

MINUTES OF TFCG MEETING
AS AMENDED

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on May 3, 2006. The following people were in attendance:

MEMBERS

Jane Lawton DTS (240) 777-3724
Pat Hanehan MCPS (301) 279-3609
Martin Rookard WSSC (301) 206-8979
Helen Xu DTS (240) 777-2804
David Niblock DPS (240) 777-6252
Steve Batterden DPWT (240) 777-6063

STAFF

Marjorie Williams DTS (240) 777-3762
Robert Hunnicutt CTC (410) 964-5700
Dave Randolph CTC (410) 964-5700

OTHER ATTENDEES

Cliff Royalty OCA
Jim Michal Jackson & Campbell
Mike Budde T-Mobile
Cheryle Wilson Bechtel for Cingular
Bill O'Brien Mactec
Bobbi Culbertson Bechtel for Cingular
Jill Goyette NBC for Cingular
Gurinder Bir Singh Sprint
Gregory Tully Sprint
Howard Zechiel Sprint
Pete Maheridis Verizon
Erin Galvin NBC for T-Mobile
Ed Donohue Holland & Knight for T-Mobile
Steven Weber T-Mobile
Liz West T-Mobile
Richard Cassidy Dewberry/Invisible Towers

OTHER ATTENDEES (CONT.)

Tim Dennis Invisible Towers
Praveen Errabelli Cingular
John Luke MC Airpark
Janice Turpin MCPS-Facilities Management
MaryPat Wilson MCPS-Facilities Management

Action Item - Meeting Minutes: Pat Hanehan moved the minutes be approved as written. Martin Rookard seconded the motion and the minutes were unanimously approved.

Consent Agenda Items:

1. Verizon Wireless application to attach 12 antennas (six 47" high and six 71" high) at the 140' level of a

monopole on Old Burtonsville VFD property located at 15430 Old Columbia Pike in Burtonsville (Application #200604-43).

2. T-Mobile application to replace 6 existing antennas with 6 new 53" antennas, relocating one sector of antennas from the side of the penthouse to a 10' pole mounted mast on an existing equipment platform on the Summit Hills Apartment building located at 8484 16th Street in Silver Spring (Application #200605-01).

3. Cingular Wireless to replace 6 existing antennas with 6 new 55" antennas on the same mounts on the Northwood High School monopole located at 919 University Boulevard in Silver Spring (Application #200605-02).

4. Cingular Wireless to replace 6 existing antennas with 6 new 52" antennas on the same mounts on Westlake Terrace building located at 7420 Westlake Terrace in Bethesda (Application #200605-03).

5. Cingular Wireless to replace 6 existing antennas with 6 new 55" antennas on the same mounts on the Wessling building located at 6931 Arlington Road in Bethesda (Application #200605-04).

6. Cingular Wireless to replace 3 existing antennas with 6 new 55" antennas on the same mounts on the bell tower of the St. Patrick's Church located at 4101 Norbeck Rd in Rockville (Application #200605-05).

7. Cingular Wireless to replace 9 existing antennas with 9 new 55" antennas (6 now, 3 in the future) on the same mounts on the Sarem Farm monopole located at 15901 Columbia Pike in Burtonsville (Application #200605-06).

8. Cingular Wireless to replace 9 existing antennas with 9 new 55" antennas (6 now, 3 in the future) on the same mounts on the White Oak Tower building located at 11700 Old Columbia Pike in Silver Spring (Application #200605-07).

9. Cingular Wireless to replace 9 existing antennas with 9 new 52" antennas (6 now, 3 in the future) on the same mounts on the Tri State Quarry monopole located at 8200 Seven Locks Road in Bethesda (Application #200605-08).

10. Cingular Wireless to replace 9 existing antennas with 9 new 55" antennas (6 now, 3 in the future) on the same mounts on PEPCO transmission line tower #85-R-500A1 located at 22400 Georgia Avenue in Brookeville (Application #200605-09).

