MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 9, 2010

PRESENT: Walter L. Alcorn, Commissioner At-Large
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Fred Selden, Acting Director, Department of Planning and Zoning (DPZ), introduced Barbara Berlin, who began serving as the new Director of the Zoning Evaluation Division on December 6, 2010. On behalf of the Planning Commission members and staff, Chairman Murphy welcomed Ms. Berlin to Fairfax County.

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Mr. Selden also announced that David Jillson, Senior Planner, Facilities Planning Branch, Planning Division, DPZ, would retire on December 31, 2010, after 30 years of dedicated service to the County. He noted that Mr. Jillson had begun his County career with the Park Authority in December 1980, and transferred to DPZ in September 1994. On behalf of the Commission, Chairman Murphy congratulated Mr. Jillson, noted his contributions, thanked him for his service, said that he would be greatly missed, and wished him the best of luck.

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On behalf of the Planning Commission, Chairman Murphy congratulated Harold L. Strickland, Sully District representative on the Park Authority Board, on being presented the Lawrence V. Fowler Award by the Board of Supervisors on December 7, 2010. He said the award recognized

the distinguished service of a longstanding member of a Fairfax County board, authority, commission, or committee. He noted that Mr. Strickland had been on the Park Authority Board since 1992, serving as Chairman from 1994 to 1995, and again from 2005 to 2009. Chairman Murphy said Mr. Strickland had been instrumental in shaping park policy and creating a robust, full-service, and nationally-acclaimed park system enjoyed by millions of visitors annually.

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Chairman Murphy noted that Commissioners had received DVD copies of the December and January *Planning Commission Roundtable* broadcasts, focused on telecommunications. He thanked the guests on the program: Dominick Arcuri, Senior Vice President, Mid-Atlantic, Midwest and Southeast Regions, RCC Consultants, and Jeffrey Steinberg, Deputy Chief of the Spectrum and Competition Policy Division at the Federal Communications Commission (FCC).

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Chairman Murphy announced that since this was the final meeting of 2010 he would provide some highlights. He reported that the Commission had held 43 regular and 23 committee meetings. He noted that Rodney Lusk, Lee District representative, had resigned effective June 30, after serving for six-and-a-half years, and that James Migliaccio, had been appointed by the Board of Supervisors on June 22 to complete Mr. Lusk's remaining term. Chairman Murphy also said that two Commission staff members had retired: Norma Duncan, Administrative Assistant III, on April 2, after six years with the County, and Linda Rodeffer, Clerk to the Commission, on November 19, after 23 years with the County, the last 13 with the Planning Commission Office. On behalf of the Commission, he expressed appreciation to the Planning Commission and Cable Programming staff as well as staff from the Departments of Planning and Zoning, Transportation, Park Authority, Public Works and Environmental Services, and the County Attorney's Office.

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Chairman Murphy announced that on December 7, 2010, the Board of Supervisors had reappointed three Planning Commissioners, including himself, for additional four-year terms: At-Large Commissioner Tim Sargeant, reappointed to his second full term, Mason District Commissioner Janet Hall, reappointed for a fifth term, and that he had been appointed to his eighth term as the Springfield District Commissioner. He noted that each reappointed member would be sworn-in at the January 13, 2011 meeting by the Clerk of the Circuit Court, John Frey.

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Chairman Murphy announced that the election of Planning Commission officers would take place at the January 26, 2011 meeting.

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Chairman Murphy noted that the Telecommunications Committee would meet on Thursday, January 13, 2011, at 7 p.m., in the Board Conference Room.

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Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), congratulated Brenda Cho, ZED, DPZ, on the birth of her daughter, Frances Elise Kowalski, on November 22, 2010. She then displayed a photograph of Frances.

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON SE 2009-MV-006 AND 2232-V08-18, REGARDING A REQUEST BY T-MOBILE NORTHEAST LLC, FOR A TELECOMMUNICATIONS 100-FOOT TREEPOLE ON OLD MILL ROAD AT THE SITE OF THE ST. JAMES EPISCOPAL CHURCH IN THE MOUNT VERNON DISTRICT, TO A DATE CERTAIN OF FEBRUARY 16, 2011.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FS-Y10-70 – UPPER OCCOQUAN SEWAGE AUTHORITY, Braddock Road & Old Lee Road

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON THE "FEATURE SHOWN" DETERMINATION IN FS-Y10-70, WHICH IS THE REPLACEMENT OF A 30-INCH SEWER PIPE WITH A 36-INCH PIPE TO IMPROVE THE FLOW OF THE SYSTEM IN THE CUB RUN STREAM VALLEY.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FSA-P09-58-1 – CLEARWIRE, 1766 Chain Bridge Road
FSA-D96-43-2 – AT&T MOBILITY, 6520 Georgetown Pike (Langley High School)
FS-Y10-67 – VERIZON WIRELESS, 4800 Westfields Boulevard
FSA-B96-16-1 – AT&T MOBILITY, 7617 Little River Turnpike

Chairman Murphy MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEMS.

Without objection, the motion carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FS-S10-56 – FIBER TOWER, 4618 West Ox Road (Fairfax County Fire and Rescue Training Academy)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S10-56.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FS-S10-48 – CLEARWIRE, 13069 Autumn Willow Drive

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S10-48.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FS-S10-61 – CLEARWIRE, 12777 Fair Lakes Circle (Hyatt Fair Lakes Hotel)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S10-61.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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FS-L10-43 – CLEARWIRE, 6601 Telegraph Road (Lee District Park)

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-L10-43, A CO-LOCATION PROPOSED BY CLEARWIRE LOCATED AT 6601 TELEGRAPH ROAD, SHOULD BE CONSIDERED A

"FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners Flanagan and Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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SE 2010-DR-002 – DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (Decision Only) (The public hearing on this application was held on November 18, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-DR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 9, 2010, WITH THE FOLLOWING CONDITION ADDED:

> CONDITION NUMBER 29: "PRIOR TO THE BEGINNING OF ANY PREPARATION WORK OR CONSTRUCTION AT THE SITE, THE APPLICANT SHALL PERFORM BASELINE WELL WATER TESTING FOR TOTAL COLIFORM LEVELS ON WELLS LOCATED ON SIX PARCELS THAT ABUT THE PROJECT SITE: 4-3 ((8)) 10, 11, AND 23; 4-3 ((7)) 16A, 17A, AND 18A. THE TEST RESULTS SHALL BE PROVIDED IN WRITING TO THE HOMEOWNERS. IN THE EVENT OF A SEWAGE SPILL OR LEAK DURING WORK ON THE PROJECT, THE APPLICANT SHALL PERFORM ADDITIONAL WELL WATER TESTING FOR TOTAL COLIFORM."

