

Planning Commission Meeting  
May 9, 2013  
Verbatim Excerpt

2232-Y13-1 – MILESTONE COMMUNICATIONS, INC. AND VERIZON WIRELESS

Decision Only During Commission Matters  
(Public Hearing held on April 25, 2013)

Commissioner Litzenberger: Thank you, Mr. Chairman. We had a rather complicated 2232 for a proposed cell tower at the Stone Middle School. Actually, I'm hoping Mr. Stearns and Mr. Forkas will come down and see if they got answers to our questions from two weeks ago. A couple weeks ago, we asked Mr. Forkas if he could please walk us through how the School Board decides to put in the cell tower. If you could move up to the mic, please.

Leonard Forkas, Milestone Communications: Members of the Planning Commission, my name is Leonard Forkas. I'm the representative from Milestone Communications. The question was how does the school process follow in terms of new applications. Well typically – we have a –

Vice Chairman de la Fe: It's our new sound system. It's very sensitive.

Mr. Forkas: Okay, so I'll stand – I'll stand back. So when a wireless company such as AT&T or Verizon or T-Mobile has an interest in expanding coverage in their network, they deploy site acquisition managers to go through and look at candidate sites within a certain ring – a certain radius area. What we're finding is more and more of these rings are getting smaller and smaller as the demand for wireless usage continues to grow. So what will happen is we'll get a phone call from one of the site acquisition managers and they'll say that a particular school site in Fairfax, for example, has been identified as a candidate site – one of usually several sites that they're evaluating – and then they'll ask us to then meet with the school staff to determine whether or not there is a location on that school property that would be feasible from the standpoint of the operation of the school, the use of the facilities, and so forth. So we will then submit a letter to the School Board and we'll make the request to have a meeting with school staff – facility staff – to walk the site and determine whether or not there's a location physically where we can place the tower. Once that walk – we bring our engineers – and once that walk has been completed and we can locate a place that is not in the way of the operation or the future expansion of the school and that would not interfere with the use of the school facility, we then prepare a plan and submit that – the plan to the facilities staff, who then review it again. The school has a policy called the 8335 Policy, which then – once that has been received – then gets circulated. And they communicate with the Principal of the school, the Cluster Coordinator, the School Board member, as well as the Planning Commissioner and the Supervisor. And so notification goes out to all of those stakeholders to determine whether or not there is any objection to allowing for the application to be filed. There also is an email that goes – that is distributed throughout the school community to all of the parents to let them know that there is an application that's being – that is going to be submitted for a wireless facility on the school property. So at that point, once the Schools have given us the blessing, then we have the ability to then go forward and file the 2232 application. Now our customers – Verizon, T-Mobile,

AT&T, for example – in this instance with this school, it's Verizon – they have other choices in terms of where they can go. And so their RF engineers are looking for the most optimal location based on the goals of that particular network. And so, in this instance the Stone School was selected by Verizon as the location that was the best location to reach their coverage objective after we received the approval to be able to go and start the process of filing for the 2232 application.

Commissioner Litzenberger: You get the approval – is it from the school system?

Mr. Forkas: Yes, it's an approval that states that they've met their criteria of Policy 8335, that they've notified all of the appropriate stakeholders that are listed in the policy, and that there was no objection by any of the stakeholders for us to move forward to then advance it to the next process, which would be preparing and submitting a 2232 application, which is then in your domain and the staff's domain to review.

Commissioner Litzenberger: Okay, thank you. Now when they send out the letter to the parents, do they have an up and down vote or what?

Mr. Forkas: No, it's a notification. So what they do is they – they're not asking – they're not polling the parents as to whether they like it or don't like it. What they're doing is they're communicating to the parents that they have followed the 8335 Policy and that the facility will not interfere with the use of the facility - - of the facilities of the school, and that there has been no objection to file the application from the stakeholders that I identified. So it's a notification process. But also, if I can add one more step, what we do is - - once we have been given the authority to be able to file the 2232 application - - what we then do is we initiate a website that shows all of the information about the tower on the website. So, for example, it's called "stonewirelesspole.com." It has a - we usually - - we fly a balloon at the elevation of the tower, we take photographs, and we create photo simulations. So before that email goes out to the parents, we have already created a website with the photo simulations on the website. Also on the website is a map that shows before-and-after coverage in terms of that particular carrier. It also has information about health and safety, as well as the schedule for community meetings and community balloon flies. And then we post – we tell the community to look back at the website to make sure they know when the scheduled dates are for, like, tonight's meeting – you know, and others that – that's a place – that's a place where people can go to find information about the public process.

Commissioner Litzenberger: Well –

Mr. Forkas: That goes to the parents. The parents see the email and then they can click the link to see what this application is about when they get the email.

Commissioner Litzenberger: Well, I talked to the principal yesterday – or the principal's office, I should say. They have 811 students. How many parents responded in objection to the cell tower?

Mr. Forkas: None. None to my knowledge.

Commissioner Litzenberger: None to your knowledge. Okay, thank you. Mr. Stearns?

Vice Chairman de la Fe: Remind all members that we are on verbatim.

Commissioner Litzenberger: Mr. Stearns, we talked today. One of the homeowners requested additional plantings that better screen the ground buildings for this site. And did you agree to do that, your client?

