside or Coastal Districts.

c) The terms of the special permit may take into account the written recommendations of the Site Review Committee. The Chilmark Plan Review Committee may require the applicant to agree to conditions for the issuance of the special permit.

5) Height: The maximum height of any Antenna or Antenna Support shall be determined by the Chilmark Plan Review Committee taking into account



all of the factors listed in 6.b.4)b)3. but not greater than seventy (70) feet above the preconstruction natural grade unless a greater height is permitted by a three-fourths (3/4) vote of the Chilmark Plan Review Committee membership,

- 6) Fencing. Climbing access to any Antenna Support shall be limited by either the installation of a six (6) foot high fence with locked gate or by limiting climbing apparatus to no lower than fifteen (15) feet above ground.
- 7) Lighting. An Antenna Support shall not be illuminated except as required by the FAA or other applicable Federal or State agencies.
- 8) Testing. After transmission begins, the owner(s) of any Antenna, Base Station or Base Station Facility shall pay for an independent consultant, selected by the Town, to conduct a test to monitor the compliance of the installation with federal and state radio frequency emissions regulations by any facility site's primary Antennas as well as from repeaters (if any). The independent consultant shall prepare and execute a protocol satisfactory to the Chilmark Plan Review Committee and specific to each facility for evaluating that facility's compliance with such regulations. A report of the compliance test shall be prepared by the independent consultant and submitted to the Chilmark Zoning Officer and the Chilmark Plan Review Committee within thirty (30) days of completion of the testing. Any modification of an existing facility, or the activation of any additional permitted channels, shall require new monitoring. The Chilmark Plan Review Committee may revoke any permit for equipment which does not pass the required testing until such time as it does pass the test.
- 9) At any time thereafter if the Chilmark Zoning Officer has reasonable cause to question the compliance of any installation with radio frequency emissions regulations, he may require the applicant to provide substantiation of such compliance in accordance with the procedure in Section 8) above and shall furnish the report of compliance or non-compliance to the Chilmark Plan Review Committee. If state or federal regulations are not met, the wireless communications Antenna, Base Station or Base Station Facility shall cease to operate immediately and up until such time as such installation passes such standards as contained in a subsequent written report of the independent consultant.
- 10) Noise. Wireless communications equipment shall be essentially noiseless at the property line of the equipment or facility, provided that an emergency generator servicing such equipment or facility may emit noise no greater than fifty (50) dBA. Any violation of this excessive noise provision must be corrected within five (5) business days of notice to the provider by the Chilmark Zoning Officer. The Chilmark Zoning Officer shall immediately report any failure to correct such excessive noise violation to the Chilmark Plan Review Committee.
- 11) Term. All permits issued under this bylaw shall be for a term not

exceeding ten (10) years. At the end of such term as contained in the permit, the permit shall automatically expire unless renewed in accordance with Section 6.b.4) above.

- 12) Abandonment and Disassembly. Any wireless communications equipment which becomes damaged to the extent of being a public hazard, for which a permit has expired or been revoked, or which ceases to operate for one year or more shall be considered abandoned and must be disassembled at the direction of the Town and at the expense of the owner/operator. Before any permit is issued, every owner/operator of a wireless communications Antenna, Antenna Support, Base Station or Base Station Facility may be required to post and maintain a bond with the Town of Chilmark to cover such costs. The Chilmark Plan Review Committee shall determine the amount of the bond and approve the company that will issue the bond.
- 13) Exceptions. This bylaw shall not apply to:
  - a) An amateur radio or television Antenna not licensed for any commercial use.
  - b) An Antenna, Antenna Support, Base Station or Base Station Facility erected by the Federal Government, Commonwealth of Massachusetts or Town of Chilmark for a public safety communications purpose.
  - c) FCC approved devices containing Antennas sold to consumers in the mass market for their use.

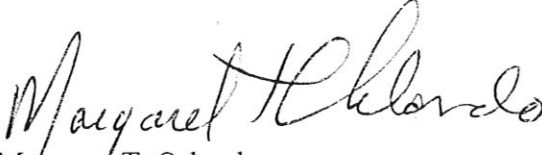
No Action Taken by FINANCE ADVISORY COMMITTEE

Action on

**ARTICLE 20.** Read by the moderator, moved and seconded.

Article 20 came to a vote and passed unanimously.

