# M-NCPPC

#### MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 MCPB Item# 3 10/5/01

#### **MEMORANDUM**

DATE:

October 5, 2001

TO:

Montgomery County Planning Board

VIA:

John Carter, Chief, Community-Based Planning

FROM:

Judy Daniel, Team Leader, Rural Area

**REVIEW TYPE:** 

Special Exception

APPLYING FOR:

**Telecommunications Facility** 

CASE NUMBER:

S-2477

APPLICANT:

AT&T Wireless Services

ZONE:

RDT

LOCATION:

Hawkins Creamery Road at Laytonsville Road,

**Etchison Community** 

MASTER PLAN:

Preservation of Agricultural and Rural Open Space

MCPB HEARING:

October 11, 2001

PUBLIC HEARING: October 15, 2001 at Hearing Examiner

STAFF RECOMMENDATION: DENIAL/DEFERRAL

The Planning Board has recently clarified its policy with respect to the "necessity" of telecommunications facilities, through the recommendation on the cellular monopole case on Brink Road (S-2447). These new interpretations of the standard for "necessity" require proof that alternate technology cannot work, fully substantiated by the Tower Committee; and proof that the level of service desired by the applicant is necessary. These standards are to be most firmly applied when there is citizen opposition to a monopole tower. This application does not meet the test of these standards and the staff recommends denial.

#### **PROJECT DESCRIPTION: Surrounding Neighborhood**

The subject site is located in the Agricultural Reserve, and surrounding properties are in open field or forest and single-family homes in the RDT and R-200 Zones. To the west along Hawkins Creamery Road, and to the south along Laytonsville Road are scattered homes on large lots interspersed with fields and forest in the RDT zone. To the north along Laytonsville Road in the Etchison community there are a number of homes on

smaller lots in the R-200 Zone, and two new homes along Hipsley Mill Road between Laytonsville Road and MD 650 (Damascus Road) in the RDT Zone. The location is also just to the north of the Davis General Aviation Airport. The proposed monopole would be located approximately 312 feet from Laytonsville Road, and approximately 400 feet from the nearest residence. The monopole will be visible to the surrounding community although the equipment area would have limited visibility.

#### **PROJECT DESCRIPTION: Site Description**

The subject property is known as the "Barnhart" property. It is identified as Parcel 666 on Tax Map GW42 and located in the RDT Zone. The property contains 175 acres, divided by Hawkins Creamery Road and Laytonsville Road. The portion of the property that contains the site is at the northwest quadrant of Hawkins Creamery and Laytonsville (MD 108) Road and contains approximately 23 acres. The facility is proposed to be located within a forested area in the northern portion of the property in a clearing. There is no setback less than 214 feet from any property line, and the proposed site is approximately 400 feet from the nearest dwelling. The closest dwellings are approximately 400 feet to the north, 500 feet to the east, 600 feet to the southeast, 800 feet to the west, and 800 feet to the northeast.

#### **PROJECT DESCRIPTION: Proposal**

The applicant, AT&T Wireless Services, has requested a special exception to construct a telecommunications facility on this property within the RDT zone. The proposed facility consists of a 134-foot tall monopole with 12 panel antennas, and an equipment shelter measuring 12 by 28 feet. The monopole will taper from approximately 4 feet wide at its base to approximately 2 feet wide at the top. The antennas will be at the top of the pole. The panel type antennas measure 51 inches long, 6 inches wide, and 2 inches deep. There will be three groups of four antennas aligned in a triangular configuration. The monopole design will allow for co-location of two other carriers.

The equipment shed will be 11 feet tall and located near the base of the monopole. The monopole and equipment shed will be enclosed in a 60 by 60 foot compound area secured by an eight-foot high chain length fence. The base of the monopole and compound area will be screened from view by a surrounding grove of trees. Visual impact will be further mitigated by the setbacks. Proposed setbacks from the property line are 376 feet to the north, 312 feet to the east, 1151 feet to the south, and 214 feet to the west, all exceeding the 134-foot minimum setback requirement.

The site will be accessed from Laytonsville Road via a proposed 8-foot wide gravel drive. In the ordinary operation of the facility there will be visits one to two times per month to check or repair the equipment. The only utilities required will be electricity and land telephone lines.

The stated purpose of the facility is to enable AT&T to provide more complete coverage for the customers of its cellular telephone network, as it is obligated by its FCC license. This tower is to provide coverage along Laytonsville Road, Hawkins Creamery Road, Route 650, and the surrounding area. This site was also selected to provide handoff of signals to adjacent sites to provide coverage in the upper Montgomery County area, in order to preclude dropped calls for AT&T customers traveling in those areas.