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the votes; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING YARD AND A WAIVER OF THE BARRIER FOR ALL PROPERTY LINES, IN FAVOR OF THE EXISTING VEGETATION AND TOPOGRAPHIC FEATURES.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the votes; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SEA 81-L-057-02 – McDONALD'S CORPORATION
2. 2232-B10-15 – T-MOBILE NORTHEAST, LLC (Ravensworth Industrial Park)
3. SEA 85-D-033-03– VIRGINIA ELECTRIC AND POWER COMPANY (VEPCO) D/B/A DOMINION VIRGINIA POWER
   2232-D10-12 – VEPCO D/B/A DOMINION VIRGINIA POWER
4. 2232-P10-10 – NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC

This order was accepted without objection.

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SEA 81-L-057-02 – McDONALD'S CORPORATION – Appl. under Sects. 4-804, 7-607, and 9-622 of the Zoning Ordinance to amend SE 81-L-057 previously approved for a fast-food restaurant with drive-thru facilities to permit modifications and waivers in a CRD and modifications to the site development and development conditions. Located at 7608 and 7614 Richmond Hwy. on approx. 1.57 ac. of land zoned C-8, CRD, and HC. Tax Map 92-4 ((2)) 3 and 4. LEE DISTRICT. PUBLIC HEARING.

Inda Stagg, Urban Planner with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated September 21, 2009. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one pending case with Ms. Stagg's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), said she was sitting in for Brenda Cho, ZED, DPZ, who was out on maternity leave. She presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Stagg stated that the applicant sought to rebuild a McDonald's restaurant located on Richmond Highway and the proposed building renovation would be similar to those recently approved at other sites in Fairfax County. She described the design of the building and reviewed the proposed transportation, environmental, lighting, streetscaping, and interparcel access improvements. Ms. Stagg said the applicant would continue to work with staff to address the issue regarding on-site circulation. She noted that the application had received the support of the Lee District Land Use Committee.

Commissioner Flanagan requested the Mount Vernon District Land Use Committee be allowed to submit comments on this application. He suggested that these comments be considered during any future negotiations. Ms. Stagg agreed with this suggestion.

Commissioner Migliaccio announced his intent to defer the decision on this application.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 81-L-057-02 TO A DATE CERTAIN OF JANUARY 13, 2011, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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2232-B10-15 – T-MOBILE NORTHEAST, LLC (Ravensworth Industrial Park) – Appl. to consider a proposal to develop a telecommunications facility and related equipment located at 5405 Port Royal Road, Springfield. Tax Map: 79-2 ((4)) A2. Area I. BRADDOCK DISTRICT. PUBLIC HEARING.

Anita Capps, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

Hillorie Morrison, Zoning Manager with Network Building & Consulting, LLC, stated that the proposed 120-foot tall monopole met all the applicable criteria of the Zoning Ordinance and the Comprehensive Plan. She noted that on November 8 and 20, 2010, the applicant had conducted balloon tests to evaluate the visual impact of the monopole on the surrounding area and the applicant had not received any comments from the public. She described photographic simulations depicting the visibility of the monopole from the nearby properties. Ms. Morrison explained that the monopole would improve in-vehicle and in-building wireless coverage in the vicinity of the intersection of the Capital Beltway (I-495) and Braddock Road, serve the applicant's coverage objective in this area, and accommodate co-location for up to three additional service providers.

In response to a question from Commissioner Flanagan, Ms. Morrison said the monopole would not be visible from Queensberry Avenue and there would be minimal visual impact on the other adjacent neighborhoods.

Commissioner Harsel pointed out that on the location map in the staff report, the star depicting the site was in an incorrect location. Ms. Morrison said this would be corrected, noting that the star should be on the other side of Port Royal Road closer to I-495. She added, however, that the photographic simulations were correct.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary.

Commissioner Harsel noted that any future telecommunications carriers would be subject to a new 2232 review to identify additional space for their equipment cabinets since this application only showed space for one cabinet. Ms. Morrison said the applicant and the other carriers understood this requirement.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY T-MOBILE NORTHEAST, LLC, TO DEVELOP A TELECOMMUNICATIONS FACILITY, WHICH IS A 120-FOOT MONOPOLE AND ONE EQUIPMENT CABINET, LOCATED AT RAVENSWORTH INDUSTRIAL PARK, 5405 PORT ROYAL ROAD, SPRINGFIELD, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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SEA 85-D-033-03 – VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER – Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE 85-D-033 previously approved for WMATA facilities to permit an electric substation and modifications to development conditions. Located on the W. side of Dulles Access Road and N. of Curtis Memorial Pkwy.-West Falls Church Rail Yard on approx. 1.37 ac. of land zoned R-1. Tax Map 40-3 ((1)) 86 pt. (Concurrent with 2232-D10-12.) DRANESVILLE DISTRICT.

2232-D10-12 – VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit an electric substation. Located on the W. side of Dulles Access Road and N. of Curtis Memorial Pkwy.-West Falls Church Rail Yard on approx. 1.37 ac. of land zoned R-1. Tax Map 40-3 ((1)) 86 pt. (Concurrent with SEA 85-D-033-03.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

Carson Lee Fifer, Jr., Esquire, McGuireWoods LLP, reaffirmed the affidavit dated November 19, 2010. There were no disclosures by Commission members.

Commissioner Donahue announced his intent to defer the decisions on these applications after the close of the public hearing.