A true copy. Attest:

  
Margaret T. Orlando,  
Town Clerk

## SECTION 8.8 WIRELESS COMMUNICATION FACILITIES

### 8.8-1 Purpose

This section establishes areas for siting Wireless Communication Facilities (WCF) and guidelines for their operation, consistent with the Telecommunications Act of 1996, which will protect West Tisbury's unique community character and ensure that the public health, safety and welfare is safeguarded.

### 8.8-2 Special Permit

No tower, transmitting antenna or wireless communication facility shall be erected, constructed or installed without first obtaining a Special permit from the Zoning Board of Appeals (ZBA). One of two kinds of Special Permits is required and either must be compliant with Section 8.8-5.

#### A. Types of Special Permits

##### 1. Special Permit #1

For construction of new ground-mount towers or antennas, the ZBA will consider the following in making its determination of approval:

- 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.

##### 2. Special Permit #2:

For modification or installation of a WCF to be mounted on an existing or newly permitted WCF tower or non-residential building. The ZBA will consider the same factors (*a-h in Special Permit #1, above*) when considering its determination of approval. Modification shall include:

- a. Addition of personal wireless service(s) as defined in the Federal Communication Act of 1996 other than allowed under an existing special permit;
- b. Addition of any other type of service(s) that involves changing the physical appearance of WCF;

- c. Addition of tenant(s) by collocation, regardless of the type of service;
  - d. Change(s) in the physical appearance, physical characteristics or dimensions of the WCF;
  - e. Change(s) in equipment which will increase the level of radio frequency emission;
  - f. The use of repeaters to assure adequate coverage while minimizing the number of required towers or antennas is encouraged.
- B. Site Plan Review before the ZBA shall be required with a public hearing. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their systems and provide engineering data to justify their use.

### **8.8-3 Pre-application Conference**

A pre-application conference between the proposed applicant(s) and the ZBA shall be scheduled a minimum of 30 days prior to submission of the application for a WCF Special Permit. The purpose of such conference is to foster preliminary discussions regarding planning, design and siting of the proposed facility among the applicant(s) for Special Permit, the ZBA, and the residents of the Town of West Tisbury.

### **8.8-4 Provision of Independent Consultants**

- A. Upon submission of an application for a Special Permit under this Article, the ZBA shall hire independent consultants whose services shall be paid for by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; structural engineering; monitoring of electromagnetic fields; and, if determined necessary by the ZBA, other consultants.
- B. Upon submission of a complete application for a Special Permit under this Article, the ZBA shall provide its independent consultants with the full application for their analysis and review.
- C. Applicants for any Special Permit under this Article shall grant permission for the Town's independent consultant(s) to conduct any necessary site visits.

### **8.8-5 Adequate Coverage, Capacity and Justification of Need**

The following information shall be submitted by the applicant(s).

- A. Applicant(s) shall provide written documentation of any WCF sites in West Tisbury, and in the other towns on Martha's Vineyard in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. From each such facility site, the applicant(s) shall demonstrate with written documentation that these facility sites are not already providing, or do not have, by adjusting the site, the potential to provide adequate coverage and/or adequate capacity to the Town of West Tisbury. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified.
- B. Applicant(s) shall demonstrate with written documentation that they have examined all WCF sites located in West Tisbury, and in the other towns on Martha's Vineyard, in which the applicant(s) has no

legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing facility sites may be used to provide adequate coverage and/or adequate capacity to the Town of West Tisbury.

- C. Applicant(s) shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with (A) and (B) as above to provide adequate coverage and/or adequate capacity to the Town of West Tisbury. Radial plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

#### **8.8-6 Standards and Conditions**

The following standards and conditions relate to siting, dimensions, design, noise performance, maintenance and inspection requirements, abandonment and discontinuation of use. These rules and criteria shall be used for review of WCF applications as follows:

A. All Applications:

1. The ZBA may require the tower(s) to be painted in natural tones or otherwise camouflaged or screened by vegetation to minimize adverse visual impact.
2. The landowner shall enter into a recordable easement, restriction or similar instrument enforceable by the Town of West Tisbury, by which it is agreed that:
  - a. No cutting of trees or other vegetation shall occur within 200 feet of the facility without prior written approval of the ZBA, and
  - b. All supplemental landscaping required by the ZBA shall be fully maintained.
3. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs may be posted on the fence.
4. Unless required by the Federal Aviation Administration, no night lighting of towers or antennas of the WCF is permitted except for manually operated emergency lights for use when operating personnel are on site.
5. The applicant shall maintain the WCF. Such maintenance shall include, but shall not be limited to, structural integrity; painting; and landscaping.
6. In the event the structure is not maintained or found to be unsafe, the owner(s) of the tower shall submit a plan within 10 business days of notification to remediate the defect(s). Failure to accomplish this remediation within 20 days of the initial notification shall be a violation of the Special Permit and subject to a fine of \$300 per day for each offense. Such fines shall be payable by the owner(s) of the facilities.
7. All active WCFs shall be operated continuously except for maintenance. Seasonal operation is not permitted and may result in revocation of permits and removal of facility. Any cessation of operation for more than five contiguous days shall be reported to the Zoning Inspector within five working days.

8. If a licensed carrier plans to abandon or discontinue operation of a WCF, that carrier shall notify the Zoning Inspector by certified U.S. mail of the proposed date. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
9. In the event that a carrier fails to give such notice, or if the facility ceases to operate, the WCF shall be considered abandoned. Ceases to operate is defined as not performing the normal functions associated with the WCF and its equipment on a continuous and ongoing basis for a period of 90 days.
10. Upon abandonment or discontinuation of use, the carrier shall physically remove all structures associated with the WCF and the site shall be fully restored to its former condition, or to such condition as the Zoning Inspector may require, within 90 days from the date of abandonment or discontinuation of use.
11. If a carrier fails to remove a WCF in accordance with this article, the Town of West Tisbury shall have the authority to enter the subject property and physically remove the facility.
12. The applicant(s) shall, as a condition of the Special Permit, provide a financial surety payable to the Town of West Tisbury, to cover the cost of removal of the WCF, the remediation of the landscape, and the abatement of any pollution when the facility ceases to operate. Every owner/operator of a wireless communications transmitter shall be required to post and maintain a bond with the Town of West Tisbury in the amount of \$10,000.00 to cover such costs.

B. Special Permit #1 (Ground-mounted WCFs)

1. No ground-mount towers/WCFs shall be located closer than the height of the tower plus 20 feet to an existing building, or closer than 400 feet from any abutting residential, school, and/or day care facility property lines. No WCFs shall be located on the property on which schools and/or day care facilities are sited.
2. Ground-mounted WCFs shall not project higher than 10 feet above the average tree canopy height within a 300 foot radius of the support structure. The ZBA may permit an increase in the height of an antenna support structure up to 60 feet above natural grade if it determines that no material increase in visual impacts will result from the increased height. If the applicant can provide a setback of 1,000 feet, the ZBA may permit an increase up to 120 feet above natural grade, if it determines that no material increase in visual impacts will result from the increased height.
3. The only allowable ground-mounted tower shall be a monopole.
4. Equipment shelters and accessory buildings shall be designed to be consistent with traditional West Tisbury architectural styles and materials. Buildings shall be no more than 12 feet high, and shall be used only for housing equipment related to this particular site.
5. Existing on-site vegetation shall be preserved to the maximum extent practicable.
6. All ground-mounted wireless service facilities shall be surrounded by a security barrier.
7. Ground-mounted equipment shall not generate noise in excess of 50 dB at the security barrier.

8. Monopoles shall be inspected at least once every five years by an independent consultant, hired by the Town and paid for by the owner/applicant.

C. Special Permit #2 (Modification or installation on an existing or newly permitted tower or structure)

1. No side or roof-mounted towers/antennas shall be located closer than 100 feet to an existing dwelling, and no closer than 300 feet to schools and/or day care facilities. No side or roof-mounted towers/antennas shall be located on the property on which schools and/or day care facilities are sited.
2. Roof-mounted WCFs shall not project more than 12 additional feet above the height of an allowed building.
3. Side-mounted WCFs shall not project more than 42 inches from a building's facade, and in no case shall project into an easement, driveway or setback.
4. Roof- or side-mounted equipment shall not generate noise in excess of 50 dB at ground level at the base of the building closest to the antenna.
5. No repeater shall be located closer than 50 feet to an existing dwelling, nor less than 25 feet above ground.

