

Planning Commission Meeting
November 18, 2010
Verbatim Excerpt

2232-S10-13 – T-MOBILE, IN CONJUNCTION WITH MILESTONE COMMUNICATIONS
(Washington Irving Middle School)

Decision Only During Commission Matters
(Public Hearing held on October 6, 2010)

Chairman Murphy: I have a decision only and I'll ask Vice Chairman Alcorn to chair the proceedings.

Vice Chairman Alcorn: Thank you very much. Commissioner Murphy.

Commissioner Murphy: Thank you. I have a decision only on an item we heard several weeks ago. It is application, 2232-S10-13, T-Mobile, in conjunction with Milestone Communications, for a cellular tower at Irving Middle School. I'm going to start off before I get into the actual motion and my rationale for making that motion, I do want to touch on four things that I would like to have in the record. First of all, I want to talk about the notification process for this particular application. We had a balloon test on the 12th of June, another one on the 17th of June. T-Mobile had a community meeting on July 20th, and our community meeting was held in Supervisor Herrity's Office on September 13th. As a matter of fact, to make sure the community had an opportunity to view the balloon test, on one Saturday it was pouring rain and we had another test after that. Ms. Harsel, being our neighbor in the Braddock District, came to both our balloon tests, but we postponed it because it was a rainy day and we wanted to make sure that everyone who had an opportunity to see the balloon had an opportunity to see it on a day that wasn't raining. The legal notice was sent to the property owner, which is the School Board, homeowners associations, and citizens in the district, according to the laws and regulations by the State. And I want to make sure that we have in the record that on all the legal notices it read, "The proposed facility will be a 115-foot tall monopole and equipment within a fenced-in and screened compound." We have received some letters, and it's very discouraging to get these letters, and it stated that "the Springfield District is trying to sneak in a 115-foot monopole." I don't know how you sneak in a 115-foot monopole. We had some problems with language in one application where a monopole was described as a "telecommunications facility," and after that it went out to the public and we learned about it. I had a meeting of a couple of our committees and we talked with the staff and from now on that's not going to happen. If the facility being advertised is a monopole, it will not be called a telecommunications facility. I mean, it will not be called a telecommunication facility, it will be called a monopole or a tree monopole or a flag monopole. So, I just want to make it clear that the legal notices did say in fact that this was a telecommunications monopole. Also, we sent plans to the abutting properties to Old Keene Mill Road Westwood Baptist Church, the Old Keene Mill Road Cary Professional Center, the Old Keene Mill Road Springfield Country Club, and the Old Keene Mill Road Medical Office Condo. All those three - - the first three support the application. The folks in - - some folks in the office condo building did not support the application and quite frankly, their building is closest to the monopole itself. That's the first thing is the notification. The second thing is an issue that has spiked in Fairfax County. We've dealt with it in the Providence District. We've dealt with it in the Hunter Mill District. And that's the issue of health. And we'll

say it again, and I will read into the record the Telecommunications Act, as amended in 1996, which states, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." And this means that according to the Federal Government of the United States of America, which we all serve in this process, we cannot deny an application on health issues. Having said that, we get letters that people are citing studies from Russia, London, China - - wonderful. Google it, 10 people will agree with you no matter what your opinion is. We cannot go by studies done in foreign countries, we have to go by the FCC. And recently, we have a TV show called "Planning Commission Roundtable," and I did two tape - - two tapings, two shows, two half-hour programs on the health issues and other issues, but basically it focused on the health issue of telecommunications facilities and monopolies. My guests were Jeffrey S. Steinberg, Deputy Chief of Spectrum & Competition Policy Division at the FCC, and Dominick Arcuri, MP-PMP-PE - - I guess that means Professional Engineer, from RCC Consultants, an independent firm. And quite frankly, I think most people will agree that have read stuff about this that's being put out in the United States of America, there is more danger to these cell phones putting up to their head than the monopole puts out with RF emissions. And these monopolies have been tested. They're tested by the School Board as part of their policy. Milestone will come out and test a pole that is already up to make sure that the RF emissions follow the FCC guidelines. So, the health issues have been blown way out of proportion - - way out of proportion. And again, no matter how out of proportion it is, we cannot deny the application based on health issues because the Federal Government is confident that the FCC is correct in its rules and regulations concerning the RF emissions. Just a couple other things that were brought up at the public hearing. One, I asked what the Fairfax County School Board regulations were concerning its students at intermediate schools and high schools having cell devices - - cell phone devices - - iPods, all this kind of texting stuff that they have. And they can bring them to school, but they can't use them on school property. But if there is an emergency and unfortunately as we look at the news as of the last 5 or 10 years, there had been emergencies at schools, God forbid it happens in Fairfax County. But I think there's a level of comfort when the parents know that their children have cell phones in case there is something wrong and the principal gives permission, they can use those cell phones to talk to their parents and anyone else. Also, we don't get in on these 2232 applications on funding or contractual agreements. So, the contract between Milestone and the School Board is a contract between Milestone and the School Board. It doesn't enter into our determination as to whether or not the 2232 should be approved or denied. But one issue that came up is the monetary issue, how much money will a school make if the monopole is placed on its property. And it's quite simple. The initial payment to the school upon the approval of the monopole is \$25,000, and the school principal can use that money to do whatever he feels necessary, and they will receive \$5,000 for each additional use on the pole, and then after that, \$1,800 annually plus a three percent increase as times goes on. So, that is the financial considerations. Now having said that as a rather lengthy introduction - - looking at the 2232 application, which in fact is an animal of the state, it's not a Fairfax County rule or regulation. They consider these monopolies as public facilities and any public facility in the State has to go through a 2232 review. And in that review, it is clearly mandated that we look at three criteria

