

02/04/2010

MINUTES OF TFCG MEETING

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on February 4, 2010. The following people were in attendance:

MEMBERS

Marjorie Williams	OCCS	(240) 777-3762
Helen Mu (via phone)	DTS	(240) 777-2804
John Cuff (via phone)	OMB	(240) 777-2762
Carlton Gilbert	M-NCPPC	(301) 495-4577
Mary Pat Wilson	MCPS	(240) 314-4707
David Niblock	DPS	(240) 777-6252
Mitsuko Herrera	OCCS	(240) 777-3762

-

STAFF

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

OTHER ATTENDEES

Hillorie Morrison	NB&C/T-Mobile	hillorie.morrison@t-mobile.com
Adam Knubel	NB&C/Clearwire	aknubel@nbcllc.com
Tracy Anderson	Donohue & Stearns	tracy.anderson@donohuestearns.com
Brian Porto	Tri State Stone	brianporto@msn.com
Joe Gallagher	Gill Sippel & Gallagher	Gallagher@gallaghersippel.com
Sean Hughes	Sean Hughes Law Offices	

Action Item Meeting Minutes: Mary Pat Wilson noted that she was not included as a participant in last months meeting and would like the minutes corrected to reflect that she was present and moved that the minutes be approved with that correction. Carlton Gilbert seconded the motion and the minutes were unanimously approved.

Action Item Consent Agenda Applications:

1. Clearwire application to attach antennas on the 65' Writ building, 10400 Connecticut Avenue, Kensington (Application #201001-02).

2. Clearwire application to attach antennas on a 184' Grosvenor House Apartments building, 10101 Grosvenor Place, Rockville (Application #201001-03).

Motion: Mary Pat Wilson moved the Consent agenda items be recommended. Carlton Gilbert seconded the motion and it was unanimously approved.

Action Item: Clearwire application to attach antennas on a 180' high monopole on Wheaton Park Maintenance Yard property, 12102 Alpert Lane, Wheaton (Application #200907-18).

Bob Hunnicutt summarized the application noting that the applicant had advised him that they had secured a lease with the Parks Department but Mr. Hunnicutt stated that when he had checked with the Planning Commission staff, they advised him that Clearwire did not have a lease. Consequently, he conditions his recommendation on Clearwire having a legal interest in the property for attachment of these antennas.

Marjorie Williams stated that she agreed but would prefer the condition to be stated differently so as not to imply that they had to have an interest in the land but approval to attach antennas to the monopole.

Mitsuko Herrera asked the applicant if they had any objections to that condition. Adam Knubel, representing Clearwire, stating that he believed they did in fact have a lease.

Motion: Mary Pat Wilson moved the application be recommended conditioned on Clearwire having a legal right allowing the attachment of antennas and to provide a copy of a lease or a similar agreement (redacted if necessary) between the property owner and Clearwire. Carlton Gilbert seconded the motion and it was approved with Mary Pat Wilson abstaining.

Action Item: Clearwire application to attach antennas on a 130' high monopole on JFK High School property, 1901 Randolph Road, Silver Spring (Application #200908-09).

Mr. Hunnicutt summarized the application noting that the applicant had stated that they had approval from the public schools to add antennas to this monopole but he had heard from Mary Pat Wilson that they did not. Ms. Wilson stated that she had concerns about Clearwire attaching to Sprint facilities and the schools would like Clearwire to obtain a lease for their company with the public schools.

Mitsuko Herrera stated that the TFCG is asked to evaluate the need for facilities when there is no interference with existing structures but does grant work to be done on a property without the permission of the owner. Ms. Herrera added that the property owner would need to submit documents showing that they had approval at some point in the process.

Sean Hughes interjected that he thought the lease agreement would constitute permission from the owner to attach additional facilities.

Ms. Wilson stated that there are a number of times when carriers have performed unauthorized work on school property and in this case the schools needed Clearwire to enter into a lease agreement with the public schools for coming onto their property.

Adam Knubel stated that the last he heard from Clearwire was that they met on the site with Ms. Wilson and both schools had agreed to permit Clearwire to attach to that facility. Ms. Wilson stated that was not the case. Mr. Knubel replied that he would follow up with Clearwire and emphasized that he did not want to perform any work that wasn't authorized or without the approval of the public schools.

Helen Mu suggested that if there is no lease between Clearwire and the public schools why not condition the recommendation on Clearwire having a lease signed by the public schools at the time of permitting.

