

**To:** Distribution

**From:** Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Transmission Facility Coordinating Group (TF CG) was held on April 1, 2009. The following people were in attendance:

MEMBERS

Marjorie Williams	OCCS	(240) 777-3762
Carlton Gilbert (via phone)	M-NCPPC	(301) 495-4577
Helen Mu (via phone)	DTS	(240) 777-2804
Mary Pat Wilson	MCPS	(240) 314-4707
John Cuff	OMB	

STAFF

Bob Hunnicutt	CTC	(301) 933-1488
David Doulong	CTC	(301) 933-1488
Martin Liebman	CTC	(301) 933-1488

OTHER ATTENDEES

Michael Kelly	Cricket	(240) 274-7774
Carmen Charalambous	T-Mobile	(301) 775-5826
Andrew Martin	for Verizon	
Paul Whitley	NB&C	
Amy Bird	NB&C/T-Mobile	
Sean Hughes	Sean Hughes Law Offices	

**Action Item Meeting Minutes:** John Cuff moved the minutes be approved as written. Mary Pat Wilson seconded the motion and the minutes were unanimously approved.

**Action Item Consent Agenda Applications:**

1. Verizon Wireless application to replace antennas at the 160' level of the WSSC Glenmont water tank located at 12413 Georgia Ave in Wheaton (Application #200901-01).
2. Cricket application to attach antennas at the 90' level of the monopole on Wheaton High School property located at 12501 Dalewood Road in Wheaton (Application #200903-03).
3. AT&T application to attach one dish antenna at the 155' level on the roof of NIH Building #10 located at 9000 Rockville Pike in Bethesda (Application #200904-01).
4. Cricket application to attach antennas at the 80' level of the monopole on Northwood High School property located at 919 University Boulevard in Silver Spring (Application #200904-03).
5. Cricket application to attach antennas at the 154' and 163' levels atop the Gallery at White Flint building located at 11710 Old Georgetown Road in Rockville (Application #200904-04).
6. T-Mobile application to attach antennas at the 109' level of the Westfield South building at Wheaton Plaza Shopping Center located at 11002 Veirs Mill Road in Wheaton (Application #200904-06).

7. Verizon Wireless application to attach one dish antenna at the 90' level of PEPCO transmission line tower #688-W located at 4270 Sir Walter Road in Olney (Application #200904-12).

**Motion:** Carlton Gilbert moved the Consent agenda items be recommended. Helen Mu seconded the motion and it was approved with Mary Pat Wilson abstaining from voting on Items number two and four.

**Action Item:** Verizon Wireless application to attach one dish antenna at the 96' level of the WSSC Olney water tank located at 17710 Buehler Road in Olney (Application #200904-11).

Bob Hunnicutt summarized the application noting that Helen Mu had asked that the application be conditioned on placing the antennas so as not to interfere with the Countys receive antennas that are active atop the water tank.

**Motion:** Carlton Gilbert moved the application be recommended conditioned on Verizon Wireless attaching the antenna in a location that does not block the existing County antennas. Mary Pat Wilson seconded the motion and it was approved.

**Action Item:** T-Mobile application to construct a new 140' high monopole on the Public Storage - Briggs Chaney property located at 3351 Briggs Chaney Road in Silver Spring (Application #200904-02).

Mr. Hunnicutt summarized the application to construct a monopole on property zoned for industrial use. He noted that the property on either side of the storage facility property was also zoned for industrial use as well but the property behind the site was zoned for residential use, which required a one-for-one setback of the monopole from that property line. He said that the monopole as proposed meets that code requirement. He commented that the property borders the proposed pathway for the Inter County Connector.

David Doulong summarized his review of the engineering documents supporting the need for the monopole. He stated that, based on the RF contour maps submitted with the application, it appeared that antennas at an elevation lower than that proposed by T-Mobile may not meet the coverage for residential areas to the south and southeast of the site.

Marjorie Williams commented that given the monopoles proposed height of 140' it will be visible to the surrounding community but noted that the structure is placed on industrial property which meets the zoning standards goal for placing facilities in industrial areas rather than in residential areas.

**Motion:** Mary Pat Wilson moved the application be recommended. John Cuff seconded the motion and it was unanimously approved.

**Action Item:** T-Mobile and Montgomery County Public Schools application to construct a new 130' monopole on Sligo Middle School property located at 1401 Dennis Avenue in Silver Spring (Application #200904-07).

Bob Hunnicutt summarized the application noting that the school property was a large parcel of land adjacent to the Sligo Creek Park. He added that the monopole is proposed to be placed at the side of the property backing to the wooded area of parkland. Because it will be next to the wooded area, the Tower Coordinators recommendation is conditioned on T-Mobile considering a stealth tree design for the monopole.