**8.8-7 Monitoring and Evaluation of RF Radiation**

Monitoring of radio frequency emissions shall be required prior to beginning commercial transmission and annually thereafter to confirm compliance with applicable regulations. This monitoring shall be performed by an independent consultant hired by the Town. Costs related to monitoring shall be paid by the WCF carrier(s). See Section 8.8-13 for a full description of monitoring and compliance regulations.

**8.8-8 Fees and Insurance**

A. Fees

A Special Permit and/or new operating license shall not be issued until all fees due and owing have been paid.

1. Filing Fee

Every submission for a Special Permit for a Wireless Communication Facility or for a Special Permit for a proposed modification of an existing Wireless Communication Facility shall be accompanied by a Filing Fee of \$100 payable by certified check to the Town of West Tisbury.

2. Review Fee

Every submission for a Special Permit for a Wireless Communication Facility or for a Special Permit for a proposed modification of an existing WCF shall be accompanied by a Review Fee payable by certified check to the Town of West Tisbury. The procedure for Review Fees shall be subject to M.G.L. C.44, Section 53G and project review fee regulations as adopted by the ZBA. The initial amount of the review fee shall be \$7,500.00 for Special Permit #1, and \$3,500.00 for Special Permit #2, with the ZBA determining any additional funds during the process which may be required to cover the expenses incurred by the ZBA in reviewing the Special Permit application, including without limitation any engineering, planning or technical consulting services necessary for review purposes. Any monies remaining from the fee once Special Permit application review

is concluded shall be returned to the applicant(s).

3. Fee Schedule; Payment of Fees

A schedule of fees for permitting towers, antennas and WCFs, monitoring of emissions and inspection of structures, and any other fees shall be established by the ZBA. This schedule may be amended from time to time. Failure of the applicant(s) to pay such fees shall result in revocation of the Special Permit.

B. Insurance

Towers, antennas and WCFs shall be insured by the owner(s) against damage to persons or property with coverage limits not less than five million dollars. The owner(s) shall provide a certificate of insurance to the Selectmen's office on an annual basis in which the Town of West Tisbury shall be an additional named insured. The ZBA may from time to time require the applicant to increase the limits of such coverage.

**8.8-9 Special Permit and License Terms**

A. License to Operate

The Zoning Inspector shall issue a License to Operate the WCF only when the applicant(s) has met all special permitting requirements, as listed above, and paid all fees in full. The License to Operate shall be renewed annually, on or before September 1.

B. The Special Permit for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into continuous year-round service within one year of the date of the issuance of the Special Permit.

**8.8-10 Exempted Uses**

This Section specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch, amateur (ham) radio; citizens band radio; radio dispatch services for local businesses; and receive-only TV and radio antennas not licensed for commercial use.

**8.8-11 Interference**

Communication towers and antennas shall not cause a disruption to, or interfere with, other radio, communications, or television transmissions or equipment. If such disruption or interference is found to be caused by the operation of the communication tower, the subscribers and/or lessees shall notify their equipment operators to abate the deficiencies.

**8.8-12 Application Filing Requirements**

Applicant(s) shall fulfill all filing and documentation requirements outlined below. The ZBA may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed WCF.

A. General Requirements

1. A notarized statement signed by the applicant(s) stating that all information included in the submittal is materially accurate, true, complete, and verifiable. Inaccurate, untrue, misleading or false information submitted in pursuit of a special permit by the applicant, the provider company or their agents may be grounds for denial of a special permit.



2. The exact legal name, address or principal place of business, and telephone number(s) of applicant and any co-applicants as well as any agents for the applicant or co-applicants. The landowner of the subject property, licensed carriers, and tenants for the WCF shall be considered co-applicants.
3. The name, title, address and phone number of the person to whom correspondence or communications regarding the applicant are to be sent.
4. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant.
5. Copies of all submittals pertaining to FCC licensing; environmental impact statements; FAA notice; aeronautical studies; letter of approval from the Massachusetts Department of Public Health; and all data, assumptions and calculations relating to service coverage and power levels.
6. Details of proposed method of finance surety as required in Section 8.8-6A(12) and Section 8.8-8.
7. Required plans and engineering plans, prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

B. Siting Filing Requirements

1. On a zoning or assessor's map, the locations of all existing and proposed WCFs for that carrier in the Town and outside the Town within one mile of its corporate limits.
2. A one-inch-equals-40-feet vicinity plan showing the following:
  - a. Property lines for the subject property
  - b. Property lines of all properties adjacent to the subject property within 300 feet.
  - c. Existing tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
  - d. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
  - e. Proposed location of antenna, mount and equipment shelter(s).
  - f. Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - g. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the WCF.
  - h. Distances, at grade, from the proposed WCF to each building on the vicinity plan.
  - i. Contours at each two feet above mean sea level for the subject property and adjacent proper-

ties within 300 feet.

