

MEMORANDUM

DATE: September 15, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division
Carlton Gilbert, Zoning Supervisor *RK*

FROM: Judy Daniel, AICP, Community-Based Planning Division
(301-495-4555)

SUBJECT: **Special Exception SE-2677:** Request for approval for four AM radio towers, each 411 feet high, with associated equipment and maintenance facilities.

Zone: Rural Density Transfer
Location: Bethesda Church Road, near Kings Valley Road, Damascus
Applicant: Barak Broadcasting

MASTER PLAN: Damascus Master Plan, May 25, 2006

FILING DATE: May 19, 2006
PLANNING BOARD HEARING: September 28, 2006
PUBLIC HEARING: October 6, 2006

STAFF RECOMMENDATION: Denial of the special exception for the following reasons:

1. The petition is inconsistent with the recommendations of the Damascus Master Plan regarding Rural Vista Protection, Bennett Creek headwaters protection, and Legacy Open Space Plan implementation.
2. The petition does not meet Forest Conservation requirements, and impacts existing recorded Forest Conservation easements.
3. The proposed use does not adhere to the Environmental Guidelines for Development, and includes a significant stream valley buffer encroachment.
4. The petition is not in conformance with Chapter 50, Subdivision Regulations.
5. The petition has significant unaddressed non-inherent adverse impacts.
6. The petition does not comply with certain outlined general requirements for special exception use in Chapter 59, Zoning Regulations.



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FINDINGS

PROJECT SUMMARY

The petitioner proposes to construct and operate four (4) AM Radio Transmission Towers, on a heavily wooded property located 800 to 1,600 feet north of Bethesda Church Road, approximately one mile west of Ridge Road in Damascus.

NEIGHBORHOOD DESCRIPTION

The surrounding area is rural and residential in character. There are few homes in the immediate vicinity north of Bethesda Church Road, but several neighborhoods are nearby on the south side of Bethesda Church Road and along nearby Johnson Drive. The Town Center of Damascus is located less than a mile to the east from this site.

SITE DESCRIPTION

The subject site is located off Bethesda Church Road, west of Damascus. Specifically, the towers and their related ground equipment are shown on two unrecorded outlots on an expired preliminary plan. The property is vacant except for an abandoned storage structure. It is located on uplands at the headwaters of Bennett Creek. The majority of the property, including the location of the towers and their associated "in-ground arrays", is heavily wooded. Portions of the site closer to Bethesda Church Road are open fields.

PROPOSED STRUCTURES AND SITE ACTIVITIES

The petition is to permit the construction of four radio towers, each 411 feet tall, for the operation of an AM radio station (call letters of WDMV) currently operating at 570 AM. The applicant has received permission from the Federal Communications Commission to relocate its towers to this location (attached).

According to the application, the four towers are required because AM stations operate with single directional antennas, and four are needed for full coverage. The station is currently in operation with two smaller tower sets in Frederick and Worcester County, MD. The intent of the application is to consolidate tower operation at this location to better serve the Washington Metropolitan area. The applicant states that their research found that this site was the optimum location for their broadcast purposes.

The tower location will be unmanned, and an inspector will visit only weekly for routine maintenance. Therefore no traffic study is required. There will be lights at the top and middle of towers, as required by the Federal Aviation Administration and the Federal Communications Commission. The petition states that a one-story structure will house the electrical equipment and that the required towers and the "ground array" (the electronic equipment that is essential to the function of the radio towers) will avoid all natural features. The structures at the base of the towers will be screened by distance from other uses and vegetation.

TOWER COMMITTEE RECOMMENDATION

The Montgomery County Transmission Facility Coordinating Group recommended approval, with conditions, of the proposal on the basis of technical sufficiency, and with concerns, in July. Their recommendation is attached. They conclude that the towers, while technically sufficient to perform their intended task, will have a significant visual impact to the surrounding area and will be visible for miles around the site.

The Transmission Facility Coordinating Group (TFCG) requested documentation as to the need for tower heights greater than 275 feet. The applicant stated that the 411-foot height of the four towers is the minimum necessary to meet FCC requirements for a required level of antenna efficiency. The TFCG agreed with that documentation, and also concluded that the towers meet the setback requirements of the zoning ordinance.

Their report indicates that in addition to their height, the four towers will have white and red lights at the top and middle (100 foot and 300 foot level for each tower) for night visibility for aircraft – required by the FAA and FCC. The TFCG further noted that the towers can be anticipated to cause interference complaints from local area residents relating to audio equipment and telephones due to the strong RF field. Because this is a frequent problem, the FCC requires broadcasters to address complaints within a set contour around the site.

The applicant reported to the TFCG that the location for these antennas was selected based on the availability of ground space to accommodate the tower array, to meet protection requirements established by the FCC for other existing domestic and foreign AM radio stations, and to enable the station to meet required coverage requirements. The applicant submitted coverage maps to illustrate that the coverage they seek cannot be attained with their existing antennas. They did not submit maps indicating why this is the only site in the region capable of meeting the technical requirements.

The TFCG heard from Damascus area residents opposed to the towers, but they concluded that the questions raised primarily related to land use issues, better addressed in the special exception process.

ANALYSIS

MASTER PLAN

The recently adopted Damascus Master Plan (May 25, 2006) contains specific language regarding the protection of rural vistas when special exceptions are reviewed. The Master Plan states in the Land Use Chapter:

Special Exception Guideline for Rural Vista Protection

To ensure careful consideration of the long rural vistas that are a unique aspect of this community, this Plan strongly encourages the protection of the rural vistas that are intrinsic to the character of the Damascus vicinity. This is a town set on a hill, and the long vistas outside the Town Center provide the most distinctive visual element for the community. Land uses that impede those vistas should be

discouraged. Because of the uniqueness of the rural areas surrounding Damascus that are at the highest elevations in the County, this Plan recommends language in the Implementation Chapter to guide review of special exception uses proposed in the Transition and Rural Areas.

In the Implementation Chapter the following is stated:

Guideline for Rural Vista Protection – The visual character of the Rural Areas surrounding Damascus are unique as they are the highest elevations in the County. When special exceptions are proposed in Transition and Rural Areas within the Damascus Master Plan area, their review should take into special consideration the preservation of these long vistas that are a part of the unique character of this community. Any proposed land use that would impede those vistas should be discouraged unless it serves an important public purpose.

Based on this language, the proposed towers do not meet the requirement for a special exception to be in conformance with the Master Plan. The fact that the Federal Communications Commission (FCC) approved moving the towers to this specific location does not mean that public purpose is better served here than at their current locations in Frederick and Carroll counties or other locations in the region. The applicant has not submitted information explaining why this location is the best and only location where the towers can be relocated. The staff is not convinced that there are no other locations, further from the Damascus Town Center (and not forested), that would serve this use.

TRANSPORTATION

Because of the infrequent need to access the site, transportation is not a relevant issue in the review of this proposal.

ENVIRONMENTAL

This special exception request for four AM radio towers with associated equipment and maintenance facilities is located on a heavily wooded parcel in the headwaters of the Bennett Creek watershed. The site includes a ridge, where the towers are proposed to be located, and two stream valleys dropping off on both sides of the ridgeline. A natural resources inventory/forest stand delineation was approved for this site on March 7.

Forest Disturbance and Stream Valley Impact - The plans will require significant forest disturbance to install four towers, a maintenance building, anchor points for the tower stays, and an array of radial ground wires, called a ground array, that would extend to an approximately 440' radius around each of the towers. In a typical installation, all trees and shrubs are cleared to install such ground arrays so that vegetation does not interfere with signal transmission. The ground wires are typically installed in trenches extending out from the towers, to protect wires from damage, and to avoid unintended contact with the wires. The special exception plan shows approximately 39 acres of forest within the perimeter of radial ground wires (out of 85 forested acres on the site).

Further, the submitted plans show the ground array encroaching into the stream valley buffers and on steep slopes on erodible soils. Also, there is a significant wetland area off-site to the east of the property, and the extent of clearing that would be required could negatively affect the hydrology and condition of this wetland area.

The ground array is also shown extending onto an existing forest conservation easement that was recorded as a requirement for plan approval of the approved preliminary plan of subdivision (now expired) that incorporates the tower site.

The staff concludes that the extent of forest disturbance and stream valley encroachment indicated on the plans would have a significant negative impact on adjacent streams and wetlands and is inconsistent with Master Plan recommendations. *The staff requested that a detailed plan be submitted that shows the proposed clearing and grading for the ground array. As of the date this report was submitted the plan had not been submitted.*

Forest Conservation – Although a requirement for submission, this application was accepted by the Board of Appeals without the Forest Conservation Plan. The staff has continued to reiterate to the applicant the need for this Plan. As of the date of this report the applicant has still not submitted the Forest Conservation Plan for the special exception application or any supporting information that would demonstrate how the impacts of grading and clearing could be reduced and mitigated.

Environmental Guidelines - The proposed use is not consistent with stream valley protection guidelines and includes approximately 12 acres of encroachment into stream buffers (out of 24 total acres of stream buffer on the site) including impacts to steep slopes on highly erodible soils.

Regional Water Quality - The site is located in the headwaters of Bennett Creek, a Use I watershed. The Countywide Stream Protection Strategy identifies the stream as having GOOD biological and habitat conditions. If approval were recommended, best management practices and the protection and increase of forested buffer area are recommended to protect existing water quality.

Stormwater Management – The site includes a prominent ridge, where the towers are proposed to be located, and two stream valleys dropping off on both sides of the ridgeline. Stormwater management is not expected to be an issue with this use, as there is very little new impervious surface. Erosion and sediment control, however, would be a major concern. As of the date of this report, no erosion and sediment control plan has been submitted for this proposal.

LEGACY OPEN SPACE PROGRAM

This site is included in the Damascus Master Plan Legacy Open Space recommendations for protection of the significant forest area through conservation easements in the development process. The Master Plan recommendations for Bennett Creek place special emphasis on protecting the large, high quality contiguous forest areas in the headwaters.

The proposal encroaches into an area designated as a Legacy Open Space Class 1 Natural Resources Category. Class I properties are sites included in the Master Plan with reservation as an option. The proposal for significant forest clearing to install four towers, a maintenance building, anchor points for the tower stays, and an array of radial ground array would be counter to Legacy Open Space objectives. The Bennett Creek headwaters area was designated as a Class 1 site for the following reasons:

- Large areas of contiguous forest with several mature stands of high quality upland and riparian forest
- Principal headwaters tributaries of Bennett Creek with numerous wetlands and springs
- Contribution to protection of water quality of Bennett Creek.

The extent of forest disturbance and stream valley encroachment that is indicated for this proposal would have a significant negative impact on adjacent streams and wetlands and is inconsistent with the Legacy Open Space Master Plan recommendations.

HISTORIC PRESERVATION

No historic properties would be impacted by the proposed use.

ZONING REQUIREMENTS

The proposed use is allowed by special exception in the RDT Zone and as proposed, it will meet all development standards for the zone.

SUBDIVISION APPROVAL

The proposal is not in compliance with Chapter 50, as required. First, the applicants previously stated that they did not believe that the use would require subdivision approval. This was based on a reading of Section 50-9 of the Subdivision Regulations for Exceptions to Platting Requirements, which exempts telecommunications towers from platting.

Sec. 50-9. Exceptions to platting requirements.

* * *

- (g) Telecommunications towers/antennas, including associated accessory structures, unless or until other development of the land which requires a subdivision plan.

The staff concludes that radio towers cannot be exempted from the subdivision requirements because subdivision approval is required for radio or television towers. Only telecommunications towers are exempt from subdivision requirements. In the RDT Zone, the use "radio or television broadcasting stations and towers" is a separate line item use from the "telecommunication facility" use, and each is separately defined and regulated. The special exception regulations for radio and television towers are governed by Section 59-G-2.44, while telecommunication facilities are governed by Section 59-G-2.58.

Further, the site proposed for the use is located on two unrecorded outlots that are within the expired preliminary plan for the "Winter Hunt" subdivision - Outlot A (21.17 acres) and Outlot B (55.21 acres).

INHERENT AND NON-INHERENT ADVERSE EFFECTS

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

A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone.

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception.

Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent adverse aspects of the four radio towers that are of concern are their height and concentration, and the visual impact they will have on the surrounding community. The inherent adverse impact of these towers is not significantly greater than it would be if the towers were located in almost any other location. Towers of this height and concentration would be of great concern wherever they might be located – in rural, suburban, and urban settings. Because of the elevation of this area, the highest in the county, the line of vision for these towers will be 10 or more miles, a perhaps unavoidable consequence of their height. Yet these towers must be of this height (or at this elevation) in order to fulfill the technical requirements of their FCC approval.

The primary non-inherent adverse impact of this use relates to the environmental impact of placing the towers and ground array within an area of prime woodlands, as described previously. The chosen location creates a severe non-inherent adverse impact. The applicant presented no evidence as to why they could not find a site without forest cover, which could have avoided this particular non-inherent adverse impact.

CITIZEN CONCERNS

The proposal has generated substantial community concern due to the height – and thus the visual impact - of the towers. The letters received from members of the community are attached to this report. In summary, the area residents are deeply opposed to the proposal and the applicant's seeming reluctance to consider other sites in the region.

SPECIAL EXCEPTION STANDARDS

The proposed use complies with the specific special exception requirements of 59-G-2.43, but does not meet certain of the general special exception requirements of 59-G-1.21, or certain of the development standards of 59-G-1.23 for the use as outlined below:

Sec. 59-G-2.43. Specific Special Exception Requirements - Radio and Television broadcasting stations and towers

(a) Any radio and television broadcasting station or tower must satisfy the following standards:

(1) A support structure must be setback from the property line as follows:

(a) In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.

The support structure will meet setback requirements for the RDT Zone, and will be over 410 feet from any property line.

(b) In commercial and industrial zones...

Not applicable.

(c) The setback from a property line is measured from the base of the support structure to the property line.

The setback was measured as stated.

(d) The Board of Appeals may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and evidence indicates that a support structure can be located on the property in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby properties, if any, and visibility from the street.

The applicant has not requested a reduction of the setback requirement.

(2) A support structure must be set back from any off-site dwelling as follows:

(a) In agricultural and residential zones, a distance of 275 feet.

The support structure will be over 410 feet from any off-site dwellings.

- (b) In all other zones, one foot for every foot in height.

Not applicable.

- (c) The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.

The setback was measured as stated.

- (d) The Board of Appeals may reduce the setback requirement in the agricultural or residential zones to a distance of one foot from an off-site residential building for every foot on height of the support structure if the applicant requests a reduction and evidence indicates that a support structure can be located on the property in a less visually obtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby properties, if any, and visibility from the street.

No reduction of setback is recommended.

- (3) The structure supporting the antenna used for radio and television broadcasting must not exceed 275 feet in height unless it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to the Department of Permitting Services that the height and location of the support structure is in conformance with the height and location of the support structure as authorized in the building permit.

The applicant determined that the 411-foot height of the towers is required to meet FCC minimum coverage requirements. The TCFG report notes that the FCC license requires transmissions at a certain operating efficiency, both day and night, without interfering with signals from other stations. The applicant reported that the location selected was based on "the ground space to accommodate the AM tower array, to meet the protection requirements established by the FCC for other existing radio stations, and to enable the station to meet required coverage requirements."

The TFCG further asked the applicant to provide documentation to support their need for tower height in excess of 275 feet. The applicant submitted a letter from their engineer stating that the height is the minimum necessary to meet the FCC requirements. The TCFG independent analysis of this documentation agreed that the operation requires the proposed tower height.

The TFCG report further noted two concerns with this application (related to the height issue), which they addressed to the County Attorney. The County Attorney's reply noted:

- 1. There are sections of the Maryland Code which the citizens protesting the application (Damascus Residents for Responsible Tower Sightings, Inc. – DRRTS) claims preclude the TFCG from considering engineering documentation submitted by an engineer who is not a professional engineer licensed by the State of Maryland. According to the County Attorney, it is unclear whether the sections of the Maryland Code cited are applicable to the TFCG, which is a body that does not have any formal approval authority and does not conduct quasi-judicial hearings.**

The TFCG then notes that the engineer of the applicant is licensed by the State of Maryland, and the TFCG independent review confirmed that the additional height above 275 feet was necessary to meet the FCC requirements for the station.

- 2. The TFCG also requested that the County Attorney address the DRRTS claim that the TFCG could require the applicant to redesign its towers to reduce their height. The County Attorney noted that the TFCG can make a recommendation concerning an application, but does not have the authority to require a particular antenna design, since the FCC has approved the design.**

- (4) The support structure must be sited to minimize its visual impact. The Board may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties. The support structure and any related equipment buildings or cabinets must be surrounded by landscaping or other screening options that provide a screen of at least 6 feet in height.**

Vegetation would conceal the base of the towers, but their height makes other mitigation options difficult. No other mitigation measures are proposed.

- (5) The property owner must be an applicant for the special exception for each support structure. Any radio or television antenna that to co-located on an existing tower with another radio or television antenna is not required to obtain a special exception.**

A modification of a radio and television station or tower special exception is not required for a change to any use within the special exception area not directly related to the special exception grant. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with a station or tower.

The property owner is the applicant for this special exception. According to the Transmission Facility Coordinating Group, co-location is not anticipated due to the type of use proposed.