11. Cingular Wireless to replace 9 existing antennas with 9 new 52" antennas (6 now, 3 in the future) on the same mounts on Bullis School monopole located at 10601 Falls Road in Potomac (Application #200605-10).

12. Cingular Wireless to replace 9 existing antennas with 9 new 52" antennas (6 now, 3 in the future) on the same mounts on PEPCO transmission line tower #652-S located at 12200 Falls Road in Rockville (Application #200605-11).

13. Sprint application to changeout 9 existing antennas with 9 new 72" antennas on the same mounts and location on the roof of the Berkshire Towers building located at 11235 Oak Leaf Drive in Silver Spring (Application #200605-12).

14. Nextel application to install 12) 48" antennas and 3 GPS antennas at the 110' level of the 275' Carver lattice tower located at 2647 University Boulevard in Wheaton (Application #200605-13).

15. T-Mobile application to install nine 53" antennas at the 116' level of a 121' tall PEPCO transmission tower #655-N located at 8406 Postoak Road in Potomac (Application #200605-14).

16. Sprint application to changeout 9 existing antennas with 6 new 53" antennas on the same mounts and location on the 132' level of PEPCO transmission line tower #6278 located at 14201 Quince Orchard Road in Gaithersburg (Application #200605-15).

17. Sprint application to changeout 9 existing antennas with 9 new 82" antennas on the same mounts and location on PEPCO transmission line tower #100-S located at Goshen Road & Rothbury Drive in Gaithersburg (Application #200605-16).

18. Sprint application to change -out 4 existing antennas in Sector 3 with 4 new 48" antennas on the same mounts and location on the Argyle Country Club monopole located at 14600 Argyle Club Road in Silver Spring (Application #200605-17).

19. T-Mobile application to install nine 53" antennas at the 126' level of a 131' tall PEPCO transmission tower #683-E located at 18300 Bowie Mill Road in Olney (Application #200605-18).

20. T-Mobile application to install nine 53" antennas at the 126' level of a 131' tall PEPCO transmission tower #646-S located on Lloyd Road in Rockville (Application #200605-19)

Jane Lawton noted that for the antenna change-out applications, none of the recommendation forms stated the size of the antennas that were being replaced. Bob Hunnicutt explained that for these recommendations he did not note the size of the existing antennas because he thought that all of them had been reviewed by the TFCG when installed in the past and the new antennas were not significantly different in size. Ms. Lawton noted that that the 82" antennas proposed for Item 17 were likely much larger than the existing antennas and she would like to pull that item for discussion. She also requested that Item 14 be discussed. Pat Hanehan added that he would like to discuss Item 3 as well.

Motion: Dave Niblock moved that the remaining consent agenda items be recommended. Martin Rookard seconded the motion and it was approved with Pat Hanehan abstaining from voting on the Cingular applications.

Action Item: Consent Agenda Item 3 - Cingular Wireless application to replace 6 existing antennas with 6 new 55" antennas on the same mounts on the Northwood High School monopole located at 919 University Boulevard in Silver Spring (Application #200605-02).

Pat Hanehan asked if the carrier was adding frequencies to the facility. Bob Hunnicutt stated that he believed that they were adding frequencies in the 800 MHz range. Bill O'Brien confirmed that was the case. Mr. Hanehan asked if the cables were going to be placed inside the monopole. Mr. O'Brien replied that he would check to make sure that they would be inside the pole.

Motion: Dave Niblock moved the application be recommended conditioned on the antennas being placed inside the monopole. Martin Rookard seconded the motion and it was approved with Pat Hanehan abstaining.

Action Item: Consent Agenda Item 14 - Nextel application to install twelve 48" antennas and 3 GPS antennas at the 110' level of the 275' Carver lattice tower located at 2647 University Boulevard in Wheaton (Application #200605-13).