David Niblock stated that on the application for the building permit there is an affidavit section that the applicant is required to sign at the time of filing for the permit, certifying that they are authorized to act on behalf of the owner. Mr. Niblock stipulated, however, that there had been cases where it was subsequently found that the applicant had signed the affidavit without authority of the property owner. Mr. Hunnicutt noted that at the time of permitting it may not be known for sure whether the applicant actually does have full authority of the property owner but in this case, Ms. Wilson, who represents the public schools on the TFCG, assures us that the applicants do not have that authority. Ms. Wilson stated in this case Clearwire initially advised the schools that they do not need a lease, but the public schools maintains that they do, and will not permit the attachment until a lease agreement between Clearwire and the public schools is signed.

Motion: David Niblock moved the application be recommended conditioned on Clearwire having a legal right allowing the attachment of antennas and to provide a copy of a lease or a similar agreement (redacted if necessary) between the public schools and Clearwire and submission of a structural analysis report to DPS with a copy provided to the tower coordinator stating the antennas can be safely attached. Carlton Gilbert seconded the motion and it was approved with Mary Pat Wilson abstaining.

Action Item: Clearwire application to attach one antenna on the 50' National 4-H Council Building, 7100 Connecticut Avenue, Chevy Chase (Application #200908-30).

Bob Hunnicutt summarized the application noting that in past reviews of applications to attach facilities to the 4-H Council Building there had been concern by the TFCG because the Center is permitted by Special Exception as are the facilities attached to it, and the town of Chevy Chase would also have to issue a permit. In the past, the group wanted concurrence of the 4-H Center management as well as the town of Chevy Chase before recommending action for facilities at this location. He added that although this application was submitted in June, the Clearwire representatives only recently have worked with the 4-H Center and the town of Chevy Chase to develop an alternative design from what was originally proposed (antennas attached outside a faux chimney to the current design with antennas concealed within the faux chimney.) According to the Executive Director of the 4-H Center, that design had been approved by both the 4-H Center and the town of Chevy Chase. Mr. Hunnicutt consequently recommended this application conditioned on approval by the Board of Appeals of any necessary modifications to either of the Special Exceptions for this site and also that the applicant notify the Board of Appeals of a change in the name of ownership of the equipment.

Mitsuko Herrera asked for an explanation about the Special Exceptions and the notice of name change to the Board of Appeals.

Mr. Hunnicutt explained that there are two Special Exceptions on the property, either of which may have to be modified to permit the addition of Clearwires antennas. He added that the Board had asked the TFCG to include a condition of the applicant notifying the Board of a change in name of the holder of the Special Exception or the owners of the property. He said this is necessary for the Board of Appeals to maintain accurate records as to the holder of the Special Exception and it was also important to the County for maintaining proper records as to where to send annual tax bills for Special Exceptions.

Motion: David Niblock moved the application be recommended as conditioned by the Tower Coordinator. Mary Pat Wilson seconded the motion and it was unanimously approved.

Action Item: T-Mobile application to construct a 120'-high monopole and attach antennas at the 117' level on the Surmont property, 21600 W. Offutt Road, Poolesville (Application #200907-09).

Bob Hunnicutt summarized the application noting that a number of T-Mobile applications had been submitted in May but the applicants had not responded to notices that the applications were incomplete until just recently. Consequently there are a number of T-Mobile applications on this agenda.

Mr. Hunnicutt stated that the location for this monopole is on property to the south and west of Poolesville. That area appears to be very rural in nature, comprised of mostly farmland with no residential areas in this part of the county. He noted that there were some large homes on large lots in the vicinity of the property and there is a subdivision under development nearby advertised to build 15 new homes on lots of 3 to 300+ acres with prices starting in the mid \$700,000 range. Based on that, he presumed these would also be large homes on very large pieces of property and, once constructed, it appeared that the residents in some of those homes would likely see the top of the monopole. He also noted that West Offutt Road is a designated Rustic Road and, according to the applicant, the Rustic Roads Committee reviewed the application and their only comment was that they preferred not to have access to the monopole directly off West Offutt Road. Accordingly, T-Mobile redesigned the site so the equipment compound could be accessed from the long driveway to the property owners residence.

Mr. Hunnicutt stated that, if there were objections to the height of the monopole, a tree disguise or low profile monopole design might work to minimize the visual impact of the structure on the horizon. He also noted that, based on their review of the carriers annual plans, there are no other carriers planning to place antennas within a mile of this location.

Marty Liebman summarized his review of the RF maps with antennas as proposed and also at the 107 and 87 levels above ground. He said that it appeared the monopole could perhaps be shorter than proposed and still meet the coverage objectives stated by the applicant. He added that drive test results could better determine if that were the case.

