

## Spotsylvania County Planning Commission

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Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** September 20, 2017

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Gregg Newhouse	Chancellor
Richard Thompson	Courtland
Michael Medina	Salem
Howard Smith	Livingston
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield

**Members Absent:** C. Douglas Barnes Berkeley

**Staff Present:**

Wanda Parrish, AICP, Director of Planning  
B. Leon Hughes, AICP, Assistant Director of Planning  
Paulette Mann, Planning Commission Secretary  
Kimberly Pomatto, CZA, Planner III  
Alexandra Spaulding, Senior Assistant County Attorney  
Patrick White, Planner III  
Shelia Weimer, Senior Assistant County Attorney

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### Special Use Permit(s):

**SUP16-0013 Milestone Communications T-Mobile Telecommunication Tower:** Requests special use approval for a 150 foot tall monopole communication tower with a 6 foot lightning rod at 11100 Gordon Road on property owned by the Virginia Electric and Power Company and south of it Chancellor Substation. The property is located approximately 1700 feet west and behind the Salem Fields Community Church located at the southwest corner of the intersection of Gordon Road and Salem Fields Boulevard. The proposed tower will be within a 2,590 sq. ft. equipment area which is proposed on the same 13.62 acre parcel. The property is zoned Rural (RU) and has a Future Land Use designation of Institutional per the Comprehensive Plan. Tax map parcel 21-A-93A. Chancellor voting district.

Mr. White presented the case. The subject application is for a special use permit for a 150' tall telecommunications tower with a 6' lighting rod on property currently improved with the Chancellor Substation. The tower is designed with break point technology so that in the event of a failure no portion of the tower will disconnect from the tower, resulting in a bending or buckling over of the tower near its midsection. The top half of the tower will then stay attached but hang from the remainder of the pole. In the event of a failure, although the tower should not touch the physical ground, during the process of the tower buckling over it is possible that the tower may intrude offsite into the airspace of the neighboring property owner. Accordingly staff requested written confirmation from that property owner acknowledging their approval of this.

That letter was received and documents the approval and support of the Salem Fields Community Church.

The tower is setback 14' from the nearest property line located to the south. As discussed above it is possible that in the event of a catastrophic failure the tower could intrude into the airspace of the abutting property. The tower has been designed to swing through, but not fall on, any abutting property. Staff notes this requires a modification to code 23-7A.4.1.2, and believes the modification is acceptable due to the support of the neighboring property owner and the design of the proposed tower.

The tower is setback approximately 660' from the nearest residential structure, which is located south of the proposed tower. However, staff notes that a recently approved Special Use for an Assisted Living Facility was completed March 2017 but is not yet under construction. When the facility is constructed it will be approximately 500 feet NE from the proposed tower.

The proposed tower will be located within a 74' x 35' equipment area that will be secured by an 8' high fence, which is topped with an additional foot of barbed wire. The equipment area is accessed through an existing private road.

The area where the compound and tower are proposed is currently vegetated and 18 trees will be removed to accommodate the proposed installation. Apart from these being proposed for removal all other trees onsite will be preserved. The applicant has proposed to plant 21 replacement trees around the equipment area, and additionally supplement existing plantings on the NW of the existing substation with an additional 33 trees. Due to the location of the proposed installation, a modification is necessary to code 23-7A.4.1.6.a, which requires a 15 foot perimeter landscaping buffer. Staff has no objection to this request due to the existing landscaping, site conditions, and the supplemental plantings being proposed.

The proposed tower is a freestanding monopole structure designed to accommodate five service providers, the first of which being T-Mobile. The applicant notes that the proposed site satisfies T-Mobile's coverage goals to improve service within the vicinity of the proposed location and expects that the facility will serve future demand from other carriers. As noted within the alternative analysis, alternatives were considered but deemed not feasible due security or coverage objective concerns. Sites within this analysis included co-locating onto the existing tower within the substation, co-locating on the tower at 7502 Old Plank Rd., and installing a new tower at the Salem Station Elementary School.

Based on the input of the neighboring Ni River Village Home Owners Association, a tree pole, or Monopine design was evaluated, but determined to be unsafe by county consultant Atlantic Technology Consultants, Inc., and Dominion Power engineering staff. The relocation of the tower on the subject property was discussed but ultimately not proposed by the applicant due to engineering costs, significant expenditures being necessary to restart the federal permitting procedures, and that building on the most reasonable alternative location onsite would entail significant clearing of existing forested lands northwest of the substation.

Staff presented the proposal to the County's Cable Commission and they approved with a 4-0 vote.