Jane Lawton asked if there were structural issues regarding this attachment. Bob Hunnicutt stated that it did not appear to be a concern given that the tower was originally constructed as a large self supporting AM radio broadcast lattice tower and appeared to be capable of accommodating the additional antennas based on attachments he had seen on similar structures. He added that a structural analysis could verify if that was the case but for this application he did not request to see a copy of the analysis.

Helen Xu noted that the address on the application showed the address as 2637 University Boulevard but that the correct address was 2647 University Boulevard.

Motion: Pat Hanehan moved the application be recommended. Helen Xu seconded the motion and it was unanimously approved.

Action Item: Consent Agenda Item 17 - Sprint application to replace 9 existing antennas with 9 new 82" antennas on the same mounts and location on PEPCO transmission line tower #100-S located at Goshen Road & Rothbury Drive in Gaithersburg (Application #200605-16).

Jane Lawton noted that the application states the proposed antennas are 82" long, which exceeds the County Zoning Code limits. Bob Hunnicutt said he believed that was a typographical error. Dave Randolph reviewed the application and said that the proposed antennas were indeed 82" long. Bob Hunnicutt said if that were the case, he did not recommend this application as it was not in compliance with the Zoning Code.

Motion: Dave Niblock moved to table the application until a revised antenna design in compliance with the

Zoning Code was provided. Pat Hanehan seconded the motion and it was unanimously voted to table the application.

Discussion Item: Multiple applications to construct new monopoles on MCPS property.

Bob Hunnicutt explained that the next several applications on the agenda raised some issues that he would like to bring to the group's attention for discussion. He said that in the past when carriers were replacing an existing structure, such as a tall high school football stadium light with a new monopole, there was both a public use (lighting the field) and an existing structure (the pole).

He said that the next three applications on today's agenda were quite different in that there is no existing structure. He cited §59.A.6.12 of the County Zoning Ordinance that permits a telecommunications facility to be attached to an existing structure; otherwise it would require a Special Exception. He said that two of the applications proposed to place the new structure next to existing lights; thus there appeared to be no public use. He added that the third application was one which the carrier proposed to construct a monopole in an open field and the applicant had stated that the only reason lights were proposed for the monopole was to qualify it as a public use.

Mr. Hunnicutt reported that he had discussed these applications with Cliff Royalty, the County Attorney who handles TFCG matters, who was present at today's meeting. Mr. Hunnicutt said that he had coincidentally heard from M-NCPPC staff that they had the same concerns, and in fact, said they would be sending an application for Fairland Elementary School that they were reviewing back to the TFCG for further review and comment -- in part, to address those concerns. Commission staff also advised him that for all future applications like these, the M-NCPPC had decided that its policy for reviewing telecommunication facilities on M-NCPPC property would be a two-step process: first, the application would go to the Planning Board to obtain approval to enter into a lease agreement with the carrier; next, the carrier would be required to obtain a Special Exception for the new facility. Consequently, for these reasons, the Tower Coordinator's recommendations for the next three applications were conditioned on the applicant's obtaining a Special Exception.

Jane Lawton said that she was uncomfortable recommending these applications because there is no existing structure and they do not appear to have a bona fide public use. She said that in her opinion, these new applications were not a permitted use as the law specifies and should require a Special Exception.

Mr. Hunnicutt added that he had reviewed TFCG minutes from 1996 that reflected an opinion of the County Attorney at that time, Kathy Hart, regarding siting a telecommunications facility on WSSC property. He said that for an application at that time to construct a silo on WSSC property and attach antennas to it, Ms. Hart had stated that if the WSSC wanted, it could construct a silo on its property, then after construction of the silo, the carrier could then file an application to attach antennas by-right as a colocation as the Zoning Ordinance permitted.

Ms. Lawton asked Cliff Royalty if he had any comments. Mr. Royalty replied that he did not have any specific comment. Pat Hanehan asked if the County Attorney would issue a legal opinion on the matter to provide clear guidance to the public schools and the TFCG as to how to proceed on these kinds of applications. Mr. Royalty noted that Mr. Hunnicutt had just made him aware of Ms. Hart's opinion and that he agreed with it.