St. Clair Williams, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report on SEA 85-D-033-03, a copy of which is in the date file. He noted that staff recommended approval of the application.

David Jillson, Planning Division, DPZ, presented the staff report on 2232-D10-12, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

Mr. Fifer stated that the proposed Dominion Virginia Power (DVP) electric substation would provide power to the Metrorail Silver Line from the West Falls Church Rail Yard through the Tysons Central 123, Tysons Central 7, and Tysons East Metro stations to meet the projected ridership. He said the Silver Line would be energized by December 2011 so the substation needed to be constructed and tested before the Washington Metropolitan Area Transit Authority (WMATA) could begin testing the new Metrorail line. He explained that a new substation would be necessary even without the new Metrorail line because it would address increasing residential and business demand in the service area, ease strain on surrounding power stations, and quickly restore power during outages. Mr. Fifer noted that the proposal had been initiated in 2005 with a meeting of the Virginia Department of Rail and Public Transportation (VDRPT), Dranesville District Supervisor's Office, Dranesville District Planning Commissioner, WMATA, Metropolitan Washington Airports Authority (MWAA), and DVP. He said the substation would be co-located on the rail yard currently owned by WMATA but would eventually be turned over to DVP. He indicated that VDRPT had held a public meeting on December 8, 2005 to present the plans for changes to the rail yard to accommodate the Silver Line, explain the need for the substation, and identify the proposed site. Mr. Fifer stated that in May 2009, DVP had contacted the Dranesville District Supervisor's Office to discuss the project, held 19 public meetings since an initial meeting with the Lemon Road Civic Association on August 6, 2009, and responded to issues raised in these meetings. He explained that at the request of Dranesville District Supervisor John Foust, the McKay Street residents, and County staff, DVP had examined 16 alternate sites in the area and the Reddfield site had been selected because it would be able to

accommodate a substation, meet the short construction schedule, and use an off-site stormwater drainage pond and access road. He said the applications satisfied all the applicable standards. Mr. Fifer explained that DVP had offered the following development conditions to address concerns raised by the residents and the McLean Citizens Association (MCA):

- The backbone of two 95-foot towers would be lowered to 85 feet in height, which would require that the replacement transmission pole be increased from 90 feet to 95 feet;
- DVP would meet with each residential landowner who would have views of the substation along McKay Street and Eastman Drive to design and install an off-site landscaped buffer plan;
- Each evergreen tree would be 7 feet in height at planting and each deciduous tree would be 3.5 inches in caliper;
- The off-site landscaped buffer plan would be reviewed by the Urban Forester;
- The viability of the plantings would be assured by DVP for a five-year period and the buffer would be restored during this time if needed;
- A conservation easement would be established over the large tree save area and this area would be marked with permanent iron pipes;
- No changes would be made to the existing power lines and poles along McKay Street regarding the distribution circuit getaway routes leaving the Reddfield Substation; and
- All vehicular access to the substation site would be from the Dulles Connector Road, but access to local streets for off-site landscape/buffer work would not be restricted.

Mr. Fifer said there would be no noise or vibration from the substation, no visible night lighting, and no traffic issues. He noted that although some of the nearby residents would be able to see the substation due to the 85-foot tall backbone and topography of the site, DVP would continue to work with them to help minimize the visual impact.

Responding to questions from Commissioner Hart, Mr. Fifer said the projected schedule to meet the December 2011 deadline was for DVP to obtain County approval early next year, undertake site plan reviews, and complete construction within four to six months. He described the three possible scenarios for running the distribution lines out of the Reddfield Substation. He explained that Development Condition Number 12 addressed the concern of the residents that no changes be made to the existing power lines and utility poles along McKay Street.

Answering questions from Commissioner Donahue, Mr. Fifer said he did not know when the property would be turned over to DVP. He stated that Development Condition Number 10 reflected the proposed language in the MCA resolution, noting that the landowners who participated in the off-site landscaped buffer program would have to provide regular care and maintenance of the trees. He indicated that the substation would be visible through the existing transmission line and it was unknown how many trees would be removed near the stream planned for restoration by WMATA. Mr. Fifer explained that the Reddfield Substation would be the smallest out of all the existing DVP substations; the surrounding landscaped buffer would be restricted to 14 feet in height within the transmission line easement due to the safety distance requirement; DVP had offered to meet with the adjacent landowners to design and install buffering on their property with their consent; and a screening wall would be installed on top of

the retaining wall. He added that DVP had also offered to meet with the McKay Street residents to design the screening and retaining walls but this offer remained outstanding.

Commissioner Donahue noted that the 100-foot wide power line easement reduced the full screening at the northeast portion by two-thirds and expressed concern that the easement prohibited DVP from meeting the transitional screening requirement. Mr. Williams explained that due to the restriction imposed by the easement and with the provision of additional supplemental plantings and the screening and retaining walls to help minimize the visual impact of the facility, staff supported the requested modification of the transitional screening requirement. He pointed out that the Zoning Ordinance allowed for modifications when a development was designed in a way that minimized its impacts. Mr. Fifer concurred and added that modifications had been granted in other cases in Fairfax County where feasible. He reiterated that DVP was committed to working with the adjacent landowners to provide buffering at an off-site location to adequately screen their property. Commissioner Donahue said he appreciated that DVP had agreed to address the visual impact during future meetings with the landowners and he anticipated that progress would be made regarding the need for improvements to the buffering over the next few weeks.

Mr. Fifer replied to questions from Commissioner Flanagan regarding the trees located on the WMATA property, the height of the proposed trees, the 95-foot tall replacement pole, and the 85-foot tall backbone. He explained that the height of the retaining wall was limited to a maximum of nine feet under federal safety requirements.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Larry Rosenblum, 2005 Crofton Place, Falls Church, President, Lemon Road Civic Association (LRCA), spoke in opposition to the proposed substation citing concerns about destruction of tree canopy, insufficient mitigation efforts, adverse visual impact, increased stormwater runoff, hindered stormwater management and stream restoration, increased light and noise pollution, decreased property values, and negative impact on the residential character of the community. He recommended that the Commission insist that DVP propose a viable alternate site and publicly commit to building there if this proposal was denied, noting that there was plenty of time for DVP to find another site and obtain approval. Mr. Rosenblum questioned why DVP had dismissed the alternate sites at the University of Virginia/Virginia Tech Center parking lot (Tab 8) and the West Falls Church Metro Station (Tab 13) parking lot, as listed in the Alternate Site Analysis Index in the staff report, and WMATA had declined to allow these sites to be used for the substation. (A copy of his remarks is in the date file.)