- j. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - k. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the WCF.
  - l. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.
3. Sight lines and photographs as described below:
- a. Sight line representation. Sight line representations should be drawn from the closest public roads and the closest residential buildings (viewpoint) to the highest point (visible point) of the WCF. Each sight line should be depicted in profile, drawn at one inch equals 40 feet. The profiles should show all intervening trees and buildings. The number and locations of the representations shall be determined by the ZBA.
  - b. Existing (before condition) photographs. Each sight line should be illustrated by one four-inch by six-inch color photograph of what can currently be seen.
  - c. Proposed (after condition). Each of the existing condition photographs should have the proposed WCF superimposed on it to show what will be seen from public roads if the proposed WCF is built, including antenna(s), mount(s), equipment shelters, cables as well as cable runs, and security barriers, if any, for the total height, width and breadth.
4. Cross-sections through the site which illustrate the following:
- a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and average ground level of the highest point.
  - b. Security barrier. If the security barrier will block views of the WCF, the barrier drawing should be cut away to show the view behind the barrier.
  - c. Any existing structures on the subject property to remain.
  - d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
  - e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.
5. Construction sequence and route(s) used to transport materials and equipment to the site.
6. A description of alternate sites for the proposed tower and/or associated equipment with the following information:

- a. A U.S.G.S. topographic map which identifies the location of alternate sites.
- b. An assessor's map of the lots or tracts of the alternate sites showing the acreage and dimensions of each site, the name and location of adjoining or nearest public roads and names of abutting property owners.
- c. Any additional information necessary to provide a comparison of the costs and environmental impacts of the alternate sites with that of the proposed site.

C. Design Filing Requirements

1. Equipment brochures for the proposed WCF such as manufacturer's specifications or trade journal reprints should be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
2. Materials of the proposed WCF specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These should be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
3. Colors of the proposed WCF represented by a color board showing actual colors proposed. Colors should be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
4. Dimensions of the WCF specified for all three directions: height, width and breadth. These should be provided for the antennas, mounts, equipment shelters and security barrier, if any.
5. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
6. If lighting of the site is proposed, the applicant should submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and 25 feet beyond the property lines. The printout should indicate the locations and types of luminaires proposed.

D. Noise Filing Requirements

1. The applicant should provide a statement listing the existing and maximum future projected measurements of noise from the proposed WCFs, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:
  - a. Existing, or ambient: the measurement of existing noise.
  - b. Existing plus proposed WCF: maximum estimate of noise from the proposed WCF plus the existing noise environment.
2. Such statement should be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this bylaw.

E. Radiofrequency Radiation (RFR) Filing Requirements

The applicant should provide a statement listing the existing and maximum future projected measurements of RFR from the proposed WCF, for the following situations:

1. Existing, or ambient: the measurements of existing RFR.
2. Existing plus proposed WCF: maximum estimate of RFR from the proposed WCF plus the existing RFR environment.
3. Certification, signed by a RF engineer, stating the RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards of this Bylaw.

F. Hazardous Materials Filing Requirements

The applicant should provide a written description of the type(s) and quantities of any hazardous waste and/or hazardous materials to be used, stored or generated for each wireless carrier proposed to be located on the project site, as well as provide a written description and plans for containment of any hazardous materials/waste.

G. Federal Environmental Filing Requirements

1. The National Environmental Policy Act (NEPA) applies to all applications for WCFs. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch. I). The FCC requires that an Environmental Assessment (EA) be filed with the FCC prior to beginning operations for any WCF proposed in or involving any of the following:
  - Wilderness areas
  - Wildlife preserves
  - Endangered species habitat
  - Historical site
  - Indian religious site
  - Flood plain
  - Wetlands
  - High intensity white lights in residential neighborhoods
  - Excessive radiofrequency radiation exposure
2. At the time of application filing, an EA that meets FCC requirements should be submitted to the ZBA for each WCF site that requires such an EA to be submitted to the FCC.
3. The applicant should list location, type and amount (including trace elements) of any materials proposed for use within the WCF that are considered hazardous by the federal, State or local government.