Pat Hanehan explained that the facility would be jointly owned and that once the structure was constructed then the carrier would attach the antennas and lights. Mr. Royalty responded that the schools seek review of a true public facility through Mandatory Referral, but clearly the antennas, being a private use, would be subject to the Zoning Ordinance.

There was a discussion about previous applications on MCPS property including new poles at Northwood HS and Daly ES that had been approved by both the TFCG and the Planning Board. Mr. Royalty stated that he was not familiar with the past applications, but clearly if the public schools wanted to construct a facility that served a public purpose, such a facility could be reviewed through the Mandatory Referral process. But, he added, that telecommunications antennas were clearly a private use.

Ms. Lawton added that she discussed this matter before this meeting with Mr. Hanehan and with the M-NCPPC staff. The M-NCPPC staff appeared to be taking the same position as Mr. Royalty which is different

from an earlier M-NCPPC staff interpretation. She added that she did not see how the TFCG could recommend any of these applications when there is no existing structure.

[NOTE: At the June 7 TFCG meeting, Mr. Hanehan provided a copy of a letter that expressed the earlier interpretation referenced in the amended text above. The TFCG agreed to append a copy of that letter to these minutes from the May meeting for reference.]

In response to questions, Mr. Royalty said that the M-NCPPC makes the decisions of whether the monopole may be reviewed through Mandatory Referral.

Mr. Hanehan stated that he would like to have a written opinion from the County Attorney. Ms. Lawton replied she would have to discuss that with the County Attorney.

Mr. Hanehan said that if the schools have been doing things improperly, they would like to have an official opinion of how to handle these types of applications in the future. Ms. Lawton said that these sites were different, that some of the applications barely meet setback requirements, and that she did not feel that she could support any of them.

Mr. Royalty stated that opinions written by the County Attorney are requested by and provided to the client and are only prepared in response to a written request that clearly states the legal question to be addressed.

Action Item: T-Mobile application to construct a new 80' monopole at Brookhaven Elementary School located at 4610 Penn Street in Rockville (Application #200602-05)

Bob Hunnicutt summarized the application noting that at first review of the application he had questions regarding the distance of the monopole from the nearest dwelling. Mr. Hunnicutt stated that it appeared that the monopole was not 300' from the homes on the property across the playground from the site. However, they measured the distance at the site and based on their findings it appeared to meet the 300' distance requirement, although the site plan was misleading.

Ms. Lawton said she believed that location was too close to the existing dwellings and that if a resident wished to put an addition to the back of the house, it would make the structure closer than 300' to the residence. She said that based on her review of the site plan it appeared that the application does not meet setback requirements.

Ms. Lawton asked about the lights to be attached to this monopole and noted that the structure would be placed very close to existing lights. Pat Hanehan stated that additional lights would be attached to the monopole and would be pointed towards the school. He added that the site plan submitted with the application is incorrect, and that the actual location of the monopole would be approximately 30 feet closer to the street than shown.

Ms. Lawton said she did not believe that this application should be recommended. Ed Donohue, the attorney representing T-Mobile, noted that if this was treated as a Special Exception, the Board of Appeals has the authority to waive setback requirements.

Motion: Pat Hanehan moved the application be recommended conditioned on the applicant obtaining a Special Exception. Martin Rookard seconded the motion and it was approved with three voting for the motion, two voting against it (Helen Xu and Jane Lawton), and Pat Hanehan abstaining.

Action Item: T-Mobile application to construct a new 99' monopole at Charles Drew Elementary School located at 1200 Swingingdale Drive in Silver Spring (Application #200604-25).

Bob Hunnicutt summarized the application. Jane Lawton asked why it was necessary for the monopole to be so tall. Dave Randolph replied that he reviewed the RF maps submitted with the application and had also requested RF maps showing coverage at lower levels. He said that based on their review of the maps, it appeared that antennas could meet the stated coverage objective with antennas at the 80' level.

