



**DEPARTMENT OF TECHNOLOGY SERVICES**

Isiah Leggett  
*County Executive*

Harash (Sonny) Segal  
*Chief Information Officer*

**MINUTES OF TFCG MEETING**

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications Corporation

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on March 8, 2013. The following people were in attendance:

**MEMBERS**

Marjorie Williams		DTS
Dave Niblock	(via phone)	DPS
Bernie Fitzgerald		DGS
Martin Rookard	(via phone)	WSSC
Carlton Gilbert	(via phone)	M-NCPPC
Janice Turpin	(via phone)	MCPS
Joan Cole	(via phone)	DTS

**STAFF**

Bob Hunnicutt	CTC
Marty Liebman	CTC

**OTHER ATTENDEES**

Rob Neely	SCE, Inc. for Verizon Wireless
M. G. Diamond	Counsel for Verizon Wireless
Harold Bernadzikowski (via phone)	NB&C for Verizon Wireless

**Action Item - Meeting Minutes**

**Motion:** Carlton Gilbert moved the minutes be approved. Bernie Fitzgerald seconded the motion and it was unanimously approved.

**Action Item: Consent Agenda**

**Discussion:** Bob Hunnicutt explained that there is an error in the item listing on the Recommendation Form and the Consent Agenda. The description of the application should say that there are eight, not six, antennas. He said he would correct the Recommendation Form, and that the minutes and Record of Action will reflect eight of each type of antenna.

1. Verizon application to attach 16 panel antennas, eight 72"-high and eight 48"-high, at the 140' and 155' levels atop the building on Gramax Associates, LP property at 8060 13<sup>th</sup> Street in Silver Spring (Application #201303-03). *Co-location*

**Motion:** Martin Rookard moved that the TFCG recommend the Consent Agenda item as corrected. Joan Cole seconded the motion and it was unanimously approved.

### **Regular Agenda**

**Action Item:** Verizon application to attach 12 antennas, six 72"-high and six 48"-high, at the 100' level on a 105'-high tower on Trinity United Methodist Church property at 13700 Schaeffer Road in Germantown (Application #201212-06). *Co-location*

Bob Hunnicutt summarized the application, noting that because the tower is a telecommunications facility, permitted to be constructed under the guise of being a bell tower for the church, the Tower Coordinator does not recommend this application. He explained that, because this facility is a telecommunications facility, it should have had approval by the Board of Appeals; because the applicant did not secure that approval, the tower does not comply with zoning and is therefore not recommended.

Mr. Hunnicutt explained that like the monopoles, trees, and other so-called "stealth" telecommunications facilities designed and constructed to conceal antennas or otherwise disguise a facility on residential zoned property, it appears that this tower is required to have approval by the Board of Appeals for a special exception.

Mr. Hunnicutt further explained that there are faux bells added at the 50' level on the 100'-high structure as decoration only. He said the tower was designed and constructed to support antenna arrays for at least four carriers on platforms within the structure, and that it has hand holes for the cabling to the antennas. He also said that it was designed and constructed on property leased by Verizon Wireless by Stealth, a company which specializes in creating stealth, or concealment cell towers.

M.G. Diamond opined that the question for the TFCG to decide is whether the tower is a legally existing structure. He distributed a copy of the County Department of Permitting Services (DPS) permit for a bell tower and a copy of the permit with the inspection approval stamp (copies attached for reference). He said that it is up to DPS to determine if the structure is a bell tower, and that the copies of the permit verify that DPS did determine that, based on the zoning and the structural documents provided with the application that the church filed. That being the case, he concluded, it is a legally existing structure and an applicant can file a TFCG co-location application according to the zoning ordinance. He noted that there are prohibitions in the code against, for example, constructing a tower as an accessory structure to a private residence in a residential zone—but that a bell tower is a legal accessory structure to a church. Mr. Diamond went on to explain that Verizon Wireless consulted with Dave Niblock of DPS, who said that a church can build a bell tower and, once existing, it is permissible to co-locate antennas to it.

Marjorie Williams asked who actually built the tower. She explained that her understanding, based on her information from the Pastor of the church, was that the church already has an 80'-

high bell tower attached to the building; that Verizon Wireless approached the church about attaching antennas on the existing bell tower; that the existing bell tower was determined to not be high enough to meet Verizon's needs; that Verizon then offered to build another tower which would meet Verizon's needs to attach their antennas; and that the church then entered into a contract with Verizon to construct a tower for their antennas. Consequently, she said, the tower was built as a telecommunications facility. She added that in October she had received numerous calls from residents opposing the construction of the cell tower as it was being constructed. Dave Niblock added that he too had received calls from residents opposing the tower. On visiting the Church website in October, she noted that the Church called the structure a cell tower/bell tower and said that it was already under construction, but the Verizon Wireless TFCG application was not submitted until November.

Mr. Diamond stated that, clearly, Verizon Wireless could not construct a tower on this residential property because it could not meet the setback requirements, but a bell tower is a legal accessory structure to a church, and that it was the church that filed the permit application. He stated that Verizon Wireless entered into a 50-year lease with the church and that the church will own the tower. When a TFCG application is filed for a co-location of antennas, no one has to show a lease.