### **8.8-13 Monitoring and Evaluation of RF Radiation**

A. Pre-testing

After the granting of a Special Permit and before the applicant's WCF begins commercial transmission, the applicant shall pay for an independent consultant, hired by the Town, to monitor the background levels of EMF radiation, around the proposed facility site and/or any repeater locations to be utilized. Testing results shall meet FCC and state standards. A report of monitoring results shall be prepared by the independent consultant and submitted to the Board of Health.

B. Post-testing

After transmission begins, the owner(s) of any WCF located on any facility site shall pay for an independent consultant, hired by the Town, to conduct testing and monitoring of EMF radiation emitted from said site, and to report results as follows:

1. There shall be routine annual monitoring of emissions by the independent consultant using actual field measurement of radiation, utilizing FCC and State monitoring protocol. This monitoring shall measure levels of EMF radiation from the facility site's primary antennas as well as from repeaters (if any). Testing will be conducted over a 24-hour period during the peak use time in August, to give the most accurate indication of impacts on abutters and others. A report of monitoring results shall be prepared by the independent consultant and submitted to the Board of Health within 30 days of completion of the testing.
2. Any major modification of an existing facility, or the activation of any additional permitted channels, shall require new monitoring.

C. Excessive Emissions

1. Should the monitoring of a facility site reveal that the site exceeds the Federal Communications Commission (FCC) 96-326 standard, then the owner(s) of all facilities using the site shall be so notified. The owner(s) shall submit to the Board of Health a plan for reduction of emissions to a level that complies with the FCC 96-326 standard within 10 business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification of non-compliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of non-compliance shall be a violation of the Special Permit and subject to a fine of \$300 per day for each offense and/or revocation of the Special Permit and removal of the facility at the owner(s) expense. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site, until compliance is achieved.
2. If such standards and regulations are changed, then the owners of the towers and antennas shall bring them into compliance with the revised standards within six months of the effective date. Failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

## ARTICLE IX

## SITE PLAN APPROVAL AND SPECIAL PERMITS

The purpose of Site Plan and Special Permit review is to enable the Town of West Tisbury to minimize the impact of proposed uses on their surroundings. Such review is also intended to ensure that development is designed in a way that fulfills the goals of this bylaw and the West Tisbury Master Plan. The Use Table in Section 3.1-1 indicates which uses are subject to Site Plan only or Special Permit review. Section 3.1-1(A) describes how to interpret the symbols on the Use Table.

### SECTION 9.1 SITE PLAN REVIEW WHEN NO SPECIAL PERMIT IS REQUIRED

#### 9.1-1 Submission Requirements

- A. The Planning Board shall prescribe the content of the Site Plan, as well as the number of copies to be submitted.
- B. The Site Plan submission shall contain all information necessary to enable the Planning Board to conduct an informed review pursuant to the criteria in Section 9.1-2 below. This may include maps showing Existing Conditions and Proposed Improvements.
  - 1. At the discretion of the Planning Board, the Existing Conditions Map may include the following: land use districts, overlay districts, topography, wetlands, watercourses, shorelands, beaches, dunes, soils, existing vegetation, farmland, roads, structures, and other relevant site conditions.
  - 2. At the discretion of the Planning Board, the Proposed Conditions Map may include the following: driveways, parking areas, sidewalks, landscaping, utilities, lighting, drainage, vehicular circulation, signs, and building plans and elevations.
  - 3. If the land will be developed in more than one phase, the Planning Board may require the applicant to present a master plan for an entire property showing intended future development.
- C. An application shall not be considered complete until all information required by Planning Board is submitted.

#### 9.1-2 Review Criteria

The following criteria shall be used by the Planning Board in evaluating the Site Plan and related information submitted as part of the application. To be approved, the proposed use shall:

- A. Comply with all applicable provisions and requirements of this bylaw.
- B. Avoid significant detrimental visual and environmental impacts on adjacent uses and on any important natural, historic, or scenic features (see Subsection 8.3).
- C. Not impair pedestrian safety or otherwise overload existing roads, considering their current width, surfacing, and condition, and not result in a reduction in the level of service at any intersection.
- D. Provide appropriate parking pursuant to Section 8.2-2 as well as accessibility for fire, police, and emergency vehicles.