Mary Pat Wilson noted that the condition only asks that they consider a tree design and not require it. Mr. Hunnicutt explained that the Board of Appeals could require it but the TFCG could not. He added that the tree disguise may be a way to mitigate any resident opposition when the Special Exception is reviewed.

Mr. Hunnicutt also noted that in addition to the tree disguise, the recommendation was conditioned on approval of a Special Exception and a waiver for the setback which does not meet the one-for-one Zoning Code requirement.

Ms. Wilson said she thought that for other applications like this, the group had been decided that the Planning Commission would determine whether a Special Exception or Mandatory Referral process was required, and she wanted to make sure the TFCG recommendations remained consistent.

Mr. Hunnicutt replied that for this application, since it was a structure for private use on school property, he

believed it would require a Special Exception.

Marjorie Williams suggested that they call Clifford Royalty in the County Attorneys Office to ask his opinion on whether it would need a Special Exception. The group agreed and she added Mr. Royalty on the conference call with other TFCG members.

Mr. Royalty explained that if a State or County agency wanted to construct a monopole for its own purposes, the proposed monopole would be reviewed through the Mandatory Referral process. T-Mobile, being a private entity, is subject to the County Zoning Code. Thus they could attach to a public agency facility as permitted in 59-A-6.12 of the Zoning Code, but construction of a private use facility on public property would require approval of a Special Exception.

Ms. Wilson asked if the public schools needed to be a co-applicant. Mr. Hunnicutt replied that there was a code requirement for the property owner to also be an applicant for the Special Exception. Ms. Williams agreed with Ms. Wilson that for purposes of the TFCG the public schools need not be shown as a co-applicant and asked the Tower Coordinator to revise the Recommendation form accordingly.

Helen Mu asked if the monopole could be placed on the school property in such a way to meet the setback requirements without impacting the coverage. Martin Liebman said that coverage would not likely change if the monopole was moved farther into the school property along the same ground elevation; but may be impacted if the ground was at a higher or lower elevation than currently proposed. He noted that relocation would place the monopole in the athletic fields. Ms. Wilson added that at the proposed location there is no interference with school use of the property.

**Motion:** John Cuff moved the application be recommended on the Board of Appeals granting a Special Exception and a reduced setback for the monopole, and T-Mobile considering a stealth tree design to better blend in with the surrounding wooded area. Helen Mu seconded the motion and it was approved with Mary Pat Wilson and Carlton Gilbert abstaining.

**Discussion Item - PEPCO policy regarding use of high voltage line towers for antennas:** Amy Bird, representing T-Mobile, explained that PEPCO had a new policy that they would not permit attachment of antennas above the transmission lines on towers that carry energy above 500kV. She said that T-Mobile had four attachments denied by PEPCO because of this new policy. She said that PEPCO advised her that antennas could be attached 15 feet beneath the high voltage transmission lines but the T-Mobile engineers required higher elevations to meet service requirements. Consequently, T-Mobile was considering constructing a monopole in the PEPCO right-of-way and asked the TFCG how they would consider an application to construct a new monopole on PEPCO property.

Bob Hunnicutt noted that this was not a new PEPCO policy but one developed some time ago because PEPCO could not continue to de-energize the 500kV high voltage lines as required to permit the safe installation and maintenance of commercial antennas. He added that he had discussed construction of monopoles in PEPCO transmission line rights-of-way with Mr. Royalty prior to this meeting and Mr. Royalty had advised him that such applications would require approval of a Special Exception. Mr. Hunnicutt said that the Tower Coordinator review for a new monopole on PEPCO property would be the same as for other applications that require Special Exception.

Ms. Williams stated that did not seem to be the case when there were issues about resident complaints about an equipment shelter on PEPCO property last year. Then, she recalled, it had been determined that since the shelter was on PEPCO property, the County had no authority to address the residents' concerns. Mr. Hunnicutt suggested that she try to get Mr. Royalty on the phone again, which she did.

After hearing the questions and referring to an e-mail from Mr. Hunnicutt about that particular case he retrieved during the discussion, Mr. Royalty said that his e-mailed comments for that case that stated that the carrier was subject to the Countys Zoning Code requirement to screen equipment in residential zones is still true today. He said that T-Mobile would be subject to the Countys Zoning Code requirements if it were to construct a monopole in PEPCO right-of-way.

He added that reference to the Howard County case law about PEPCO being exempt from Zoning Code requirements for facilities carrying loads greater than 64Kv, that exemption applied to PEPCO – not to T-

Mobile.

**The next meeting of the TFCG is scheduled for Wednesday, May 6, 2009 at 2 p.m. in the second floor conference room #225 of the COB.**