in making our judgment, and that are character, location, and extent. Where it is, how it affects the community, what the height is, and so forth and so on. The staff report - - there is a thorough analysis in the staff report that this monopole is in the best place it could possibly be on this government-owned property. And quite frankly, the Plan calls for our monopoles being placed first on government-owned property and this property is owned by the School Board. No trees will come down. A lot of people said trees will come down. The way this has been designed is the monopole that is in the treed area will have a platform to house its ancillary equipment. It is designed for three carriers. It will be a - - it will be - - it will carry three carriers, and there will be three sets of equipment. All those will be buffered and screened on a platform near the monopole. The monopole is 115 feet high. The panels are built into the side of the monopole, it's not going to stick out, there's not going to be a crown on the top. It's not going to be a tree, it doesn't shed its leaves in a treed area. Okay? Now having said that, will you see it? Yes. You'll see it. Not very well from a lot of places, but you will see it. And I noticed coming down Keene Mill Road tonight, the fall is upon us and the leaves are coming down from the trees. And you know what I noticed on Keene Mill Road more than I noticed last several nights ago? I noticed all the tall distribution poles that bring you your telephone, your cable TV. They're more prominent now than they were because the leaves fall down. And this pole will be more prominent honestly, but it's placed in an area where the vision field - - and we tested it with the balloon - - is in the best possible area. So, on the basis of character, location, and extent and on the basis that there are several - - a lot of people who are in favor of this application. The President of the PTA; the School Principal; the School Assistant Principal; Wellborn Management, who manages the Cary Building which parenthetically houses the Fairfax County Health Department; Springfield Golf and Country Club across the street. As I mentioned before, the Medical Office Condo does not support this application. Plus, on a survey taken by the applicant, 70-plus people said, "The service is bad in this area and we support this application." Most of the letters we sent - - that we received, I should say, by e-mail, they'll be entered into the record. Any transmission we received either through the Postal Service or electronically are entered into our record. But most of the letters that objected to this were based on health or based on the vision - - what we see, how it affects the neighborhood. And it's not going to have that much effect to the neighborhood. We have public facilities all over the place - - tension line, high-power line from VEPCO and other standards on the distribution poles. Also, there are several people who came in and said, "Hey look, I've given up my landline. I can't use a cell phone to call 9-1-1 because the service in this area is so poor." The reason these monopoles are going all over the place, and they're going - - they're going to be more of them, I kid you not, is because of the run to the bank to buy these things, iPods, iPhones, iPads - -

Commissioner Harsel: Kindles.

Commissioner Murphy: And what's waiting - - what's using up all the power that comes out of these poles and why we have to put more, it's not just talking. That was - - that was a few years ago, everybody was talking on their cell phone, but it's the data, it's the kids texting. That's why we're putting up more poles. The solution is if you don't want to see the poles, don't buy this stuff, but that's not going to happen. As one fellow wrote, and I think he summed it up quite well. David Perdue, who lives on Springfield Village Drive, said, "Cell phones have become a

vital part of our daily lives, and we need better coverage in the West Springfield area." Mr. Chairman - -

Vice Chairman Alcorn: Mr. Murphy.

Commissioner Murphy: I concur with the staff recommendation that this successfully addresses the criteria of character, location, and extent. It is in fact in conformance with the Comprehensive Plan and with the applicable zoning ordinances. So, Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE 2232-S10-13.

Commissioners Hall and Lawrence: Second.

Vice Chairman Alcorn: Motion has been made and been seconded by Commissioners Hall and Lawrence. Any discussion on that motion?

Commissioner Harsel: Mr. Chairman?

Vice Chairman Alcorn: Ms. Harsel.

Commissioner Harsel: I will say this that when this originally was submitted, it was submitted at the far back side of this location right up against neighborhoods and houses and backyards in the Braddock District. And this applicant has moved it up farther. I know the office building has objected to it, but I appreciate the applicant and Mr. Murphy, I think, was instrumental in bringing it up closer to the school. It is definitely in the school parking lot. Yes, it will be noticeable. But speaking from the Braddock District, I appreciate their bringing it up and getting it farther away from the residential. Thank you.

Vice Chairman Alcorn: Thank you, Commissioner Harsel. Any additional discussion? All those in favor of the motion to - - that the Planning Commission find that the facility proposed under 2232-S10-13 does satisfy the criteria of location, character, and extent as specified in Section 15.2-2232 of the *Code of Virginia*, and is substantially in accord with the provisions of the Comprehensive Plan, say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

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(The motion carried unanimously with Commissioner Sargeant absent from the meeting.)

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