David Niblock asked if the height of the tower was necessary to permit co-location for other carriers on this structure once constructed.

Mr. Hunnicutt explained that based on the review of the annual plans there are no other carriers planning to place antennas within a mile of this property. He added that there were numerous places in the county where lower monopoles had been constructed and carriers that needed coverage in those areas would

accept lower levels for their antennas. He explained another alternative would be to construct the monopole at a level adequate to meet the needs of T-Mobile and design the structure so that it could be extended for additional height if other carriers could document they needed antennas at a higher elevation at that location.

Mary Pat Wilson asked if this site would be serving parts of Loudoun County.

Mr. Liebman said that T-Mobile would likely need another site in Virginia as the target signal strength from this location does not appear to reach as far away as Loudoun County.

Ms. Wilson asked for an explanation for the access issues to the equipment area explaining that she thought access from the driveway may be problematic for a new owner if the property was to ever be sold.

Mr. Niblock explained that the easement that would be needed for that arrangement between the property owner and T-Mobile would likely convey to any new property owner.

Marjorie Williams stated that she was in favor of approving the monopole at a higher height to further the TFCGs interest in facilities capable for future co-location. Mr. Niblock said he agreed.

Mitsuko Herrera added that residents from Poolesville had contacted her office expressing an interest in improved wireless services in that area.

John Cuff asked about the applicants statement on page 2 that the FAA determination had not been received. The applicant replied that was true but they did not expect that to be a problem as there are no airports in the vicinity of this property.

Motion: David Niblock moved the application be recommended as proposed for a 120' high monopole, conditioned on approval of a Special Exception by the Board of Appeals. Helen Mu seconded the motion and it was approved with Carlton Gilbert abstaining.

Action Item: T-Mobile application to construct a 150'-high monopole and attach antennas at the 147' level on the Ammerman property, 19100 Wasche Road, Dickerson (Application #200907-10).

Bob Hunnicutt summarized the application noting that the location of this property is along Wasche Road off of Whites Ferry Road and, like the other applications on the agenda today, is in a very rural area with few residences in the vicinity of the property. He noted that views of the monopole from along the roadway close to the property would be screened because of the trees that line the road, except for views from the south along Wasche Road where the photo simulations show would be quite visible on approach to the property.

Marty Liebman summarized the application noting that, based on his review of the RF maps, it appeared that there is a very large area where signals were below the target levels T-Mobile wished to obtain in this area. He noted that the maps illustrating the calculated coverage with antennas at the 127' and 107' levels still appeared to meet the stated coverage objective for in-vehicle service along Wasche Road and West

Hunter Road. He emphasized that drive test results could better determine if this was the case, but T-Mobile had not submitted drive test data for this application. He added that the signal levels targeted for in-building service did not cover as great an area with antennas at those lower elevations; however it did not appear that there were many homes in this very rural area of the county.

Mary Pat Wilson noted that T-Mobiles photo simulations do not accurately represent the visibility of this community particularly for views along Beallesville Road to the property. She noted that since this monopole would be so tall it would be very noticeable from along Beallesville Road.

Motion: John Cuff moved this application be recommended as conditioned by the Tower Coordinator. Helen Mu seconded the motion and it was approved with Mary Pat Wilson and Carlton Gilbert abstaining.

Action Item: SBA Structures/T-Mobile application to construct a 120'-high monopole and attach antennas at the 95' level on Verizon property, 7887 Bradley Boulevard, Bethesda (Application #200912-04).

Bob Hunnicutt summarized the application noting that Verizon presently owns a slender pole on this property which supports a whip antenna that is no longer in use. He noted that residents living to the north and east of the property would be able to see the new monopole, though it may be somewhat screened when trees are in full foliage. He stated that the new monopole would be much more imposing than the existing slender pole. He added that it would be clearly visible to passersby along Seven Locks Road and Bradley Boulevard.

Mr. Hunnicutt said that T-Mobile had antennas on one of the monopoles at the Bethesda Country Club about half a mile east of this property but had submitted RF documents supporting the need for antennas at this location as well. In response to a question about future co-locators, he stated that there were two other carriers who, based on their annual plan, expressed interest in placing antennas in the vicinity of this property. However, both of those carriers (Clearwire and Cricket) had submitted applications which had been reviewed and recommended in recent months by the TFCG to place their antennas at one of the monopoles at the Bethesda Country Club.

David Doulong summarized his review of the RF maps submitted for this application noting that it appeared that antennas at elevations below the 97' level may result in spotty coverage for persons living closer to River Road from the site.