Ms. Lawton asked about the purpose of lights on a new structure when there were already lights on existing structures on either side of the proposed monopole.

Pat Hanehan said that the new lights were to provide additional security to the grounds. Ms. Lawton said that

she did not believe that was a valid public use since there are already lights there.

Mr. Hunnicutt noted that this property backs up to a large wooded area. Mr. Hanehan explained that the wooded area was the future right-of-way for the Intercounty Connector and noted that there would not be any new houses constructed in that area in the future so there would not be objections from any future residents.

Motion: Martin Rookard moved the application be recommended conditioned on the applicant obtaining a Special Exception. Pat Hanehan seconded the motion and it was approved with three voting for the motion, two voting against it (Jane Lawton and Helen Xu), and Pat Hanehan abstaining.

Action Item: T-Mobile application to construct a new 120' monopole at Emory Grove Center located at 18101 Woodfield Road in Gaithersburg (Application #200604-26)

Bob Hunnicutt summarized the application and noted that the proposed location of the monopole was nearly 600' from the building, too far to effectively provide lighting for the school. He said that when he asked Pat Hanehan how lights that far from the building would provide security, Mr. Hanehan had advised him that the lights would be pointing in the direction of the building.

Jane Lawton asked how far the structure was from the homes adjacent to the property and noted that the site plan showed the structure as only 237' feet from the property line and the houses appeared to be close to the property line. Mr. Hunnicutt commented that the site plan showed the distance to the nearest residence was over 300', and 387' to the apartment buildings on the other side of Woodfield Road. Ms. Lawton added that for this application she clearly did not see a public use when the lights would be 600' from the school building, too far to provide any security lighting, and said she did not believe this application should be recommended.

Dave Randolph commented that based on his review of the RF maps submitted by T-Mobile, it appeared as though the coverage objective could be met with antennas at the 97' level as opposed to the 120' level requested by the applicant.

Mr. Hunnicutt stated that there was an issue with this site because of its close proximity to the Montgomery County Air Park and it appeared as though an FAA determination would be required. Mr. Hunnicutt commented that the applicant had noted the proximity to the Air Park as a reason for no other existing tall structures available for colocation.

Mike Budde stated that T-Mobile's contractor had concluded that no FAA determination was required.

John Luke, from the Montgomery County Air Park, stated that it appeared as though an FAA determination did need to be filed because of the height of the structure and its proximity to the airport. Mr. Luke added that if a determination was made that this structure needed to be lit, the light pollution that close to the airport would be problematic for airport operation.

Ms. Lawton said she did not believe this application should be recommended as it did not appear to be for a valid public use and there was an unresolved FAA issue.

Motion: Pat Hanehan moved the application be recommended conditioned on the applicant obtaining a favorable FAA determination, a Special Exception, and the structure height being limited to 97 feet. Dave Niblock seconded the motion. Four members voted against the motion (Helen Xu, Jane Lawton, Martin Rookard, and Steve Batterden). One voted for the motion and Pat Hanehan abstained. The motion failed.

Action Item: Sprint PCS application to construct a new 100' monopole at Sligo Elementary School located at 8300 Carroll Avenue in Takoma Park (Application #200604-41).

Bob Hunnicutt summarized the application and noted that this is a private school and that a Special Exception would be required. He said that when they measured the distance at the site, it appeared that the proposed location of the monopole did not meet the requirement for being located a minimum of 300' from a residence. He said he notified the applicant of this problem and although Sprint agreed to move the monopole location 15' from its original location, he was still uncertain that this would meet setback requirements. He said that Sprint had agreed to place the monopole on the property where it would meet the 300' setback requirement.

Jane Lawton said that she did not understand why the group would recommend this application, especially

since it was in an R-60 zone and the structure appeared to be too close to the property boundary. Dave Niblock commented that the Board of Appeals could address the setback issue as part of the Special Exception review process.