Mr. White discussed the following findings:

1. The proposal enhances T-Mobile wireless telecommunications coverage and provides room for four additional co-locating providers pursuant to the County's requirements to accommodate as many co-locators as possible.
2. The tower will accompany an existing 199' high communication tower and multiple high tension electrical transmission lines presently in use at the Chancellor Substation.
3. Ni River Village HOA requested stealthed monopine tower. Could not accommodate at present location for safety reasons.
4. The tower will not be required to be lit per FCC regulations.
5. The Virginia Department of Historic Resources opined that the tower will have no adverse direct or visual effect on historic properties in the Area of Potential Effects.
6. The request satisfies the Special Use Standards of Review as detailed within this report.
7. The proposal is consistent with the Comprehensive Plan as detailed within this report.
8. Requires modification regarding ANSI fall zone to allow zone to overlay church property to south and landscaping requirements (Church support letter was received)

Staff concludes that the applicant's Special Use request for a wireless telecommunications tower at this location is appropriate. Staff recommends approval with conditions as noted below:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Special Use Permit, TAX MAP 21-A-93A, DVP CHANCELLOR SUBSTATION, 11100 GORDON ROAD, FREDERICKSBURG, VA 22407" dated November 21, 2016 and last revised August 15, 2017.
2. New evergreen trees planted south of the existing substation shall be installed at a minimum height of 4 feet.
3. Except for the first location of equipment on the tower by T-Mobile, the County shall have first right of refusal for the installation of components for the County's communication system, at no cost to the County. The owner shall make space available/license on the proposed new communication tower for a Spotsylvania County emergency services equipment and waive the typical annual rent provided the equipment installation is feasible from an engineering perspective and county equipment does not exceed 20% of the tower's capacity as determined by a certified structural analysis report. If structural enhancements can be made to the tower to accommodate additional equipment the owner shall work with the County in good faith to accommodate the expansion at the County's expense. Any costs to install equipment and provide access will need to be borne by future co-locators, including the County. If County equipment is installed, the County will provide a minimum of 24 hours notice prior to accessing the site for planned and/or scheduled maintenance or equipment changes, and will provide notice as soon as reasonably possible for emergency maintenance.
4. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except for Sec. 23-7A.4.1.10 as modified as a condition of this permit, 23-7A.4.1.6, and 23-7A.4.1.2.

5. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the applicant shall investigate the complaint within thirty (30) days of notice and work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation to correct the problem, if it is found to be the fault of the one of the tower vendors.

Mr. White advised the Commission that he received an email correspondence today from a citizen that resides in the Ni River Landing subdivision and had concerns about the proposal but was unable to attend the meeting this evening and requested tabling of the meeting

Mr. Newhouse inquired about the offset of the tower from the transmission lines.

Mr. White stated that the transmission lines are 40 feet away and 78 feet away.

Applicant, Charlie Payne, representing the applicant: Mr. Payne discussed the details of the proposed tower by providing a PowerPoint presentation. He discussed that there was comments at one time about sliding the tower to the left but that doesn't get you away from the transmission line and the proposed site is the most desirable. Mr. Timothy Dwyer stated that the tower is needed because the nearest tower is heavily congested and is too far away to provide adequate coverage. He advised that both Smith Station and Freedom school sites were reviewed but they are too far away for the best coverage.

Mr. Medina inquired how the lines go to the network.

Mr. Dwyer stated that most monopoles are connected to land lines. The future is LTE over the internet, but technology is not quite there yet.

*Mr. Newhouse opened the public hearing.*

*Speaking in favor or opposition:*

Gene Rice, President of Ni River Landing, 7407 Ni River Landing: He stated that he received a letter about the inability to camouflage the tower into a pine tree. He stated that if you review the plan the tower is very close to the power lines and has the ability to take them out if the tower were to fail. That would be a huge impact on the residents. He stated that he also doesn't understand why the tower cannot be moved to one pole to minimize the community impact.

Rebecca Tolson, 7306 Ni River Landing: She stated that she is likely the closest neighbor to the proposal and that she has concerns about the proximity to the power lines. She stated that she has a neighbor that couldn't attend tonight that has been trying to sell her home for two years now and the sale has been affected by the transmission lines and now this. She has concerns that it will lower her property value.

Peter Getts, 6112 Thayer Street: He stated that he is present representing Salem Field

Community church. He stated that we need towers and they recognize the need for coverage in this area. The tower has been engineered to fold over on itself and that the church is the most impacted property owner and they are in full support.

Jason Hiney, 7209 Ni River Landing: He stated that he is on the Ni river Landing HOA and their position is that they would like the tower camouflaged in some way and would like to see the tower moved to the NW corner of the property, even if it is more expensive.

Charlie Payne: He stated that he appreciates the comments and concerns. He stated that they were fine with the monopine concept but it was determined to not be an option for this site. He stated that they did propose to use the existing site but the utility footprint didn't work and to relocate as suggested to the NW corner creates many challenges with the topo, therefore making the only option this site. Dominion is okay with the proposed location because the design allows for the tower to buckle to the south.

Mr. Newhouse inquired if there are any materials that could be used to camouflage the tower.

Mr. Payne stated that they could paint it, but any attachments are not desired at this location.

Mr. Thompson asked about the pine tree option.

Mr. Payne stated that Dominion agreed with staff that the monopine would be a problem.

*Mr. Newhouse closed the public hearing.*

Mr. Newhouse stated that while he shares safety concerns but the infrastructure for cell tower use and for life/safety, education technology for our schools is necessary. He stated that he hasn't been able to find any data that cell towers hurt property values.

**Motion and vote:** Mr. Newhouse made a motion, seconded by Ms. Carter to approve the special use permit with proposed conditions. The motion passed 5-1, with Mr. Thompson voting no.

The meeting adjourned at 8:15 p.m. on a motion by Mr. Smith, seconded by Mr. Thompson. The vote was 6-0.

\_\_\_\_\_*Paulette Mann*\_\_\_\_\_  
Paulette Mann

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Date