In response to a question from Commissioner Litzenberger, Mr. Rosenblum said the community's main concern was visual blight and decline in home values.

Replying to questions from Commissioner Flanagan, Mr. Rosenblum indicated that his home was located approximately three blocks from McKay Street. He said the LRCA represented residences along McKay Street and both sides of Idylwood Road between Leesburg Pike and Great Falls.

Samuel Sun, 2130 McKay Street, Falls Church, expressed strong objection to the facility citing concerns about excessive burden on the neighborhood, environmental degradation, removal of trees, and lack of cooperation by DVP. He suggested that the decision be deferred to allow time for DVP to identify another viable location. (A copy of his remarks is in the date file.)

Leslie Gelman, 2113 McKay Street, Falls Church, recommended that the development conditions include DVP's offers to partially mitigate the impact by landscaping, move the distribution lines via routes other than McKay Street and Eastman Drive, and prohibit construction traffic from using the neighborhood streets. She said she opposed the substation because it would further damage the character of the community; expose the residents to louder noise, new visual pollution, and urban blight; and make the neighborhood no longer suitable for single-family residential living. Ms. Gelman requested that the Planning Commission require that WMATA make Tab 13 available to DVP for the substation. She suggested that if the substation was approved, the homeowners be offered buyouts and relocation for suitable compensation. (A copy of her remarks is in the date file.)

Brian Castelli, 7103 Eastman Drive, Falls Church, indicated his objection to the substation and backbone because they would be an intrusive eyesore, negatively affect property values, and adversely impact the community. He questioned the need for building a substation that was five times the size needed to address current power demands and operate the Silver Line. Mr. Castelli suggested that DVP build a smaller substation that met current needs without the towers and construct another substation when necessitated by the projected power demand for Tysons Corner in 10 years. He also suggested that DVP be required to properly engineer an underground run of electric lines to transmit the power over the existing transmission infrastructure. (A copy of his remarks is in the date file.)

Sondra Harnes Selway, 2128 McKay Street, Falls Church, expressed strong objection to the proposed substation because it would violate a legally binding verbal agreement that Fadi Bassily, Deputy General Manager with WMATA, had made to the LRCA, her neighbors, and her; was not included in the Final Environmental Impact Study; could not be sufficiently mitigated; and would adversely affect nearby property values and destroy a significant amount of trees. She recommended that WMATA allocate one of its other properties for the substation that would be more appropriate and less intrusive. (A copy of her remarks is in the date file.)

Vinson Palathingal, 2123 McKay Street, Falls Church, representing the McKay-Eastman Group, also spoke in opposition to the facility citing concerns about proximity to his property, adverse visual impact, negative impact on the residential character of the community, lack of consideration of the community's concerns, and insufficient landscaping. He suggested that the Planning Commission ask DVP to seriously consider the more appropriate alternate sites. He explained that if the applications were approved, DVP and WMATA should be required to execute the following conditions:

1) Work with each of the affected households to develop individual landscaping plans to their satisfaction and submit those plans to the County;
2) No construction would be staged from any of the neighborhood streets; and

3) No additional lights or poles would be installed or directed on McKay Street and Eastman Drive.

Mr. Palathingal also recommended that penalties be imposed on WMATA and DVP if they were found to be in default of any of the conditions.

David Rybak, 2129 McKay Street, Falls Church, spoke in opposition to the substation citing concerns about decreased property values, deteriorated quality of life of the residents, and negative visual impact. (A copy of his remarks is in the date file.)

Pavan Veluri, 2120 McKay Street, Falls Church, representing the LRCA and the McKay-Eastman Group, said he was strongly opposed to the facility because it would have detrimental impacts on the quality of life and safety of the residents; the residential character of the neighborhood; the property values; the environment; and wildlife. He also questioned the need for a new substation. He urged the Commission to demand that WMATA and DVP locate the substation on one of the acceptable alternate sites.

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), noted that the MCA had passed a resolution on December 1, 2010, a copy of which is in the date file. He explained that the MCA opposed the applications unless the applicant accepted the following development conditions, as outlined in the resolution:

- With the consent and coordination of the individual property owners, supplemental off-site plantings at a minimum of 7 feet in height and 3.5 inches in caliper at the time of planting should be provided to screen the adjacent properties along McKay Street;
- All off-site plantings should be maintained by the respective property owner;
- The applicant should replace any tree that did not remain viable, as determined by the Urban Forester, within the first 10 years of planting;
- The applicant's offer to provide off-site screening should remain in effect from SEA approval until the completion of the Reddfield Substation or the Metro Yard expansion, whichever occurred later;
- The power lines leaving the substation to distribute power to the service area should be routed underground and not via McKay Street or Eastman Drive; and
- Before the start of construction, a conservation easement should be recorded over the area designated as the tree save area to the north of the substation.

Mr. Zetts said the MCA was looking forward to working with the applicant on mitigating the impact of the project on the neighborhood to the extent possible.

Patrick Nowakowski, Executive Director, Dulles Corridor Metrorail Project, 1593 Spring Hill Road, Suite 300, Vienna, noted that he was speaking on behalf of Lynn Hampton, President and Chief Executive Officer, MWAA. He said MWAA supported the Reddfield Substation because it would provide the Silver Line with constant, uninterrupted power and ensure essential power flow with minimal risk to safety and operations. He explained that the proximity of the substation to the rail line would help reduce costs for future rail system operations because the

length of the feeder lines was a significant factor in the rates charged by DVP. Mr. Nowakowski commended DPZ staff for an outstanding job evaluating the multiple issues surrounding this proposal and creating development conditions that addressed those issues. (A copy of his remarks is in the date file.)