# Appendix E- Vendor Compliance Form

The Vendor Compliance form must be initialed in ink for every section indicated below.

Proposal Format & Requirements	Initial _____
Proposal Certification Form	Initial _____
Introductory Letter	Initial _____
Core Team	Initial _____
Replacement of Vendor Staff	Initial _____
Current Work Load	Initial _____
Location of Carrier Hotel	Initial _____
Project Management/Plan of Work	Initial _____
Quality Requirements & Comparative Criteria	Initial _____
System Performance	Initial _____
Capability	Initial _____
Scalability	Initial _____
Simulcasting	Initial _____
Co-location	Initial _____
Near Equivalent Performance	Initial _____
Fault Tolerance & Redundancy	Initial _____
Preliminary Test Plan	Initial _____
Antenna Dimensions	Initial _____
System Aural Noise	Initial _____
Additional Features	Initial _____
1. Relevant experience of proposer and/or proposed project staff	Initial _____
2. Staffing plan and Technological Design	Initial _____
3. Proposer's demonstrated ability to complete projects on a timely basis	Initial _____
4. Proposer's demonstrated ability on similar projects	Initial _____
5. Evaluation of the proposed plan	Initial _____
6. Evaluation of an oral presentation or interview	Initial _____

- 7. Proposer's ability to provide support services Initial \_\_\_\_\_
- 8. The proposed service area Initial \_\_\_\_\_
- 9. The proposed schedule of implementation Initial \_\_\_\_\_
- 10. The proposed distributed antenna system's visual impact Initial \_\_\_\_\_
- Project References Initial \_\_\_\_\_
- Rule for Award Initial \_\_\_\_\_
- Additional Contract Terms and Conditions Initial \_\_\_\_\_



## Appendix F - CERTIFICATE OF VOTE

I, \_\_\_\_\_, Clerk of

\_\_\_\_\_, hereby certify that, at a meeting of

the Board of Directors of said Corporation duly held on \_\_\_\_\_, 19\_\_\_\_, at which a quorum was present and voting (Date must be earlier than contract) throughout, the following vote was duly passed and is now in full force and effect:

"VOTED: That \_\_\_\_\_  
(NAME OF OFFICER AUTHORIZED TO SIGN FOR CORPORATION)

be and hereby is authorized, directed and empowered for, in the name and on behalf of this Corporation to sign seal with the corporate seal, execute, acknowledge and deliver all contracts, bonds and other obligations of this Corporation; the execution of any such contract, bond or obligation by such \_\_\_\_\_ to be valid and  
(NAME OF OFFICER)

binding upon this Corporation for all purposes, and that a certificate of the Clerk of this Corporation setting forth this vote shall be delivered to the Town of CHILMARK; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested by the Clerk of this Corporation is delivered to the Town of CHILMARK."

I further certify that \_\_\_\_\_ is the  
(NAME OF OFFICER)

duly elected \_\_\_\_\_ of said Corporation.  
(TITLE)

Signed \_\_\_\_\_  
(CLERK-SECRETARY)

Place of Business: \_\_\_\_\_

Date of Contract: \_\_\_\_\_





AFFIX CORPORATE SEAL

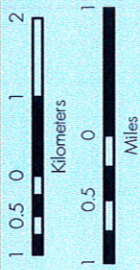
COUNTERSIGNATURE: \_\_\_\_\_  
(NAME AND TITLE OF OFFICER)

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign that contract or other instrument for the Corporation, this certificate must be countersigned by another officer of the Corporation.