#### **ANALYSIS**

#### **Tower Committee Recommendation**

The applicant, AT&T has been working with the Tower Committee on this application since April, and the request was reviewed by the Committee on September 19. At that meeting AT&T was requested to consider relocating the tower to a less visible site and to report back to the Committee at a special meeting on October 3. The recommendation from the October 3 Tower Committee was received by the staff on October 4, as this report was being finalized. They recommend approval of the application with an adjustment to the height, and a location adjustment so that the equipment area is in a more visually sheltered location. The report from the Tower Coordinator to the Tower Committee for that meeting (attached) states that they found no possibility of co-location with any existing facility, and insufficient coverage from the use of alternate technology. However, the language regarding the use of alternate technology is not definitive. It states:

In reviewing this application in conjunction with the application for a monopole at the Stanley property to the north [on Long Corner Road, S-2478, scheduled for Planning Board review on November 8], we asked AT&T to consider a combination of attaching antennas to two PEPCO poles (Pole #40 or #49 and Pole #57) and an existing church steeple to the northwest of the Stanley property as an alternative to erecting two new monopoles at the Stanley and Barnhart properties. AT&T provided additional RF (radio frequency) propagation information, which demonstrated that the combination would not work to complete adequate signal handoff with the proposed site in Damascus, the existing site south of the Stanley property, and continuous coverage along the main roads not presently covered by AT&T service. We concur with that conclusion."

The Tower Committee also recommends that the applicant work with the residents of the surrounding community to develop a mutually agreeable disguised tower as has been used elsewhere. The final Tower Committee report was not issued in time for inclusion in this report and will be delivered separately. In addition, a representative from the Tower Committee has been asked to attend the Planning Board meeting.

Analysis of Tower Committee Recommendation - The Planning Board, in their denial recommendation on Special Exception S-2447, clarified its policy with respect to "necessity" for purposes of telecommunications facilities, and in particular stated that "full coverage may not be necessary, and may be better for the common good to have

more limited coverage in the interest of less visual intrusion in a community." Further, in keeping with the Planning Board policy, the staff notes that there is no local obligation under the Federal Telecommunications Act to ensure 100% coverage at all locations.

In measuring necessity, balanced against the Board's need to find that the use will not be detrimental to surrounding properties, the Planning Board stated in its letters to the Tower Committee and the Board of Appeals that they, "strongly believe that if alternate, less visually intrusive technology is feasible that is should be used, and the burden of proof is on the applicant to demonstrate to the Tower Committee and to the Planning Board why it cannot be used."

In response to this clarification, the staff does not believe that the Tower Committee's recommendation sufficiently demonstrates the necessity for the proposed tower. The Tower Committee report states that the option of using Pepco poles and a church steeple would not provide "adequate signal handoff" or "continuous coverage", but the necessity of continuous coverage is not supported, and the definition of adequate signal handoff is not provided. Without this information, there is no way to determine if the lack of continuous coverage at this low-density location creates a substantial burden for the applicant's customers or not. Thus the level of alternate technology review requested by the Planning Board is not provided. Unless this information is provided, the protection of the visual integrity of the community appears to be more important than the ability of cellular phone customers to have full use of their phones.

#### **Community Concerns**

One issue with this site is its proximity to the Davis Airport to the south. As a part of this review, the Tower Coordinator visited the airport and interviewed a pilot who stated that the location was not on the direct approach to the runway, and there were no instrument or night landing at this airport, so the monopole should not be too much of a problem for pilots using the airport. However, in June the Tower Committee received letters from the Aircraft Owners and Pilot Association, an area pilot, and the Experimental Aircraft Association expressing objection to the monopole, claiming it poses an obstruction to accessing the airport at the originally proposed 150 feet. Also, the Maryland Aviation Administration (MDAA) in a May 24 letter to the applicant stated that the monopole at the originally proposed 150-foot height would create an unsafe situation. In response, AT&T revised their application to reflect a 16-foot shorter monopole (134 feet), as requested by the MDAA on the advice of the Federal Aviation Administration (FAA).

The July 3 letter from the MDAA to the applicant (attached) states: "By reducing the height of the proposed tower from 150 feet to 134 feet mean sea level, and no longer infringing on the Horizontal Imaginary Surface of Davis Airport, American Tower Corporation would not be in violation of The Code of Maryland Aviation Regulations (COMAR) Chapter 5, Section

11.03.05.4(A)(2). Therefore, the Maryland Aviation Administration (MDAA) has no objection to the construction of the proposed tower at that reduced height."

Jane and Tom King have also written to the Planning Board with their concerns, and their letter is attached. They state numerous reasons for their objection to the tower including proximity to the airport, visual incompatibility, and health concerns. However, the Planning Board has stated previously that they do not allow consideration of health concerns. The Kings live at 24111 Hipsley Mill Road near the Laytonsville Road intersection, located approximately one-third mile from the proposed site. At the time this report was written, no calls or letters have been received from other residents.

The staff has also received a letter in general support of cellular towers in the RDT Zone from the Division of Agricultural Services of the Montgomery County Department of Economic Development. The attached letter states that cell tower uses are often very helpful for farmers, giving them supplemental income and thus enabling them to remain in the business of agriculture. It further states that cell towers in no way hinder agricultural operations or impede the purpose of the RDT Zone to support agriculture.

#### Master Plan

The Functional Master Plan for the Preservation of Agricultural and Rural Open Space is silent on special exceptions. The RDT Zone allows public utility structures by special exception. As a general use category, monopoles do not cause negative impact on agricultural uses, which are the preferred use in the RDT zone; and in fact are generally supported by the agricultural community, which can derive important auxiliary income for farming operations.

#### **Transportation**

There are no significant transportation issues related to this type of special exception since there are no on-site personnel and require only periodic visits to check or repair the equipment. Access to the site will be via a gravel driveway from Laytonsville Road.

Laytonsville Road is classified as a major highway in the Preservation of Agriculture and Rural Open Space Master Plan. Right-of-way width is not recommended in the Master Plan; therefore the recommended width is 120 feet per Section 50-26 of the Montgomery County Code. Because subdivision is not required, no right-of-way dedication is required.

The proposed facility is expected to generate approximately two trips per month for routine maintenance or emergency repair. Under the LATR Guidelines such as use is considered de minimis and no traffic impacts are anticipated. Therefore no traffic study is required. Also, because the facility is located in the Rural Policy area, no staging ceiling is established for this area.

#### **Environmental**

The Environmental Planning staff does not support the revised location for this monopole tower and compound because it will result in the clearing of 3,600 square feet of high quality, maturing, upland forest. Staff recommends that the monopole compound be placed 100 feet to the south, as originally requested, into the already cleared area.

If the tower is built, the following conditions are recommended:

- Applicant to submit tree protection plan to the Environmental Planning staff for approval prior to the release of sediment and erosion control or building permit.
- Applicant to comply with Department of Permitting Services requirements for sediment and erosion control and stormwater management.

<u>Forest Conservation</u> - The applicant proposes clearing of 3,600 square feet of high quality, maturing forest without the mitigation required under the forest conservation law. This application is exempt from the Forest Conservation Law (#4-01319E) under the Small Property exemption criteria.

The dominant species of trees within this high quality forest are oak and hickory. Invasive species are absent from the interior of the forest but are found along the edges of the forest. Clearing any portion of this forest will disturb a portion of the interior of the forest resulting in what is termed the "edge effect." This occurs when forest is removed, converting the previous interior forest to an edge forest. These trees are then subject to significant die back. In addition, existing invasive species thriving on the edge now move in to the newly created edges of the forest and could possibly invade the interior forest.

Specifically, clearing will result in the removal of a specimen tree (30" red oak) and four moderately size trees between 12" and 14" dbh in addition to many seedlings. If the compound is approved within the forested area the following condition is recommended:

- Replacement of all trees cleared at a rate of 1:1 dbh (diameter at breast height). Reforestation should occur on site or within the same watershed.
- Applicant to submit a reforestation plan to the Environmental Planning staff.

If the compound is approved in the already cleared area staff recommends that the applicant be required to provide adequate fencing and vegetative screening around the equipment compound to shield it from the view of those driving on Route 108.

<u>Stormwater Management</u> - The site is located in the headwaters of the Upper Hawlings tributary of the Hawlings River watershed, part of the Patuxent River Primary Management Area (PMA). The *Countywide Stream Protection Strategy* (CSPS) assesses Upper Hawlings tributary, Use IV-P, as having good stream conditions and good habitat conditions, labeling it as an Agricultural Watershed Management Area. Preservation of forests within the PMA is especially important as forests play an essential role in filtering drinking water sources.

In addition, the applicant must submit a stormwater management concept plan to the Department of Permitting Services, as land disturbance shall exceed 5,000 square feet (compound and driveway). Since construction of the monopole occurs within a Use IV watershed and the PMA, both water quality and quantity control are expected.

#### Required Findings for Special Exception

As outlined in the attached full review, the application meets all but one standard for a telecommunications public utility use in the zoning ordinance. In compliance with the May 22, 2001 request of the Planning Board to the Tower Committee, this application fails to meet standard 59-G-2.43(a)(1) as follows:

(1) The proposed building or structure at the location selected is necessary for public convenience and service.

The Tower Committee has determined that additional telecommunication service is necessary for public convenience and service. However, the necessary level of service is not precisely defined or defended as requested by the Planning Board so it is not possible to determine the necessity of the application.

#### Inherent and Non-Inherent Effects

Section 59-G-1.2.1 of the Zoning Ordinance (Standard for evaluation) provides that:

"A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-

inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception."

The staff believes that the only significant inherent effect for this type of use is that the support towers for the antennas are very tall and thus very visible. The mechanical equipment is located within small buildings in fenced compounds that can be easily screened by vegetation, they rarely require employee visits, and are accessed via a standard driveway. However, because of the necessity of the tower, they "inherently" have a negative visual impact – especially in areas of residential use. Given this inherently intrusive visual nature, the object in finding sites for these towers is to find the location which best balances the need to provide service with a site that offers the least visual intrusion upon the fewest area residents.

The staff does not believe there to be any significant non-inherent effects for this use because the level of use anticipated will not impact the rural/residential character of this area other than the unavoidable visual impact. The size of the property and infrequency of maintenance access indicate a use with little potential for non-inherent effects or impacts.

#### CONCLUSIONS

This application meets most requirements for the use. There is not a conflict with the Master Plan, the Zone, or transportation issues. The environmental concerns are valid, but in the interest of better visual protection of the neighborhood, the staff concurs with the Tower Committee that allowing the relocated site located in a small grove of trees is more important than a strict interpretation of forest conservation concerns.

However, as previously stated, the Planning Board has clarified its policy with respect to necessity for both cellular companies and the Tower Committee. Thus in evaluating this application the staff honors the Planning Board clarification, which substantially exceeds previously accepted interpretations of the requirements for the use in the zoning ordinance and past standard practice.

The Planning Board believes that the special exception regulations authorize the power to determine what is a necessary level of service, not just the need for service - which has been the standard for review. Further, this standard is not to be applied uniformly, but primarily when there is opposition to a monopole tower. These are substantial changes that require far more conclusive findings from the Tower Committee.

The Planning Board stated in their May 21 letter to the Board of Appeals that that because cellular towers are very visually intrusive in rural and residential communities, they pose substantial visual and economic burden and are detrimental to the visual environment -- and therefore there must be a very compelling reason to allow them. Similarly, the Planning Board's May 22 letter to the Tower Committee (attached) states the Board's belief that "if alternate, less visually intrusive technology is feasible that it

should be used" and requests the Committee to "require applicants for this use to fully prove or disprove the technical viability of methods for achieving their desired coverage other than the use of a tower when a proposal may have significant adverse impacts". The letter further requests that the Tower Committee "require the applicant to demonstrate precisely what level of coverage is necessary to meet their service requirements" as "full coverage may not be necessary....in the interest of less visual intrusion in a residential community."

In this instance there are area residents who object to the tower and there is also the element of objection from area pilots, who may still object to the tower for safety reasons despite the MDAA and FAA approval. Therefore, a very detailed and precise evaluation by the Tower Committee is vital to determine if the application meets the stated standard of review.

Because the Tower Committee has not fully addressed the technical feasibility of alternate means of achieving coverage, and because there are objections to the tower from nearby residents and airport users, the staff – in accordance with the review standard set by the Planning Board – recommends **DENIAL** of this application.

Because the Tower Committee found that the use of alternate technology would not provide "adequate" coverage and would not allow "continuous" coverage, but did not define what level of coverage is necessary to meet AT&T's service requirement, it is not possible to determine whether the alternate technology will be sufficient. Compliance with the new level of review means that the preservation of harmony with the surrounding area, and the right to peaceful enjoyment of surrounding residences may take precedence over the rights of cellular phone users to have full and complete use of their cellular phones for business, personal or emergency uses.

If the Planning Board does determine to recommend approval of this use, the staff recommends that it be located as recommended by the Tower Committee and the following conditions be placed on the use:

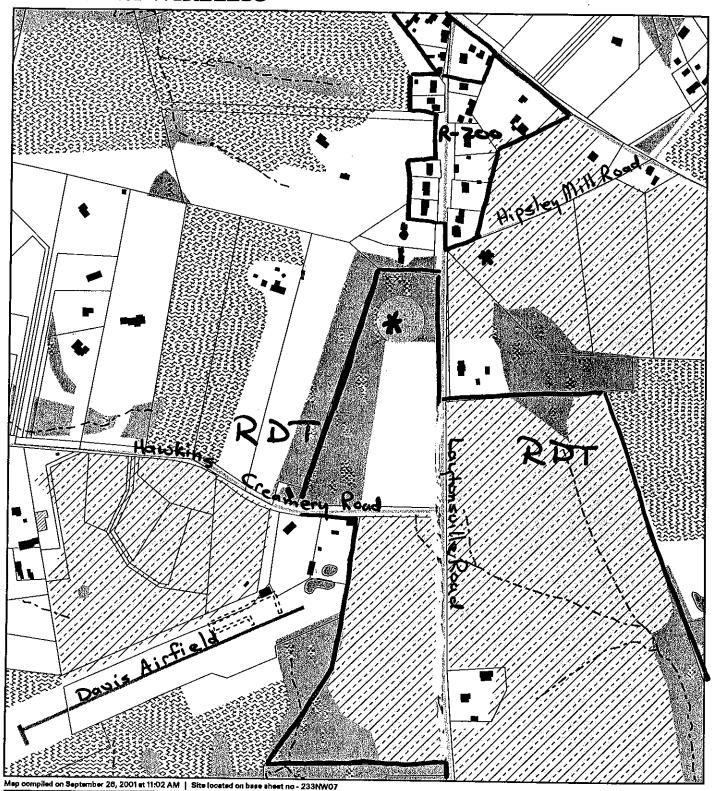
- The applicant is bound by all submitted statements and plans.
- Submit a tree protection plan to the Environmental Planning staff for approval prior to the release of sediment and erosion control or building permit, as appropriate.
- 3. Comply with Department of Permitting Services requirements for sediment and erosion control and stormwater management.
- 4. Replace all trees cleared at a rate of 1:1 dbh (diameter at breast height). Reforestation should occur on site or within the same watershed.

- 5. Submit a reforestation plan to the Environmental Planning staff.
- 6. Monopole must be removed at the cost of the applicant when the telecommunication facility is no longer in use by any telecommunication carrier.
- 7. Coordinate with the Access Permits Section of the Maryland State Highway Administration on the location and specifications for the gravel driveway access from MD 108.
- 8. Work with the surrounding community to determine an acceptable camouflage design for the tower.

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Attachments

#### S-2477 AT&T WIRELESS



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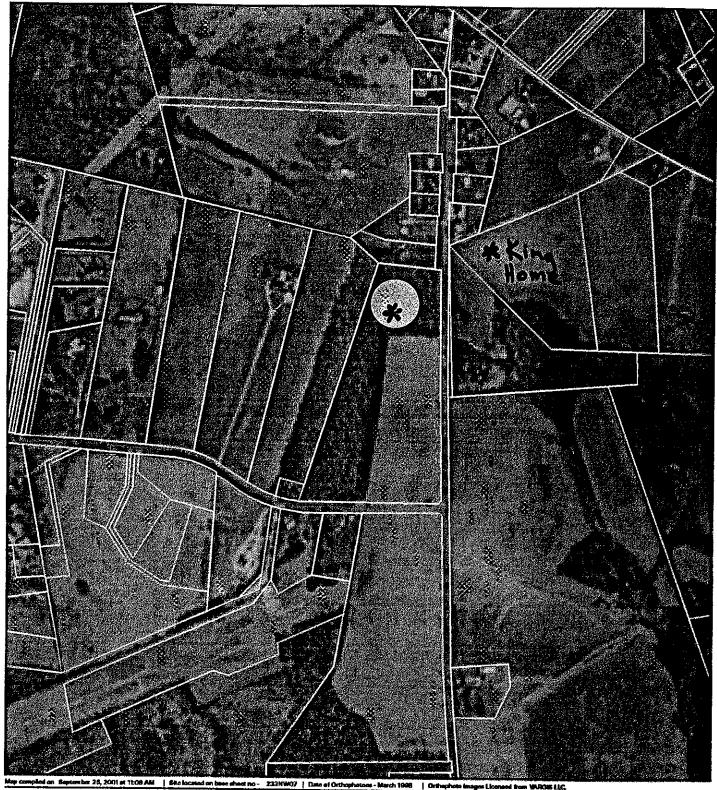
Property lines are compiled by adjusting the property lines to topography created from serial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale serial photography using stereo photogrammetric methods.

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#### S-2477 AT&T WIRELESS



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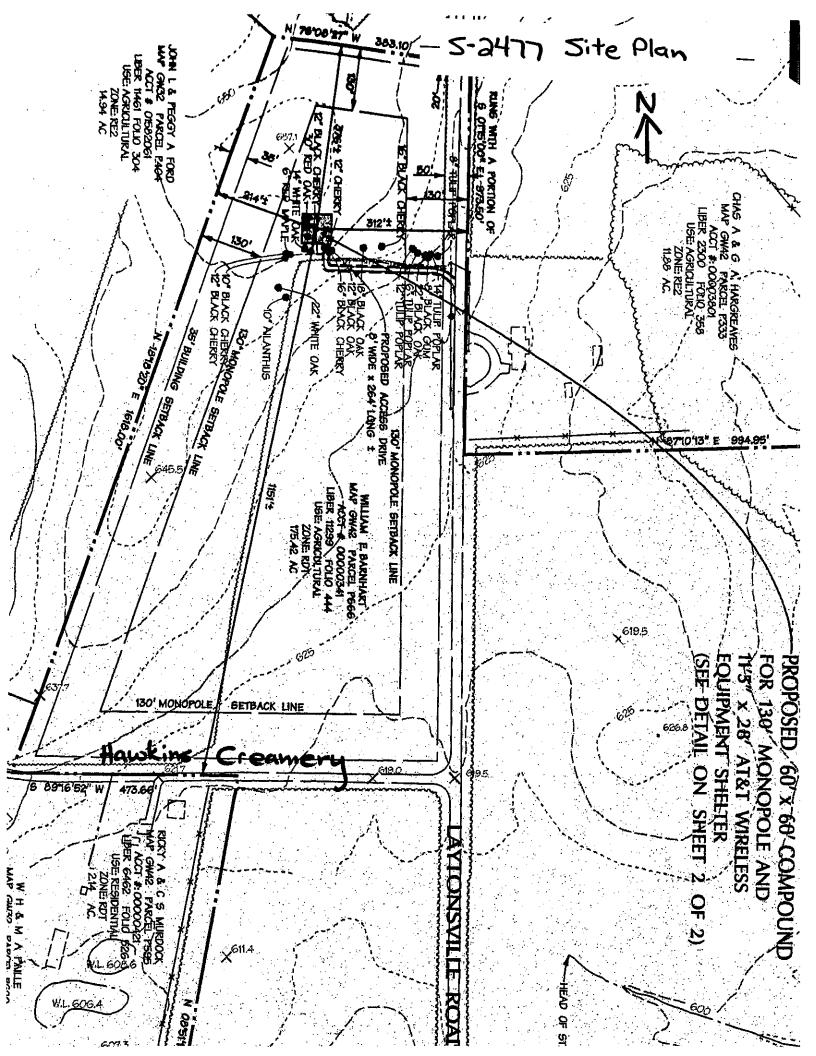
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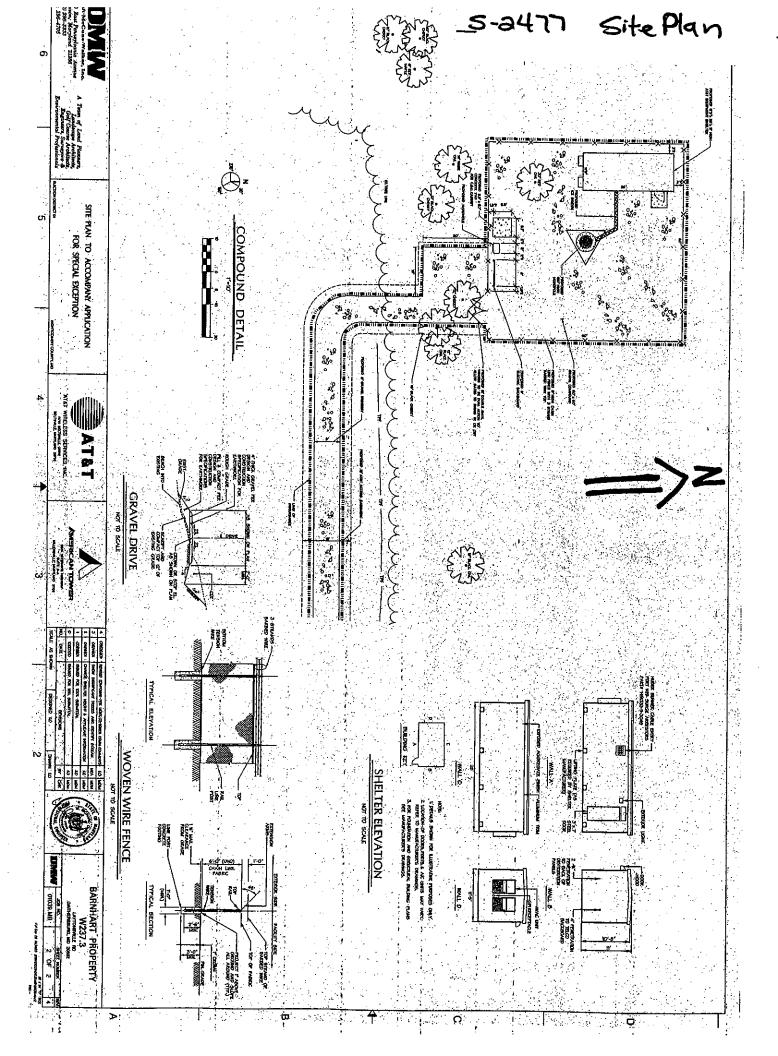
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### MONTGOMERY COUNTY, MARYLAND TOWER COORDINATOR RECOMMENDATION

APPLICATION NUMBER: 200105-01

DATE: 26 April 2001

Revised October 1, 20001 Application Information: Applicant: AT&T Wireless Description: Construct a new 134' monopole. Site Location: Barnhart Property Hawkins Creamery Road & Laytonsville Road, Gaithersburg Property Owner: William E. Barnhart Classification in accordance with Zoning Ordinance: RDT Private Property: By right: Special Exception: Public Property: By right: Special Exception: Mandatory Referral: Impact on land-owning agency: N/A Existing or future public safety telecommunications facilities and plans: None Co-location options: We conducted a site visit of the Barnhart property and found that there were no existing structures in the immediate vicinity which could accommodate AT&T's antenna array. A review of the TTFCG database revealed that the nearest PEPCO transmission facility was 1.3 miles away. On May 9, we requested that AT&T provide RF propagation maps from that location (PEPCO Pole 57-R). In its reply of June 10, AT&T submitted an RF map which showed that Pole 57-R was too far to the east to provide adequate handoff of calls to the existing AT&T antennas to the south. We concur with that conclusion. Once constructed, this monopole would provide an opportunity for other carriers to co-locate antennas on this structure, although a review of the carriers' annual plans do not show other carriers currently planning to deploy antennas in this area. In reviewing this application in conjunction with the application for a monopole at the Stanley property to the north, we asked AT&T to consider a combination of attaching antennas to two PEPCO poles (Pole #40 or #49 and Pole #57) and an existing church steeple to the northwest of the Stanley property as an alternative to erecting two new monopoles at the Stanley and Barnhart properties. AT&T provided additional RF propagation information which demonstrated that the combination would not work to complete adequate signal handoff with the proposed site in Damascus, the existing site south of the Stanley property, and continuous coverage along the main roads not presently covered by AT&T service. We concur with that conclusion. Implications to surrounding area:

Attachments: Application and request for information, AT&T replies, and Special Exception Request #SE-2477.
Comments: This application, submitted April 25, is to provide coverage along Laytonsville Road, Hawkins Creamery Road, Route 650, and the surrounding area. AT&T reports that this site was also selected to provide handoff of signals to adjacent sites to provide coverage in the upper Montgomery county area, in order to preclude dropped calls for AT&T customers traveling in those areas.
On May 4, AT&T provided RF propagation maps showing the gap in coverage, the expected coverage provided by the Barnhart site to fill in those gaps, and the expected links with existing sites to the south and west, and links to proposed sites to the north at the Stanley property, an additional application submitted by AT&T concurrently with the Barnhart site.
On May 9, we asked AT&T to provide the distance to the nearest residences at this location, and if FAA clearance was required at this site. AT&T responded that the nearest residence (Copeley) was over 500' from the proposed monopole location. AT&T also reported that an FAA clearance was being pursued for this location. On June 8, AT&T reported that American Tower Corporation had received a letter from the Maryland Aviation Administration declaring that the facility would violate the horizontal service of Davis Airport by 16'. AT&T provided a copy of that letter, which is attached to this recommendation.
At the time of the initial site visit, the Tower Coordinator also noted the proximity of the monopole to the Davis Airport. Upon visiting the airport, the tower coordinator interviewed a pilot who stated that since the monopole was not on the direct approach to the runway, and there were no instrument or nighttime landings, he did not believe the monopole would pose much of a problem for pilots using the Davis Airport. On July 9, we were also provided copies from the Aircraft Owners and Pilot Association, Bob Warner, Noel Mitchell, and Randy Hanson, all expressing objection to this monopole, claiming it poses an obstruction to accessing the airport.
On September 4, AT&T submitted a letter advising that the FAA determined that by reducing the monopole height to 134', the previous objections by Maryland Aviation would be mitigated. A copy of that letter is attached to this recommendation. AT&T requested that this application be amended to show a monopole height of 134'.
On July 12, we were also advised by Jane King, a resident of Etchison, that she and others in the community, were eager to know of activity on this application. Ms. King requested that we advise her of when the TTFCG would consider this application, which we have done.
At the September 19th meeting of the TTFCG, the application was reviewed and in response to questions, the meeting was closed so that the AT&T representatives could review their confidential RF maps with the members and the resident who raised questions about the coverage. The TTFCG requested that AT&T reconsider the placement of the tower on the property and report back to the group at a special meeting on October 3, in time for action by the TTFCG on this application prior to the scheduled date for the Planning Commissions review of the Special Exception.
Tower Coordinator Recommendation: Recommended: Not recommended:

Montgomery County Planning Board Office of the Chairman

May 22, 2001

Ms. Jane E. Lawton, Chairperson
Telecommunications Transmission Facility
Coordinating Group (TTFCG)
C/o Department of Housing and Community Affairs
Stella B. Werner Council Office Building, 4<sup>th</sup> Floor
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: Special Exception Application S-2447

AT&T Wireless Telecommunications Tower

Dear Ms Lawton:

At their May 17, 2001 meeting the Planning Board reconsidered the special exception application #S-2447 of ATT Wireless for a telecommunications tower. After extensive testimony, the Board recommended that this application be denied. A major factor in this decision was the lack of sufficient evidence on the part of the applicant that they could not use alternate technology to provide cellular service. The report of the TTFCG to the Planning Board was a significant part of this decision. In that report, the TTFCG indicated that given the evidence presented by the applicant, it appeared that adequate, although not equivalent, service could be provided by the use of microcell technology using Pepco power poles.

The Planning Board strongly believes that if alternate, less visually intrusive technology is feasible that it should be used, and the burden of proof is on the applicant to demonstrate to the TTFCG and to the Planning Board why it cannot be used. Therefore we request that the TTFCG, in addition to determining whether there is indeed a need for additional service, also require applicants for this use to fully prove or disprove the technical viability of methods for achieving their desired coverage other than the use of a tower when a proposal may have significant adverse impacts. Further, we want you to require the applicant to demonstrate precisely what level of coverage is necessary to meet their service requirements. Full coverage may not be necessary, and in some instances it may be better for the common good to have more limited coverage in the interest of less visual intrusion in a residential community.

The Planning Board believes that these issues are within the scope and mission of the TTFCG and we hope you will in the future provide this information to the staff and Board so that we can better assess the necessity of these telecommunications tower requests. Your technical evaluations and recommendations are very important to us in reviewing these requests, and we need this additional level of information in order to make informed recommendations to the Board of Appeals. Please also be aware that we generally wish to review all information submitted to you at our meetings, including all coverage maps. Therefore, any statement from an applicant related to coverage potential or limitations must be backed up by sufficient visual proof or we will not accept an assessment of that coverage. Please contact me if you have any questions regarding these requests.

Sincerely,

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William H. Hussmann Chairman

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cc: Montgomery County Planning Board





## Maryland Aviation Administration

David L. Blackshear **Executive Director** 

July 3, 2001

Mr. Christopher W. Hembree Cole, Raywid and Braverman, L.L.P. 1919 Pensylvania Avenue, NW. Suite 200 Washington DC 20006-3458

Dear Mr. Hembree:

Thank you for providing our office with the site plans for the "Barnhart property" and the opportunity to comment on the location and height of the planned monopole tower on that site, FAA Aeronautical Study Number AEA 01-0354-OE.

By reducing the height of the proposed tower from 150 feet to 134 feet mean sea level, and no longer infringing on the Horizontal Imaginary Surface of Davis Airport, American Tower Corporation would not be in violation of The Code of Maryland Aviation Regulations (COMAR) Chapter 5, Section 11.03.05.4 (A) (2). Therefore, the Maryland Aviation Administration (MAA), has no objection to the construction of the proposed tower at that reduced height.

It is imperative however, that any and all revisions or alterations to the original FAA Airspace Study be forwarded to the FAA Eastern Region, for approval. If I can be of any further assistance to you in this matter, please do not hesitate to contact me at (410) 859-7689.

Sincerely.

Jaime A. Giandomenico Aviation Systems Planning Officer



#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

October 3, 2001

David W. Edgerley

Director

Arthur Holmes, Chairman MNCPPC 8787 Georgia Avenue Silver Spring, MD 20910

Re: Support for Additional Communication-Phone Towers in the Agricultural zones

Dear Chairman Holmes:

The purpose of this letter is to submit the Agricultural Advisory Committee's support for additional communication-phone towers in the Agricultural zones of Montgomery County.

In the past few years, the use of mobile phones have revolutionized every segment of our society. All businesses including agriculture have benefited greatly by this technology as economic decisions are made instantly in the field. Europermore, in light of the national tragedy from September 11, 2001, it is evident that mobile phone usage represents a critical means of communication for government, emergency personnel, and all citizens.

It is the AAC's firm belief that additional communication-phone towers are needed in the rural and agricultural areas of our County. The signal strength from the existing towers is not sufficient to meet current demand as the signal fades out often or will not work altogether. Given the increasing demand and importance for this communication technology, it should not be surprising that farmers of this County expect an effective communication network that will work in both urban and rural areas.

The AAC further acknowledges that communication-phone towers located on farm properties does not represent a negative impact to agricultural operations as the towers are erected on small parcels of land usually taking up less than one acre. The rental income to the property owner also represents an economic incentive and opportunity that can be used to further support the farming operation.

In conclusion, the AAC encourages the Montgomery County Planning Board to support the construction of additional communication-phone towers in the Agricultural zones for the reasons outlined in this letter.

Thank you for your time and support on this vitally important issue impacting all citizens of our country.

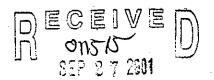
Sincerely,

William Willard, JVC

William Willard, Chairman Agricultural Advisory Committee

A:holmeswillard(aug2001)

24111 Hipsley Mill Road Gaithersburg, MD 20882 September 25, 2001



OFFICE OF THE CHAIRMAN THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County Dept. of Park and Planning Planning Board Chair 8787 Georgia Ave. Silver Spring, MD 20910

RE: Case No. S-2477 – Petition of American Tower Corporation and AT&T Wireless Services for monopole tower in Etchison, MD (Hawkins Creamery Road and Route 108)

We strongly oppose the construction of this tower for several reasons:

1) The proximity to Davis Airport is of great concern for safety of flight operations.

2) Montgomery County purchased over 25 acres on the west side of Davis Airport presumably to protect and ensure the safety of local residents. It doesn't make sense to provide protection of the Airport on the west side and then build a tower to endanger it on the northeast side.

3) The Federal Aviation Administration (FAA) has conducted an aeronautical study concerning this tower. FAA indicates that the proponent has agreed to erect a shorter tower. However, we plead with you to consider the safety of the aircraft and the homes in the area. We know that when collision occurs with a structure, much damage occurs. We hadn't thought about the possibility of fire if an accident occurred, but it is upmost on our minds now. Please, please, deny this structure.

4) Several aviation associations and private pilots have written to the Hearing Examiner to oppose this structure: The Aircraft Owners and Pilots Association (AOPA), Experimental Aircraft Association (EAA), and the Maryland Aviation Administration. If these organizations are concerned, we believe that there is reasonable concern about the erection of this tower.

5) There are other sites that are more practical than this one. And there are sites for colocation.

6) The proposed site is zoned RDT and should remain "rural".

7) The petitioner states that the "proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood." We strongly disagree with this statement. As members of this community, we feel that the tall tower represents visual pollution and detracts from our enjoyment of our rural setting, and would devalue our property.

8) Several properties in Etchison (including Mt. Tabor United Methodist Church which is directly across the street from the proposed site) have been named (per Susan Soderburg, Historic Preservation Education & Outreach Planner of Montgomery County Department of Park & Planning) as being eligible for "historic designation" and the erection of this tall tower would not be compatible.

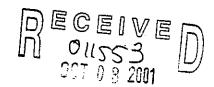
9) We are concerned also about the health aspects. Once the cell phone tower is operational, residents will be exposed to pulsating and continuous doses of radiated frequency. Studies are now showing its dangers. These frequencies can disrupt and decrease the body's production of melatonin, a controlling hormone that is released from the pineal gland in the center of the brain. The disruption of this gland impairs

normal hormone system release, suppresses the immune systems, influences cell behavior, and can produce serious systemic problems throughout the body, including cancer.

Please consider all these points carefully (especially the proximity to Davis Airport and the danger that poses) and we feel confident that you will agree with us in determining that this tower should not be erected on this site. We recommend that if more coverage is necessary for wireless service, that the petitioners look for co-location on existing towers or power lines.

Sincerely,

Tom and Jane King



Montgomery County Dept. of Park and Planning Planning Board Chair 8787 Georgia Ave. Silver Spring, MD 20910

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Jayne Muller
Name
23534 Focehantas Dr
Address
Fortowille (1) 20532
City, State, Zip
9/30/6;
Date /

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