



Jeffrey Z. Slavin
Mayor

September 4, 2018

The Honorable Hans Riemer
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

TOWN OF SOMERSET

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Rich Charnovich
Town Manager/Clerk-Treasurer

Re: ZTA 18-11 Telecommunications Towers – Approval Standards

Dear Council President Riemer:

I am writing to you today on behalf of the Somerset Town Council. As you know, Somerset is a municipality within Montgomery County. As a municipal entity we take great pride in the stewardship of our community and are actively engaged in many aspects of its safety and aesthetics. The town employs a town manager and fulltime landscape crew. We actively manage the care of the town trees. We monitor traffic patterns and deploy part time police to ease burdens and add protection as needed.

We are concerned about the impact that Zoning Text Amendment 18-11 would have on our community. We hope we can work with everyone on the Council to address these concerns and become an active partner in this process.

First, the bill changes the zoning law so that **cell tower antennas and panels can be put on the utility poles 30 feet from our homes** -basically in our front yards. This is a reduction from the current 60-foot setback. Other communities have even greater setbacks than even our current 60-foot set back. We urge that the 60-foot setback be retained.

Second, these installations would occur as “limited use” that is there would **be no notice to the community and no opportunity for comment.**

Third, the bill changes the zoning law so that base **equipment boxes as large as 20 cubic feet could be placed in the public right of way.** This is an increase from the currently allowable 12 cubic feet. This is a box so large that a small person could stand inside. And these would be on the ground near the utility poles, in the public right of way. Additionally, the bill does not limit the number of equipment boxes that would be allowed.

All this new equipment could be installed with **no notice to the community and no prior hearing.**

“Where People and Trees Have Deep Roots and Grow Strong”

The legislation also allows installation of **new** cell towers in close proximity to homes. While the installation of new towers would involve a hearing, we understand that this bill **even strips away a community's right to appeal a decision made by the Office of Zoning and Administrative Hearings**. The only recourse would be expensive litigation initiated by residents and paid for out of our own pockets.

We are also concerned about the detrimental effect this would have on our home values. We refer you to the report, "Impact of Communications Towers and Equipment on Nearby Property Values"¹ prepared by the Burgoyne Appraisal Company and attached as an exhibit to accompany the Smart Cities Siting Coalition comments submitted to the FCC in response to the Mobilitie preemption petition. The report concluded, "As a general matter visible utility structures do adversely affect property values."

Finally, we note that currently **the County has no provision for post-installation inspection**. As a result, quite a number of poles in Montgomery County are not in the location cited on the application and are much closer to homes than are currently allowable by law. Certainly, a provision in this legislation should be instituted to mandate post installation inspection and certification so that the poles are in the correct place and operating safely. This reform should occur before any legislation is enacted.

Fundamentally, this legislation would dramatically alter the character and aesthetic of our neighborhoods. In most cases there would be no notice to affected residents and no input from neighbors, and unforeseen safety issues and other detrimental effects to our community could result.

We understand that the Council is concerned about the latest FCC rules which prohibits "de facto" and "de jure" moratoria on small cell deployment. However, other jurisdictions around the country, that face the same regulatory challenges, have successfully created zoning plans which do not take away the communities right to public notice and to a public hearing and which adequately protect the character and safety of the community. Neighboring Prince George's county has an application process which includes public notice, mapping, and hearings. Why should Montgomery County have less than Prince George's County? Petaluma County California has just instituted a 200 foot setback from residential dwellings for small cell towers. Why are setbacks **reduced** to 30 feet in Montgomery County?

We look forward to working with you to alter ZTA 18-11 so that the community's interests are served.

Sincerely



Jeffrey Slavin
Mayor
Town of Somerset

¹ See Exhibit 3,
https://ecfsapi.fcc.gov/file/1030998488645/COMMENTS_SMART%20COMMUNITIES%20SITING%20COALITION.pdf
P. 140