# Martha's Vineyard -- Up-Island Potential DAS Hub Sites

Potential Location for DAS Hub

 Roads  
 Primary Road  
 Secondary Road  
 Town Boundary



Vineyard  
S ound

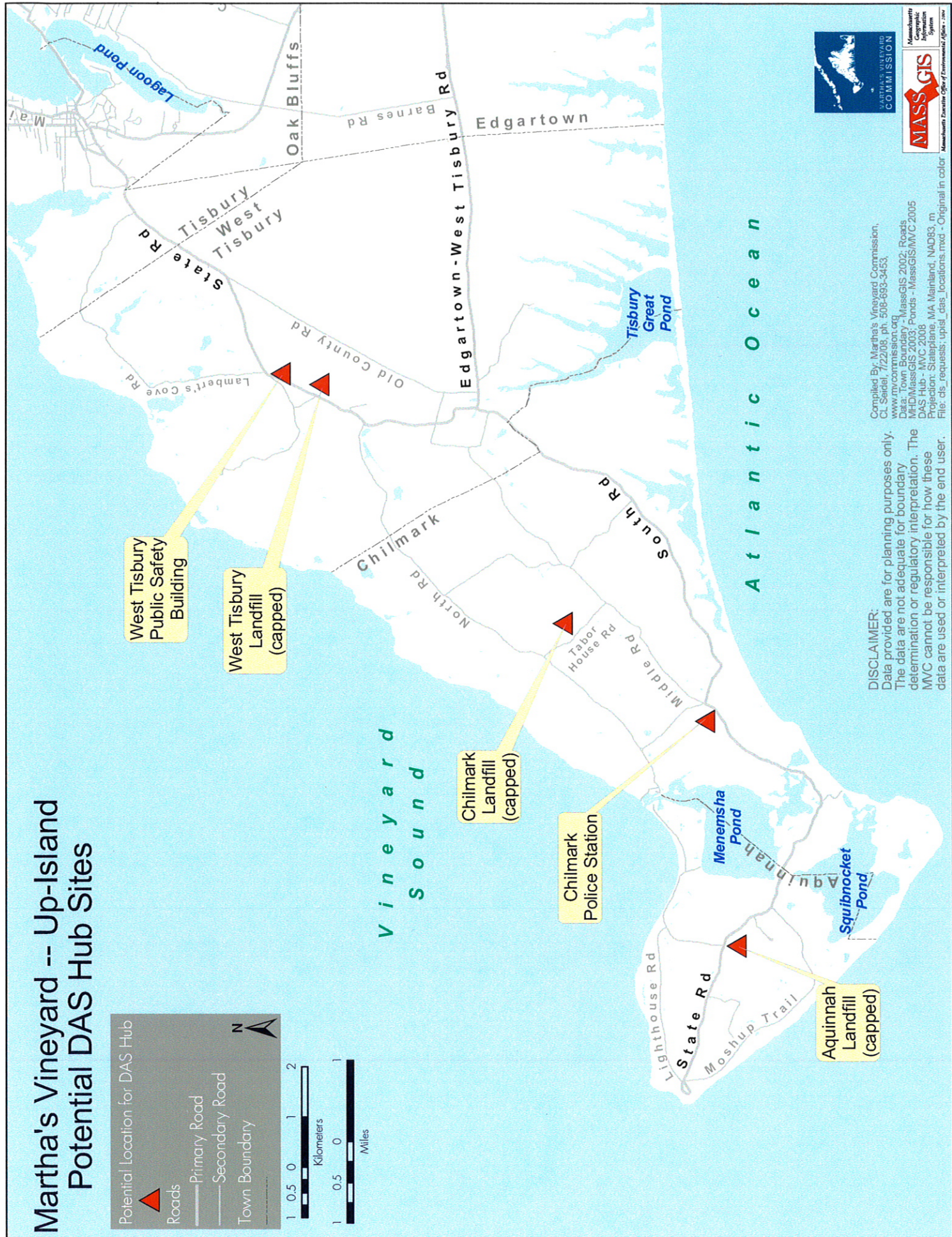
West Tisbury  
Public Safety  
Building

West Tisbury  
Landfill  
(capped)

Chilmark  
Landfill  
(capped)

Chilmark  
Police Station

Aquinnah  
Landfill  
(capped)



**DISCLAIMER:**  
 Data provided are for planning purposes only.  
 The data are not adequate for boundary  
 determination or regulatory interpretation. The  
 MVC cannot be responsible for how these  
 data are used or interpreted by the end user.

Compiled By: Martha's Vineyard Commission,  
 CL Seidel, 7/22/08, ph. 508-693-3453,  
 www.mvcommission.org  
 Data: Town Boundary - MassGIS 2002; Roads  
 MHD/MassGIS 2003; Ponds - MassGIS/MVC 2005  
 DAS Hub - MVC 2008  
 Projection: Stateplane, MA Mainland, NAD83, m  
 File: ds\_request; upisl\_das\_locations.mxd - Original in color