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Fifer.

Addressing the concerns raised by the speakers regarding reduced property values, Mr. Fifer pointed out that the substation located near Swinks Mill Road in McLean had not had an adverse impact on the values of the adjacent residential properties. He stated that a significant amount of trees would be removed due to the planned construction of WMATA's stormwater management pond and a very large tree save area would be protected during construction of the substation. He explained that the Tab 8 and Tab 13 alternate sites, owned by WMATA, were not available to DVP and could not be engineered to accommodate the substation. He said locating the substation adjacent to the rail yard would reduce the cost to the public and the County. Mr. Fifer noted that DVP had agreed to the development conditions recommended by Ms. Gelman. He reiterated that the backbone would be lowered by 10 feet to help mitigate the visual impact. He explained that the suggested undergrounding of the transmission line had been dismissed as infeasible and undesirable because it would require two additional substations located in the Resource Protection Area and in close proximity to the backyards of the McKay Street properties.

Answering questions from Commissioner Lawrence, Mr. Fifer noted that the Reddfield Substation would power the area of Tysons Corner inside the Capital Beltway (I-495). He explained that DVP would initially install only one transformer to power the Silver Line and address the existing and projected demands in the area and delay installing the second transformer until it was necessitated by increased demand of area residences, Metro, and Tysons East development and to relieve the load on the Idylwood Road substation. Mr. Fifer said the McKay Street homeowners were encouraged to meet with DVP's arborist to begin working on the individual landscaping plans to ensure that the trees would be planted early in the process to grow into an effective buffer.

Commissioner Lawrence suggested that before the transformer located closer to the community was constructed, the trees on the adjacent residential properties be planted in sufficient time to allow them to achieve a better screening value. Mr. Fifer said he believed Development Condition Number 10 addressed this suggestion.

Commissioner Donahue recommended that DVP provide more specific reasons for not selecting the Tab 13 site. Mr. Fifer agreed with this recommendation

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Donahue action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 85-D-033-03, CONCURRENT WITH 2232-D10-12, TO A DATE CERTAIN OF JANUARY 13, 2011, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioners Lawrence and Alcorn seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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The Commission went into recess at 11:02 p.m. and reconvened in the Board Auditorium at 11:14 p.m.

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> 2232-P10-10 – NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC – Appl. to construct five antenna sites (nodes) in VA Dept. of Transportation right-of-way on portions of Chain Bridge Road, Hunter Mill Road, Oak Valley Dr., and Vale Road for a telecommunications Distributed Antenna System (DAS) in Oakton. Each node will consist of a taller replacement utility pole with concealed antennas at the top, a pole-mounted equipment cabinet, and fiber optic cable. Portions of Tax Maps 37-4, 38-3, and 47-2. Area II. PROVIDENCE DISTRICT. PUBLIC HEARING.

Commissioner Lawrence announced his intent to defer the decision on this application until January 13, 2011.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal, as it concerned the construction of Node 6 on Hunter Mill Road, Node 7 on Chain Bridge Road, Node 8 on Oak Valley Drive, and Node 9 on Vale Road, substantially in accord with provisions of the adopted Comprehensive Plan, and as it concerned the construction of Node 5 on Hunter Mill Road not substantially in accord with provisions of the adopted Comprehensive Plan.

In response to questions from Commissioner Hart, Mr. Jillson said the issue of whether the proposed location of Node 8 was on private property would be addressed during the deferral period. He explained that the Zoning Ordinance allowed a replacement utility pole on private property if it was located within 10 feet of a major thoroughfare. He noted that because Oak Valley Drive was not a major thoroughfare, it would require approval of a special exception application to locate Node 8 on the nearest residential property (2674 Oak Valley Drive).

Edward Donohue, Esquire, Donohue & Stearns, PLC, delivered a PowerPoint presentation on the proposed telecommunications Distributed Antenna System (DAS) and said the five nodes would

address additional wireless coverage and capacity needs in the area. He reviewed the background of the first phase of the Hunter Mill DAS system, as approved under 2232-MD06-23 by the Planning Commission on July 11, 2007. Mr. Donohue showed photographs of the four existing node poles in Phase I, noting that the additional nodes in Phase II would be complimentary to the existing DAS network. He said NewPath was a carrier-neutral provider, the system had been designed to accommodate multiple wireless service providers, and AT&T Wireless was the anchor tenant. He stated that the proposal was consistent with Policies a, c, and j under Objective 42 of the Policy Plan. (A copy of the presentation is in the date file.)

Commissioner Lawrence pointed out to Mr. Donohue that Policy c, which stated, "Subject to the availability and feasibility of a public site, when multiple sites have equal opportunity to minimize impacts, consider public lands as the preferred location for new structures," was a preference but not a requirement and certain conditions must be attained before public lands were considered. Mr. Donohue agreed but said he believed there were some inconsistencies within the Policy Plan recommendations. He noted, however, that the proposal was consistent with a number of the recommendations. Commissioner Lawrence argued that he believed the proposal was not consistent with certain recommendations which he said he would discuss later.

Continuing his presentation, Mr. Donohue noted that staff recommended denial of Node 5 because of the lack of vegetation surrounding the pole. He showed photographs of the Node 5 site depicting the conditions before and after the replacement of the pole.

Replying to questions from Commissioner Flanagan, Mr. Donohue explained that the existing utility poles would be replaced with taller poles whose height met the National Electric Safety Code (NESC) requirements and Dominion Virginia Power's (DVP) required minimum separation of 10 feet, 6 inches between its power lines and the lowest antenna. He said the height of the poles were consistent with those approved in Phase I.

Concluding his presentation, Mr. Donohue explained that the applicant had coordinated with DPZ staff, Providence District Supervisor Linda Smyth's Office, and the Hunter Mill Defense League to notify all abutting property owners to each node location and all homeowners/civic associations in the community of a meeting held on September 14, 2010. He said Node 5 could not be reduced in height as requested by staff because it would create a wireless coverage gap along Hunter Mill Road. He asked that Mehran Nazari, Radio Frequency Design Consultant with AdGen Telecom Group, Inc., review the radio frequency (RF) propagation data for all five nodes.