Frank Stearns, Esquire, Donohue and Stearns, PLC: Yes, Commissioner Litzenberger, we'll work at site plan to work with the Urban Forester to put in a plan that's sufficient to screen at the base. It won't be at first because they have to have room to grow, but we will work with the Urban Forester to make sure we get the right species that, I understand that's what we're showing now, the tallest would grow about 40 feet.

Commissioner Litzenberger: Forty feet?

Mr. Stearns: Yes.

Commissioner Litzenberger: And you'll have it on all four sides, including the back side?

Mr. Stearns: Well we'll – we'll have to feather it in to some existing trees. We don't want to take down existing trees.

Commissioner Litzenberger: Right.

Mr. Stearns: But we will put in on at least two sides all new plantings, and on the other two sides we will feather it in to make sure that it's fully screened.

Commissioner Litzenberger: Okay. Thank you, Mr. Stearns. Okay, Mr. Chairman, I'm ready to move on this. The methodology followed was just reiterated by Mr. Forkas. School Board policy was to put cell towers at schools for the revenue. It's – they sent out letters to the parents and to the Principal for concurrence or to oppose it. According to Mr. Forkas they did not get any opposition. This school is on 25 acres and I contacted the Director of School Facilities for the School System. She stated the revenues, in addition to going to the school, are used by the School Board to fund security cameras, resources, smart phones, safety equipment, and personnel. A lot of citizens wanted to know this, but it had nothing to do with a land use decision. As far as community involvement, as mentioned at the last hearing on the 30<sup>th</sup> (sic) of April, a School Board representative sent out 600 post cards, they had 400 hits on their website, they had a balloon fly on March 9<sup>th</sup> for the homeowners to look at. We then sent it – I believe they went to both land use committees in the Sully District. The West Fairfax County Land Use Committee supported this. They represent 50 homeowners and civic associations. The Sully District Council did not oppose the cell tower here. They represented 26 homeowners associations. Right next

door to the west is St. Andrews Lutheran Church, they did not approach and they're right next door. The Department of Zoning – the Department of Planning and Zoning analyzed this and what the parents and the citizens need to know is that they analyze the character, extent, and location based on *Code 2232* from the State. Now, this *Code* was passed by the Virginia Legislature and signed by the Governor. So those are legal requirements and they analyze those to see if the cell tower meets that. And they did, according to the staff. I did get - - I was contacted by a number of people in the community this week. Two speakers came on the 30<sup>th</sup> (*sic*) and spoke in opposition. As of 4:00 p.m. today, I received an additional 20 or so emails with attachments expressing objections. One of these petitions (*sic*) had a - - one of these emails had a petition signed by over 100 citizens. I would like to thank citizens Matt Burger and Kimberly Currin and Anthony Manson (*written comments only*) for the comments and suggestions at the public hearing. Ms. Currin found a significant error in the engineering drawings submitted by the School Board rep. And those errors have since been corrected. It involved the wrong scale being used on the engineering drawings, which distorted the setbacks. Mr. John Weinheimer contacted me this morning about his opposition - - representing the Sully II Homeowners Association. He said if it was going to be approved he wanted more plantings. So, I contacted Mr. Stearns and he agreed, representing his client, to have plantings on all four sides, including those two sides where they already exist. It is this type of helpful suggestion that goes a long ways towards a compromise at this late stage. Lastly, a number of other concerns we hear all the time were mentioned: EMR (*electromagnetic radiation*) concerns with health: in 1996, the federal government ruled that that is not a concern. We cannot base any cell phone decisions based on health concerns because the federal government said there aren't any; property values: we contacted the National Realtors Association. They see - they stated that they have meters that actually measure bandwidth and access to cell towers and this actually increases the property value; it does not decrease it like some of the citizens thought. Lastly, I'm going to recommend approval of this cell tower because legally, it meets the criteria. However, I want the citizens to listen carefully: rather than try and stop an application at this late point where it is purely a land use and legal decision, you need to get involved with the School Board and school PTAs. This is where you want to oppose a cell tower. Persuade the schools not to submit an application to begin with. This is where the citizens have the best chance of stopping a cell tower. As Mr. Burger pointed out with this April 30<sup>th</sup> (*sic*) handouts, right now the School Board has a list, and on it for cell towers in Centreville are Deer Park, Cub Run, and London Towne. If you think this coverage is good enough already, like some citizens state, you need to persuade the schools not to submit the application to begin with. Three entities are making money off of this: Verizon, Milestone, and the School Board. Only those entities can stop a cell tower before the process begins. Thank you again for taking the time to get involved in the community and sending me all your thoughts and ideas. With that, Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY MILESTONE COMMUNICATION, INCORPORATED, AND VERIZON WIRELESS, TO CONSTRUCT A 115-FOOT POLE/MONOPINE FACILITY LOCATED 5500 SULLY PARK DRIVE, CENTREVILLE, VIRGINIA, 20120, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN *VIRGINIA CODE SECTION 5.2-2232, AS AMENDED*.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Mr. Flanagan.

Commissioner Litzenberger: Well, I haven't finished yet.

Commissioner Flanagan: You haven't?

Commissioner Litzenberger: No. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-Y13-1, SUBSTANTIALLY IN ACCORDANCE WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Mr. Flanagan. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

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(The motion carried unanimously with Commissioners Hurley and Murphy absent from the meeting.)

JLC