Ms. Williams asked those participating by phone if they needed to see a copy of the permit, and said that if they did, she could scan and e-mail it to them. Bernie Fitzgerald, who was at the meeting, stated that it appeared to him to be a valid permit for the benefit of those on the phone. Mr. Hunnicutt noted that it was a permit for a bell tower and showed nothing about a telecommunications facility. Mr. Diamond stated that there had been no appeals and no action pending against the tower, and that it has a right to stay there, adding that it is a working bell tower because the church plays bell music from it hourly and at the times of a call to worship.

Ms. Williams said that the Pastor of the church told her that the church would not have filed for the permit, and that it would have been Verizon Wireless that filed the application. Ms. Williams asked who signed the permit. Mr. Diamond replied that the church applied for the permit and noted that it was signed by the Director of the Church Board. Mr. Hunnicutt noted that Alex Beiro—a name he knows as being someone who has filed other telecommunications facility applications in the County in the past—also signed the permit application as an agent; he asked whether Mr. Beiro was an agent for Verizon Wireless. Mr. Diamond replied that Mr. Beiro was the general contractor for the church.

Carlton Gilbert asked if the members could get comment from DPS or the County Attorney about a determination as to what type of structure the tower would be considered. Dave Niblock stated that the application was for a bell tower only, and that a church can apply to build a bell tower which, based on the application, would have to be approved. He said Max Spicer would be the appropriate person to comment about DPS permitting.

Ms. Williams said that, if the group wanted comment from Cliff Royalty and Max Spicer from the County Attorney's Office to answer their questions, then the application could be tabled and a meeting could be scheduled when those individuals and all of the TFCG members could attend.

Bernie Fitzgerald remarked that because of the issues with the application, he would like to hear from Mr. Royalty and Mr. Spicer. Carlton Gilbert and Janice Turpin agreed. Mr. Fitzgerald recalled that when he used to represent cell carriers before he worked with the County, and a new tower was proposed, they would properly brief the relevant agencies with all information about the proposed structure, which, in this case, he thought had not been done.

Mr. Diamond wanted to know what questions the County Attorney would answer, reiterating that it is a legal structure as evidenced by the permit and inspection. Dave Niblock noted that the inspection stamp on the permit only affirms that the structure, based on the inspection, was constructed to the plans approved with the permit. He said that the stamp is not to be interpreted as a determination of the nature of the structure or its use, only that it was built according to the plans approved with the permit. He explained that the inspector does not have that responsibility or authority.

Ms. Williams said she couldn't say what questions would be answered but that the group was entitled to obtain additional information before they took action.

**Motion:** Bernie Fitzgerald said that because this application involved zoning, permitting, land use, and other issues which the group wished to know additional information about, he moved that the application be tabled until such time as a meeting with the appropriate people could attend. Joan Cole seconded the motion and it was approved with Dave Niblock abstaining.

The next regularly scheduled meeting of the TFCG will be held on April 3rd in Room #225 of the COB.





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R Schwartz Jones  
Director

BUILDING PERMIT

Issue Date: 07/24/2012

Permit No: 597442  
AP Type: COMBUILD  
Expires: 07/25/2013  
X Ref:  
Rev. No:  
ID: 79712

THIS IS TO CERTIFY THAT: TRINITY UNITED METHODIST CHURCH  
13700 SCHAEFFER RD  
GERMANTOWN, MD 20874

HAS PERMISSION TO: CONSTRUCT COMMERCIAL MISCELLANEOUS STRUC

PERMIT CONDITIONS: Construction Free Standing 105' Bell Tower. Trinity United Methodist Church  
\*\*REVISION TO SITE 12/7/12\*\*

MODEL NAME:

PREMISE ADDRESS: 13700 SCHAEFFER RD  
GERMANTOWN, MD 20874

LOT - BLOCK: NA - U

ZONE:

ELECTION DISTRICT: 06

BOND NO.:

BOND TYPE:

PS NUMBER:

PERMIT FEE: \$ 4,904.28

SUBDIVISION:

0.00  
0.00  
0.00



	MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES 255 Rockville Pike, 2nd Floor Rockville, Maryland 20850-4166
<b>APPROVED</b>	
Permit #:	597442
Permit Type:	Relief
Inspection Type:	251 Final
Description:	
Inspector:	R. Simms
Date/Time:	1-28-13
Phone:	301-370-3705
Code/Edition:	
Notes/Comments:	

EPT AT JOB SITE  
REQUIRED PRIOR TO USE OR OCCUPANCY

and any attached accessory structure must be equipped with a fire  
required for the installation of the fire sprinkler system.

y County have private deed restrictions and covenants regulating  
it relieve the property owner of responsibility for complying with  
ble covenants.

OT INCLUDE  
ELECTRICAL  
E A SEPARATE  
TO DO ANY  
ORK.

*Diane R. Schwartz Jones*

Director, Department of Permitting Services