Commissioner Lawrence requested that Mr. Donohue obtain the names and addresses of the representatives of the homeowners and civic associations and abutting property owners so he could contact them during the deferral period.

Mr. Nazari described the RF propagation maps showing existing and proposed wireless coverage for AT&T in the Hunter Mill area. He noted that the coverage footprint for each node was substantially smaller than an AT&T macro cellular site and the purpose of the DAS network was

to provide continuous coverage within the targeted area. He explained that because there were no existing structures tall enough on which to locate antennas and there were not enough appropriate sites to consider building a new structure in the area, the best solution was to deploy DAS technology that used smaller towers or transmitter locations at a shorter height to cover the coverage objective area. Mr. Nazari said NewPath had conducted a site survey of the entire area and the five utility poles had been selected for use as node sites based on their availability for NewPath's use and ability to meet the coverage area.

At the request of Commissioner Lawrence, Mr. Nazari confirmed the following statements:

- The DAS network would use nodes on five existing utility poles to provide adequate wireless service to the coverage objective areas instead of installing one or more tall monopoles to meet the same objective;
- The number of nodes was the minimum needed to meet the RF requirements of wireless service provider tenants on the system;
- Once the nodes were constructed, additional antennas and nodes would not be needed to accommodate additional service providers because they could handle a significant number of carriers;
- In order for all nodes to operate properly and provide continuous wireless coverage, neighboring nodes must have adequate overlaps, which were based on line of sight, signal strength, surrounding terrain, and signal propagation;
- The heights of the nodes were dictated by DVP and service area requirements;
- Moving the antennas on any of the nodes would impact the entire DAS network;
- The placement of the nodes would allow ample overlap between the nodes and existing AT&T macro cellular sites in the area;
- Adequate overlaps protected mobile device users moving from one area to another from experiencing interrupted transmission by insuring that the call was seamlessly handed over to the most appropriate node;
- Moving a node would affect the other nodes so any redesign of the DAS network would need to be rearranged and rebalanced to function properly;
- The DAS network was designed to be carrier-neutral, which prevented carriers from requesting new nodes or towers in this area because they would be able to instead co-locate on any of the existing nodes; and
- There would be enough fiber optic cable to handle a significant amount of capacity and multiple carriers.

Commissioner Lawrence commented that the Planning Commission must determine whether the proposed site for a telecommunications facility provided the least visual impact on residential areas and was acceptable to the surrounding community. Mr. Nazari also remarked that the DAS network should be built in such a way that it would not need to be modified and redesigned to prevent future amendments to the application. Commissioner Lawrence said he partially agreed but noted that the second phase of the Hunter Mill DAS system did not have to exclusively use utility poles such as what had been done in the first phase although it must produce the same

effect. He said the design should effectively minimize the impact on the surrounding residential area but also ensure proper functionality.

Mr. Nazari responded to questions from Commissioner Flanagan regarding the RF propagation map and the photograph of Hunter Mill Node 2 on slide 13 of the presentation.

Chairman Murphy called the first listed speaker and noted that the rules for public testimony previously cited still applied.

John Janka, 2674 Oak Valley Drive, Vienna, stated that he had submitted a written statement from Torre Peterson, 9902 Timmark Court, Vienna, indicating his opposition to Node 8, and also a detailed analysis with exhibits. He noted that Node 8 would be located in the front yard of his property. He pointed out that he had not received notification of this proposal and had first learned about it when he had seen the notice sign posted on the telephone pole in front of his property the week of Thanksgiving. Mr. Janka expressed strong objection to Node 8 citing concerns about visual blight, destroyed character of the residential neighborhood, nonconformance with the Comprehensive Plan and the Zoning Ordinance, reduced property values, excessive scale and height of the pole, diminished aesthetic value of the area, and adverse visual impact. He explained that the applicant did not have his consent to locate Node 8 on his property, noting that it extended to the middle of Oak Valley Drive and this portion had not been acquired by the Virginia Department of Transportation (VDOT). He said the applicant had also failed to provide evidence of its legal right to install wireless equipment on his property. He indicated that approximately 60 households in the immediate area were opposed to Node 8, as depicted on an aerial map, and 48 residents of his community had signed a petition in opposition to the node. (Copies of Mr. Peterson's statement and Mr. Janka's analysis, remarks, map, and petition are in the date file.)

Commissioner Hart requested that Mr. Janka provide a survey that showed where Node 8 would be located on his property. Mr. Janka noted that Exhibit 1 in his analysis included an excerpt of the relevant survey that depicted the property line and the pole.

In reply to a question from Commissioner Flanagan, Mr. Janka said he had the deed to prove that his property line ran to the middle of Oak Valley Drive.

James Sheedfar, 10401 Lake Ridge Drive, Oakton, noted that Node 5 would be located near his property. He said he had not received notification of the community meeting about the proposal and had not been aware of it until he had seen the notice sign. He spoke in opposition to Node 5 citing concerns about aesthetics, location of the equipment cabinet, interference with his view, and detrimental impact on the value of his property. Mr. Sheedfar requested that the following questions be addressed:

- Would the taller replacement pole require any supporting guy wires to solidify the pole's position, which would encroach onto his property?

- What was the power density of the pico towers that would be installed as part of the DAS system, and would there be any capture effects and interference with RF equipment operating in his house and other devices using the 2 GHz range?
- Why was the existing pole located approximately 30 feet from Node 5 at the fence line unsuitable even though it was not visible from his and his neighbor's lots and was on higher elevation?
- Was the existing fiber multi-mode or single-mode?

Gerald Godshaw, 9906 Timmark Court, Vienna, stated that he was opposed to Node 8 because it would be out of scale and character with the surrounding residential area, directly visible from his and most of his neighbors' properties, inadequately screened by existing vegetation, diminish the aesthetic value of the area, and pose health risks. He suggested that Node 8 be located on one of the utility poles along Route 123, which were located nearby, at a higher elevation, and taller and would be likely to provide service to more residents than the proposed pole. (A copy of his remarks is in the date file.)