- (6) No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

The FCC and FAA require lighting on the towers at the 100 foot and 300 foot levels.

- (7) Every freestanding radio and television broadcasting tower must be removed at the cost of the owner when no longer in use for more than 12 months.

The applicant has confirmed an agreement to remove the towers in accord with this requirement, should the towers no longer be needed.

- (8) All support structures must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.

The applicant has stated their intent to comply with this requirement.

- (9) Outdoor storage of equipment or other items is prohibited.

A storage shed, which will enclose all needed equipment, is proposed.

- (10) The facility owner must maintain the facility in a safe condition.

The applicant has agreed to this condition.

- (11) The applicants for the special exception must file with the Board of Appeals a recommendation from the Transmission Facility Coordinating Group. The recommendation must be no more than one year old.

The applicant was filed with the Transmission Facility Coordinating Group.

- (12) Prior to the Board granting any special exception for a radio or television broadcasting tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group.

The TFCG reviewed this application and recommended approval (with conditions) in July 2006 on technical grounds, but noted the land use concerns expressed by area residents. (See Attached TFCG Report) The conditions for approval include:

- 1. That the applicant be granted a Special Exception by the Board of Appeals.***
- 2. That the equipment shelter be in compliance with the zoning ordinance requirements of 59-G-2.44.***
- 3. The applicant should submit evidence that they have explored other options to address community concerns of lowering the tower height and the number of towers.***
- 4. The applicant should submit evidence of the minimum height necessary for this antenna array.***
- 5. Any changes to the antenna array must be reviewed and approved by the FCC.***

59-G-1.21. General Special Exception Requirements

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

The proposed use is permitted by special exception in the RDT Zone.

- (2) Complies with the standards and requirements set forth for the use in Div. 59-G-2. That a proposed use complies with specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and is not sufficient to require a special exception to be granted.

The application meets the specific standards and requirements for this use in Division 59-G-2.43.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted. Any decision to grant or deny a

special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The proposed use is not consistent with recommendations in the pertinent master plan regarding uses that impede vistas in rural areas of Damascus or with the Legacy Open Space recommendations.

While there is a public purpose inherent in the FCC approval for the radio towers, the applicant has not submitted information indicating why this location is the best location for such an intrusive use, or why they must be located on a forested site. Other locations in this area, without forest cover, would seem to offer similar topography advantages, but fewer environmental impacts.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The proposed use will not be in harmony with the general character of the neighborhood (a rural area) regarding scale and bulk of the proposed new structures, although this is perhaps an inherent element of the proposed use. The elements of population density, design, intensity and character of activity, traffic and parking are not pertinent.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use is likely to be detrimental to the peaceful enjoyment of surrounding properties, and may be detrimental to the economic value of any nearby properties in the surrounding rural neighborhood, although this is perhaps an inherent element of the proposed use.

The applicant has not demonstrated that this site is no more or less impacted than other sites in the zone might be.

The applicant has not demonstrated that any significant effort was made to consider other sites that would have less visual or environmental impact.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site; beyond the illumination required for safety by the FCC and FAA, and the electromagnetic interference inherent in this use, that is permissible by the FCC.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Not applicable, as the proposed use is not in or near a one-family residential area. It is in an agricultural zone, in a rural area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area of the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area of the subject site, any more than it would at any selected site. The tower site will be fenced to prevent injury and to protect the facility from trespass.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

Public facilities in the general area are sufficient for the proposed use.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

Subdivision approval is required for the use, and the submitted proposal does not meet subdivision requirements. Section 50-10 of the Subdivision Requirements exempt "telecommunication towers/antennas" from subdivision regulations, but not "radio/television towers/antennas".

The submitted application locates the towers on two outlots on an expired preliminary plan, and thus does not meet this requirement.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

This criterion is not relevant to the proposed use.

- (b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department that approves or licenses the project.
- (c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.

The proposed use has not met the general standards under this Article.

59-G-1.23. General development standards

- (a) Development Standards. Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposed use would meet all development standards for the zone.

- (b) Parking requirements. Special exceptions are subject to relevant requirements of Art.59-E.

Not applicable to the proposed use.

- (c) Minimum frontage. In certain special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21:

* * *

- (4) Cemetery, animal.
- (5) *Public utility buildings and public utility structures, including radio and T.V. broadcasting stations and telecommunication facilities.*
- (6) Equestrian facility.

Street frontage is not a significant issue for this proposed use.

- (d) Forest conservation. If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

No Forest Conservation Plan has been submitted for this petition. *¹

- (e) Water quality plan. If a special exception, approved by the Board, is inconsistent with an approved preliminary water quality plan, the applicant, before engaging in any land disturbance activities, must submit and secure approval of a revised water quality plan that the Planning Board and department find is consistent with the approved special exception.

Any revised water quality plan must be filed as part of an application for the next development authorization review to be considered by the Planning Board, unless the Planning Department and the department find that the required revisions can be evaluated as part of the final water quality plan review.

The site is located in the headwaters of Bennett Creek, a Use I watershed. The Countywide Stream Protection Strategy identifies the streams as having GOOD biological and habitat conditions. Best management practices, and the protection and increase of forested buffer area, are recommended to protect existing water quality.

- (f) Signs. The display of a sign must comply with Article 59-F.

Not applicable to the proposed use.

- (g) Building compatibility in residential zones. Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

Not applicable to the proposed use, which is in an agricultural zone.

¹ This application was accepted by the Board of Appeals without a Preliminary Forest Conservation Plan. The staff has frequently requested submission of such plan, but the applicant has never provided it.

- (h) Lighting in residential zones. All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:
- (1) Luminaires must incorporate a glare and spill light control device.
 - (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

Not applicable to the proposed use, which is in an agricultural zone; and the only lighting is for safety and security as required by the FCC and FAA.

OTHER CONCERNS

The applicant reported to the Transmission Facility Coordinating Group that the location for these antennas was selected based on the availability of ground space to accommodate the AM tower array, to meet protection requirements established by the FCC for other existing domestic and foreign AM radio stations, and to enable the station to meet required coverage requirements both daytime and nighttime.

The applicant submitted coverage maps to illustrate that the coverage they seek cannot be attained with their existing antennas. As previously stated, the staff does not believe that the applicant has submitted any information to indicate why this heavily wooded location should be the location for this very intrusive use. Further, the application is incomplete – missing the required forest conservation plan.

The application stated that the proposed towers and ground array will “avoid all natural features, which are not to be disturbed”. Yet the towers and ground array will definitively greatly disturb the forest that covers the majority of this site. The staff has found no instances of radio towers located in forest areas. They are located in open areas to accommodate the ground array, as evidenced in aerial photos attached to this report.

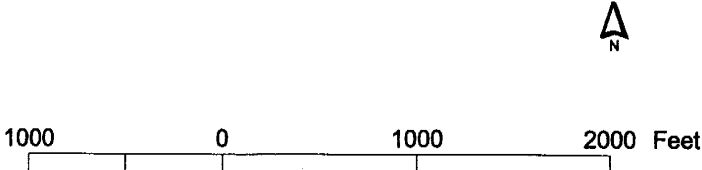
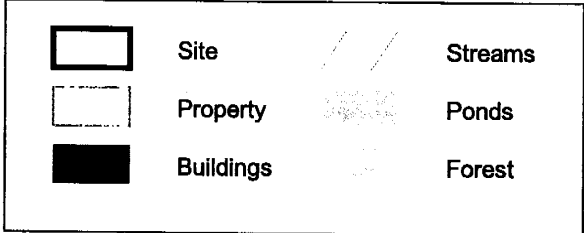
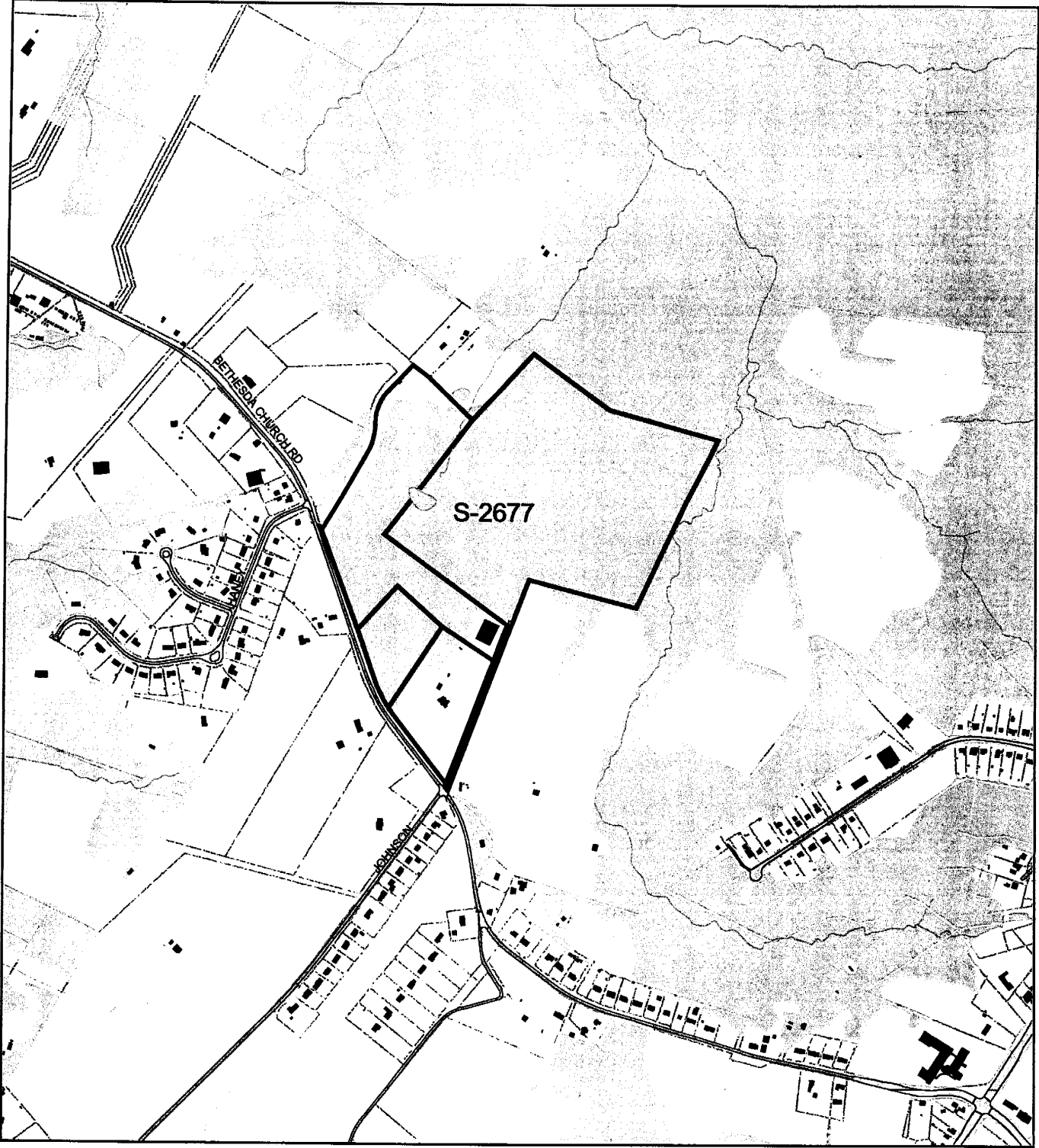
CONCLUSION

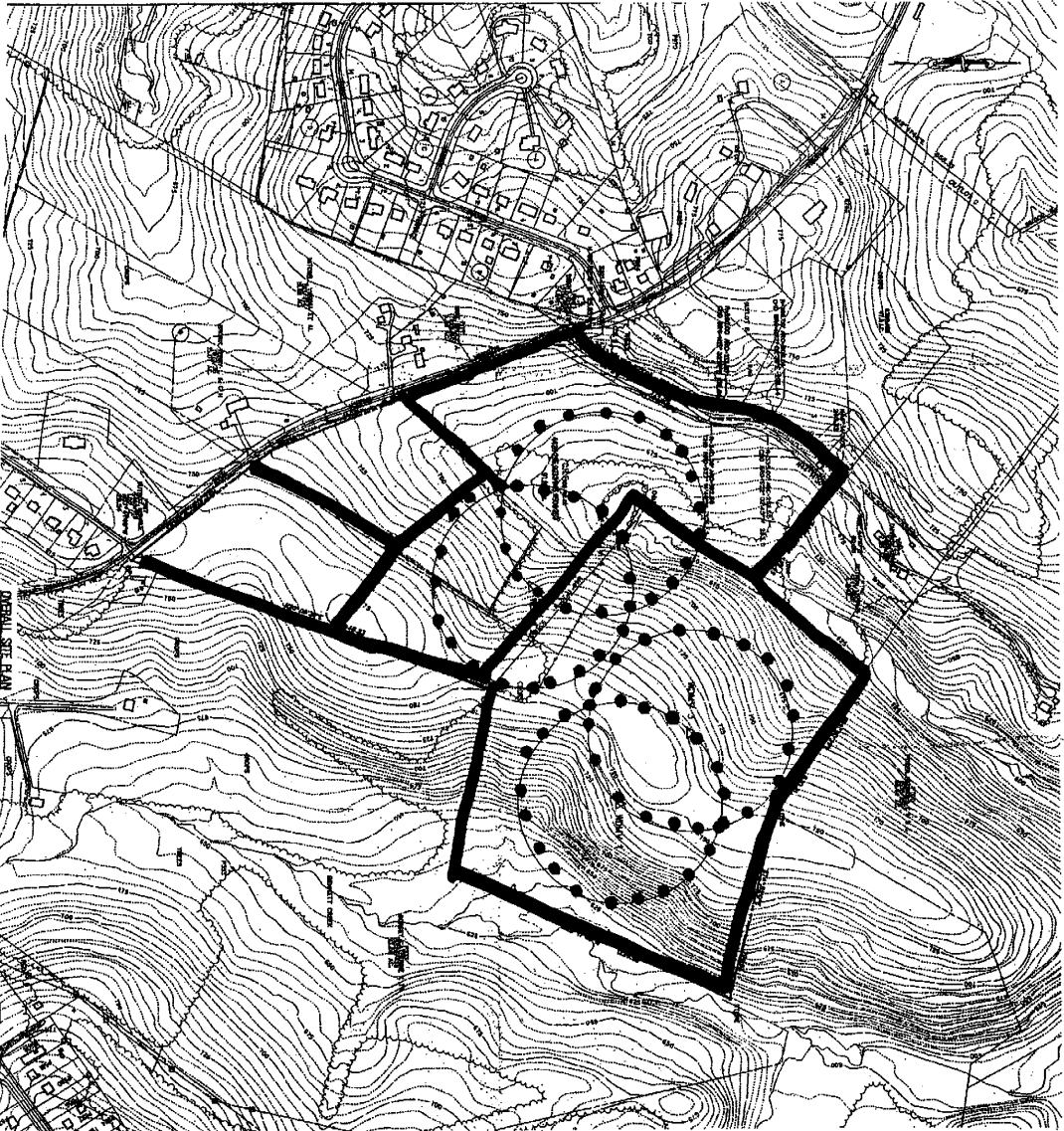
The staff recommends denial of this application for the multiple reasons stated at the beginning of this report. In summary, it is incomplete, and the very nature of the use proposed is at conflict with the forested nature of the proposed location, and no evidence has been submitted to defend the need to place the use at this particular heavily forested location. Further, the proposed use is in conflict with the recommendations of the Damascus Master Plan regarding rural vista protection and Legacy Open Space. It does not meet the environmental guidelines, subdivision requirements, or the general special exception standards.

Attachments:

- 1 - Area Map
- 2 - Site Development Map
- 3 - Viewshed Analysis Map
- 4 - Statement in Support of Petition from Applicant
- 5 - Federal Communications Commission AM Station Construction Permit to WGOP
- 6 - WGOP Horizontal Plat of Ground System Array
- 7 - TFCG Opinion
- 8 - WMAL AM Tower Array: I-495 at I-270
- 9 - WTOP Tower Array: University Boulevard in Wheaton
- 10 - Statement from Damascus Residents for Responsible Tower Siting (DRRTS)
- 11 - Letters to the Board

S-2677 Birach Broadcasting





OVERALL SITE PLAN

Call "Mars Utility" for more information.
 Mars Utility - 800-257-7777
 24 hours a day, 7 days a week.
 Please call at least 48 hours before beginning construction.