Motion: Dave Niblock moved the application be recommended conditioned as recommended by the Tower Coordinator. Pat Hanehan seconded the motion. Three voted for the motion, and three voted against it (Steve Batterden, Jane Lawton, and Helen Xu) and the motion to recommend the application failed.

Action Item: Nextel application to attach twelve 72" panel antennas (four at the 143' level on Tank C and eight at the 147' level on Tank A) on the top of the existing 140' WSSC Hampshire Greens water tanks located at 15916 New Hampshire Avenue in Spencerville (Application #200508-05)

Motion: Martin Rookard moved to table this application indefinitely because there were unresolved structural issues at the site. Pat Hanehan seconded and the motion to table was approved.

Action Item: Sprint PCS application to construct a new 100' monopole at the WSSC pumping station located at 8606 Snouffers School Road in Gaithersburg (Application #200604-42).

Motion: Martin Rookard moved to table this application until the June TFCG meeting in order to resolve outstanding issues. Pat Hanehan seconded and the motion to table was approved.

John Luke said that he had issues regarding an FAA determination for this site as well. Jane Lawton asked Bob Hunnicutt to work with Martin Rookard and John Luke to identify outstanding issues for this application before it is placed on a future agenda for review.

Action Item: Cingular application to replace nine existing antennas with six new 51" antennas on the same mounts on the Poolesville Tower located 19200 Jerusalem Road in Poolesville (Application #200604-17).

Bob Hunnicutt summarized the application noting the County's concern for prompt resolution of any interference with the County's radio services transmitted from this site. He conditioned his recommendation, as requested by the County, on terminating service if there is interference, and if no resolution can be found the carrier must terminate service from this site.

Motion: Dave Niblock moved the application recommended conditioned on the items in the Tower Coordinators recommendation. Martin Rookard seconded and the motion was unanimously approved with Pat Hanehan abstaining.

Action Item: Cingular Wireless application to replace three existing antennas with six 55" panel antennas at the existing antenna locations on a monopole at Sherwood High School located at 300 Olney-Sandy Spring Road in Sandy Spring (Application #200604-23).

Bob Hunnicutt explained that at the last TFCG meeting this application had been tabled pending resolution of three issues raised for this site by Public Schools staff including: 1) the cables had to be placed within the monopole; 2) the work would not start until after June 1; and 3) a structural analysis would need to be performed to verify the structure can safely accommodate the antennas.

He explained that Cingular had fulfilled the three requirements: they submitted a revised structural analysis that showed the attachment could be safely made; they explained that the cables would be placed inside the monopole; and provided a written agreement that work would not begin prior to June 1. Pat Hanehan said he was satisfied that Cingular had fulfilled the TFCG requirements for this site.

Motion: Martin Rookard moved the application be recommended. Dave Niblock seconded the motion and it was approved with Pat Hanehan abstaining.

Action Item: Sprint PCS application to attach antennas to a monopole to be constructed at Emory Grove Center located at 18101 Woodfield Road in Gaithersburg (Application #200604-44).

Jane Lawton noted that since the application to construct this monopole (#200604-26) was not recommended at today's meeting, this application could not be recommended. Sprint's representative asked that the application be tabled. Margie Williams said this site should not be recommended since the application to

construct was not recommended.

Motion: Martin Rookard moved to not recommend the application. Pat Hanehan seconded and the motion and it was unanimously voted to not recommend the application.

Discussion Item - TFCG Meeting Schedule: The TFCG approved the meeting dates for July - December 2006.

Discussion Item - Invisible Tower Presentation: Representatives from Invisible Tower made a PowerPoint presentation about their company and their plans to submit an application for a new monopole on MacArthur Boulevard.

Discussion Item - Next Meeting: The next meeting of the TFCG is scheduled for Wednesday, June 7, 2006 at 2 p.m. in the second floor conference room #225 of the COB.