Derrick Williams, 2675 Oak Valley Drive, Vienna, noted that Node 8 would be located across the street from his property. He voiced objection to Node 8 citing concerns about negative visual impact and uncertainty of a third phase. (A copy of his remarks is in the date file.)

Elizabeth Ross, M.D., 2515 Babcock Road, Vienna, expressed opposition to Nodes 8 and 9 citing concerns about adverse visual impact, inadequate screening, incompatibility with the character of the neighborhood, insufficient notification, and potential health risks. She said the County should consider implementing a policy similar to that of the Town of Vienna, which limited the placement of antennas and monopoles to three locations to eliminate visual impact. (A copy of her remarks is in the date file.)

Responding to a question from Commissioner Alcorn, Dr. Ross said the Lakevale Estates Homeowners Association had not been notified of this proposal.

Commissioner Lawrence commented that driving while texting was causing the loss of thousands of lives. He said the American Medical Association and other organizations should ask Congress to encourage the telecommunications and vehicle industries to work together to program vehicles and wireless devices to disable the texting function when the user was in the driving seat of a moving vehicle.

Answering a question from Commissioner Donahue, Dr. Ross said the proposed nodes were unnecessary because she and her neighbors received adequate service in their homes.

Commissioner Donahue requested that the applicant provide a better explanation for the need for more nodes.

Chairman Murphy pointed out to Dr. Ross that the telecommunications devices located on the top of hospitals that provided service within the building were all part of the antenna system in the County.

Robert Ruth, 2604 Powdermill Lane, Vienna, President, Oakton Grove Homeowners Association, noted that he had submitted a PowerPoint presentation and a letter dated December 6, 2010, copies of which are in the date file. He indicated that 22 of the 29 homeowners in the Oakton Grove community had signed a petition in opposition to the proposal. Mr. Ruth voiced his objection to Node 8 citing concerns about visual intrusion; inconsistency with and detrimental impact on the residential character of the neighborhood; fundamental difference between the locations of the previously approved nodes and the proposed nodes; inadequate examination of alternative material solutions; insufficient assessment of alternative node locations; failure of the applicant to conduct adequate outreach regarding the proposal; and potential reduction of home values. He said the Oakton Grove Homeowners Association and the adjacent homeowners had not been directly contacted by the applicant, the first notice to the neighborhood was the sign posted on November 23, 2010, and the first notification letters had been mailed to selected households on November 26 or 27. Mr. Ruth requested that the following questions be addressed:

- Did all the interested telecommunications carriers sign up to use the new DAS network?
- Was the County prepared to direct all the other carriers to go sole source to NewPath for their service, and were they willing to do so or would they want their own facility?
- Would NewPath install more towers to ensure complete wireless coverage?

Mr. Ruth recommended that the applicant instead install one or two new macro cellular antenna towers at the corner of Sutton Road and Chain Bridge Road, Flint Hill Elementary School, Cox Family Farm stand, or Oakton Plaza. He also recommended another alternative as a smaller, less intrusive system such as that advocated by NewPath's parent organization, Crown Castle.

Commissioner Lawrence requested that Mr. Ruth meet with the applicant and members of the other surrounding communities during the deferral period to help reach a consensus regarding the proposal.

Suli Wang, 2849 Hunter Mill Road, Oakton, spoke in opposition to Node 6 because it would be located too close to and be taller than the Historic Oakton Schoolhouse and would cause harmful health effects associated with exposure to RF radiation. (A copy of her remarks is in the date file.)

Richard Brown, 2401 Lakevale Drive, Vienna, Treasurer, Lakevale Estates Homeowners Association, said his association had not been notified of this application, homeowners did not receive notification letters from the County regarding this public hearing until just before Thanksgiving, and the notice signs were difficult to read. He indicated his opposition to Nodes 8 and 9 citing concerns about lack of outreach to the Lakevale Estates community and detrimental impacts on the aesthetic value of the area, architectural standards, property values, and health of the residents. Mr. Brown requested that the decision be deferred for at least 90 days to allow sufficient time for the residents to review the application, submit their comments, and consider viable alternatives.

Replying to a question from Chairman Murphy, Mr. Jillson indicated that the deadline for the Planning Commission to consider this application was January 17, 2011.

In response to a question from Commissioner Lawrence, Mr. Jillson explained that the review period could be extended to a certain date upon request by the applicant.

Commissioner Lawrence pointed out that the applicant had verbally agreed that in the event of inclement weather on January 13, 2011, the applicant would submit a request for an extension to provide additional time needed for discussion and fair evaluation of the application.

Commissioner Lawrence requested that the Lakevale Estates Homeowners Association and members of the community be made available to work with the applicant to reach a consensus during the deferral period. Mr. Brown concurred with this request.

Chairman Murphy explained that the 2232 process was controlled by the State and if the Commission had not made a decision by January 17, the application would be deemed approved unless the applicant had agreed to an extension of time pursuant to *Code of Virginia* Section 15.2-2232(F).

Paula Lohrmann, 9919 Lindel Lane, Vienna, expressed opposition to Nodes 8 and 9 because they would exceed the required height limit of 35 feet in the area, diminish the aesthetic value of the community, decrease property values, and adversely impact the health and well-being of her due to a medical condition. She noted that she had not received notification of the proposal and only five of her neighbors had been notified. She said there was significant opposition in the community and she questioned the need for the nodes.

Jody Bennett, 1459 Hunter View Farms, Vienna, representing the Hunter Mill Defense League, objected to the proposed nodes citing concerns about encroachment into residential neighborhoods; lack of information regarding future expansion; absence of a Virginia Department of Historic Resources Section 106 review; adverse impact on the aesthetic and historical nature of Hunter Mill Road; and inadequate mitigation of the visual impact. She questioned whether the applicant had considered locating the nodes on public lands and if so, what was the reason for rejecting those sites. Ms. Bennett also asked what would happen if DVP removed the trees surrounding the nodes. She suggested that the Commission require that an independent analysis on RF emissions associated with the proposed telecommunications sites be included in this application. (A copy of her remarks is in the date file.)