SITE NOTES

1. Applicant: 540 AM RadioDisney
 11205 Bethesda Hills Road
 Suite 200
 Fairfax, VA 22030
2. Property Owner: Shira Shuck
 Shira Shuck Property, Highway
 Shira 100, Tower 1
 Sherrillville, VA 44875
3. Tower Owner: 540 AM RadioDisney
 11205 Bethesda Hills Road
 Suite 200
 Fairfax, VA 22030
4. Site Data: Mon 121201, Parcel 3
 ACC04wy 4, C04B 3
 L: 25899.77 734
 S: 2396.45 222
 Address: 10851 Bethesda Church Road
 Parcel 3
 Resting Tree, Arlington
 Virginia 22202
5. Current Zoning: RTT - Rural District, Transfer
 Approved Version No. 2003-001
 Approved Special Description: 540 AM RTT
 Special Description: 540 AM RTT
 Conditions: 1. The tower shall be constructed in accordance with the conditions specified in the text of Special Description.
 Note: If any proposed tower shall have a stack or one foot protrusion, the tower shall be set back a minimum of 100 feet from the property line on any side of the tower.
 Proposed: 1. The tower shall be constructed in accordance with the conditions specified in the text of Special Description.
 2. The tower shall be constructed in accordance with the conditions specified in the text of Special Description.
 3. The tower shall be constructed in accordance with the conditions specified in the text of Special Description.
6. Tower Height: 50' - 51'
7. Horizontal & vertical control shown because it based on a survey by KCI Topographic, Inc. and was conducted with 1978-12 Survey. The tower height is based on the 1978-12 Survey. The tower height is based on the 1978-12 Survey. The tower height is based on the 1978-12 Survey. Additional property line information is taken from Survey Plans A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.
8. The proposed facilities will consist of proposed AM radio towers and a proposed use being submitted: 20' x 20' equipment shelter.
9. The structure will support light and/or signs as required for aircraft warning and other safety reasons.
10. The applicant will provide a certification from a registered engineer that the structure will meet the applicable safety standards for wind loads, seismicity, lightning, and other safety requirements. The structure shall be designed in accordance with the applicable standards of the International Building Code (IBC) for Occupancy Group I.
11. The proposed tower is a proposed Radio/Television tower for the transmission of radio waves. The tower shall be removed by the applicant owner at owner's expense.
12. The tower shall be constructed in accordance with the conditions specified in the text of Special Description.
13. Property shown herein has within Zone C, an area of National Antiquity, as per FEMA Commentary, Final No. 2004-07 073 B (effective date 09/2/1978).
14. This site is adjacent to Oceanview Management Properties, SPVA, Company Approval No. 2003-001.
15. The MD Dept. of Natural Resources, Wildlife Services Division has been contacted to verify the presence of any species of birds or other animals that may be present. TBD.
16. There are no electrical or telephone lines on the site. TBD.
17. There are no vehicles parked within 50' of the proposed tower. TBD.

TOWER NOTES

- TOWER #1:** This is the reference tower from which all other towers are measured and oriented from within the site boundary. This tower is 410.8 feet tall with base and lighting.
- TOWER #2:** This tower is 300.0 feet tall from Tower #1 as a height of 5 feet 11.4 inches. This tower is 410.8 feet tall with base and lighting.
- TOWER #3:** This tower is 300.0 feet tall from Tower #1 as a height of 5 feet 11.4 inches. This tower is 410.8 feet tall with base and lighting.
- TOWER #4:** This tower is 300.0 feet tall from Tower #1 as a height of 5 feet 11.4 inches. This tower is 410.8 feet tall with base and lighting.

100' 200' 300' 400' 500'

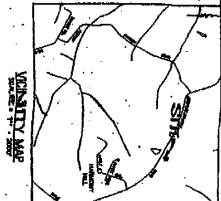
12TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

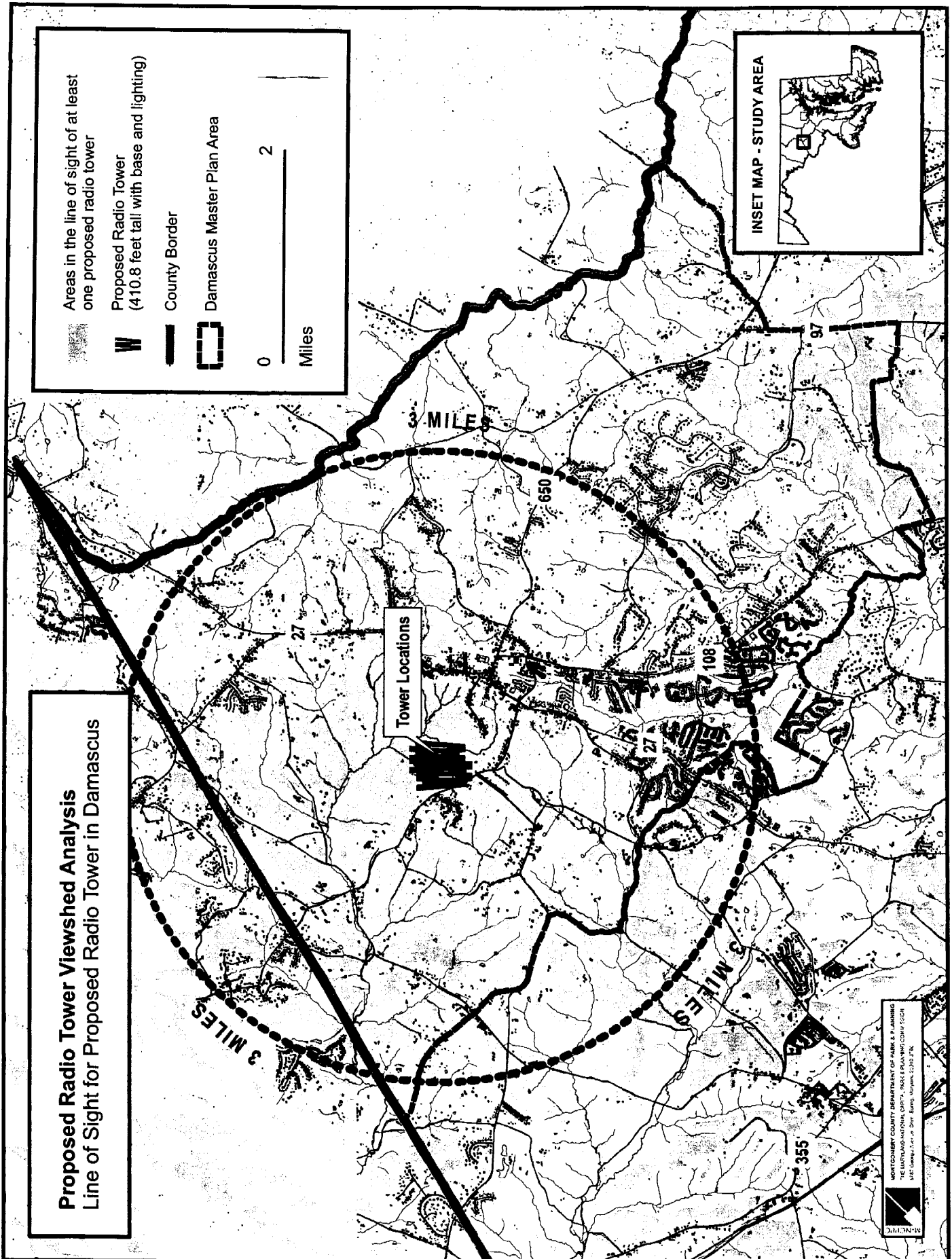
540 AM RadioDisney
 Parcel 303

10851 Bethesda Church Road

MHG - Maryland, Maryland & Chesapeake, P.A.
 Engineers, Planners, Surveyors, Landscape Architects
 10000 Rockville Pike, Suite 200, Rockville, MD 20850
 Tel: 301-581-0000 Fax: 301-581-0001

Project No.	1204	Engineer	MD 222
Parcel No.	303	Surveyor	MD 222
Sheet No.	1	Planner	MD 222
Revision		Landscape Architect	MD 222
Date	08/11/03		





**STATEMENT IN SUPPORT OF PETITION
FOR SPECIAL EXCEPTION FOR RADIO TOWERS**

Birach Broadcasting Corporation is petitioning the Board of Appeals to approve a special exception to permit the construction of four radio towers on two parcels of property located along Bethesda Church Road in the Damascus area of Montgomery County. In support of this petition, this statement and the following exhibits are being submitted:

Property Description:

The property comprises two parcels as follows:

1. Winter Hunt Subdivision, Outlot A, identified on Tax Map FX 123, Parcel N 091, comprising 21.17 acres (Plat attached as Exhibit A); and
2. On Tax Map FX 123, Parcel P303, comprising 55.21 acres.

Project Description:

The Petition for Special Exception is to permit the construction of four radio towers, for the operation of an AM radio station, with the call letters of WDMV, and operating at 570 AM. The radio station is currently in operation with its smaller towers in Frederick, Maryland and in Worcester County, Maryland. It is the intention to consolidate its tower operation to this location, to better serve the Washington Metropolitan Area.

The petitioner has applied for and received permission from the Federal Communications Commission to relocate its towers to this location. A copy of the FCC approval is attached as Exhibit B. The clearance for the height of the towers has been granted by the Federal Aviation Administration (FAA) and that FAA clearance is attached as Exhibit C.

The towers are proposed to be 410 feet tall and the ground array will avoid all natural features which are not to be disturbed. Attached as Exhibit D are the plans, prepared by the civil engineering Firm of Macris, Hendricks and Glascock, PA. Those drawings are: Page 1, "Site Plan," showing the subject properties, the tower locations and the limits of the ground array. Page 2, Line of sight from nearby structures. Page 3, Tower and radial wire layout. Page 3A is the same as page 3, but shows the setback lines for the towers within the subject property. Page 4, the tower details, and Page 5 and 6 are the NRI/FSD as submitted. Exhibit E is the NRI/FSD as approved.

The tower location will be unmanned. There will be an inspector who will be at the site for routine maintenance on a weekly basis. Otherwise, after construction has been completed, the site will be basically unmanned. For that reason, no traffic study was performed. The number of trips to the site on a daily basis is zero.

There will be a light on the top of the tower, as required by FAA regulations. Otherwise, the tower will be screened by surrounding vegetation and its color will be unobtrusive.

All of the plans have been submitted to the Montgomery County Transmission Facility Coordinating Group. To date there has not been any recommendation. A copy of the filing with the TFCG is attached as Exhibit F.

The one story structure to house the electrical equipment will be completely shielded from view of properties outside the property.

A sign will be posted on each of the towers and the one story electrical equipment building listing the owner, a contact person and phone number for that person. There will be no outdoor storage of equipment.

Findings by the Board:

1. The special exception is one permissible in the zone. A radio tower is a permitted use in the RDT zone under section 59-C-9.3 and 59-G-2.44.
2. The proposed radio towers comply with all of the standards and requirements of 59-G-2.44. It will be set back from the property lines at the appropriate distances, and contain the required notices. The applicant understands that it is bound by all of its testimony and exhibits, as well as the legal requirement to remove the towers in the event the site is abandoned.
3. This use will be consistent with the master plan and the general plan. There are no specific recommendations regarding this use on this property, but it is a use that has been permitted in the RDT zone since its creation, and has been within the applicable rural type zoning even before that.
4. The use will be in harmony with the general character of the neighborhood considering design, scale, and bulk of any new structures, intensity and character of activity, traffic and parking, and number of similar uses. The location of radio towers has been traditionally in the more rural areas. Along the east coast, these towers are located in the more rural areas, primarily because they can be compatible with the otherwise agricultural uses. The towers are thin projectile type structures that are almost invisible by day, and except for the light at the top, invisible at night. They are stabilized by guy wires, as shown on the exhibit of the tower design.
5. The towers will not be detrimental to the use, peaceful enjoyment or economic value of the surrounding properties or the general neighborhood. A report by Sandy Bond and Ko-Kang Wang in the summer, 2005 Appraisal Journal on the "Impact of Cell Phone Towers on House Prices in Residential Neighborhoods" is enclosed as Exhibit G.

6. The towers will not cause any noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the site
7. The towers will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors or workers in the area at the subject site.
8. The towers will be served by adequate public facilities. The only facility is electrical power, which already is available to the site.

Witnesses:

Sima Birach will testify as the applicant.

Wayne Reese will testify as an expert on radio towers.

Paul Newman will testify as an expert in site planning and civil engineering.

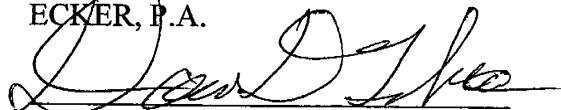
Vic Bryant will testify as to land planning issues.

Additional submissions:

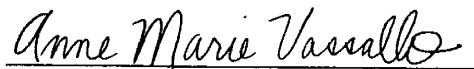
1. Certified zoning map is Exhibit H.
2. Master Plan for the Preservation of Open Space and Agriculture is Exhibit I.
3. Application to Tower Coordinating Committee is Exhibit J.
4. List of adjoining and confronting property owners is Exhibit K.
5. Application fee of \$18,750 and a sign fee of \$200.

Respectfully submitted,

SHULMAN, ROGERS, GANDAL, PORDY &
ECKER, P.A.



David D. Freishtat, Esquire
11921 Rockville Pike, Third Floor
Rockville, Maryland 20852
Tel: 301-230-5200



Anne Marie Vassallo, Esquire
11921 Rockville Pike, Third Floor
Rockville, Maryland 20852
Tel: 301-255-0541

Attorneys for Petitioner

United States of America
FEDERAL COMMUNICATIONS COMMISSION
AM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

BIRACH BROADCASTING CORPORATION
 7 FIFTH STREET
 CRISFIELD MD 21817

Son Nguyen
 Supervisory Engineer
 Audio Division
 Media Bureau

Facility Id: 5347

Call Sign: WGOB

Permit File Number: BP-19960715AC

Grant Date: November 26, 2003

This permit expires 3:00 a.m.
 local time, 36 months after the
 grant date specified above.

Permit to modify license by changing city, site, antenna patterns, and increasing power.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

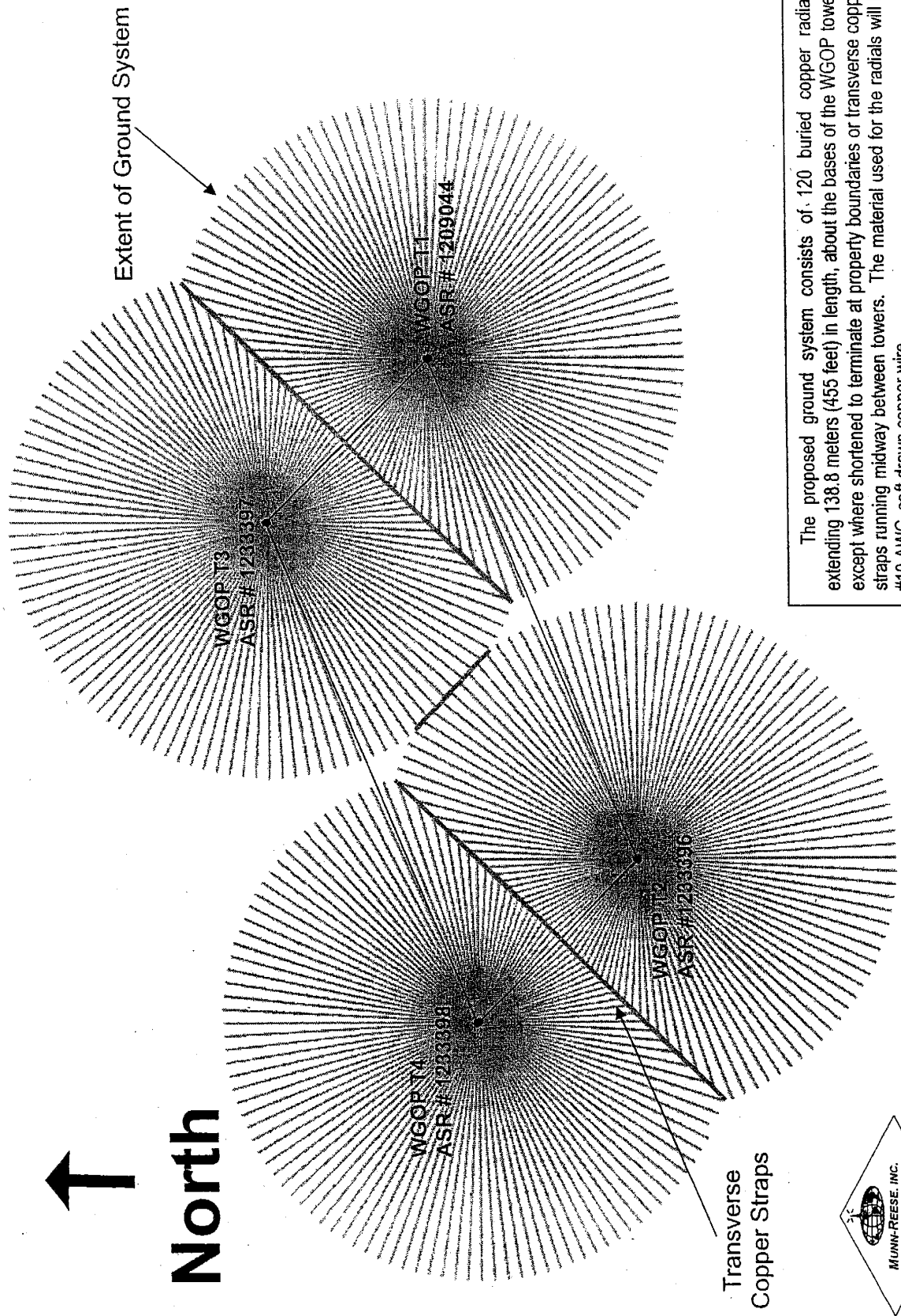
Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Hours of Operation: Unlimited

Average hours of sunrise and sunset:
 Local Standard Time (Non-Advanced)

Jan.	7:30 AM	5:15 PM	Jul.	5:00 AM	7:30 PM
Feb.	7:00 AM	5:45 PM	Aug.	5:15 AM	7:00 PM
Mar.	6:15 AM	6:15 PM	Sep.	5:45 AM	6:15 PM
Apr.	5:30 AM	6:45 PM	Oct.	6:15 AM	5:30 PM
May	5:00 AM	7:15 PM	Nov.	6:45 AM	5:00 PM
Jun.	4:45 AM	7:30 PM	Dec.	7:15 AM	4:45 PM

Exhibit 2.5 - Horizontal Plat of WGOP Ground System



The proposed ground system consists of .120 buried copper radials, extending 138.8 meters (455 feet) in length, about the bases of the WGOP towers except where shortened to terminate at property boundaries or transverse copper straps running midway between towers. The material used for the radials will be #10 AWG, soft drawn copper wire.





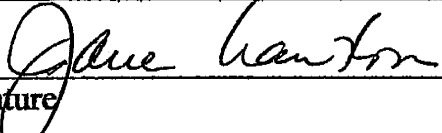
MONTGOMERY COUNTY, MARYLAND
TELECOMMUNICATIONS TRANSMISSION
FACILITY COORDINATING GROUP
RECORD OF ACTION

APPLICATION NUMBER: 200506-02

DATE: 12 July 2006

Application Review:	
Applicant:	Birach Broadcasting Corporation
Description:	Construct four 411' AM broadcast guyed lattice towers, buried ground radials, and an equipment shelter.
Site Location:	WGOP Radio Towers Bethesda Church Road & Johnson Drive, Damascus
Property Owner:	Birach Broadcasting Corporation
Group Comments: This application was reviewed at the TFCG meeting of July 12 th . In order to address questions raised at this meeting by Damascus residents who oppose the construction of the proposed towers, a second meeting was held on July 26 th to address the resident's concerns. The Tower Coordinator's Recommendation, minutes of both meetings and related documents submitted by the residents at the meetings are attached to this Record of Action.	
The TFCG notes for the record that the applicant's engineer was not present at either the July 12 th or the July 26 th meeting when this application was reviewed.	

TFCG Action			
Recommended <input type="checkbox"/>	Not recommended <input type="checkbox"/>	Recommended with Conditions <input checked="" type="checkbox"/>	
Conditions:			
<ol style="list-style-type: none"> 1. The applicant should provide evidence that it has explored other options to address the community concerns regarding the height and/or number of towers; 2. The applicant must submit evidence that the tower height is the minimum height necessary; 3. The applicant must obtain a Special Exception from the Board of Appeals; 4. The applicant must construct the equipment shelter in compliance with the zoning ordinance; and 5. Any change to the antenna array design must be reviewed and approved by the Federal Communications Commission. 			
Vote on recommendation of approval:			
For: 4	Against: 1	Abstain: 1	

	7/27/06
Signature	Date:

Rev. January 2005



DEPARTMENT OF TECHNOLOGY SERVICES

Douglas M. Duncan
County Executive

Alisoun K. Moore
Chief Information Officer

MINUTES OF TFCG MEETING

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on July 26, 2006.
The following people were in attendance:

MEMBERS

Jane Lawton	DTS	(240) 777-3724
Mary Pat Wilson	MCPS	(240) 314-1071
Helen Xu	DTS	(240) 777-2804
Steve Batterden	DPWT	(240) 777-6063
Jennifer Bryant	OMB	(240) 777-2761
Carlton Gilbert	M-NCPPC	(301) 495-4576

STAFF

Bob Hunnicutt	CTC
Lee Afflerbach	CTC
Cliff Royalty	County Attorney's Office

OTHER ATTENDEES

William A. Mitchell Jr.	PRC	(301) 461-4664
Virginia Mitchell	PRC	(301) 252-9722
Patricia A. Fenati	Spring Garden Neighborhood Assoc	(301) 253-5205
Megan E. Clem		(301) 774-5389
Karen Boyland Clem	DRRTS	
Craig Brown		
Chris Kiernan		
Chuck Harris	Resident	(301) 253-0836
Jasmin Lizarazo	Damascus Resident/DRRTS	(301) 253-4769
Michael Miner	Damascus Resident	(301) 253-2065
Gail Ann Joyce	Damascus Resident	(301) 869-4824
Wayne Bussard	Damascus Resident	(301) 661-5427
Mary Jane Harvey	Mother of a Damascus Resident	
Anne Marie Vassallo	SRGPE	(301) 230-5200
Mary Reise		(301) 831-6137
Paul J. Newman	MHG	(301) 670-0840
David Freistadt	Shulman Rogers	
Suasan Singer- Bart	Gazette	(301) 670-2069

David W. Brown	Kropft & Brown	
Pamela Bussard	Damascus Resident	(301) 651-1497
Barry Friedman	Thompson Hine LLP	(202) 973-2789
R. Morgan Burrow Jr. PE	R. Morgan Burrow PE & Assoc. PC	(301) 938-0985
Alex Baldriger	Frederick NewsPost	(301) 922-4658
Brendon Armbruster	Rep. Van Hollen's Office	(301) 424-3501
Sima Birach Jr.	WDMV Radio	(703) 272-7600
John Hopkins	WDMV Radio/ CMG	(301) 351-7936
Marcia and Klaus May	Resident/ Damascus	
Maria Gavel	Damascus Resident	
Anita Kramer	Damascus Resident	
Justin Roth	Damascus Resident	(301) 253-5059
Blair Conard	Damascus Resident	
Shirley Roth	Damascus Resident	(301)253-5059
John Kalas	Cong. Bartlett's Office	(301) 717-1954
Fred Harvey	Damascus Resident	(301) 253-5858
Michael Frost	Damascus Resident	(301) 351-5261
Virginia Clifford	Damascus Resident	(301) 253-4910
Robin Thomas	Damascus Resident	(301) 253-5858
Gayle Conard	Damascus Resident	(301) 482-1423
Gwen Brown	Damascus Resident	(301) 253-5632
Terry Brown	Damascus Resident	(301) 253-5632
Jan Rieke	Damascus Resident	(301) 368-3464
Jeff Harmon	DRRTS	(301) 482- 2391

Action Item – Meeting Minutes: Jane Lawton moved the minutes be approved as written. Mary Pat Wilson seconded the motion and it was unanimously approved.

Action Item: Birach Broadcasting application for four new radio towers – Bethesda Church Road & Johnson Drive, Damascus (Application #200506-02).

Motion: Jane Lawton moved that the first sentence in the "Implications to Surrounding Area" section of the Tower Coordinator's Recommendation Form be changed to read: "Residents near the site are aware of the plans to place the AM towers at this site and there is considerable community opposition and interest in the siting of these towers". Steve Batterden seconded the motion and it was unanimously approved.

Bob Hunnicutt summarized the Addendum to the Tower Coordinator's Recommendation noting that at the last meeting the Damascus Residents for Responsible Tower Siting (DRRTS) raised questions that the TFCG members wanted the County Attorney to review before they took action on this application. The first question was whether the sections of the Maryland code cited by the DRRTS applied to the TFCG application review. The second question was if the TFCG had the authority to require a different antenna array than that proposed by the applicant for this site.

Mr. Hunnicutt reported that he had spoken with Clifford Royalty and it was his understanding from Mr. Royalty that sections of the Maryland Code cited by the DRRTS at the last meeting may not apply to the TFCG, but if it did, Mr. Afflerbach is licensed by the State of Maryland as a Professional Engineer and meets the Maryland code requirements cited by DRRTS. Mr. Hunnicutt said he also understood from Mr. Royalty that it was beyond the authority of the TFCG to require the applicant to redesign the antenna array approved by the FCC. Consequently, the Tower Coordinator's Recommendation remains unchanged and still recommends that the application be conditioned on the Board of Appeals approving a Special Exception for the site and that the equipment shelter meet the zoning requirements.

Jane Lawton introduced County Councilmember Michael Knapp who wished to comment on the application.

Councilmember Knapp thanked the members of TFCG for their participation in the tower siting process and for affording him the opportunity to speak to the group. He stated that when the County Council recently passed Zoning Text Amendment 05-10, they tried to address the issues of tall towers in the county. The Zoning Text Amendment introduced language to limit the height of broadcast towers of 275 feet. He understands that the towers in this application would be taller than 275 feet -- somewhere between 275 and 411 feet. He asked how does one determine what the minimum height of the antenna should be?

Lee Afflerbach replied that he understood the community's opposition to the tall towers and that, as the DRRTS had asserted, agreed that there could be other locations and different design options used for the antenna array and tower height. Consequently, he could not say exactly what the minimum height should be.

Ms. Lawton added that based on the engineering analysis it appears that the towers could be somewhat shorter but that they would still be above the 275 foot level.

Mr. Knapp noted that in the Zoning Text Amendment the Council tried to minimize the impact of a new facility. He asked the group what the Council could do to ensure that is accomplished.

Mr. Afflerbach replied that since there are many variables that determine the height of a tower, such as its location, coverage requirements, and interference pattern with other U.S. and Canadian stations, it would be difficult to say how one could assure that the facility was at its minimum height.

Ms. Lawton said that the challenge in this case is that since this site was approved by the FCC, the TFCG has little option in determining the minimum height. She stated that to require a lower height with the current design, the station may not meet the FCC's minimum standards. Mr. Knapp suggested that the TFCG could ask the applicant to document the lowest height.

Cliff Royalty replied that would be up to the Board of Appeals, as stated in the Special Exception standards in the code.

Mr. Knapp said that if a 411 foot height was approved by the TFCG, the Board of Appeals, who look to the TFCG for a technical review of an application, may believe that the TFCG had done a thorough technical review that concluded that was the minimum height.

Mr. Afflerbach stated that based on the application that was filed for this site, the 411 foot height of the antenna array meets the FCC's minimum standards, which is the requirement of the County's zoning ordinance. In response to a question, Mr. Afflerbach said he agreed with the DRRTS' engineer that if the antenna array was designed differently it could be perhaps 10% lower than the 411 foot height.

Ms. Lawton noted that it was beyond the scope of the TFCG to tell the applicant what kind of technology to use. Mr. Royalty agreed.

Mr. Knapp suggested that the group could comment in their recommendation that although the applicant had submitted a height of 411 feet, it may be possible that a lower height would work.

Ms. Lawton asked if the Tower Coordinator's Recommendation would include such a reference. Mr. Hunnicutt replied that the amended Recommendation now incorporates a copy of the statement read by Ms. Bussard at the last meeting and the DRRTS engineer's statements regarding the tower height. He said this information would be sent to the Board of Appeals along with the minutes of the meeting from July 12th as well as the minutes from today's meeting.

Ms. Lawton stated that asking the applicant to redesign their facility would not necessarily achieve a lower set of towers because any design would be subject to the FCC's approval.

Mr. Knapp thanked the group for allowing him to speak and that his intent was to ensure that the facility to be constructed would be the minimum height necessary.

Ms. Lawton asked Pamela Bussard if she had any additional comments. Ms. Bussard read aloud a letter (copy attached) from Councilmember Steve Silverman regarding the application.

Dave Brown also summarized his letter to Ms. Lawton (copy attached) noting that he believed the intent of the Maryland Law was to keep unlicensed engineer documents out of the public arena. He added that if the TFCG were to give a report to the Board of Appeals, the Board would have the responsibility to reject the applicant's engineering report.

Ms. Lawton asked the DRRTS engineer, Mr. Burrows, if he had any comments.

Mr. Burrows noted there are approximately 8,000 AM stations in the country and that some at the lower end of the AM spectrum used the top loading design. He noted that it is expensive to build taller towers and that is why many station operators use the top loading design that permits a lower structure. He cited the CFR as the basis for the FCC's approval of a top loaded design.

Barry Friedman asked Mr. Burrows to explain why efficiency is not related to the FCC rules. Mr. Burrows stated that for a Class B station, such as this, at a certain antenna height the applicant is required to meet a minimum of 282 mV/m.

Ms. Lawton asked if that was the case, why is minimum efficiency not relevant to this application. Mr. Burrows stated that it is relevant.

Mr. Afflerbach asked Mr. Burrows if he had performed an allocation study to determine the minimum height of this facility. Mr. Burrows stated he had not. Mr. Afflerbach asked how Mr. Burrows could identify the minimum height required if he had not performed a detailed study. Mr. Burrows said he based it on the fact that the FCC permits a top loaded design, and a top loaded design could result with a lower tower set of antennas.

Mr. Freistadt stated that the applicant's permit from the FCC had been highly contested over the course of the 12 year period it had been under review by the FCC. The result of all of that work on the part of the applicant is the FCC's approval of the construction permit with an antenna array including towers 411 feet high.

Jennifer Bryant asked were other options considered by Mr. Birach to attain lower antenna heights. Mr. Birach replied that after many years of trying to get a design that would be approved by the FCC, they were successful with the current design as approved by the FCC to meet their coverage requirements without interfering with other stations.

Pamela Bussard stated that, in her opinion, the difference between 411 feet and 360 feet would be significant and she believed the TFCG should make its best effort to reduce this facility to its lowest height. She said she would like to see the other options at lower heights that Mr. Birach considered. She urged the TFCG to require Mr. Birach to redesign his facility.

Ms. Lawton said she appreciated the public concern over this application but the TFCG must also consider that the Board of Appeals and the Planning Commission are the bodies responsible to address the concerns of the height of the antennas as approved by the FCC. Cliff Royalty added that the TFCG's responsibility was to review and comment on an application.

Virginia Clifford asked why the TFCG would consider the information provided by Birach's engineer, who is not licensed by the state of Maryland. Ms. Lawton replied that Mr. Afflerbach, who is licensed in Maryland, provided technical advice to the group for this application. Ms. Lawton said that the TFCG is not advocating for a non-resident, as Ms. Mitchell implied. She noted that the construction permit approved by the FCC set the height of the towers, and the TFCG has no role in the FCC's process. She added that in this case neither the DRRTS engineer nor Mr. Afflerbach can say exactly what different height will be approved by the FCC. She reiterated that the zoning and height issues for this facility are evaluated by the Board of Appeals and the Planning Board.

William Mitchell asked what is the role of the TFCG. Ms. Lawton replied that the TFCG reviews applications for cellular antennas and towers. She stated that this is only the second AM

broadcast application they have reviewed during the ten years of the TFCG's existence and that AM Towers are different than cellular towers. She said that even in the case of cellular antenna sitings, the TFCG cannot dictate technology or facility design to the carrier. She added that this particular application had been approved by the FCC at a certain height and that the TFCG's recommendation will note that the applicant has FCC approval for the site.

Carlton Gilbert noted that his staff will be responsible for writing the report provided to the Planning Board. He said that a hearing for this Special Exception has been tentatively scheduled for September 28th and the public hearing at the Board of Appeals is scheduled for October 6th. He noted that public testimony will be permitted at both hearings.

Mr. Freistadt summarized the approval process for the Special Exception.

Ms. Bryant asked the applicant if the TFCG could see the different options that were submitted to the FCC for approval. Mr. Birach stated the construction application does not permit submission of several different options for FCC review and approval; therefore, the only application submitted to the FCC was the one that was approved.

An unidentified Damascus resident stated that she lives directly across the street from the proposed tower site and was concerned about the shadow that would be cast across her son's room. Ms. Lawton advised her that those are considerations that would be considered by the Planning Commission and the Board of Appeals.

Helen Xu stated that a technical resolution has been presented that claims could result in shorter towers. She asked if the applicant submitted another design for the site to the FCC would that jeopardize their existing construction permit of use of assigned frequency. Mr. Birach stated that was a possibility, as there was another station operator in Falls Church that wanted to acquire an AM license for the 540 frequency. He stated that the FCC's rules do not permit simultaneous submission of different options for antenna arrays.

Ms. Lawton asked the TFCG members if they had a motion on the application.

Mary Pat Wilson asked Mr. Royalty what action the TFCG was required to take on an application. Mr. Royalty replied that the Executive Regulation stated that they must review and comment on an application and that the applicant is required to submit a TFCG Recommendation to the Board of Appeals. He added that the group had the option of recommending the application, not recommending the application, or recommending the application with conditions, which is what the Tower Coordinator has provided in their Recommendation to the group.

Ms. Lawton noted that the Recommendation before them was conditioned on the applicant obtaining approval for a Special Exception and that the equipment shelter meets all zoning ordinance requirements.

Ms. Bryant moved that the application be recommended and conditioned on the applicant exploring other options to the proposed height. Mr. Royalty said that the application is already conditioned on the applicant obtaining a Special Exception, and since the Board of Appeals would consider the height in its review, that issue is already covered under the Tower Coordinator's recommendation.

Mr. Gilbert asked if the applicant was asked if they considered other options for a lower tower height. Bob Hunnicutt stated that this application is not like an application for a new cellular monopole such as those the TFCG typically reviews, where the applicant may redesign a facility to a lower height on their own initiative. Based on reviews of those types of applications, the Tower Coordinator can give an opinion to the TFCG as to whether or not it appears as though a lower height may work to meet the carrier's stated coverage objective. He noted, however, that even in those cases, the TFCG does not have the authority to require the carrier to redesign their network. He said that they did ask the applicant to meet the requirements of the zoning ordinance by submitting documentation that a height above 275 feet was required to meet the FCC's minimum standards. The applicant did that and, based upon Mr. Afflerbach's independent review, it appears that the additional is needed to meet the minimum FCC requirements for operating efficiency.

Mr. Afflerbach added that we only have the application and information relative to the station's construction permit and do not have other documentation that the applicant may have considered in their preliminary design process. He noted that he knows that the applicant's engineer has those documents since a copy of at least one alternative design was sent to him in error in response to his request for documentation.

Ms. Lawton asked the applicant if they had planning and design documents that led up to the selection of the current design. Mr. Birach stated that it is likely that his engineer has documents of alternative designs considered early on in their project but he was not sure. He noted, however, that they would show why they needed this design to meet the FCC's minimum requirements at the upcoming Planning Commission and Board of Appeals hearings.

Ms. Lawton stated that she thought they all could agree that they would like to see the towers at a lower height.

Ms. Xu commented that any detailed study to say whether or not they could be lower and meet the FCC's requirements would have to be done by an engineer and approved by the FCC.

Ms. Bryant amended her motion that the application should be conditioned on the applicant showing evidence that they have explored other options to address the community concerns of lowering the tower height and the number of towers.

Ms. Xu said that she would like to add a condition that the operator submit evidence of the minimum height necessary for this antenna array.

Ms. Lawton added that it should be noted that any option to use a lower height would require FCC approval. She added that it was also important to note in their Recommendation that the applicant's engineer was not present at either this meeting or the one held on July 12th.

In response to a question, Ms. Lawton stated that the TFCG must look at both sides of the issues related to the application. In this case, they have engineering documents submitted by the applicant and they have engineering documents submitted by the DRRTS as well as engineering information from their own engineering consultant and they must take all of that into account.

Mr. Afflerbach noted that the group also has information from the public file with the FCC regarding the construction permit.

Steve Batterden asked Mr. Royalty about the applicability of the Maryland State Law having a non-Maryland licensed engineer submit information to the TFCG.

Mr. Royalty replied whether it applies or not was irrelevant because the TFCG had the testimony of Mr. Afflerbach, who is a licensed Maryland engineer and serves as the TFCG's Tower Coordinator.

Motion: Jennifer Bryant recommended the application conditioned on: 1) the applicant submitting evidence that they have explored other options to address community concerns of lowering the tower height and the number of towers; 2) the applicant submitting evidence of the minimum height necessary for this antenna array; 3) that any changes to the antenna array must be reviewed and approved by the FCC; 4) that the applicant must obtain approval of a Special Exception form the Board of Appeals; and 5) that the equipment shelter must comply with zoning requirements. Helen Xu seconded the motion and it was approved with four voting to recommend with the stated conditions, Jane Lawton voting against the motion, and Carlton Gilbert abstaining.

WMAL Inc, Bethesda



Bonneville Media, Silver Spring



400 0 400 800 Feet



STATEMENT OF
PAMELA BUSSARD
OF
THE DAMASCUS RESIDENTS FOR RESPONSIBLE TOWER SITING, INC.
TO THE
TELECOMMUNICATIONS TRANSMISSION FACILITIES COORDINATING GROUP
IN CONNECTION WITH THE SPECIAL EXCEPTION APPLICATION OF
BIRACH BROADCASTING (APPLICATION #200506-02)

Good afternoon, Ms. Lawton and members of the Tower Committee. I would also like to acknowledge the presence here of Mr. Brendan Armbruster, an assistant to Congressman Chris Van Hollen, as well Mr. John Kalas, an assistant to Congressman Roscoe Bartlett, and Ms. Daniella Moya, an assistant to Council Member Knapp, who have been asked by our elected officials to attend today's session on their behalf.

My name is Pamela Bussard and I serve as the Chair of the Damascus Residents for Responsible Tower Siting, Inc. The DRRTS consists of residents of the community interested in preserving the vistas and other environmental values that come with their homes and neighborhoods in the rural community of Damascus. Our members and their neighbors, many of whom have joined me today, are here to tell the members of this Committee that Birach Broadcasting has not yet presented the evidence upon which this Committee can act on its application and, even if the Committee feels that the evidence is before you, that Birach Broadcasting is not entitled to a favorable recommendation from your body.

We are well aware that the Tower Committee is not the final arbiter of special exceptions, a role that belongs with the Board of Appeals. Rather, this Committee serves to review and make recommendations as to the zoning standards, collocation options and the impact on the placement of tower facilities on surrounding areas, such as those as described in the Damascus Master Plan. Just as Birach Broadcasting is here to make its case, we are here to show that

Birach Broadcasting has not done so despite ample time and assistance from this Committee to do so. Birach's lack of responsiveness to this Committee and to the people of Damascus, who he has never consulted, cannot be ignored. The members of this Committee must tell Birach that this may be how you do business in Michigan, but it is not how you treat people in Montgomery County.

To advise us and assist the Committee, DRRTS retained the services of R. Morgan Burrow, P.E., a registered professional engineer in the state of Maryland, with long experience in the radio broadcasting industry. We are offering, with this Statement, two engineering Reports prepared by Mr. Burrow. In those Reports Mr. Burrow raises a series of questions concerning the validity of the Birach proposal and whether there are other locations where Birach can construct the facilities he proposes and, unlike Birach, deals with the issues before the Committee in language that is clear and understandable and responsive to the issues at hand.

Initially, I would like to take note of a matter Mr. Burrow raises. He makes note that the construction permit awarded to Birach expires on November 26, 2006. That means that Birach has just over four months to secure the approvals of this Committee, the Planning Board, and the Board of Appeals, secure a building permit, and fully construct this complex facility. Just because Birach has failed to prosecute his application on a timely basis, this Committee should not rush the request through without giving it full and complete consideration.

Our review, as confirmed by Mr. Burrow, is that this Committee has not obtained a full record nor secured from the applicant sufficient evidence to meet its obligations as imposed by the Zoning Ordinances of the County. Let me explain why.

1. **IN ORDER TO COMPLY WITH MINIMUM FCC REQUIREMENTS,
BIRACH NEED NOT CONSTRUCT AS MANY AND AS TALL TOWERS
AS HE HAS PROPOSED**

Late last year, the County Council went through an extensive review of the location of broadcast towers in the County and adopted ZTA 05-10. That ZTA provides that broadcast towers are limited to 275 feet in height, "unless it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission." Having attended the relevant Committee and Council work sessions and hearings, I know that the intent behind this provision was to limit broadcast towers to the minimum height needed to place a signal over the community of license as required by the FCC rules. The Committee may want to call upon Council Member Knapp, who represents Damascus, and was instrumental in the drafting of this language, for confirmation.

Birach's response to this critical issue consists of a single paragraph in a letter from an engineer, who is not a licensed professional engineer in the state of Maryland which should raise the question for you whether his statement can be credited by the Committee. In this regard, DRRTS calls upon the Committee to consult first with its counsel whether the report of Wayne Reese, from Michigan, can even be considered by you as it appears to violate Sections 14-103(a) and 14-403(b) of the Business Occupations and Professions Article of the Maryland Code. We believe that this Committee may be prohibited from considering Mr. Reese's statements since his statement does not evidence that he is an admitted Maryland professional engineer. Just as one would require a Maryland admitted lawyer to practice before you, so you must require a Maryland admitted professional engineer to give you engineering evidence. Even if you can consider the statements from Reese, his response merely deal with the efficiency standards of AM antennas, not the FCC community coverage requirements.

Based on the engineering that I have come to learn, all that the Reese answer says is that Birach's engineering proposal is premised on the site selected in Damascus and to achieve a high degree of coverage of the Washington metropolitan area. This is not the question that the Zoning Ordinance has asked be answered and does not deal with whether another form of construction of the tower, as we will show later, still meets the FCC's requirements.

Mr. Burrow, on the other hand, answers the critical question. In his Report, Mr. Burrow says, very clearly, that the towers do not have to be built in the manner proposed, or at the location proposed, to meet minimum FCC requirements.

First, Mr. Burrow tells us that Birach has failed to avail himself of top loading. As I understand it, top loading involves making use of the guy wires of the towers, at their uppermost levels, to form part of the antenna. What is important about this is that had Birach used the top loading approach, he could have achieved the same exact signal but have only specified towers of 334 feet in height. In fact, Mr. Burrow has done some informal modeling that indicates to him that maximizing the top loading could reduce the tower height even further below 334 feet. DRRTS asks this Committee to require Birach to go back and redesign his proposal to maximize top loading and minimize tower height and to show that he has chosen the maximum top loading and minimum tower height.

Second, Mr. Burrow, in clear and straight-forward language, tells us that the engineering proposal presented by Birach was not designed to meet the minimum engineering standards set by the FCC for a new radio station to provide a broadcast signal of appropriate signal strength over Damascus. In fact, the FCC did not tell Birach to build its tower at this exact location in Damascus. Birach selected the Damascus site as a mechanism to allow him to move a station, licensed to Pocomoke City on the Eastern Shore of Maryland, to Montgomery County and to

avail himself of the business opportunity to broadcast in the Washington, D.C. area. Birach was not required by the FCC to leave Pocomoke City for Damascus. He is on that road only because the economic opportunities for him are greater in Montgomery County than the Eastern Shore.

If all that we are considering is the minimum FCC engineering standards necessary to meet the FCC-mandated service to Damascus (required by Section 73.24(i) of the FCC's Rules), Mr. Burrow has confirmed that Birach could achieve this with only three towers, each at 334 feet and with 25% less power. Mr. Burrow's conclusion is telling: "Taking those factors into consideration, the four 411 foot towers well exceed what is required by the FCC." Again, DRRTS suggests to this Committee that Mr. Birach be sent back to redesign his proposal to modify it to provide for the minimum necessary to meet the FCC requirements for service to Damascus: three towers at 334 feet each, or less.

2. **BIRACH CAN STILL COMPLY WITH FCC REQUIREMENTS AND LOCATE HIS TOWERS OTHER THAN IN DAMASCUS**

The DRRTS urges this Committee to review the Master Plan for Damascus that was recently approved by the County Council. According to Council Member Knapp's office, the Council, in adopting the Master Plan, directed all relevant County land use agencies to provide "careful consideration of the long rural vistas that are a unique aspect of this [the Damascus] community..." We have seen no evidence in the record that the Tower Committee has obtained any evidence and, despite its charter, has not taken any steps to determine if the Birach proposal has a detrimental effect on the vistas in Damascus that we love and cherish. This Committee must undertake a review as to whether the Birach proposal was prepared to minimize the harm to the rural vistas. DRRTS is prepared to work with the Committee in that process.

The best way to protect the vistas is for the Birach towers not to be built where proposed. We have asked Mr. Burrow whether the towers need be built in Damascus. His response was clear: no way.

In that regard, we have presented the second Report from Mr. Burrow. After undertaking an engineering analysis, Mr. Burrow has found sites in Frederick and Howard Counties where Birach could also have located his towers and still complied with the FCC requirements for placing the required signal over the community of Damascus. Again, I would like to quote Mr. Burrow directly: "The Damascus Site is neither mandated nor required by the FCC; it merely represents the applicant's choice of a transmitter based on commercial and other reasons. The applicant could just as easily have proposed another site in Montgomery County, in Frederick County, in Howard County, or perhaps, elsewhere." We totally agree.

This Committee does not have to give any special consideration to Birach, a Michigan resident and located company. He does not plan to open an office or employ anybody in Damascus or anywhere else in Montgomery County. As far as we can tell, Birach wants to come into our County, destroy our rural vistas, position himself as having a Washington, D.C. radio station, and then leave us with the environmental damage he has caused. This should not be permitted.

3. CONCLUSION

As is evident from my testimony and Mr. Burrow's Reports, this Committee should not act favorably on the Birach Application. The little evidence that has been presented by Birach is slipshod and does not address the many and varied issues that you have called upon Birach to respond to and that we have spent considerable time and effort in analyzing. We urge the Committee to send Birach back to his drawing board with a direction to answer the questions you

and we have posed. Only then can the Committee make the reasoned decision that is expected of it.

On behalf of myself and my neighbors in Damascus, I urge you, as unbiased civil servants, not to rush a decision because this applicant waited so long so present such a poorly prepared case. Either a decision to put off or to deny the Birach Application for failing to meet the requirements of the Zoning Ordinance, the Damascus Master Plan, and this Committee's mandate is what is called for. You really have no other choice and we know you will do the right thing.

I am prepared to answer any questions you might have.

MCP-CTRACK

From: Hanson, Royce
Sent: Monday, August 28, 2006 8:47 AM
To: Hill, Joanne
Subject: FW: Damascus towers--CTrack letter

RECEIVED
1171
AUG 28 2006

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

-----Original Message-----

From: auxPuces [mailto:auxPuces@comcast.net]
Sent: Sunday, August 27, 2006 6:27 PM
To: Hanson, Royce
Subject: damascus towers

Dear Mr. Hanson,
as a Damascus resident, I am asking you to recommend denial of the special exception regarding the building of the towers. Also, please have all hearings and meetings moved to Damascus so it is not a burden for the community to attend. Thank you,
Rebecca Alexander
Kemptown Road
Damascus

MCP-CTRACK

From: Hanson, Royce
Sent: Sunday, September 10, 2006 3:58 PM
To: Hill, Joanne
Subject: FW: Proposed Radio Towers in Damascus--CTrack & case file

R E C E I V E D
SEP 11 2006

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

From: Ausdens@aol.com [mailto:Ausdens@aol.com]
Sent: Friday, September 08, 2006 8:10 PM
To: Hanson, Royce
Subject: Proposed Radio Towers in Damascus

Dear Mr Hanson,

In your role as chairman of the MNCPPC Planning Board, I implore you to deny the special exception to build radio towers on Bethesda Church Road in Damascus. Please consider the following:

1. The site is beautiful and peaceful. For years I took my son to school down that road and it is a joy to drive in the mornings. The towers will destroy the charm since they are planned to be visible for miles - 400 feet high, bright red and white, and with high intensity strobe lights at night! Nobody should put that in a rural setting - it belongs next to a highway in an industrial development. Yet the towers will be visible from all over our town.
2. If the towers are built our community will be devalued not only financially but also because of the violation of the rural nature of Damascus, especially around the proposed site.
3. The purpose of the towers is to broadcast commercial radio. I deny the need for any more commercial radio stations! The dial is full of commercial radio stations providing the same product and endless commercials. Many consumers are fed up with it, as evidenced by the growth of satellite radio (compare with the growth of Tivos and paid TV as people pay to avoid junk TV advertising).

Regards
- Howard Ausden

9/11/2006

Mr. James Blackburn
August 9, 2006

Mr. James Blackburn
9709 Inaugural Way
Montgomery Village, MD 20886

August 9, 2006

Dr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

Recently I learned that a Michigan company has applied to M-NCPPC for a special exception to build four radio towers, 411 feet tall in Damascus on some of the highest ground in Montgomery County. These are not cell towers, they are for an AM radio station. If granted, construction of these towers would be in complete disregard of the Damascus Master Plan which discourages all structures which are not compatible with rural vistas.

These towers are NOT compatible with Damascus' character or the Agricultural Reserve. Since the land in question is one of the highest spots in the county, they will be able to spoil more skyline than any other structure ever constructed here. The Agricultural Reserve established by Montgomery County was established for all county residents to enjoy. Your Commission must protect Montgomery County's precious resources or the whole county will lose.

At the subdivision hearing in Silver Spring, the applicant's representative testified that there were **no plans for towers** on this property and stipulated that only agricultural structures would be built. Now they are asking for a special exception to build these unwanted towers. **You must hold them to their word or nullify the subdivision**, on the grounds that it was granted under false statements by the applicant.

Mr. James Blackburn
August 9, 2006

The applicant is already heard on the radio in Damascus, but told the Tower Committee that they intend only to serve Damascus. The applicant's lawyers recently sent letters to contiguous property owners, stating that their purpose was to "better serve the **Washington Metropolitan area.**" These towers will cause radio frequency interference (RFI) problems for local residents. What I see as disingenuous behavior from the applicant so far brings me to suspect that the applicant will not use best efforts to correct the RFI post-construction.

You will be able to see these towers from miles away, maybe even from Silver Spring, and they will be a blight on an otherwise beautiful vista. In addition to ruining the night sky for stargazers, the large number strobe lights on these towers can have more dire affects on people who suffer from strobe-effect seizures and migraines.

Dr. Hanson you and the Commission must deny the applicant's appeal for a special exception. Do not allow these towers to destroy Montgomery County's rural skyline and ruin something that is precious to all county residents.

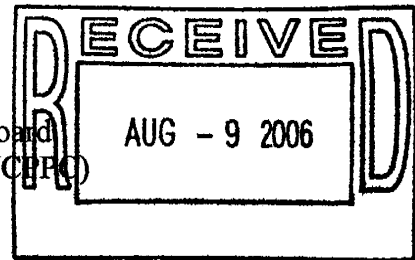
Thank you for your consideration of a long-time Montgomery County resident. This is a very important issue to me and to the rest of the county, people who value our heritage and natural resources. We hope that your decision will be to uphold the sense of the community of Damascus, and the sense of all who worked so hard to establish county guidelines to preserve our open space.

Sincerely,



Cc: Ms. Judy Daniel, Community Based Planning

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910



RE: Radio towers in Damascus August 8, 2006

Dear Mr. Hanson:

First let me congratulate you on your appointment as Chairman of the Montgomery County Planning Board. I am well aware of your accomplishments during your previous term as chairman and am quite confident that you will once again serve our great county with the very same integrity and professionalism.

My wife and I are life long Montgomery County residents. My family and I live on Bethesda Church Road in Damascus. We built our home on five beautiful acres and have lived here for two years. We moved to Damascus because of the rural setting and the beautiful views and pastures. You were instrumental in your previous term for preserving most of the land in Damascus and the surrounding areas by establishing the Agricultural Reserve. For that you are to be commended.

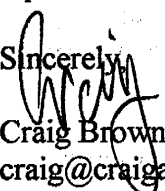
Birach Broadcasting, a Michigan company, has applied to you for a special exception to build (4) 411 foot radio towers in the heart of Damascus. If approved, the (4) radio towers will be located in my back yard. The proposed site is directly behind my home.

Mr. Hanson, I want to encourage you to deny this special exception. Please do not allow these towers to be built in Damascus for the following reasons:

- The towers would be in direct conflict with the recently approved Master Plan which discourages all structures which are not compatible with rural vistas
- The towers will destroy our skyline
- The towers will change the rural character of our community
- The towers will negatively affect our property values
- The towers will cause (RFI) Radio Frequency Interference
- If the towers are allowed, the stations signal will then reach the Washington DC market which makes their property much more valuable. Birach Broadcasting will build the towers and then sell the radio stations to a larger radio company. Birach will never be heard from again.

Thank you Mr. Hanson for your consideration. I have the utmost confidence that you will represent our community well.

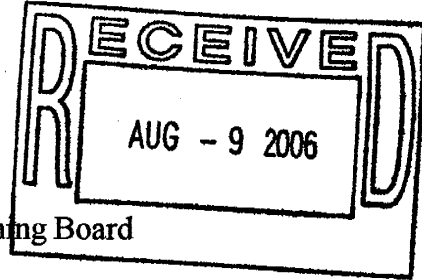
Sincerely,


Craig Brown 10855 Bethesda Church Road Damascus, MD 20872
craig@craiganddebbiebrown.com Cc: Ms. Judy Daniel, Community Based Planning

10400 Moxley Rd
Damascus Maryland 20872

August 7, 2006

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Ave
Silver Spring, MD 20910



Dear Mr. Hanson,

As a resident of Damascus I am writing to voice my concern about the proposed radio towers to be located on Bethesda Church Road.

As I am sure you are aware the residents of Damascus pride themselves on their ability to remain a "small yet simple" agricultural community in the heart of Montgomery County. It is this character that will be greatly impacted if these radio towers are erected in our community. Not only do the proposed towers contradict the recently approved Damascus Master Plan by impeding our rural vistas, but also they will directly impact the natural resources of our beautiful community. These towers are to be placed in a "forest preservation" area thus destroying what Montgomery County places a premium; the preservation of our natural resources. These towers are not being built to benefit our community, or even Montgomery County; they are being built to allow a Michigan based company to service the Greater Washington Metropolitan area.

I sincerely ask you not to allow our small town to be ruined by this big business's desire to prosper at the expense of Montgomery County's residents. Please deny their request for a special exception. I would also like to request that the Planning meeting concerning these towers be moved to Damascus so our residents may attend.

Thank You,

A handwritten signature in cursive script that reads "Sherie Case".

Sherie Case

cc: Ms. Judy Daniel, Community Based Planning
Board of Appeals, Montgomery County

August 15, 2006

Mr. Royce Hanson, Chairman, Mont. Co. Planning Board
Maryland National Capitol Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Md. 20910

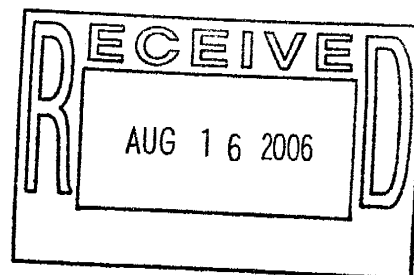
Dear Mr. Hanson,

I grew up in Silver Spring and have been proud to have lived in Montgomery County for most of my life. I have lived in Damascus for 17 years, and plan to retire in the house my husband and I now own. We have dreamed of owning a small farm since we were dating, and started saving to that end.

We now have our dream property, and have tried to keep it safe from development. The back of our property is deeded to the county in a Watershed Conservation Trust. We have a beautiful view of Sugarloaf Mountain and the hills surrounding Damascus. It is our piece of heaven. When our neighbor, John Gue, built his house on the adjacent property, he came and sat on my back deck, saw my view, and moved the building site further back on his property because he didn't want to destroy the beautiful vista from my property.

A Michigan company has applied to you for a special exception to build 4 tall, 411 feet towers on a property on Bethesda Church Road, directly in the middle of that beautiful vista. This is in conflict with the recently approved Master Plan which calls for discouraging all structures which are not compatible with rural vistas. These towers would surely do that as well as destroy our night skies with strobe lights. These towers are NOT compatible with Damascus's character. It would negatively affect property values in this area.

At the subdivision hearing, the applicant's representative testified that there were **no plans for towers** on this property and stipulated that only agricultural structures would be built. Later, the applicant told the Tower Committee that they only wanted to serve the Damascus area. I have seen the plot of the signal pattern, and its purpose is to serve Washington, DC to Richmond, Virginia. This man has acted in bad faith to the residents of Damascus. There is NO benefit to Damascus or Montgomery County by allowing there towers to be built on this site.




Damascus is a beautiful, rural jewel in Montgomery County. It is a community that takes pride in preserving the beauty, wildlife, forests and fields of rural Maryland that are quickly disappearing in this area. Please do not allow this to happen!

Would it be possible to move the Planning Meeting, currently scheduled to be held in Silver Spring, to the Damascus area so the local Damascus residents can attend and have their voices heard? I have talked with quite a few residents who are very concerned, and feel that they are being left out of the decision making process.

Thank you for your attention.

Sincerely,



Michael E. and Karen B. Clem
10300 Moxley Road
Damascus, Md. 20972
(301) 774-5389

Cc: Ms. Judy Daniel, Community Based Planning

PS: If you want a better perspective of our beautiful view, come to our house on any clear evening, and stay until dark. You will see more stars visible than anywhere else in Montgomery County.

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capital Park and Planning Commission (MNCPPC)
8787 Georgia Ave.
Silver Spring, MD 20910

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AUG 09 2006

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

August 8, 2006

Dear Mr. Hanson:

My fiancé and I just purchase a beautiful home at 26201 Johnson Dr. in Damascus. The main reason we moved to Damascus was because of the breathtaking views and the small town feeling.

We were extremely disappointed to discover that a Michigan company has applied to the Montgomery County Planning Board for a special exception to build four towers that will loom over the beautiful skies of Damascus at a height of 411 feet! Not only will we have to see this unsightly vision from our very own front yard, but because of the enormous height, we will see it from wherever we are in Damascus! Our once peaceful dark nights will be lit up with strobe lights and our beautiful view from our front door will be forever changed!

We feel very strongly that this request should be denied! The construction of these towers will forever change the rural character of our community. These towers are not within keeping with the Damascus Master Plan, where our community is described as a "small yet simple" agricultural community in the heart of Montgomery County. The unsightly appearance and the destruction of our peaceful night skies with the strobe lights isn't the only issue. There is also the radio frequency interference that our family and neighbors will be subjected to by living so close to these towers. Not to mention the effect on the intercom and computer systems at the Damascus Elementary School right down the street and the Middle and High Schools around the corner!

In addition, I would like to request that the Planning Meeting be moved to Damascus, so that the residents of Damascus could easily attend. The planning meeting is currently scheduled to be held in Silver Spring.

Thank you for taking the time to read this letter and for your thoughtful consideration of this topic. This issue is extremely important not only to my family, but to the entire community of Damascus.

If you have any questions in regards to this issue, please feel free to contact me at laura.corvette@fda.hhs.gov or 240-988-0148.

Sincerely,

Laura Corvette

Laura Corvette
26201 Johnson Dr.
Damascus, MD 20872

George C. Cramer
26533 Haney Avenue
Damascus, Maryland 20872

R E C E I V E D
1144
AUG 16 2006

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

August 14, 2006

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
CC: Ms. Judy Daniel, Community Based Planning
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Hanson:

My family settled in the Damascus-Browningsville area in 1795. Since that time, six generations have called Damascus home. I was raised in the quaint atmosphere of this small town, by my mother, the daughter of a local doctor and my father who ran the local hardware store. Although times have changed and Damascus has grown, the camaraderie of the community is still felt today.

A Michigan company has applied to you for a special exception to build four large radio towers, which will stand 411 feet. These proposed towers will be built within a mile of my home and within .50 miles of where my ancestors first settled.

Please consider denying the application to build the proposed towers. There are many negative factors surrounding the towers once built. Those factors include, but are not limited to the following:

- Devaluation of the values of surrounding properties
- The beautiful rolling hills of the rural skyline will be destroyed
- The death of many migratory birds
- Strobe light induced migraines and seizures will increase
- The towers will be seen from many surrounding communities

The most critical adverse factor is that the proposed towers are not included within the Damascus Master Plan, which includes verbiage discouraging the building of such structures that do not fit in with the rural landscapes of the Damascus community. Allowing an out of state company destroy the Damascus area would be an atrocity to all those living here and may force many life time community residents to move else where.

Thank you for your consideration of denying the building of the said towers. It is imperative that the Damascus community is heard thoroughly and without bias prior to making a decision that will affect the lives of the residents here for years to come.

Sincerely,

A handwritten signature in black ink, appearing to read 'George C. Cramer', with a long horizontal flourish extending to the right.

George C. Cramer
gccramer@msn.com

Dear Mr. Jackson -

RECEIVED
1117
AUG 09 2006

8/7/06

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

my husband and I began building our home in Damascus in 1994. We fell in love with the sweeping views from our home as well as those on the drive to our place. Many of our guests, friends and relatives rave of the peaceful views on the drive to our home.

A company from Michigan seeks to impose a behemoth tower (4, 411ft) in these vistas. This is not in keeping with neighbor hood feel....

PLEASE DENY THE BUILDING OF THE TOWERS!!

Thank you for your time.

Bernadette Culpapa.
26401 Purdum Rd.
DAMASCUS, MD 20872

MCP-CTRACK

From: Hanson, Royce
Sent: Sunday, September 10, 2006 4:38 PM
To: Hill, Joanne
Subject: FW: damascus radio Towers-c-track & case file

R E C E I V E D
SEP 11 2006

-----Original Message-----

From: Jeanmarie Curley [mailto:jeanmarie.curley@marligen.com]
Sent: Friday, September 08, 2006 6:35 AM
To: Hanson, Royce
Subject: damascus radio Towers

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

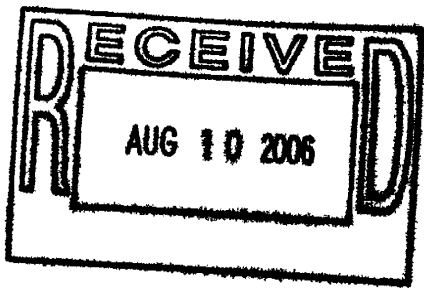
Dear Mr. Hanson:

As residents of Damascus we are very concerned about the intention to build radio towers on Bethesda Church Road. My children attend DES and I am concerned that they will be spending 7 hours a day near such radio towers. It cannot be good for their health. Furthermore, it is my understanding that the tower will interfere with the schools PA system, which is an integral part of their communication system.

Why would Damascus approve such a thing? Is it for the money? Surely, we can find another location in Montgomery County for such an obtrusive thing!

Please vote against this proposition

Sincerely,
Jeanmarie and Robert Curley



Jonathan D. Dehn
Kathleen C. Dehn
26900 Purdum Road
Damascus, MD 20872
jon.dehn@verizon.net
kcdehn@verizon.net

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

We have lived in Damascus since 1980 when we built our home ourselves. We plan on living here for a very long time. We hope that Damascus continues to be a rural community with many country vistas. We are very concerned about local growth and development.

A Michigan company has applied to you for a special exception to build 4 radio towers near Johnson Drive and Bethesda Church Road. This will dramatically change the character of our neighborhood. We drive by this area every day. We settled in Damascus because of its rural benefits not to put with offensive sights of over development.

Please do not allow these towers to be built in our rural area because these towers will change forever the rural flavor of Damascus, the towers will add unwanted light to our night sky, interfere with wildlife especially migratory birds, and cause radio interference for people in our community. These towers do comply with the Master Plan for development in Damascus.

The meetings about these towers have been outside Damascus. Please have the next meeting moved from Silver Spring to Damascus. It is not that far out of anyone's way as it still is in our county. It is not unreasonable to request a meeting here as all other meetings regarding these towers have been Rockville.

Thank you for your thoughtful consideration of these topics that are of critical importance to us and our community.

Yours truly,

Jonathan and Kathleen Dehn

Cc: Ms. Judy Daniel, Community Based Planning

RECEIVED
1185
AUG 31 2006

Kerry Frost
10860 Bethesda Church Road
Damascus, MD 20872
August 9, 2006

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

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

This letter is in regards to the proposed radio tower site on Bethesda Church Road in Damascus. My husband, Michael, and I moved to the property directly across from the proposed site one year ago when we learned we were expecting our first baby. We chose the house in Damascus because of the beautiful views from the house. For the past year, my husband and I have put countless hours into renovating our house in order to provide the cleanest, safest home we can for our son, Aiden, who is now 9 and a half months old.

We were shocked to learn of the Special Exception Hearing regarding a Michigan company's plans to build the towering monstrosities across from our home. Our home is only 30 feet from the road separating our home from the tower site.

Please do not allow these towers to proceed! My husband and I would like to point out the following information that relates directly to our family:

1. The FCC's own literature indicates that exposure to **Radio Frequency Radiation** may cause cancer and does, indisputably, raise the temperature of the body resulting in such health effects as cataracts and impotency in males (see http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf). The FCC's own web site reads:

"It has been known for many years that exposure to very high levels of RF radiation can be harmful due to the ability of **RF energy to heat biological tissue rapidly**. This is the **principle by which microwave ovens cook food**. Exposure to very high RF intensities can result in heating of biological tissue and an increase in body temperature. Tissue damage in humans could occur during exposure to high RF levels because of the body's inability to cope with or dissipate the excessive heat that could be generated. Two areas of the body, the eyes and the testes, are particularly vulnerable to RF heating because of the relative lack of available blood flow to dissipate the excessive heat load."

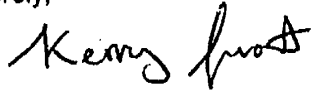
The above quote is taken directly from <http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q5>. The FCC has not performed tests on a 9 month old baby living 30 feet from a radio tower site. Please do not make my son the guinea pig. I am sure there is not a parent alive who would wish their infant to grow up under the shadow of a radio tower. **Please, I beg you to consider the potential harm to my baby – he is only 9 ½ months old.**

2. **If the towers are built, we will have no choice but to sell our house and move.** I will take no chances with my son's health. At the same time, the year of hard labor and money we put into our house will be lost. Our property value will plummet and our family will face financial ruin. **Please consider that allowing this out-of-state company to proceed will cause undue financial hardship to my family.**
3. I help support my family by running Lakelands Media, LLC – A Maryland Limited Liability Corporation. Lakelands Media is a Web Design company. **I provide services to my clients using my wireless network, wireless phone, and a cell phone. It is an**

undisputable fact that the proposed towers will cause interference with wireless devices. While the idea of offering one year of filters is nice, the reality and practicality of such devices is absurd. If my router fails over the weekend while I am working on a project due on Monday and need to purchase a new, different router that does not work with the existing filter I will be out of business. If the existing filters fail, I will be out of business. Technology is constantly changing, and my field has very fast turn around times. If I can not meet my contractual deadlines for my clients it will cost my company money and clients. **Please do not allow an out-of-state company to interfere with my Maryland company's right to do business.**

Thank you for your kind consideration in this matter. My family's future is in your hands.

Sincerely,

A handwritten signature in black ink that reads "Kerry Frost". The signature is written in a cursive, slightly slanted style.

Kerry Frost

cc: Ms. Judy Daniel

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
1109
AUG 09 2006

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

August 8, 2006

Dear Mr. Hanson

My name is Alejandra Fuster, and I am a 17-year-old resident of Damascus, MD. I have lived in Damascus my entire life, and am proud to be a part of this community. I will be beginning an education at Georgetown University this fall, and hope that after I finish college I can return to an unchanged Damascus, as it is the only place I can call home.

This is why it is truly disturbing to hear that a Michigan based company has applied to you for permission to build four 411-foot tall radio towers. Damascus has always been admired for its rural landscape and small town feeling, and these towers will detract from both of these qualities.

Please deny Birach Corporation permission to build these towers. I can list countless reasons why the towers are a bad idea. As I said before, they will detract from the rural character of Damascus, discouraging people from purchasing property and joining the Damascus community. Consequently, the towers will negatively affect property values, punishing the hard working people of this town. The MNCPPC has an obligation to the people of Damascus to make sure this does not happen, especially because the Applicant has acted irresponsibly and dishonestly. When purchasing the property, the Applicant said they had no plans for towers on the property- clearly a lie. They also promised the people of Damascus a meeting to explain the project, and then failed to do so.

I appreciate the time you have spent reviewing the facts and the consideration you have put in to this issue. I have faith that the MNCPPC will make the right decision, and stop any towers from being built.

Yours truly,

Alejandra E. Fuster

Alejandra E. Fuster
10880 Moxley Rd.
Damascus, MD 20872
fusterali@hotmail.com

August 8, 2006

RECEIVED
1118
AUG 09 2006

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

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

I have been a resident of Damascus for 20 years. When we were newly married, my husband and I moved to Damascus from Chevy Chase, MD. What was at first a little scary, winding country roads, dark nights and lots of open space, soon became what I love most about living here; dark nights where you can see stars you never realized existed, beautiful rolling hills and beautiful views.

I understand that you are about to hear a petition from a Michigan company who has applied to you for a special exception to build 4 tall, 411 foot towers. These towers will be painted bright orange and white, and for better visibility will have multiple strobe lights flashing at night. It is important to note for reference that these towers will be located on a high spot near the center of Damascus, nearly three hundred feet taller than most of the other areas of Damascus, so for all practical purposes will appear to be more like 700+ feet than 400+ feet.

Beyond the fact that these towers will ruin the landscape for all Damascus residents, I also understand that the Damascus Master Plan contains specific language that prevents this kind of structure from being built in Damascus. I urge you to support the Damascus residents by denying this petition from a Michigan state resident, a petition that benefits only him but brings no jobs or economic benefit to the people of Damascus. In fact, it has the opposite effect for Damascus residents. Look in any area real estate magazine and you will find that the main selling feature of many ads is the rural location and beautiful views that Damascus has to offer.

Last, I urge you to move the meeting to Damascus so that Damascus residents, the people these towers will affect, can participate and be fairly represented. I would also like to request that this letter be made a part of the record and distributed to the other members of the Commission.

I really do appreciate your time and consideration,



Wendy Fuster
10880 Moxley Rd.
Damascus, MD 20872
wfuster@f2labs.com

MCP-CTRACK

From: Dave Gill [stickbuilt@verizon.net]
Sent: Sunday, September 10, 2006 12:57 PM
To: Hanson, Royce
Subject: Radio Towers in Damascus MD

RECEIVED
SEP 11 2006

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

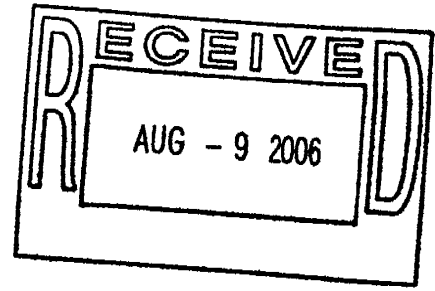
Dear Mr Hanson:

I am writing you concerning the proposal to build a cluster of radio towers near Damascus on Bethesda Church Road at Johnson Drive. I first would like to ask you to deny the special exception application and second, I would ask that you consider moving the hearings/meetings to Damascus. Since this is an important issue for the community, the Planning Board should encourage the communities participation by making it more convenient for the residents to attend. An evening session would allow those who work during the day to participate.

Thank you for your consideration of these request

David Gill
10034 Banner Country Court

August 8, 2006



Mr. Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

I have been a farm owner, and resident of Damascus, for the past 20 years. I was first drawn to the area by its peaceful atmosphere, and its serenely dark night skies. On a moonless night, one could literally see into the very heart of our galaxy.

It has come to my attention that a Michigan based company has applied for permission to build four, 411 foot tall towers in my community. If my calculations are correct, these towers will be 280 feet higher than the highest object in Damascus, an eyesore of a tower in the center of town. At that height, they will loom large over the south eastern border of my farm, and turn my night sky into a dazzling array of white strobe lights, and red beacons. I am disgusted!

Mr. Hanson, you must forbid this applicant from building these towers. The people of Damascus have voiced their desires with the newly approved Master Plan. We don't want our way of life, and our rural vistas, disturbed by such things. We don't want our property values trashed for the profits of some business with no stake in our community. We don't want the beauty of our night sky defaced by these towers!

I am told that there is to be a hearing, in the middle of the day, in Silver Spring, to discuss these matters so very important to the residents of Damascus. The long distance, and the time of this meeting will discourage Damascus residents from attending and voicing their opinions. This hearing should be moved into the heart of Damascus, and held in the evening so that concerned Damascus residents may be fairly represented.

Thank you for your kind consideration of this most upsetting topic.

Sincerely yours,

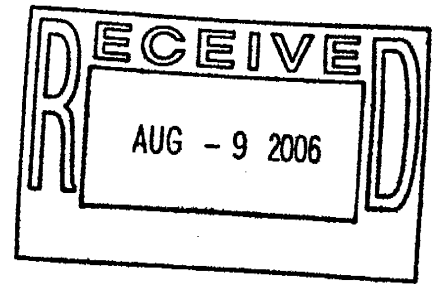
A handwritten signature in cursive script, appearing to read "Chuck Harris".

Chuck Harris
26700 Purdum Road
Damascus, Maryland 20872
cfharris@erols.com

cc: ms. JUDY DANIEL

August 7, 2006

Mr. Royce Hanson
Chairman, Montgomery County Planning Board
Maryland National Capital Park and Planning Commission
cc: Ms Judy Daniel, Community Based Planning
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Hanson:

My husband and I moved to Damascus from Bethesda 13 years ago. A large part of why we selected Damascus was the rural feel of this community. We decided it was a wonderful location to raise a family where children could grow with wide open spaces. We now have two young sons and we all love that we pass sheep, cows, horses, corn fields and beautiful rolling hills on our way home.

Now we understand that a Michigan company has applied to you for a special exception to build 4 radio towers that will be over 400 feet tall. We believe the location is on a site off Bethesda Church Road, which is only a few miles from our home.

Please do not allow this special exception. These towers will be a blight on our wonderful landscape and will be incongruous with the character of this town. It also seems that this is in direct conflict with the recently approved Master Plan, which specifically discourages these types of structures in our agricultural community.

What benefit will Damascus get from these towers? None. The towers will serve the Washington, D.C. area, not us. They will cause radio frequency interference for miles to residents, businesses and schools. This will also have a tremendously negative impact on our property values.

We also ask that the venue for any meetings regarding this special exception be changed from Silver Spring to Damascus. This will make it easier for those who have difficulty traveling down county, but who are directly impacted by this decision, to attend board meetings.

Please hear us, Mr. Hanson. We do not want these towers in Damascus. Follow the Master Plan. Keep in mind what is best for this community. Do not let us become another Clarksburg.

Sincerely,

Rob and Cathy Hallin
28509 Woodview Drive
Damascus, MD 20872
thehallins@verizon.net

August 8, 2006

RECEIVED
1120
AUG 09 2006

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

Mr. Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

I have been a farm owner, and resident of Damascus, for the past 20 years. I was first drawn to the area by its peaceful atmosphere, and its serenely dark night skies. On a moonless night, one could literally see into the very heart of our galaxy.

It has come to my attention that a Michigan based company has applied for permission to build four, 411 foot tall towers in my community. If my calculations are correct, these towers will be 280 feet higher than the highest object in Damascus, an eyesore of a tower in the center of town. At that height, they will loom large over the south eastern border of my farm, and turn my night sky into a dazzling array of white strobe lights, and red beacons. I am disgusted!

Mr. Hanson, you must forbid this applicant from building these towers. The people of Damascus have voiced their desires with the newly approved Master Plan. We don't want our way of life, and our rural vistas, disturbed by such things. We don't want our property values trashed for the profits of some business with no stake in our community. We don't want the beauty of our night sky defaced by these towers!

I am told that there is to be a hearing, in the middle of the day, in Silver Spring, to discuss these matters so very important to the residents of Damascus. The long distance, and the time of this meeting will discourage Damascus residents from attending and voicing their opinions. This hearing should be moved into the heart of Damascus, and held in the evening so that concerned Damascus residents may be fairly represented.

Thank you for your kind consideration of this most upsetting topic.

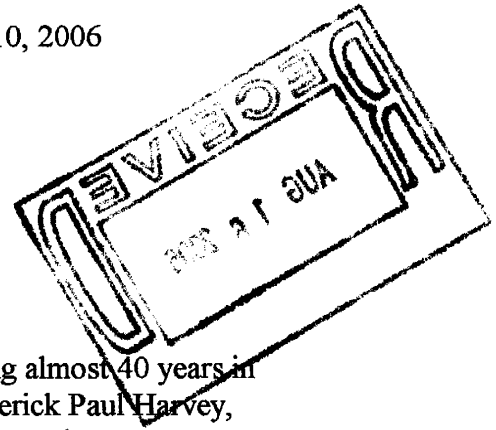
Sincerely yours,



Chuck Harris
26700 Purdum Road
Damascus, Maryland 20872
cfharris@erols.com

August 10, 2006

Mr. Royce Hanson, Chairman, Montgomery Co. Planning Board
Cc: Ms. Judy Daniel, Community Based Planning, MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Hanson,

I have been a Montgomery County resident for 60 years; living almost 40 years in Glen Hills, where there is 1-acre zoning. That is where my son, Frederick Paul Harvey, grew up. Last year he bought his dream home at 26240 Kings Valley Dr. in Damascus. That is where Kings Valley meets Bethesda Church Rd. and is really no distance from where the Michigan company has applied to you for a special exception to build the four tall towers.

I happened to be visiting him when the hearing in Rockville was held, so I attended the meeting. Although it was difficult to hear the speakers, I did not feel that a case was made for permitting the rural character of the area to be changed. It should be possible to retain some areas giving people that choice. Glen Hills thankfully remains an oasis in its surrounding hubbub.

I respectfully ask that you deny the requested exception to your Master Plan.

Yours truly,

Mary Jane Reiney Harvey
Mary Jane Reiney Harvey
9018 Elizabeth Rd,
Houston, TX 77055

mjr@swbell.net

RECEIVED
1123
AUG 11 2006

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

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capital Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

I recently moved to Damascus 8 Months ago, I live on Bethesda Church Rd.. I am a stones throw from where these towers are to be put up. I moved here to get AWAY from LOUD noises AND NIGHT LIGHTS, I used to live in a "quiet" section of Gaithersburg. But, it became NOT so QUIET!. Then I found my current house. It is at present, VERY PEACEFUL!, WITH a LOVELY VIEW!!! NEEDLESS to say, had I known my view was to be DESTROYED shortly, I would NOT have moved here!!!!!!!. Now, having moved here, I CANNOT AFFORD to move again!!! Furthermore, the VALUE of my house after TOWER CONSTRUCTION, will be much LESS than I paid. Those towers will RUIN the view from my rear deck. I moved to Damascus to be back in a small / rural community setting. I grew up in Potomac, when it was a small/ rural community.

These towers WILL ruin the rural skyline, AND ARE WAY out of " SPEC" of the rural master plan of this little town!
These UGLY TOWERS will be VISIBLE FOR MILES, and MILES!! I am also concerned that should they BLOW DOWN, they will End up in my living room!. The operator of the Radio stations, who plan on building these towers has claimed "they are to serve the Damascus community". These stations are ALREADY serving the Damascus area!! So, I ask you, IF that was true, WHY do we need these towers HERE!? WE DON'T!!! The TOWER'S ARE TO REACH FREDERICKSBURG VA.!!!

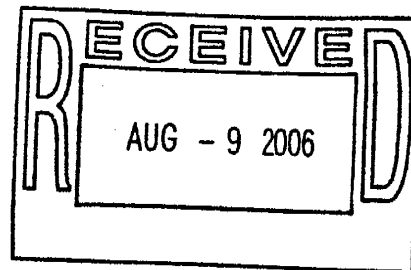
If these TOWERS are BUILT, I hope they ARE NOT, I have moved my family into a VERY DEADLY Situation!!!, INSTEAD OF my intension, which was the EXACT OPPOSITE!! IF they are built, I and my family WILL be EXPOSED to constant RADIO WAVES and radiation emitted from these towers. Health concerns and probable CANCER, instead of a quiet and peaceful LIFE.

Thank you in advance for your thoughtful consideration of this situation.

Please know my family and I do NOT WANT these TOWERS here OR anywhere else for that matter, just so the applicant can extend their advertising base!!!!!!!

Yours truly,
Frederick Harvey and Family
26240 Kings Valley Rd.
Damascus, Md., 20872
67olds442@msn.com

Aesthetics/local sense of Damascus	Master Plan	Bad Faith	Adverse impacts/Health
Devaluation of our property.	In conflict with the recently approved Master Plan which calls for discouraging all structures which are not compatible with rural vistas. These towers are NOT compatible with Damascus' character.	At the subdivision hearing, the applicant's representative testified that there were no plans for towers on this property and stipulated that only agricultural structures would be built.	Will cause RFI (radio frequency interference) which MUST be corrected by applicant, but based on the bad faith that he has exercised, we doubt he will fulfill this obligation.
Will impede viewing of Independence Day fireworks.		Tower Proponents promised community a meeting to explain the project - This never happened - now it is too late.	Will impact community members who suffer from strobe-affect seizures and migraines.
Will destroy our skyline/ruin our rural skyline.		Bad Faith- Applicant told Tower Committee that they only wanted to serve Damascus. They already are heard in Damascus.	
Will destroy our night skies with strobe lights		Bad Faith - Applicant is lawyers sent letters to contiguous property owners, saying that their prupose was to "better serve the WASHINGTON Metropolitan area."	
Be visible from miles away			Don't let this turn into another Clarksburg!
Change the rural character of our community, described in the Damascus Master Plan as a "small yet simple" agricultural community in the heart of Montgomery County			
Negatively affect property values			
Audubon Society reports that many migratory birds die as a result of hitting these towers. Since Montgomery County places a premium on this open space to preserve natural resources like our migratory birds, you must deny this application.			



Mr. Royce Hanson
Montgomery County Planning Board

Cc: Ms. Judy Daniel
Community Based Planning

Maryland National Capitol Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson,

I passed a sign on Bethesda Church road, not far from my home, saying that there was an application to erect radio towers nearby. After calling the commission, I found out that this was, in fact, an application to put up 4 towers each exceeding 400 feet in height.

I've lived in Damascus for 22 years. The appeal of Damascus is not its downtown, but the rural charm of the surrounding area. I pass by that spot on Bethesda Church road every day and marvel at the unobstructed view for miles around of the rolling hills, farms, and even Sugarloaf mountain in the distance. I think that erecting towers at this site would ruin the rural flavor of this whole side of Damascus.

I understand that the Damascus Master Plan specifically notes that development around Damascus shouldn't interfere with the rural character of the area.

Therefore, I urge you to do what you can to stop this construction project. The proposed towers would destroy forever the rustic rural character of this part of Damascus.

Yours Truly,

A handwritten signature in cursive script that reads "Antony J. Heatwole".

Antony J. Heatwole
11301 Moxley Road
Damascus, MD 20872
tony@ajheatwole.com

August 8, 2006

RECEIVED
1119
AUG 09 2006

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

Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

We have been Montgomery County residents for most of our 54 years. Twenty years ago, we moved to our lovely property in Damascus. We have enjoyed our generous community and appreciate our beautiful and very special surroundings. We believe that this area is so special that we had created a flower farm, which was enjoyed by many county residents. Residents from all over Montgomery County were delighted to have a destination to drive to that offered our unique rural landscape.

Unfortunately, the proposal of the four 411 foot AM Broadcast towers will indeed change our vistas. These are views that not only we enjoy but our visitors do as well.

Furthermore, we are dismayed about the process in which this decision has come to be. Through our lifetime as a residents in this county we have been involved in many county activities such as jury duty, volunteer work for the schools, farm tour, legal cases, and obtaining a building permit and building a home in Damascus as per Montgomery county laws.

When we went to observe the Technical Support tower committee meeting we were struck by the inconsistencies we noticed in their decision making process as compared to the other agencies of the county we have been involved with. For example, our house is a pre-engineered house from New Hampshire. In order for us to have secured the building permit, Montgomery County had us take it to a Maryland certified architect for him to sign off on. My home is 27 feet tall. I am amazed that 411 feet towers could pass approval without needing certification by a Maryland engineer.

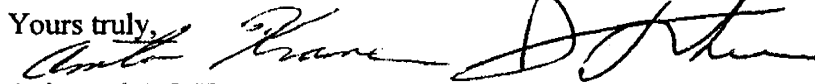
Also, we are in the property management business. In a lawsuit against us for not returning a security deposit, the judge would not accept our bills from our contractors for the damages by the tenant because the contractors they were not present in court. However, the Technical Support Team accepted Barichs' engineers report even though he was not present at the meeting.

Furthermore, we really don't understand why the Technical Support team even exists if they are only a rubber stamp to the FCC. Shouldn't their role be to protect the citizens of this county rather than further someone else business interest? We really feel disillusioned by all that has transpired from this process.

Your role on the planning board is to uphold our community's land use laws and Master Plan. Our community made a point of including language in the Master Plan protecting our rural vistas because of their importance to the character of Damascus. We expect you to uphold our Master Plan and deny these towers.

Hopefully your board will listen to the voices of the residents rather than that of a company that is not connected in any positive way to our county and the Damascus community.

Yours truly,



Anita and A.J. Kramer
10920 Moxley Road
Damascus, Maryland j 20872
Akramer611@aol.com

RECEIVED
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AUG 10 2006

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

Carol Lombardo
9401 Main Street
Damascus, Md 20872
August 8, 2006

Mr. Royce Hanson
Chairman Montgomery County Planning Board
Maryland National Capital Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson,

Having lived in Damascus for 21 years, I am concerned that the proposed Broadcast Radio Towers on Bethesda Church Road are not in keeping with the rural character of our town.

I am on the email list for the Damascus Master Plan and have tried to keep abreast of information on the Master Plan. I do not believe that the towers are consistent with the intent and description of the Master Plan for Damascus.

The towers are not being constructed for the benefit of our community, will not add to our economic base and there will be radio wave interference to residents in the community within a radius of the towers.

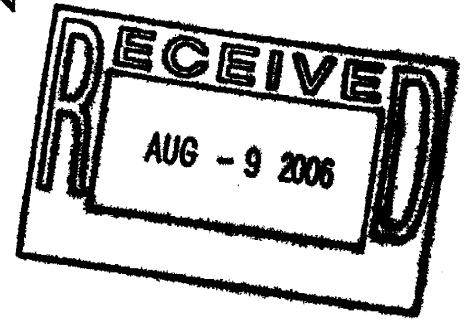
Please place me on the email list for further meetings and correspondence regarding this matter. (carollombardo@hotmail.com) I would also request that the meetings open to the community be held in Damascus so that it is possible to attend the meetings.

Thank you for your consideration in my request to deny the special exception for these towers.

Sincerely,

Carol Lombardo
Carol Lombardo

ROSANNA V. PHELAN



August 8, 2006

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

I am an eleven-year resident in the very picturesque rural setting of Damascus, Maryland. I moved here when my husband became too ill to climb stairs. At the time, all I wanted was a home with no stairs to climb. What I got was all that and so much more. Imagine lying in a hammock watching the cows come down from the meadow to drink from the pond. Then imagine turning your head to the west and seeing the beautiful view of Sugarloaf Mountain. This quiet, beautiful setting surrounded by cows, corn and neighbors who truly care about your welfare became a solace to me after my husband passed away. It is still a comfort to me. When I come home from work each day, I enjoy leaving the bustle of Bethesda and DC and entering the quiet rural, agricultural setting that is Damascus.

Recently I learned that a Michigan company has applied to M-NCPPC for a special exception in order to build four radio towers, 411 feet tall. If granted, construction of these towers would be in blatant conflict with the recently approved Master Plan which calls for discouraging all structures which are not compatible with rural vistas. These towers are NOT compatible with Damascus' character. At the subdivision hearing, the applicant's representative testified that there were **no plans for towers** on this property and stipulated that only agricultural structures would be built. Now they are asking for a special exception to build these unwanted towers.

The applicant told the Tower Committee that they only wanted to serve Damascus; however, they are already heard in Damascus. In addition, the applicant's lawyers sent letters to contiguous property owners, stating that their purpose was to "better serve the **Washington Metropolitan area.**" These towers would cause problems for local residents due to radio frequency interference (RFI). The bad faith evidenced by the actions of the applicant thus far leads me to seriously doubt the applicant would make any effort to correct the RFI post-construction.

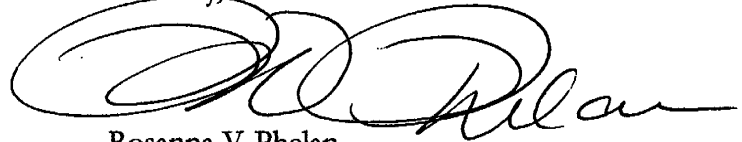
August 8, 2006

These towers would be just down the street from my home, an eyesore on an otherwise beautiful vista. My grandchildren and I enjoy using our telescope to view the night sky. At nine-years of age, my grand-daughter has developed a particular appreciation for the ability to view the stars without the "light pollution" that makes star-gazing impossible in the city. The strobe lights that would top these towers would make this simple pleasure impossible and could have other adverse impact on residents who suffer from strobe-effect seizures and migraines.

I strongly urge you, Dr. Hanson, to deny the applicant's appeal for a special exception. Do not allow these towers to destroy our rural skyline.

Thank you for your thoughtful consideration of these topics that are of critical importance not only to me but also to our community. It is my hope that under your experienced hand, decisions will be made to preserve this open space.

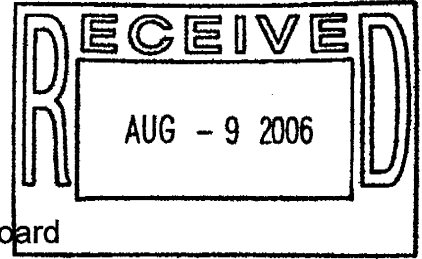
Sincerely,

A handwritten signature in black ink, appearing to read "Rosanna V. Phelan". The signature is fluid and cursive, with the first name being the most prominent.

Rosanna V. Phelan

Cc: Ms. Judy Daniel, Community Based Planning

August 7, 2006



Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Cc: Ms. Judy Daniel, Community Based Planning
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910


Dear Mr. Hanson,

I attended the July 26th Damascus Tower Committee meeting to learn more about the proposal to build four 411 feet towers down the road from where we live on Bethesda Church Road. I learned that the tower plan conflicts with the Damascus rural zoning ordinance and it was also very evident, from the turnout, that the community does not want the towers to be built.

Please work with the community to see that these towers do not get built. They would negatively impact the views, the night darkness, the rural feeling, property values, and be of danger to birds.

It would be very helpful if future meetings would be held in Damascus, because many neighbors want to attend and be able to provide input.

Let's stick to the master Plan for Damascus that everyone has worked so hard to create. Thank you for your consideration,

Jan Rieke 
11505 Bethesda Church Road
Damascus, MD 20872

MCP-CTRACK

From: Hanson, Royce
Sent: Wednesday, August 30, 2006 5:17 PM
To: Hill, Joanne
Subject: FW: Radio Towers in Damascus

R E C E I V E D
AUG 30 2006

send response

-----Original Message-----

From: Dan Shapiro [mailto:dshapiro@nsgi-hq.com]
Sent: Wednesday, August 30, 2006 10:05 AM
To: Hanson, Royce
Subject: Radio Towers in Damascus

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

In regards to the radio towers, there is something I need to bring to your attention. I am requesting that you recommend denial of the special exception, and move all hearings and meetings to Damascus, so it is not a burden for our community to attend.

I am all for technology, since I work in the Tech field, but 4 radio towers is going to interfere with basic home owner communications equipment (computers, cell phones, etc).

Thank you

Daniel Shapiro
240-793-3400 - cell
Damascus, Resident
<mailto:dshapiro@nsgi-hq.com>

RECEIVED
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AUG 08 2006 P. 01OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Upcounty Ink

Serving Upper Montgomery County *Joan Snow*

Maryland National Capital Park and Planning Commission
Community Planning Division
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Sir or Madam: Re: Damascus Radio Towers, WDMV Radio

Damascus resident strongly oppose the plan to place three radio towers in a quiet residential area. Damascus neither needs, nor wants, an out-of-state company to deposit 411 foot towers in the middle of our rural community. This not only blights our precious agricultural atmosphere and violates zoning statutes, but goes against the specific desires of the residents as presented in our Master Plan.

There are many other reasons that Damascus residents do not want these excessively large radio towers. These reasons include harm to tourism, lack of community benefit, detrimental effect on property values, positioning in area which is not zoned for this purpose, positioning near an elementary school, middle school, and high school, harm to our rural roads designations, harm to our rural vistas, harm to rural carnivals, festivals, and reunions, lack of certified forestry mitigation plans, and loss of our rural character.

Many families have strong roots in the Damascus area. Therefore, many family reunions are held in this area. It is "Destination Damascus" for these families, where they gather to enjoy fellowship in a protected agricultural area. Also, Damascus is a "destination" town for many rural festivals, including Farm Tours, Community Days, and the Damascus Fair. On these occasions, many tourists gather in Damascus to appreciate both the festivals and the fireworks displays that are shown. The introduction of these huge radio towers blights the character of our community and harms the family fellowship that we cherish. Instead of being "Destination Damascus" we will become the "dumping-ground" Damascus for out-of-state media interests.

Not only does it harm our local tourist and family-oriented economy, it does absolutely nothing to contribute to jobs in Damascus. The station is owned by an out-of-state Michigan company that has no allegiance whatsoever to quality of life in Damascus, in Montgomery County, or in Maryland.

The property on which these radio stations is proposed to be built is in a quiet residential area, very close to our public schools. It is surrounded by woodlands, alongside our protected Agricultural Reserve. The applicant has not submitted an appropriate, certified plan to protect our cherished natural resources.

Beyond this, the director of Montgomery County's Telecommunications Transmission Facility Coordinating Group herself, Jane Lawton, has said, "I don't want these towers in the upcounty, none of us do." Although she, herself, was unable to take action, this proposal is opposed at every level of government.

Planners worked long and hard with Damascus residents to preserve our rural vistas. The county's Planners worked in close coordination with the community in a cooperative effort to protect the scenic views and rural character of Damascus. This last minute proposal circumvents the community-based planning process.

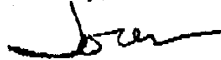
Attendance at planning sessions, in a good-faith effort to work with the community, was an important part of our planning sessions. Participation in these planning sessions was an important part of community good-faith. The applicant and his representatives had ample opportunity to attend workshop sessions, if they so chose, and work with the community. To circumvent the normal procedural process at the last minute and to expect a hurried decision by the Planners and by the community is inappropriate.

Furthermore, many adjoining property owners were unaware of this proposal and had inadequate notice of public hearings and community meetings. Many roads are not widely serviced by the Gazette Newspapers and were made aware of this proposal only by hand-delivered fliers and leaflets. Because of this lack of notice, many citizens did not have the opportunity to express their opinions in a community hearing setting.

Therefore, Damascus residents are united against the placement of these media towers within our rural residential community. They bring us no jobs, contribute nothing to our community, our economy, destroy our country environment, violate our zoning ordinances, disrupt and destroy our local family-oriented tourist attractions, do not comply with our certified forestry mitigation requirements, have not been subjected to sufficient public hearing process, and blight our rural vistas. Our beautiful Damascus "fields of our dreams" are to be replaced by bleak monstrosities—"fields of towers." This is not the "vision of Damascus" that citizens and Planners worked to create.

The Planning Board should consider all areas of concern before taking action to further this unwanted project until it has the opportunity for both community outreach and information, and the full detailed description of this proposed plan.

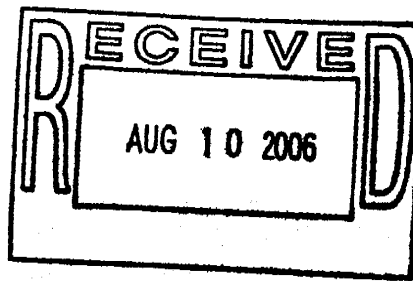
Sincerely,



Joan Snow
9956 Bellison Road
Damascus, MD 20872
301-253-5639
joanniesnow@hotmail.com

26120 / 26124 Kings Valley Road
Damascus, Maryland 20872

August 8, 2006



Mr. Royce Hanson
Chairman, Montgomery County Planning Board
Maryland National Capitol Park and Planning Commission (MNCPPC)
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

I hope you are well. I am writing regarding the proposal of a Michigan-based radio conglomerate (Birach Broadcasting) to build transmission towers in the heart of Damascus, Maryland. My wife and I have settled in Damascus and have had the pleasure of raising our two boys here over the last 15 years ago. It is a quaint and sedate community that is doing its best to hold on to the rural nature of its farming history. Indeed the Damascus Master Plan has been developed to attempt to maintain the small-town character of this area of Maryland, and it calls for a "small yet simple agricultural community in the heart of Montgomery County."

Regarding the Birach company plans for us, it is clear to us that having numerous 400+ foot towers looming into the evening sky above Damascus, flashing strobe lights for all residents to see, will utterly destroy the years and years of effort to craft a community in the spirit and letter of the Master Plan.

As a physician, I worry about the medical impact of such a nightly spectacle on our residents with seizure disorders and migraine disorders (one might as well move a howitzer cannon next door to such folks and set it off on a nightly basis). As a property owner of two homes in Damascus, I worry about the dramatic impact that structures such as these towers will have on the property values of many Damascus residents. Finally, as a former regulator myself (for the Food and Drug Administration) I am very influenced by the arguments waged on behalf of our townspeople by Ms. Bussard and Mr. Burrow that rather meticulously describe the numerous breaches of good faith by the applicant. I hope you can carefully consider the soundness of the reasoning of the DRRST group and deny the Birach application due to its many regulatory failings and oversights.

Respectfully submitted,

Mark O. Thornton, M.D.
Email: mthornton@curesarcoma.org
Phone: (301) 253-0854

✓ Cc: Ms. Judy Daniel, Community Based Planning

MCP-CTRACK

From: Hanson, Royce
Sent: Wednesday, August 30, 2006 5:17 PM
To: Hill, Joanne
Subject: FW: Damascus Towers

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AUG 30 2006

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

pls send the response to her.

R

-----Original Message-----

From: Susan Wells [mailto:sswells@gmail.com]
Sent: Wednesday, August 30, 2006 10:37 AM
To: Hanson, Royce
Subject: Damascus Towers

Dear Mr. Hansen,

Please be advised that I am adamantly opposed to the proposed towers in Damascus, seeing no reason for this community to be visually desecrated for a commercial enterprise which will be of little, if any, benefit to those of us who live here. Any special exceptions should be of benefit to the community at large, not the economic benefit of one privately held company, whose owners may not even have any ties to this area.

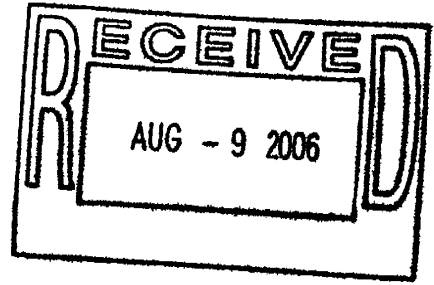
I would also request that any further hearings/meetings concerning this topic be sited in Damascus, to alleviate travel concerns for the residents; after all, we would be the ones affected-- shouldn't the discussions take place here?

Thank you for your concern in this matter.

Susan Wells
10913 Bellehaven Blvd.
Damascus, MD 20872
(301) 253-0341

10400 Moxley Rd
Damascus Maryland 20872

August 7, 2006



Mr. Royce Hanson, Chairman, Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Ave
Silver Spring, MD 20910

Dear Mr. Hanson,

As a resident of Damascus I am writing to voice my concern about the proposed radio towers to be located on Bethesda Church Road.

As I am sure you are aware the residents of Damascus pride themselves on their ability to remain a "small yet simple" agricultural community in the heart of Montgomery County. It is this character that will be greatly impacted if these radio towers are erected in our community. Not only do the proposed towers contradict the recently approved Damascus Master Plan by impeding our rural vistas, but also they will directly impact the natural resources of our beautiful community. These towers are to be placed in a "forest preservation" area thus destroying what Montgomery County places a premium; the preservation of our natural resources. These towers are not being built to benefit our community, or even Montgomery County; they are being built to allow a Michigan based company to service the Greater Washington Metropolitan area.

I sincerely ask you to not allow our small town to be ruined by this big business's desire to prosper at the expense of Montgomery County's residents. Please deny their request for a special exception. I would also like to request that the Planning meeting concerning these towers be moved to Damascus so our residents may attend.

Thank You,

Neita White

cc: Ms. Judy Daniel, Community Based Planning
Board of Appeals, Montgomery County

MCP-CTRACK

From: Toby Zellers [tobyzellers@yahoo.com]
Sent: Sunday, September 10, 2006 1:47 PM
To: Hanson, Royce
Subject: AM Radio Towers in Damascus

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

Dear Mr. Hanson:

Please recommend denial of the special exception application requested by the firm wishing to build four very tall radio towers in Damascus.

I have been a homeowner in Damascus for almost 20 years. My family and I love Damascus because of it's quite, rural nature. As an electrical engineer, I understand some of the issues of large wattage transmissions towers in the vicinity of homes, families and pets. While I don't live directly within the electromagnetic fields of the tower, I support the tower's potential neighbors in their desire to stop the tower construction. Regardless, these towers will act to lower our property values and will just be plain ugly.

I am also an amateur astronomer, and I cherish the relative dark skies. If anything, we have too many lights in our sky, but it is certainly better here than it is "down-county." I understand that these towers will have bright strobe lights for the safety of aircraft, and I do not welcome this intrusion into our night sky.

The thought of monstrously tall towers that contribute little to the community of Damascus sickens me. These towers will "define" Damascus from South Mountain in Frederick to Sugarloaf to the Washington Monument. I really don't want our community to be known as the town way over there with the four huge towers.

Please help by communicating to the County Council our community's desire to keep the towers out of Damascus. Please work to move the discussion closer to Damascus, so more of the community can participate in the discussion. Please consider why we live here, and help us protect the nature of our community.

Regards,

Thomas Zellers
9616 Harvest Knolls Way
Laytonsville, MD 20882