Chairman Murphy pointed out to Ms. Bennett that the Board of Supervisors had referred to the Planning Commission's Telecommunications Committee the issue of making the submission of an independent RF analysis a 2232 review application requirement, which would be discussed at the Committee's meeting on January 13, 2011.

Donna Kerfoot, 2802 Welbourne Court, Oakton, said she was opposed to all the nodes because they would be located too close to residential properties, significantly taller than the trees in the neighborhood, negatively affect the historic value of Hunter Mill Road, adversely impact the

aesthetic value of the area, reduce property values, and pose a safety risk. She also said there was no need for the nodes.

Chairman Murphy explained that there was a lack of tall buildings in residential areas on which to locate telecommunications facilities so when there was a demand for service in those areas such facilities must be installed in the vicinity to improve wireless coverage in the area. He said changes to the 2232 review process were being considered to address this issue.

Ali Deyhim, 9999 Courthouse Road, Vienna, indicated his objection to Node 7 citing concerns about visual blight and potential health impacts.

Tracy Welch, 9933 Lindel Lane, Vienna, noted that Node 9 would be located closest to her home. She spoke in opposition to Node 9 citing concerns about negative visual impact; nonconformance with the Lakevale Estates Homeowners Association's architectural standards; insufficient wireless coverage even after installation of the nodes; lack of a need for more service in the area; possibility that other carriers would propose new towers instead of using the DAS technology; and diminished aesthetic value of the community.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Donohue.

Mr. Donohue stated that the proposed network of nodes was a context-based solution that attempted to address the wireless coverage gap. He showed a photographic simulation depicting the appearance of Node 6 from the VDOT right-of-way, noting that each pole would be low profile and low power although they would be visible depending on the location. Addressing the concerns raised by the speakers regarding community outreach, he noted that the applicant had met with Supervisor Smyth's Office and Commissioner Lawrence on July 1, 2010 to discuss how to reach out to the community. Mr. Donohue explained that the applicant had mailed letters to all the neighbors and homeowners associations in the community, including those represented this evening, based on a list of names and addresses provided by Supervisor Smyth's Office; however, it appeared to him that some of the addresses or names were incorrect. He said the applicant would hold community meetings between now and the decision date. He reported that at least 25 percent of American households did not have a landline and used wireless devices as their exclusive method of voice communication. He explained that more telecommunications facility installations were needed to accommodate the increasing demand for better wireless coverage in residential areas.

Answering a question from Commissioner Hart, Mr. Donohue explained that the applicant had modified the plans for Node 5 to relocate it at the suggestion of DPZ staff and Supervisor Smyth's Office to address concerns about visibility at the original location, and for Node 9 to reduce the height of the replacement pole to the minimum needed for DVP's separation requirement. He said he did not know what would happen if one or more of the nodes were denied by the Commission. Mr. Donohue noted that the applicant would evaluate the comments provided this evening and address the concerns before the decision. He commented that he was unaware of any opposition to Node 7 until this evening.

In reply to a question from Commissioner Litzenberger, Mr. Donohue said he would inform him of the reason why the applicant could not co-locate at the recently approved tower at James Madison High School, which was located approximately five blocks from the area.

Addressing Mr. Janka's concern about the proposed location of Node 8, Commissioner Hart recommended that during the deferral period an inquiry be made to the County Attorney's Office as to whether Oak Valley Drive was subject to the Byrd Road Act and if so, what would be the implications of that for ownership of the ground. He said if it was determined that the pole was located on Mr. Janka's lot, this would imply that the application had been advertised incorrectly because it indicated that all of the nodes were in the VDOT right-of-way.

Commissioner Lawrence commented that he had interpreted the policies differently from the applicant and even a few of them differently from staff. He said the validity of Nodes 8 and 9 was questionable. He indicated that Objective 43 stated, "Design telecommunications facilities to mitigate their visual presence and prominence, particularly when located in residential areas, by concealing their intended purpose in a way that is consistent with the character of the surrounding area." Commissioner Lawrence cited Policies f, i, and j, which also referred to the mitigation of visual impact. He explained that the nodes did not have to be located only on utility poles and other viable sites that would have the least visual impact should be considered. He said perhaps there could be a hybrid of nodes on poles and other appropriate types of facilities. He pointed out that if he was unable to defer the decision on all the nodes, he would recommend denial. Commissioner Lawrence stressed the importance of the applicant and community achieving a consensus about the installation of telecommunications facilities in the area because wireless technology was in high demand. He noted, for example, that wireless technology was needed in the Tysons Corner area to enable Kaiser Permanente to install portable devices on first responder vehicles to obtain and transmit vital signs and imagery of patients to the Emergency Room attending physician.

Commissioner Lawrence said he might ask the applicant to agree to an extension of the review period before the deadline if additional time was needed to address issues. Mr. Donohue said he would inform the applicant of this, noting that a letter would be sent to staff requesting an extension if needed.

Commissioner Lawrence strongly recommended that meetings between the applicant and the community commence immediately. Addressing the concern raised by Ms. Bennett about the Section 106 review, he requested that during the deferral period the applicant contact the Virginia Department of Historic Resources for guidance and provide to DPZ documentation as to whether Section 106 review was required in accordance with a memorandum dated September 28, 2010 from Linda Cornish Blank, Historic Preservation Planner, in Attachment C of the staff report. Commissioner Lawrence also recommended that the applicant seek the opinion of the County Attorney regarding the proposed location of Node 8 in relation to Mr. Janka's property.

Responding to questions from Commissioner Harsel, Mr. Donohue explained that only one equipment box would be attached to each pole, which could be moved vertically to mitigate visibility and would accommodate multiple carriers.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE DECISION ONLY ON 2232-P10-10, NEWPATH NETWORKS, LLC, BE DEFERRED UNTIL A DATE CERTAIN OF JANUARY 13, 2011, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.

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The meeting was adjourned at 2:03 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: February 23, 2012

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Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission