Attachment 10

July 20, 2022

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902
Attn: Bill Fritz, Development Process Manager

Re: Scruby Property – Verizon Wireless Tier III PWSF
SP-2022-00011 and SE-2022-00030

Dear Mr. Fritz,

We are writing to voice our opposition to Verizon Wireless' request to construct a 140-foot-tall monopole tower to be used as a Personal Wireless Facility on Tax Map/Parcel 05500-00-00-01400.

Locating a tower at this site will have negative impact on our property (05400-00-00-06100) and the surrounding area. Our property continues to be located in the zone identified by Albemarle County as having tower visibility, despite its relocation.

When we moved to the Greenwood-Afton Rural Historic District in 2014, we did so primarily for the setting, including woodlands, orchards, rising mountains, rolling pastures, and vast panoramic vistas enabled by the region's well-preserved rural landscape. The construction of this tower as it is proposed will weaken our area's rural landscape and historic integrity. Many of the properties throughout this area feature defining landscape features and elements, including plants/plantings, tree-lined drives, and picturesque entrances. (The historic estate of Seven Oaks is a prime example.) The people who live in Greenwood place great importance on the land and landscape; we are its stewards.

We selected our location despite even the availability of internet service, which didn't arrive for several years. We live in a historic district because we value its history and wish for its continued conservation. This project is inappropriate for the site for which its currently being considered.

Sincerely,

Jon and Leigh Kirchner
7479 Greenwood Station Rd
Greenwood, VA 22943

cc: Kevin McCollum, Senior Planner I

FLORA
ATTORNEYS AT LAW | PETTIT

Nancy R. Schlichting
Attorney at Law

Direct: (434) 220-6108
nrs@fplegal.com

Phone: (434) 979-1400
Fax: (434) 977-5109

530 East Main Street
P.O. Box 2057
Charlottesville, Virginia 22902

August 1, 2022

Via Email
bfritz@albemarle.org

William D. Fritz, AICP, Development Process Manager
Albemarle County Community Development
401 McIntire Road
Charlottesville, VA 22902

Re: Verizon Personal Wireless Service Tower - Application for Special Use Permit

Dear Mr. Fritz:

As you know, this Firm represents Hope Burghardt who owns Mirador Farm which is located in the Greenwood-Afton Rural Historic District. We appreciate the opportunity to provide input regarding the special use permit application (SP202200011) submitted by Verizon for the proposed Personal Wireless Service Tower in Greenwood (the "Tower").

This application is the third one submitted by Verizon for the Scruby property. While Verizon has attempted to portray the resubmittal of its application to be the result of its efforts to address all of the concerns raised in response to its previous applications, it is, in fact, yet another push to fit a square peg into a round hole and place a cell phone tower where one does not belong. Indeed, the proposed Tower is taller, with more equipment, and is more visible to more people than the previous submittals.

The focus of our comments is three-fold. First, the current Application has not ameliorated the visibility concerns or addressed the negative impact on the Greenwood-Afton Rural Historic District that was recognized in the previous applications. Second, Verizon has failed to demonstrate that this Tower is necessary to meet the public need, and that the benefit outweighs the negative impact on the community. Finally, the Tower is not consistent with the County's Comprehensive Plan and violates its Zoning Ordinance. Attached as **Exhibit** 1 hereto is a letter from expert Mehran Nazari, P.E. which discusses coverage and capacity issues, the additional equipment which will make the Tower even more visible, and the lack of empirical support provided by Verizon to demonstrate the need for the Tower or its additional height.

The Tower Remains Highly Visible from Multiple Vantage Points in Greenwood

In June 2022, County staff prepared a preliminary visibility analysis using geographic analysis software. The maps reflecting the analysis are attached to this letter as composite **Exhibit 2**. Large portions of Mirador Farm and Seven Oaks Farm are in red. The red area is where the Tower would be visible.

On June 15, 2022, we attended the balloon test and took photographs at the locations from which County staff observed the visibility of the Tower. See photos attached and marked as composite **Exhibit 3**. Following the balloon test, County staff prepared a map showing where the Tower was visible (marked in red) from select locations. This map confirms that the Tower site is visible not only from Mirador Farm, but also from many points in the Greenwood-Afton Rural Historic District including Route 250, Greenwood Road, Greenwood Station Road, I-64 East, and I-64 West. You stated at the community meeting that there was no need to observe the balloon test from Seven Oaks because the balloon could not be seen from there. However, it is our understanding that Mr. Todd Zimmerman – owner of Seven Oaks - confirmed with you that the balloon was seen from numerous locations on Seven Oaks including the vineyard. The "visibility" map as well as the maps reflecting the water protection ordinance buffers, the conservation easements and AF districts, and the surrounding historic resources are attached as composite **Exhibit 4**.

Verizon's most recent application confirms that the Tower now being proposed is 13.3 feet taller than the previous proposed Tower after taking the drop in elevation into account. In addition, the balloon test on June 15, 2022, confirmed that the Tower would be clearly visible from all of the historic buildings on Mirador Farm (with the only exception being the main house), and from many vantage points along Greenwood Station Road, Greenwood Road and Route 250. Contrary to Verizon's assertions, even the photo simulations provided by Verizon confirm that the view of the Tower in the historic district would be clear and skylit.

Indeed, on July 18, 2022, the Architectural Review Board found that the proposed location of the Tower will not sufficiently minimize the visibility of the monopole from the I-64 Entrance Corridor. The Final ARB Action Memo is attached hereto as **Exhibit 5**.

What the photo simulations include and do not include is significant. Those photo simulations do not include trees which may be impacted during the installation of the proposed monopole and ground equipment, and therefore do not reflect the true potential visibility of the Tower. Moreover, the proximity of the proposed 400 square-foot fenced compound – including, but not limited to, two concrete pads – to the few surrounding trees raises concern of their vulnerability due to disturbance of root zones and soil compaction. In short, more trees around the Tower may die and make it even more visible. Also, as you mentioned during the Agricultural-Forestal District Committee meeting held on July 6, 2022, unless trees surrounding the proposed site are included under a conservation easement, the County must ignore the existing trees in determining the potential visibility of the Tower. The Scruby property is not under a conservation easement. Moreover, the buildout of the access road from the Greenwood Station Road to the

compound may result in the removal of many mature trees. The Construction Drawing (CD) submitted by Verizon does not even address the impacted trees that will have to be cut/removed for the build the access road to the compound. Furthermore, the CD and the photo simulation does not show/include Verizon's 5G antennae, which will add/increase the visibility of the proposed monopole.

The photo simulations do not include the additional potential impact on visibility once power is brought to the site. When questioned by residents during the County's review of the prior application, Verizon could not provide details on how electricity would be delivered to the site. Although Verizon believes electricity would be routed in an underground conduit, Dominion would not determine those details unless and until Verizon placed a work order following approval of the special use permit. If power is delivered via overhead power lines, this would further diminish the historical and bucolic integrity of Greenwood. In Mr. Perez's letter dated October 16, 2020, Mr. Perez provided comments to Verizon on behalf of the Department of Community Development. In response to his letter, Verizon submitted another plan on November 11, 2020 (the "November Resubmittal"). However, the November Resubmittal failed to address Mr. Perez's comment about design where he specifically raised a visibility concern and requested additional information:

> *5. [5.1.40(a)4(a), 5.1.40(a)4(c), 5.1.40(c)6, 33.40(b), 32.7.5.2] Design. In order to evaluate all of the impacts potentially created by the proposed facility show the location of all utilities and support activities for the facility (electricity, phone, fiber etc.) and how they will access the site (above/underground). Specifically, staff is evaluating how the provisions of these items will impact the visibility of the site.*

Even after Verizon has submitted a special use application for a Tower on the Scruby property for the *third* time, Verizon has failed to provide information about power. The lack of information about the location of all utilities and support activities for the Tower, and how the site would be accessed is problematic. It is unclear as to whether Verizon will access the site aboveground or underground, and by what means the Tower would be powered (electricity, phone, fiber, etc.). Without this pertinent information, County staff cannot thoroughly and accurately evaluate the total impact the Tower design will have on the visibility of the Tower, and the historical and bucolic integrity of the Greenwood-Afton Rural Historic District. The balloon test alone demonstrated the significant, negative impact on the view from Mirador Farm and many other vantage points in the District – and along I-64. What trees will be lost when the Tower is installed and when power is brought to the Tower? How will the views be affected if power is brought to the property above ground?

Preservation and Protection Afforded by the County's Comprehensive Plan Outweigh Unsubstantiated Public Need

The regulations in, and the districts established by, the Albemarle County Zoning Ordinance are intended to implement the policies, goals, and objectives of the Albemarle County Comprehensive Plan. As you know, the Plan preserves and protects certain designated areas of the County. Zoning Ordinance, Article I, § 1.5. The Greenwood-Afton Rural Historic District is one of those areas.

As discussed below, the properties and buildings comprising Mirador Farm and Seven Oaks Farm are listed on the National Register of Historic Places and the Virginia Landmarks Register. The conservation easements on parcels in the area (including adjacent Seven Oaks Farm and Mirador Farm) further reflect the intent and deliberate effort made by property owners in the Greenwood-Afton Rural Historic District to preserve and protect the land and views from these historic properties. The Virginia Outdoors Foundation ("VOF") holds five (5) Deeds of Easement which pertain to scenic resources specifically identified for protection. Indeed, the Zoning Ordinance requires that the Tower "be sited to minimize its visibility from any resources specifically identified for protection in the deed of easement." *See* Zoning Ordinance, Article III, § 5.1.40(b)(6).

The VOF's previous response to the County's inquiry about existing conservation easements in the Greenwood-Afton Rural Historic District details the restrictions on Mirador Farm, Seven Oaks Farm, and other nearly properties on which conservation easements were placed. A copy of VOF's letter is attached hereto as **Exhibit 6**. These restrictions reflect and confirm the intent and deliberate effort made to protect the land and views from these historic properties. Putting a cell phone tower on Mirador Farm's and Seven Oaks Farm's borders defeats one of the primary purposes of conservation. In a letter from Preservation Piedmont in response to the 2018 inquiry discusses the historical importance of the properties and the sacrifice of development rights which was done to preserve the overall scenic settings. A copy of Ms. Wager's letter to GTA dated April 2, 2018, is attached hereto as **Exhibit 7** for your reference.

Preservation of the Greenwood-Afton Rural Historic District itself is a goal of the County Comprehensive Plan which states that "Albemarle's historic, cultural, and scenic resources will be preserved." *See* Albemarle Comprehensive Plan at Page S-17.

Application of the Criteria in Article IV, § 33.40(B) Supports Denial of Verizon's Application

Albemarle's Zoning Ordinance requires that the Planning Commission and Board of Supervisors consider the following factors when acting on an application for a special use permit:

1. Will the proposed special use be a substantial detriment to adjacent parcels?

2. Will the character of the adjacent parcels and the nearby area be changed by the proposed special use?

3. Will the proposed special use be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district, with the regulations provided in Section 5 as applicable, and with the public health, safety, and general welfare?

4. Will the proposed special use be consistent with the Comprehensive Plan?

See Zoning Ordinance, Article IV, §§ 33.39, 33.40.

There is no doubt that the Tower would be in an "Avoidance Area" as defined by Article I, § 3.1 of the Zoning Ordinance – which is one of the reasons a special use permit is required. However, we believe the Tower would be a substantial detriment to adjacent parcels, would change the character of the nearby area, be inharmonious with the purpose and intent of the Zoning Ordinance, and be inconsistent with the Comprehensive Plan.

We also believe that Verizon has not demonstrated the public need for the Tower as requested by the Zoning Ordinance. *See* Zoning Ordinance, Article I, § 1.4. Verizon has generally stated that there is a need for the Tower and reported that numerous residents had contacted Verizon requesting better cell service in the Greenwood-Afton Rural Historic District. Without details about the customer locations and specific complaints, it is impossible to assess whether the Tower would address the concerns. Furthermore, Verizon has not provided any coverage or capacity data to support its claim of public need for the Tower. See letter from Mehran Nazari, P.E. (attached as **Exhibit 1)** which discusses coverage and capacity issues, the additional equipment which will make the Tower even more visible, and the lack of empirical support provided by Verizon to demonstrate the need for the Tower or its additional height. Even assuming, arguendo, that the Tower improved Verizon cell service, such improvement would have a marginal impact on cell coverage for the entire District. Conversely, the effect on the historic preservation would be felt by all and in perpetuity.

Finally, the Tower is inconsistent with the Comprehensive Plan which reflects the deliberate and intentional preservation and protection of certain designated areas of the County. *See* Zoning Ordinance, Article I, § 1.5. The proposed site is (a) located in the Interstate 64 Entrance Corridor Overlay District and adjacent to the Route 250 West Entrance Corridor Overlay District, (b) adjacent to the Yellow Mountain Agricultural and Forestal District; (c) located in the Greenwood-Afton Rural Historic District and adjacent to Mirador Farm and Seven Oaks Farm – all listed on the National Register of Historic Places and the Virginia Landmarks Register; and (d) visible from resources specifically identified for protection in the VOF deeds of easement.

The installation of the Tower would undermine preservation efforts and once installed, the damage done will be irreparable. The protection of the Greenwood-Afton Rural Historic District is consistent with the Comprehensive Plan's description of "Avoidance Areas" which contemplates certain places should not be touched except in very rare instances. The character of the adjacent parcels and the Greenwood-Afton Rural Historic District would change because of

the Tower installation. Not only would the visual impact of the Tower detract from the historic preservation efforts undertaken by the County and property owners, but the erection of one cell phone tower would also set the precedent for additional cell phone towers in the Greenwood-Afton Rural Historic District. If the County allows an exception for this Tower, the exception will become the rule.

Background

As you know, Mirador Farm has opposed a Tower in Greenwood since the Spring of 2018. For the benefit of the Planning Commission and the Board of Supervisors, I will summarize the extent of opposition.

In March 2018, my client received a letter from Geo-Technology Associates Inc. ("GTA") which said that Verizon proposed to construct a cell tower on Greenwood Station Road. In April 2018, my client provided comments to GTA and explained why the balloon test study was flawed and insufficient, and why she opposed the proposed site of the Tower.

My client did not hear anything further about the project until June 2020 when she received a letter from the Virginia Outdoors Foundation ("VOF"). The letter explained that a pre-application meeting for a special use permit for the Tower was held on May 22, 2020, and that Albemarle County staff contacted VOF for an inventory of resources specifically identified for protection under VOF conservation easements. Upon further research, we learned that Verizon applied for a special use permit on June 15, 2020.

In July 2020, my client again voiced her objection to the project, this time in letters to Albemarle County Community Development staff and Trileaf. On July 29, 2020, Verizon held a balloon test to take photographs and evaluate visibility at the proposed site. Photographs were taken from several different areas, including Mirador. The proposed site was highly visible from multiple vantage points. Not surprisingly, Verizon requested a deferral of the application for the special use permit to remeasure the reference tree, revise its plans and resubmit its application.

On November 11, 2020, Verizon resubmitted its application, which amended the prior plan by changing the reference tree from Tree #173 to Tree #151 and reducing the height of the Tower from 104 feet to 94 feet. The balloon test on January 11, 2021, confirmed that even with the reduction in height, the Tower would be clearly visible from all of the historic buildings on Mirador (with the only exception being the main house), including Sam Black's Tavern, from virtually every location on Seven Oaks including the main house and from many vantage points along Greenwood Station Road, Greenwood Road and Route 250. On February 3, 2021, Christopher Perez, on behalf of the County, provided Verizon representatives with extensive comments on the application. Mr. Perez's letter is attached hereto as **Exhibit 8**. The Planning Commission ultimately recommended indefinite deferral of the application by a vote of 6:0 On March 2, 2021. *See* **Exhibit 9**.

On June 16, 2021, Nathan Holland of GDN Sites - a Verizon representative - invited Mirador Farm to participate in a private, informal balloon test on the Scruby property on June 25, 2021. During the balloon test, Mr. Holland provided a map showing the alternative sites including the one proposed in the current application. Representatives of Verizon, Seven Oaks Farm, and Mirador Farm assessed the visibility of the Tower at two alternative sites and at different heights – 90 feet and then 100 feet for Option A and then 140 feet for Option B. Mirador and Seven Oaks were being asked their preference between two equally objectionable alternatives. On July 9, 2021, I sent a letter to Mr. Holland to explain that my client opposes the Tower at these alternative sites for the same reasons she has continuously opposed the Tower. The letter is attached hereto as **Exhibit 10.**

On May 9, 2022, Verizon submitted a new application for a Personal Wireless Service Tower in Greenwood. The new application differs from the prior plan in the location and height of the proposed Tower. The new proposed site is located about 740 feet East from the old, proposed site and on an adjacent parcel owned by Mr. Scruby. The proposed height of the Tower increased from 94 feet to 140 feet i.e. 46 feet– even though the difference in elevation is 32.7 feet. Contrary to Verizon's assertions, the recent balloon test held on June 15, 2022, confirmed that the view of the Tower in the historic district would be clear and skylit.

Based on all of the research and information available, my client continues to oppose the Tower at or near this site because it would have a negative impact not only on the historic Mirador Farm and Seven Oaks Farm and it would dimmish the rural and historic character of the greater Greenwood-Afton Rural Historic District.

Historical Significance of Mirador, Seven Oaks, & Greenwood-Afton Rural Historic District

Mirador Farm has a long, colorful, and significant history which begins with its house which was built in 1842 by James Bowen. It was the childhood home of Nancy Langhorne (later, Lady Astor who was the first female member of Parliament in the United Kingdom) and her sister Irene (who married artist Charles Dana Gibson and was the model for his "Gibson Girl" image). The property has extensive landscaped grounds and many ancillary buildings including the famous Sam Black's Tavern which was frequented by Thomas Jefferson between 1768 and 1772. The tavern is a double-pen log house that has housed patrons including George Rogers Clark, Meriwether Lewis, and William Clark. Mirador Farm was placed in conservation with the Virginia Outdoors Foundation, and has been listed on the National Register of Historic Places ("NRHP") since 1983 and on the Virginia Landmarks Register ("VLR") since 1982.[1] Due to a boundary increase nomination, the dairy barn, smokehouse and Sam Black's Tavern – as well as many other structures located on Mirador Farm - were added to the original Mirador Farm designation in 2002.[2]

[1] NRHP Reference Numbers 83003256; 03000444; VLR Reference Number 002-0100.
[2] The VLR listing for Seven Oaks Farm describes the tavern as a landmark on Seven Oaks Farm. Sam Black's Tavern was moved to Mirador Farm from Seven Oaks Farm in 2001.

Mirador Farm is located directly adjacent to Seven Oaks Farm. Like Mirador Farm, Seven Oaks Farm has a rich history, is under conservation, and is listed on both the NRHP and the VLR.[3] The main residence on Seven Oaks Farm was built between 1847 and 1848 for Dr. John Billing Garret. Seven Oaks Farm was briefly owned by relatives of the Langhorne family of Mirador Farm and Lady Astor stayed at Seven Oaks Farm. Seven Oaks Farm is now owned by Todd and Sarah Zimmerman who live there and have also established a vineyard and winery there.

The greater Greenwood-Afton Rural Historic District is comprised of approximately 16,200 acres. Greenwood includes early-19th century villages, early 20th-century historically African American communities, early-20th-century estates, and large farmsteads, including Mirador Farm and Seven Oaks Farm. Since 2010 and 2011, respectively, Greenwood-Afton Rural Historic District has been listed on the VLR and NRHP.[4]

Conclusion

There is a reason that this process is long and involved, and we are grateful for this review. Virginia and Albemarle County value their rural and historic areas and decided long ago to protect them for the benefit of future generations of residents as well as visitors. The laws are clear that these areas and their historic and bucolic areas should be impacted by development only when necessary. Home internet is available in the area through Comcast/Xfinity and CenturyLink. Verizon admits that it has wireless coverage in the Greenwood area and has not demonstrated that the need for better coverage for its customers outweighs the negative impact on the community and historic sites. In addition, it appears that they have not explored alternative sites or technology which could help them achieve the same thing this Tower would accomplish.

For all the aforementioned reasons, we respectfully request that you recommend denial of Verizon's application for a special use permit. We appreciate your dedication to protecting the Commonwealth's historic resources and the opportunity to provide Mrs. Burghardt's position. Please let me know if we can provide you with additional information to assist you. Thank you for your consideration of this information as you prepare your recommendation.

Sincerely,

Nancy R. Schlichting

cc: Lori Schweller, Esquire (w/attach; via email)
Mr. Nathan Holland (w/attach; via email)
Mrs. Hope Burghardt
Mr. David Tomlin

[3] NRHP Reference Number 89001906; VLR Reference Number 002-0071.
[4] NRHP Reference Number 11000258; VLR Reference Number 002-5075.

August 1, 2022

William D. Fritz, AICP, Development Process Manager
Albemarle County Community Development
401 McIntire Road
Charlottesville, VA 22902

Re: Verizon Wireless Monopole - Application for Special Use Permit

Dear Mr. Fritz:

I am a licensed Professional Engineer (P.E.) in Electrical and Computer: Electrical and Electronics (ECEE), and I hold a Bachelor of Science in electrical Engineering (BS/EE) from George Washington University. I was the Technology Advisor to the Rural Wireless Association (RWA), served as a member of the FCC's Communications, Security, Reliability & Interoperability Council (CSRIC) as well as a former Board Member of the NG-911 Institute. I have more than 35 years of experience in spectrum planning/licensing, design, build and operation of numerous wireless and broadband telecommunications networks. I am familiar with air interface technologies deployed in wireless mobile networks. Moreover, on behalf of municipalities, I have reviewed Special Use Permit applications for new towers for wireless mobile carriers.

I have reviewed two Special Use Permit applications – including the full site plan and other associated documents - Verizon Wireless has submitted to Albemarle County. The original application for a proposed 94' monopole on a parcel near 7418 Greenwood Station Road (Tax Map & Parcel Number 05400-00-00-072AO), and the second application proposes a 140' monopole at a different location on an adjoining parcel (Tax Map & Parcel Number 05500- 00-00-01400) owned by the same person. I have also watched the recording of the Verizon Wireless Community Meeting held on January 26, 2021, on the first application which included Verizon's presentation and public comments. I also attended via zoom the Community Meeting held on June 30, 2022, on the recent application.

In Verizon Wireless's June 30, 2022, presentation, the representative stated that the intent of its new proposed site is to fill-in coverage gaps in part of I-64 and Greenwood Station Road. Verizon Wireless's applications do not include any supporting technical information like drive test data, predicted coverage maps, or other empirical network data that would justify the location,

the height of the proposed cell tower and the public need for the proposed tower. It is my understanding that counsel for Mirador Farm requested that information for both the original proposed 94' monopole and the subsequently proposed 140' monopole, which information would assist in assessing the stated need. Verizon has declined to provide the data stating

proprietary reasons.[1] Nevertheless, I can provide certain opinions based on the information I have and that which is a matter of public record.

Coverage

As stated above, in order to properly evaluate the public need for additional coverage, supporting technical data, such as drive test data and predicted coverage must be evaluated. Such data is routinely collected by mobile carriers and can be readily and easily made available. Indeed, it would be reasonable to assume that Verizon Wireless has evaluated such data. However, there was no reference to data in the application to support the statements made in its presentation. Despite declining to provide the data, Verizon Wireless in the community meetings relating to both applications, has stated that it has received numerous customer complaints – without identifying where the complaints originated. Without the actual location and nature of the Verizon Wireless's customer complaints, it is impossible to ascertain the exact location of the areas where Verizon Wireless may lack coverage and/or capacity – much less to confirm whether the proposed cell phone tower will address those complaints.

Verizon Wireless in its current application states that "Verizon is licensed by the Federal Communications Commission (FCC) to provide state-of-the-art wireless telecommunications services within Albemarle County using a combination of four (4) separate bands on the frequency spectrum. These consist of the 850 MHz band for Cellular CDMA, the 1900 MHz frequency band for Personal Communications Services (PCS), the 4G Long Term Evolution (LTE) on 700 MHz band, and Advance Wireless Services (AWS) on the 2100 MHz band. In addition, the site will be upgradable to 5G C-BAND service with just a small equipment change at the time of the tower installation."[2] These statements indicate that it has more than ample frequency in Albemarle County. Nevertheless, Verizon stated in its applications that it "…has determined that the area surrounding this proposed site needs expanded coverage to better service the nearby residences, businesses, and traffic along the I-64 Interstate. Therefore, this site is intended to provide infill coverage while also adding additional network capacity by offloading traffic from the companies nearest existing sites in all directions."[3] Verizon Wireless has stated that it will not provide the supporting coverage prediction maps because such information is considered confidential and proprietary. However, Verizon Wireless has provided its coverage map to the Federal Communications Commission ("FCC") for its voice and data network on July 20, 2021,

[1] In my previous role as a technical consultant and reviewer for municipalities, the applicant provided the supporting documents which depicted the coverage and capacity needs for the proposed tower. I understand that this information is not required in this jurisdiction.
[2] (Application) Narrative 2022-05-09 (4892-7168-4900)
[3] (Application) Narrative 2022-05-09 (4892-7168-4900)

which is available to the public and it is accessible through the FCC website[4]. Attached to this letter are Verizon Wireless's coverage maps for voice and data for the area around the proposed site, which was extracted from Verizon Wireless coverage submittal to the FCC and do not show any coverage gap problems along I-64 or Greenwood Station Road.

Capacity

The need for capacity should also be demonstrated by supporting documents and data from the network. Again, such data can be easily collected and presented. To address capacity issues, it is a common practice for mobile carriers to do radio frequency (RF) channel aggregation, add additional RF channel and/or deploy inter-frequency load balancing which will cause the site to move mobile subscribers to other bands based on a series of criteria other than signal, and are defined at the carrier's cell site.

From the information that Verizon has submitted and presented, it appears to have ample spectrum in Albemarle County. What is not clear is whether Verizon Wireless has deployed/implemented such techniques to address its capacity issue.

Consideration of Alternative Sites

In the previous Community Meeting on June 30, 2022, Verizon Wireless indicated that their RF engineer had evaluated other sites and has deemed them unusable. In response to public comment, Verizon indicated that the first proposed site near 7418 Greenwood Station Road was the only viable site that meets its objectives. Yet, in the most recent application, Verizon identified an alternate site- contradicting its earlier representation that the original proposed 94' monopole location is the only viable location. The list of candidates for alternative sites evaluated by Verizon Wireless's RF engineers has not been provided. Given that Verizon Wireless has come up with a new proposed location it is possible that other candidates considered by Verizon Wireless, should also be evaluated. In my expert opinion, based on my review of the information provided and after doing a line of site analysis, there are other locations in the general area which could provide the same coverage as the proposed location. It does not appear that Verizon Wireless has given adequate consideration to alternative sites.

Height of Monopole

Verizon Wireless in its recent application with the new location proposes to increase the height of monopole from 94' to 140'. However, it does not provide any supporting studies to justify the 46' increase in height. Although the new location is 33' lower in ground elevation than the last proposed location, the monopole proposed for the new location is 46' taller. The increased height requested (which is 13 feet taller than the drop in elevation would justify) is particularly inexplicable where the new location is in an open area where (according to a comparison between the Construction Drawings submitted by Verizon Wireless), the trees are 9'

[4] Please see FCC website https://us-fcc.app.box.com/s/f220avmxeun345o6gzr7rwcnp1wslocf/folder/141116788152

shorter than the trees in the original location (86' vs. 95'). RF propagation is not a linear relationship where the potential coverage loss due to lower ground elevation (compared to the original proposed site) can be corrected by adding additional height to the relocated proposed structure. A more acceptable justification for a proposed height should be a propagation map showing the differences (in coverage) for various heights. In addition, justifying the proposed height by merely stating that the tower must be over the tree canape is not the correct, scientific way to establish a tower height.

Conclusion

Based on my knowledge, experience and review of the Verizon Wireless's application and supporting documents, it is my opinion that Verizon Wireless has not sufficiently demonstrated a public need for the proposed cell phone tower location and has provided contradicting information during the community meeting, which does not match the information it has provided to the FCC. Even if the need were demonstrated, Verizon Wireless has not properly demonstrated the need or appropriateness for the height of the proposed monopole.

Should you have any questions regarding this matter, please do not hesitate to contact me via email (Mnazari@AdGenTelecom.com).

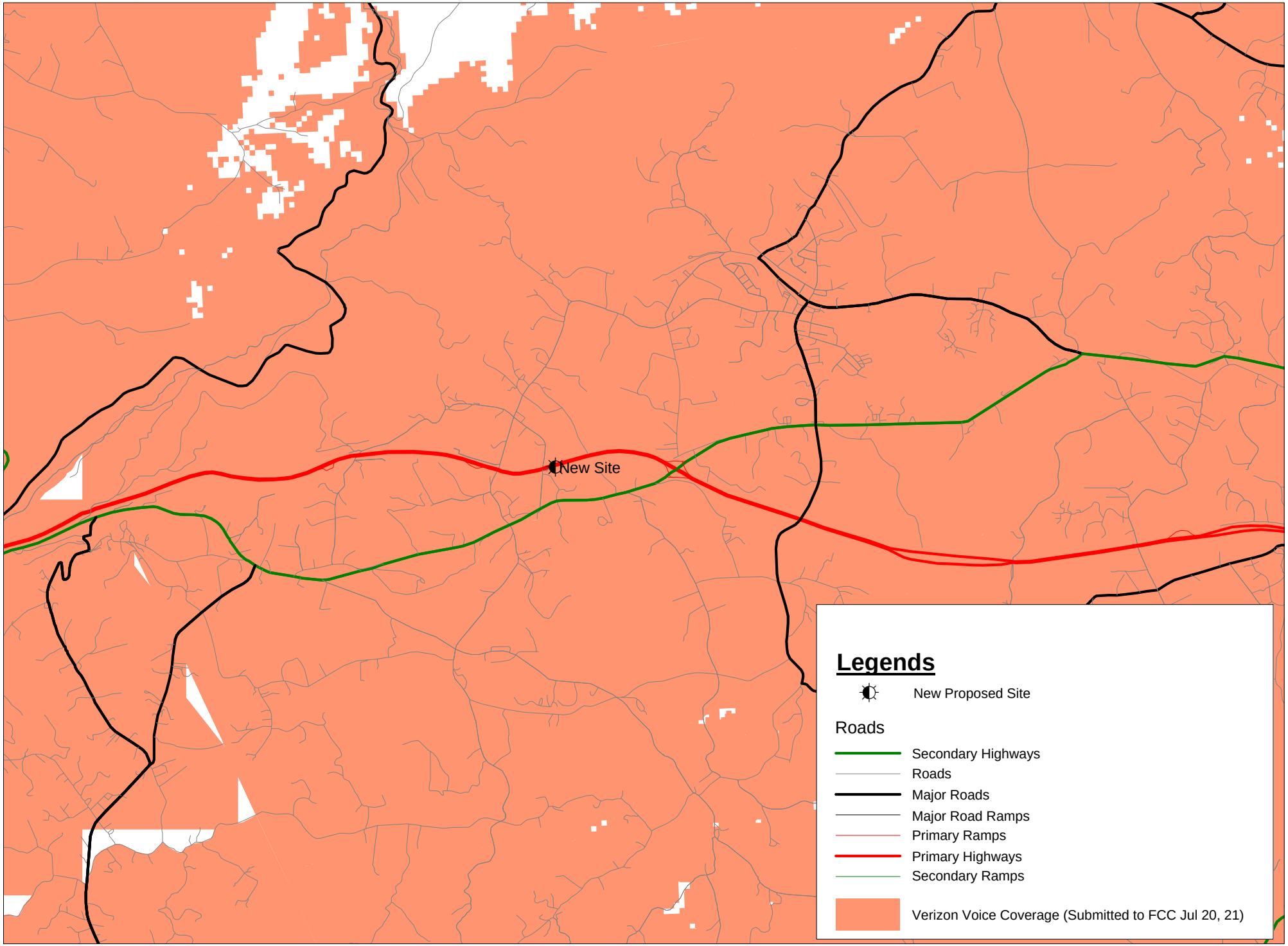
Sincerely,



Mehran Nazari, P.E.

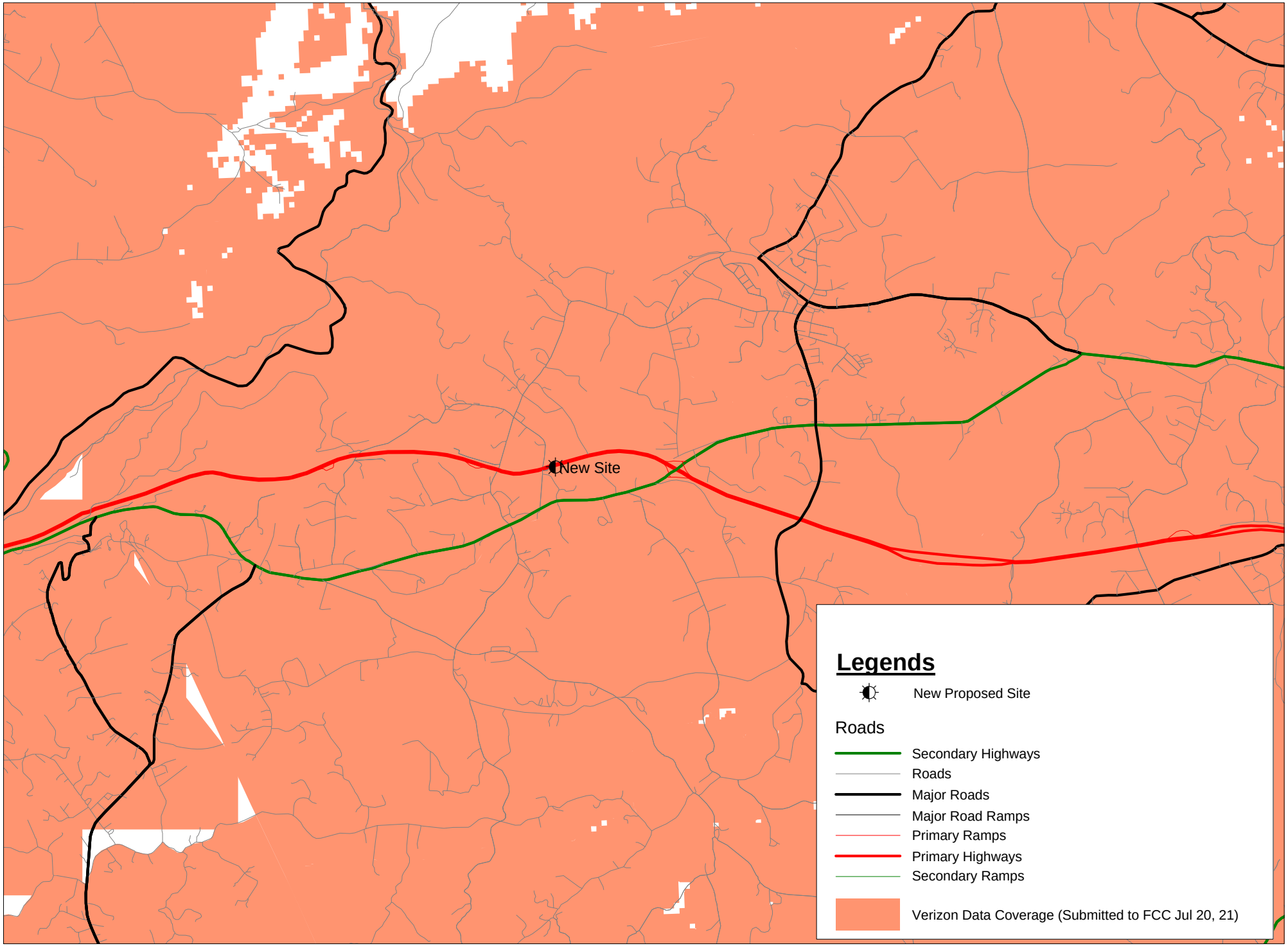
Enclosure

Verizon's Coverage Map For Voice

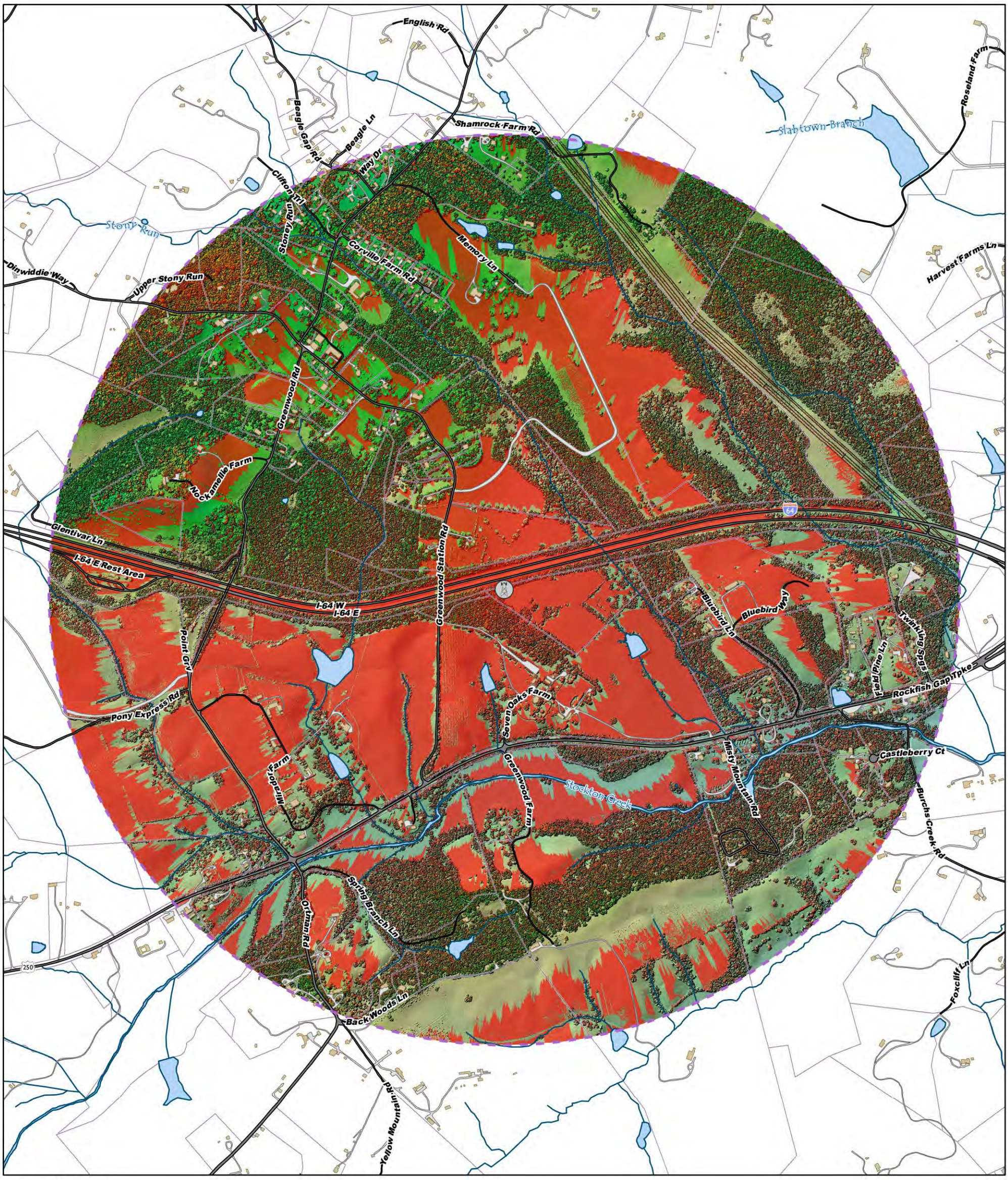


Source: **https://us-fcc.app.box.com/s/f220avmxeun345o6gzr7rwcnp1wslocf/file/836309246837**

Verizon's Coverage Map For Data



Source: **https://us-fcc.app.box.com/s/f220avmxeun345o6gzr7rwcnp1wslocf/file/836278347517**



Notes on Data Sources:

The elevation surface used in the viewshed analysis was derived from LiDAR data flown in late 2015. This accounts for the height of buildings and vegetation at the date of acquisition.

The land cover data used to identify tree canopy is from the Virginia statewide land cover dataset created by Worldview and organized by VGIN. In Albemarle County, aerial photos from 2013 were used in the land cover classification.

Tower Visibility, Parcel 55 - 14

- Tower
- Tower Buffer (1 Mile)
- Albemarle Boundary
- Parcels
- Buildings
- Driveways
- Roads
- Streams
- Water Bodies
- Tower Visible

Surface Elevation

Highest — Lowest

0 500 1,000 1,500 2,000 Feet

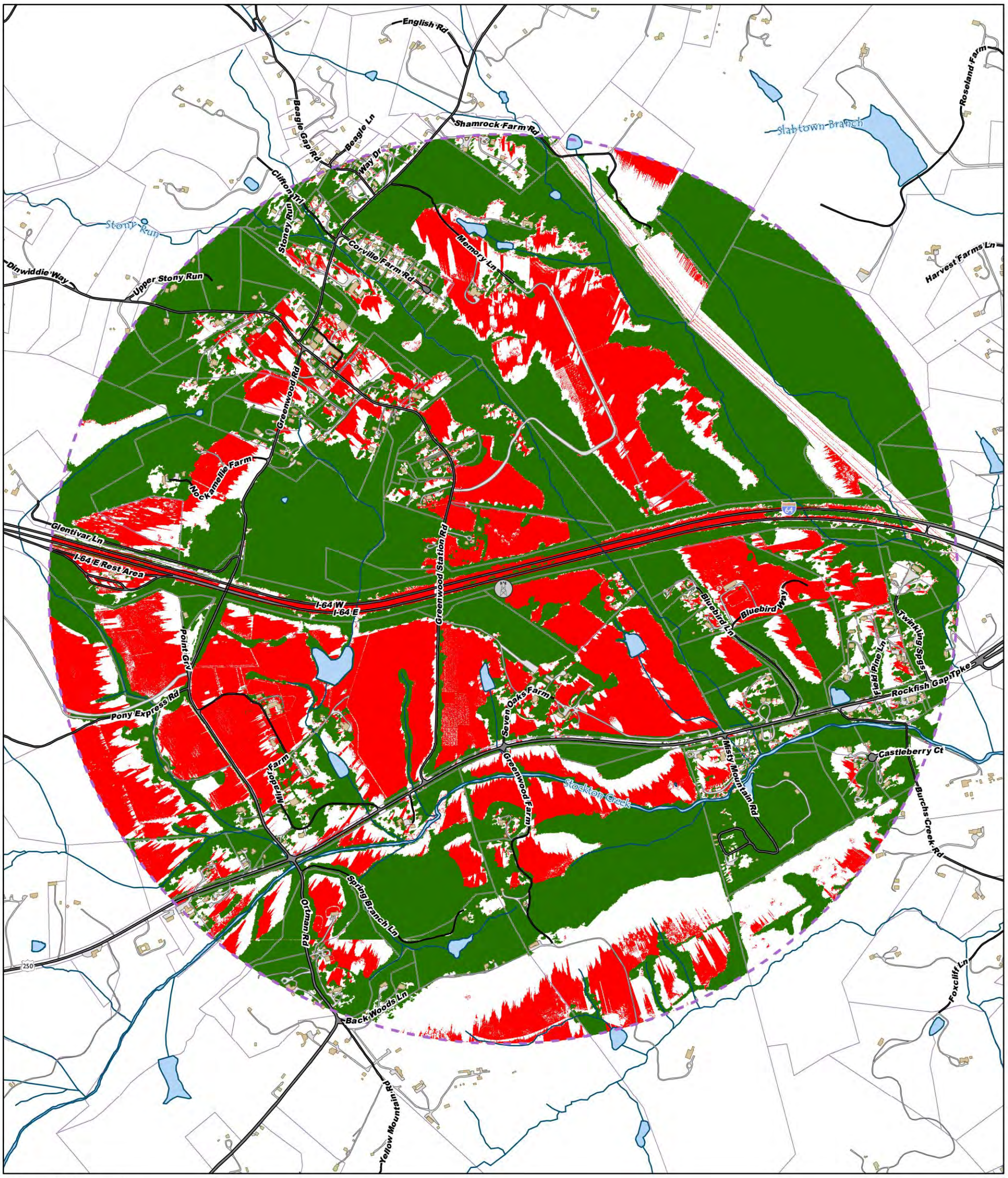
0 100 200 300 400 Meters

Prepared by Albemarle County
Division of Information Services
Map created by Andy Slack: 6/3/2022

Note: The map elements depicted are graphic representations and are not to be construed or used as a legal description. This map is for display purposes only.

Parcels shown reflect plats and deeds recorded through December 31, 2021

Document Path: F:\GDS Staff\WorkingFiles\Viewshed\Bill Fritz\Tower_Viewshed_template_hillshade_6_02_22.mxd



Notes on Data Sources:

The elevation surface used in the viewshed analysis was derived from LiDAR data flown in late 2015. This accounts for the height of buildings and vegetation at the date of acquisition.

The land cover data used to identify tree canopy is from the Virginia statewide land cover dataset created by Worldview and organized by VGIN. In Albemarle County, aerial photos from 2013 were used in the land cover classification.

Tower Visibility, Parcel 55 - 14

- Tower
- Tower Buffer (1 Mile)
- Albemarle Boundary
- Parcels
- Buildings
- Driveways
- Roads
- Streams
- Water Bodies
- Tree Canopy
- Tower Visible

Surface Elevation

Highest — Lowest

0 500 1,000 1,500 2,000 Feet

0 100 200 300 400 Meters

N

Prepared by Albemarle County
Division of Information Services
Map created by Andy Slack: 6/3/2022

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001




Walmart
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70


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SPEED LIMIT 70
SPEED LIMIT 70


022


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Mirador Farm


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WUA-3863


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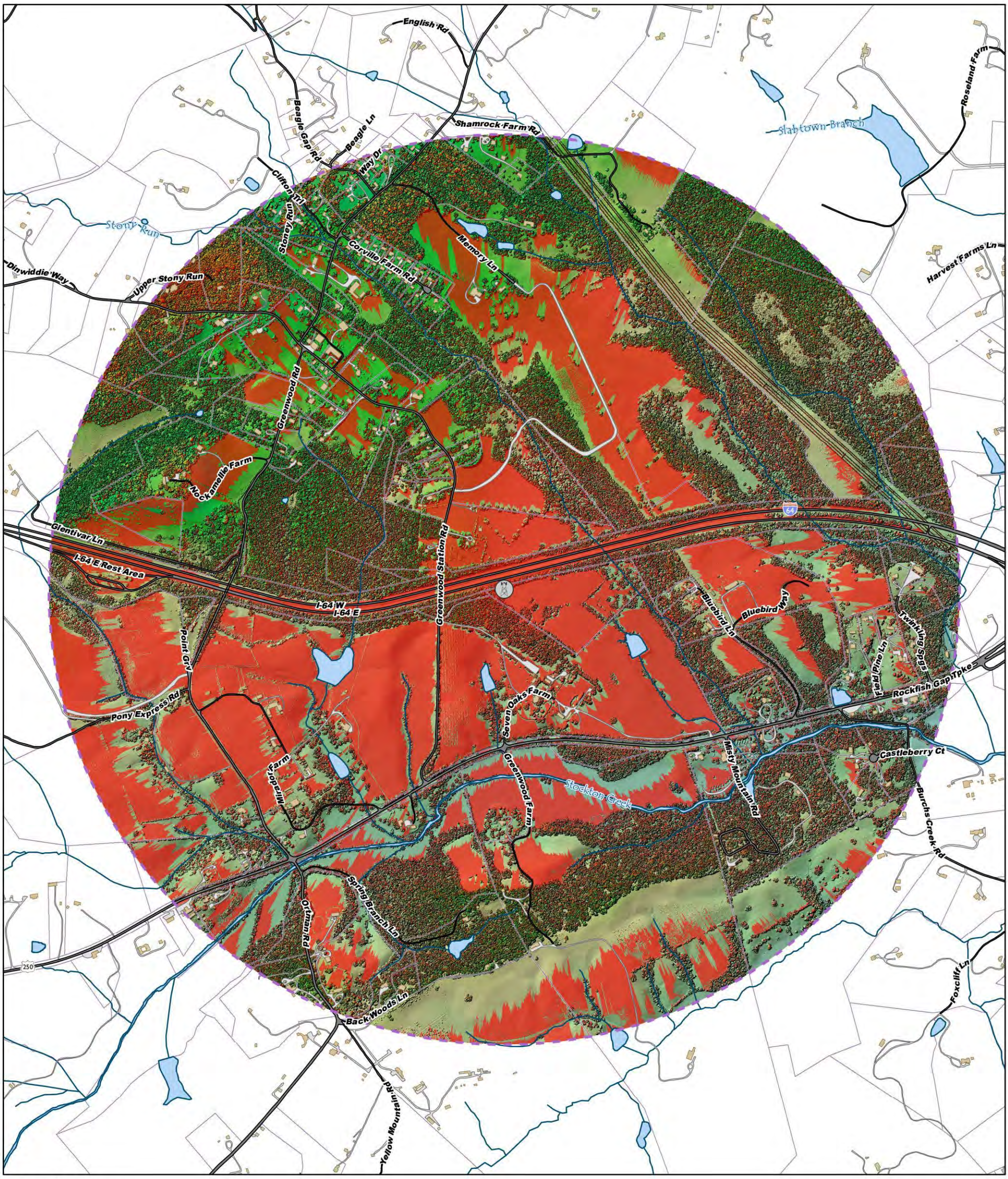

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Notes on Data Sources:

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Tower Visibility, Parcel 55 - 14

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- Tower Buffer (1 Mile)
- Albemarle Boundary
- Parcels
- Buildings
- Driveways
- Roads
- Streams
- Water Bodies
- Tower Visible

Surface Elevation

Highest — Lowest

0 500 1,000 1,500 2,000 Feet

0 100 200 300 400 Meters

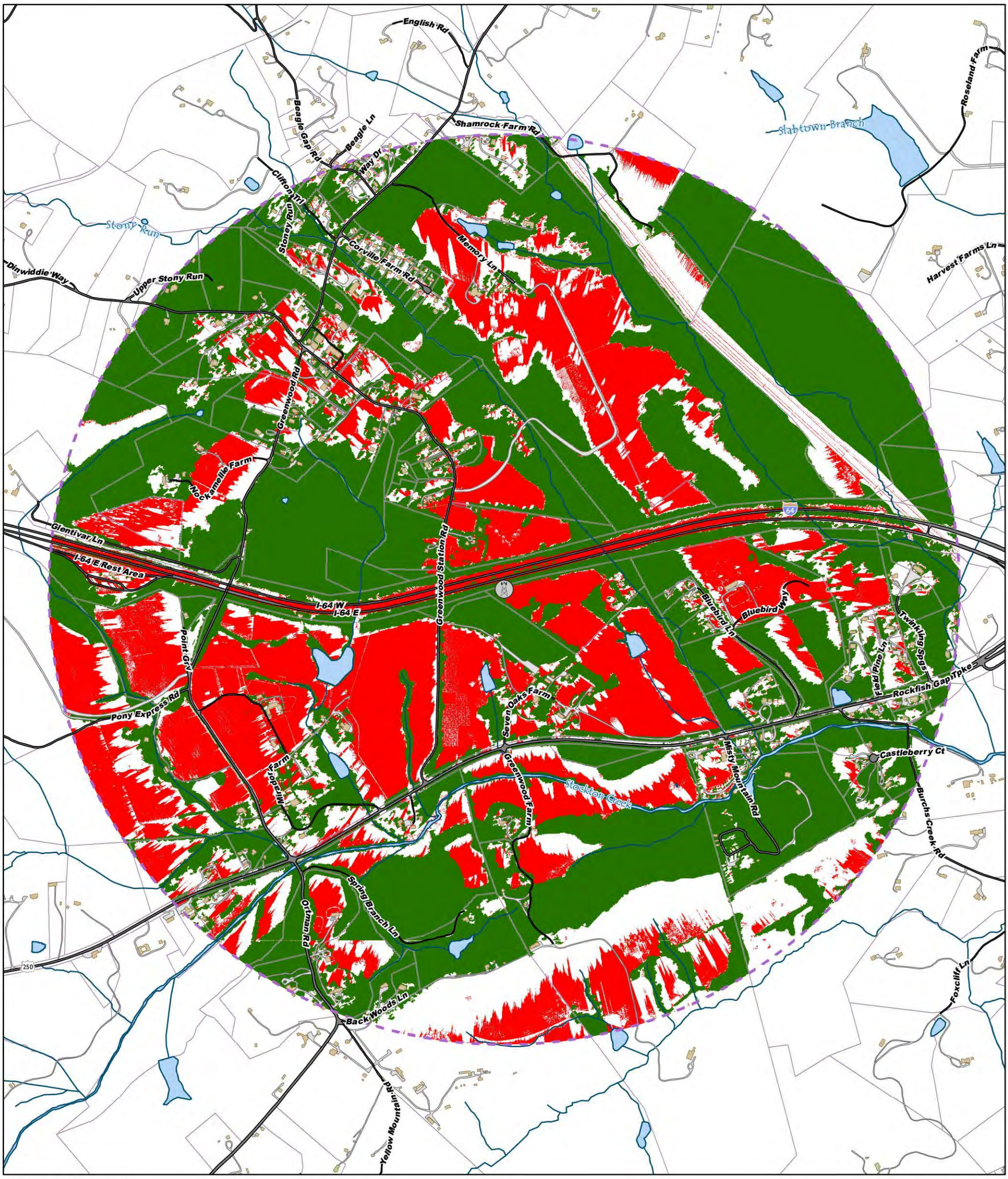
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Prepared by Albemarle County
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Tower Visibility, Parcel 55 - 14

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Surface Elevation

Highest — Lowest

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0 100 200 300 400 Meters

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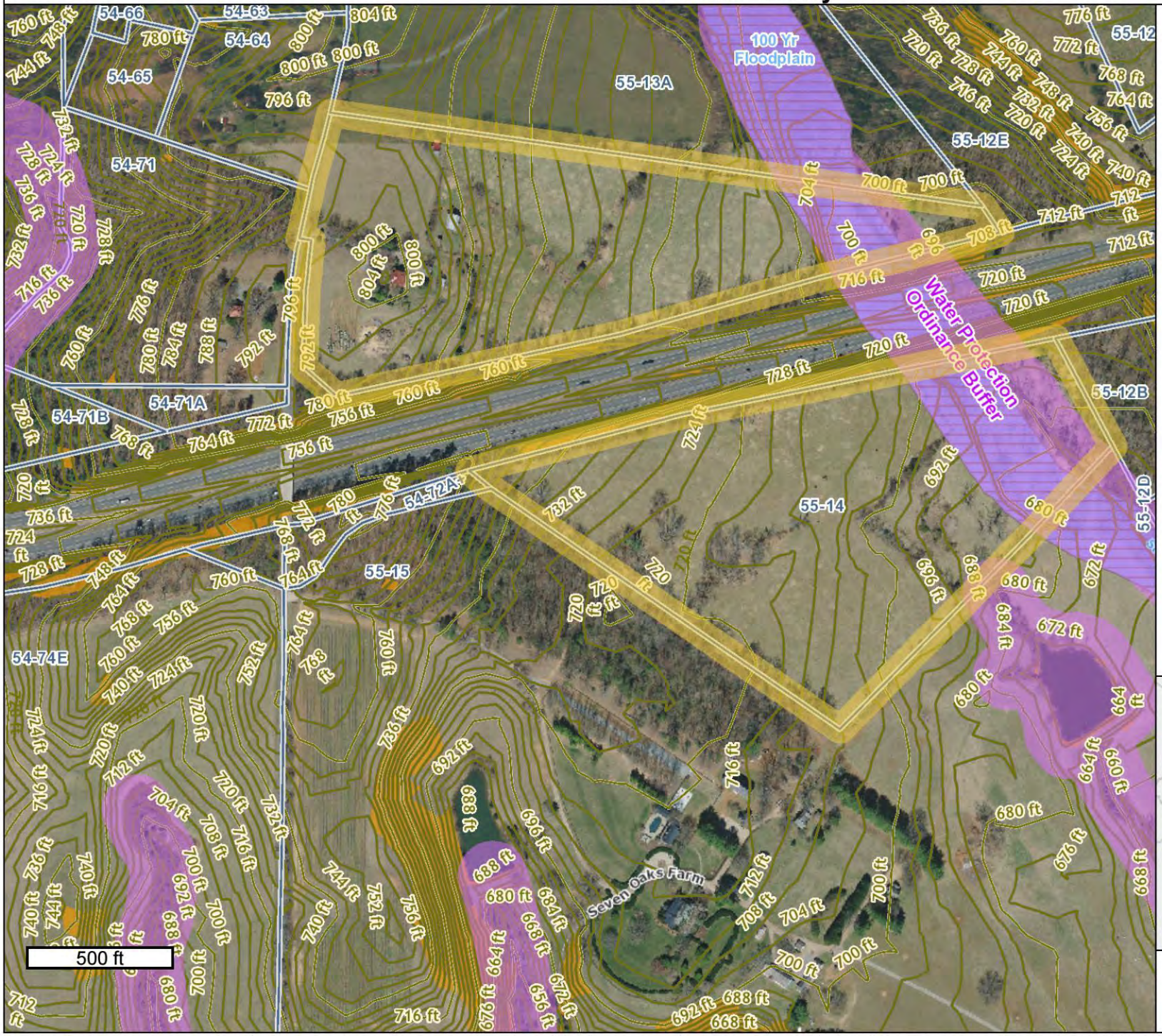
Prepared by Albemarle County
Division of Information Services
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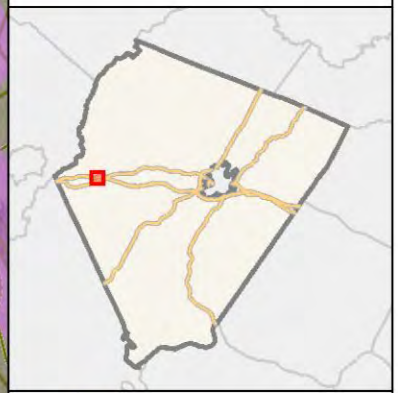
SP 2022-11 Scruby



Legend

(Note: Some items on map may not appear in legend)

- Overlays
  - Water Protection Ordinance Buffers
- Parcel Info
  - Parcels
- Elevation
  - Y2018 Elevation Contours
    - Y2018 Elevation Contours (100 ft)
    - Y2018 Elevation Contours (60 ft)
    - Y2018 Elevation Contours (40 ft)
    - Y2018 Elevation Contours (20 ft)
    - Y2018 Elevation Contours (4 ft)
- Zoning Info
  - Flood Hazard Overlay (100 Year Flo
- Steep Slopes Overlay
  - Critical Slopes
  - Steep Slopes - Managed
  - Steep Slopes - Preserved



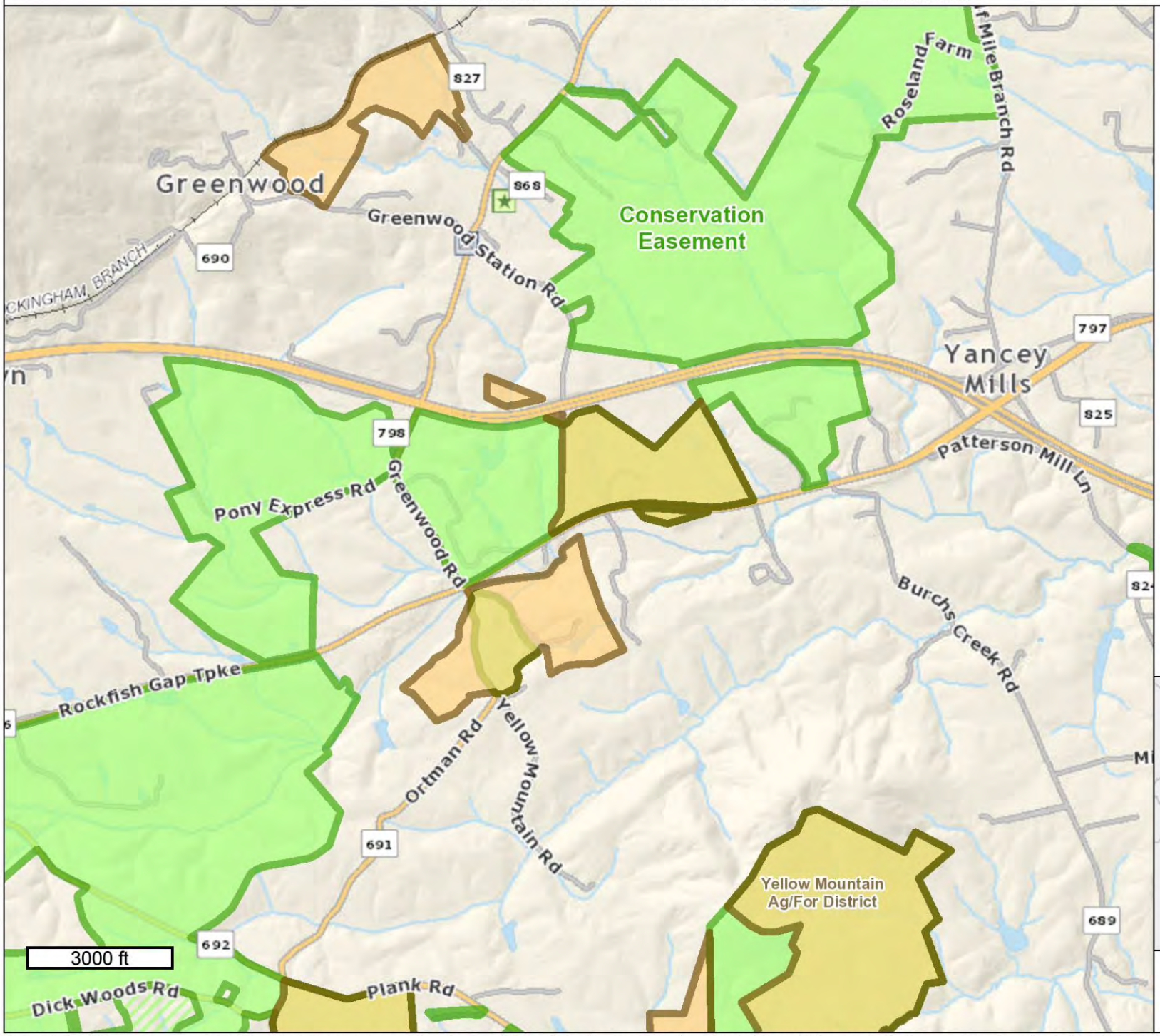
GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

May 23, 2022

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

Conservation Easements and AF Districts



Legend

(Note: Some items on map may not appear in legend)

Overlays

- AgForest Districts

Conservation Easements

- Partial
- Full



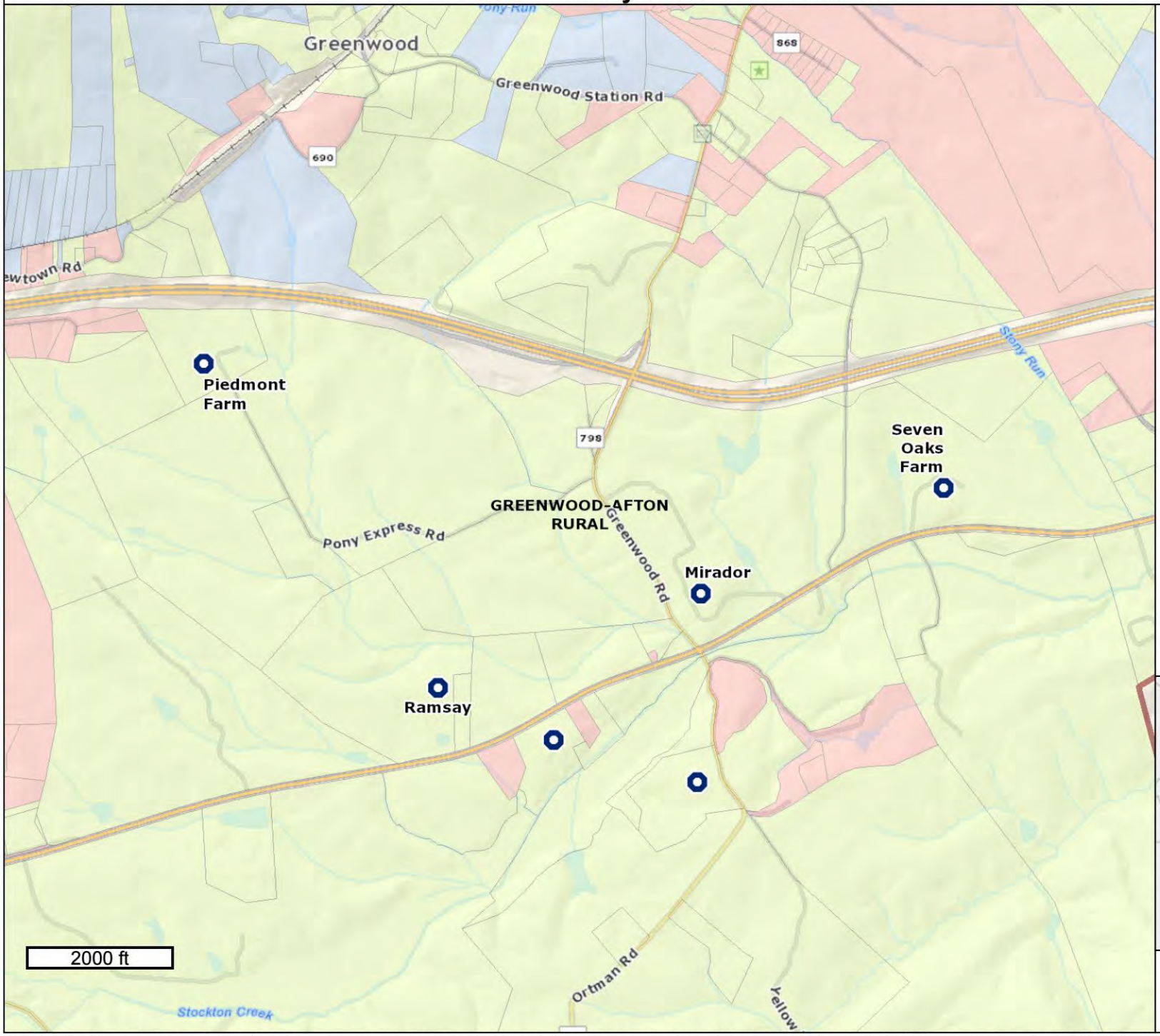
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Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

June 10, 2022

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

Scruby Historic Resources



Legend

(Note: Some items on map may not appear in legend)

Overlays

- Individually Designated Historic Res

National Register Historic District Par

- District Boundaries
- Contributing
- Non-Contributing
- Re-Evaluate



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June 14, 2022

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

ARCHITECTURAL REVIEW BOARD STAFF REPORT

Project #/Name	**ARB-2022-58: Scruby Verizon**
Review Type	Advisory Review - Tier 3 PWSF
Parcel Identification	05500-00-00-01400
Location	7418 Greenwood Station Road
Zoned	Rural Area (RA) / Entrance Corridor (EC)
Owner/Applicant	Brian Gray Scruby / GDN Sites (Nathan Holland)
Magisterial District	White Hall
Proposal	To construct a telecommunications facility consisting of a 140'-tall monopole topped by a 2'-tall lightning rod, with associated structures and equipment. The proposal includes a request for a Special Exception regarding the distance between the face of the monopole and the backs of the antennas.
Context	The subject parcel is nearly 45 acres in size and is bisected by I-64. The portion of the parcel located south of the interstate, where the monopole is proposed, has wooded borders on the north, east and west, and some hedgerows and scattered trees in the eastern half. Most of the property is occupied by open fields. The surrounding area is rural in character with residential and agricultural buildings, many of which are historic. (Fig. 1)
ARB Meeting Date	July 18, 2022
Staff Contact	Margaret Maliszewski

HISTORY

The ARB has reviewed no previous proposals on this parcel. A balloon test was held for the current proposal on June 15, 2022. (Note that this proposal differs in content and location from other previous applications with the same name.)



Figure 1: Project location

PROJECT DETAILS The proposal includes the following:

- Installation of a 140'-tall monopole (plus a 2'-tall lightning rod) within a 20' x 20' fenced compound in a 40' x 40' lease area, with monopole located approximately 33' from the I-64 right-of-way.
- Installation of ground equipment including various cabinets, a generator, an H-frame for other equipment, and an ice bridge, most on concrete pads.
- Installation of a 10'-tall board-on-board wooden post screening fence around the compound.
- Creation of a 20'-wide access and utility easement from the existing gravel access drive to the lease area along the path of what appears to be an old farm road.
- Installation of three arrays: 1) one array with six antennas using a mounting collar and frames; 2) one array with six remote radio heads below the antenna array; and 3) one array with two fiber optic sure protection boxes below the remote radio heads. Antenna size is: 96" high x 11.9" wide x 7.1" deep.
- The project description notes that there are numerous mature trees along the north property line. Six individual trees are drawn on the plan. They are located on the property line, which is 23'8" from the proposed monopole center. Tree species are not identified. No tree removal is proposed.
- Monopole, antennas, base station equipment, and fence are to be painted Java Brown SW 6090.
- A Special Exception is requested to allow the antennas to be mounted with their backs 18" from the face of the pole. (See below for additional information.)

ANALYSIS REGARDING THE GROUND EQUIPMENT

A Certificate of Appropriateness from the ARB is required for the base equipment portion of telecommunications facilities in the Entrance Corridors. The ARB may impose conditions on the Certificate of Appropriateness, based on the EC Guidelines, and consistent with Section 5.1.40 of the Zoning Ordinance.

Ref	Guideline	Issues	Recommendations
	Accessory structures and equipment		
17	The following should be screened to eliminate visibility from the Entrance Corridor street: e) Mechanical equipment	The compound is proposed to be surrounded by a board-on-board wood fence, so the ground equipment is not expected to be visible from the I-64 Entrance Corridor. The proposed fence material is appropriate given the rural setting. It is expected to blend with the wooded buffer between the Interstate and the property, but the screening plants are not located on site. (Fig. 2)	None.



Figure 2: A few trees stand along the property line that is adjacent to I-64. Trees, shrubs and undergrowth stand in the right-of-way between the property line and I-64. This low-level growth is expected to sufficiently minimize visibility of the ground equipment and compound, but the screening is located primarily off-site.

ANALYSIS REGARDING VISIBILITY OF THE FACILITY

The ARB may act in an advisory capacity to the Agent as to whether the facility is being sited to minimize its visibility. If constructed as proposed, the monopole will be readily visible from the I-64 Entrance Corridor. When visible along I-64, the balloon was seen well above the trees and was skylit. Trees and other vegetation along the property line and in the I-64 right-of-way only screen the lower portion of the monopole. Over 50' of the monopole rises above the nearby trees. East of the site, travelling westbound on I-64, the balloon was visible from the I-64 EC for approximately 3370'. West of the site, travelling eastbound, the balloon was visible for approximately 1100'.

Ref	Guideline	Issues	Recommendations
	Development pattern		
33	The relationship of buildings and other structures to the Entrance Corridor street and to other development within the corridor should be as follows: f. The placement of structures on the site should respect existing views and vistas on and around the site.	As described above, the balloon test revealed that the monopole would be readily visible both east- and westbound on I-64. It would be seen well above the trees and would be skylit. (Figs. 3, 4, 5) Photo-simulations confirm that the monopole will have an obtrusive appearance from the I-64 Entrance Corridor. (Figs. 6, 7)	Given the degree of visibility displayed at the balloon test, the proposed location of the facility does not sufficiently minimize the visibility of the monopole from the I-64 EC. Significant negative visual impact on the Entrance Corridor is anticipated.



Figure 3: The monopole site is highlighted in red. The blue lines represent the distance along the I64 Entrance Corridor that the balloon was visible.



Figure 4: Monopole site and balloon as seen from the Greenwood Station Road overpass at I-64.



Figure 5: Traveling west on I-64, the balloon was seen well above the trees and was skylit.

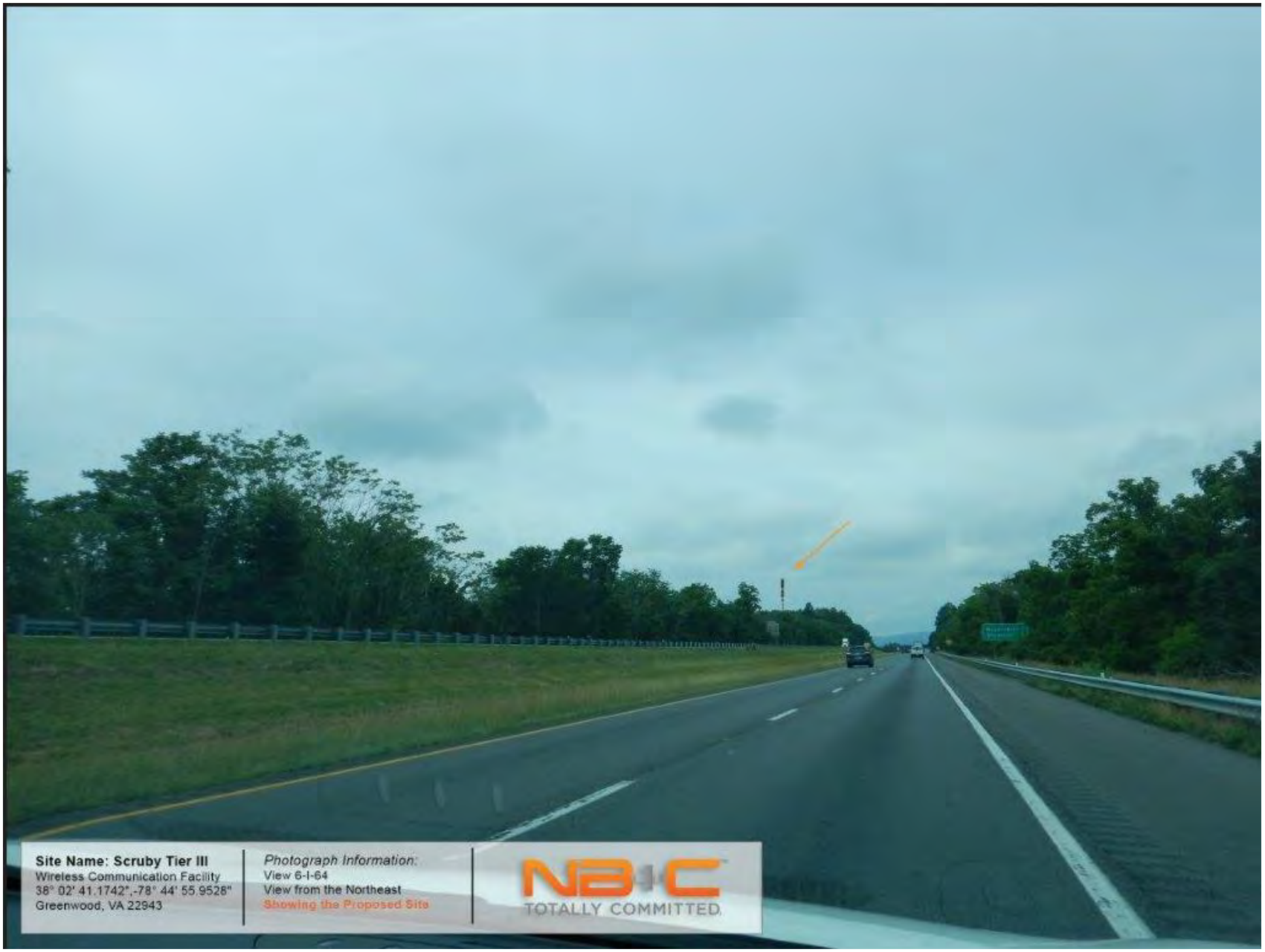


Fig. 6: Applicant's photo-simulation of the monopole as viewed from east of the site, traveling westbound on I-64.

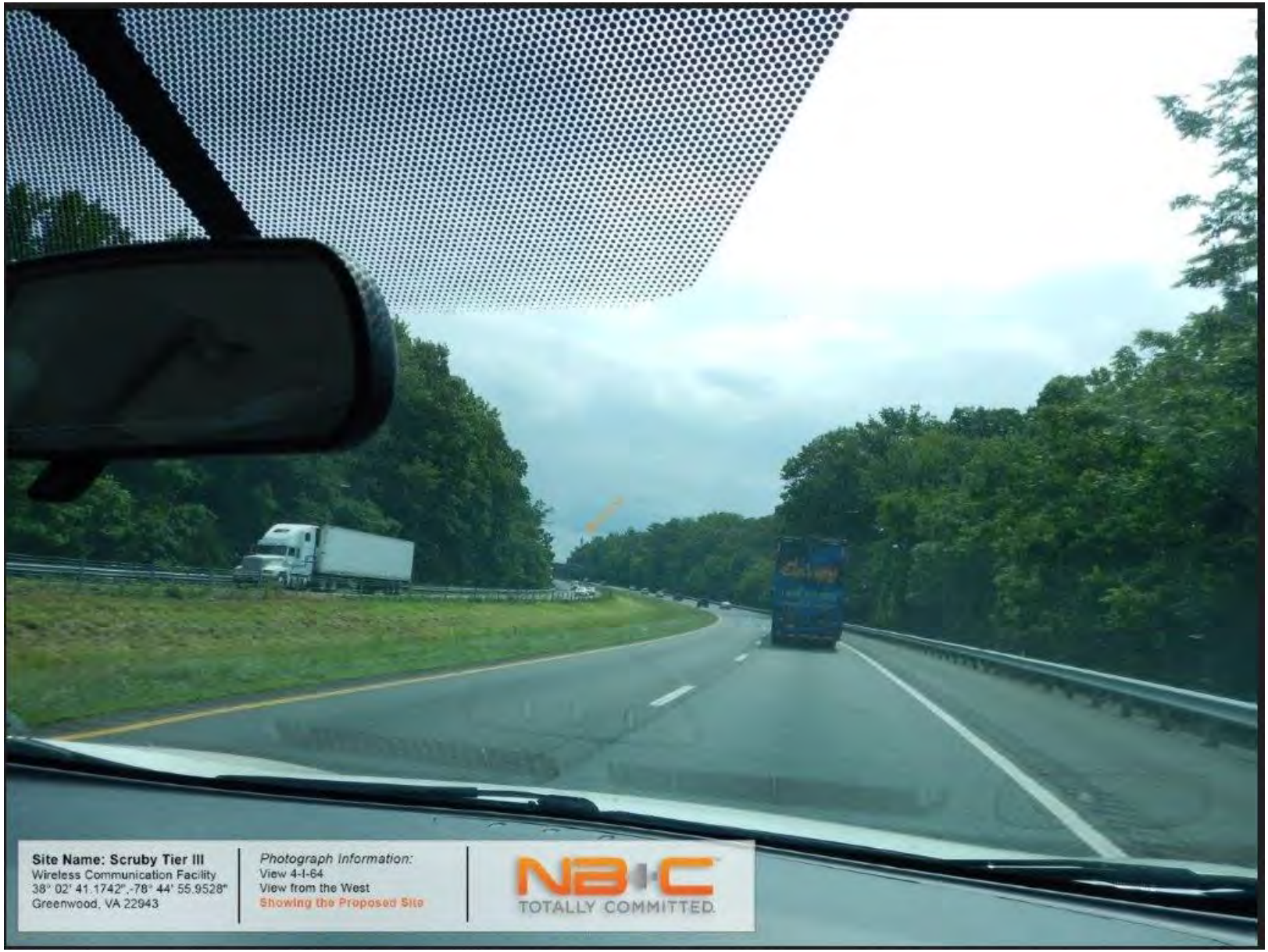


Fig. 7: Applicant's photo-simulation of the monopole as viewed from west of the site, traveling eastbound on I-64.

SPECIAL EXCEPTION REQUESTS

Request	Applicant's Reasoning	Staff Comment
Request to allow the closest point of the backs of the mounted antennas to be 18" from the face of the monopole. 12" is the standard requirement. 5.1.40.b(2)(c)	The applicant states that the proposed mounts will not allow the antennas to meet the 12" requirement. Internal electric tilting (not physical tilting) of the antenna is proposed, with a consistent 18" standoff for the full length of the antennas.	Staff agrees that a consistent 18" standoff will not create significant additional negative visual impact as viewed from the I64 EC.

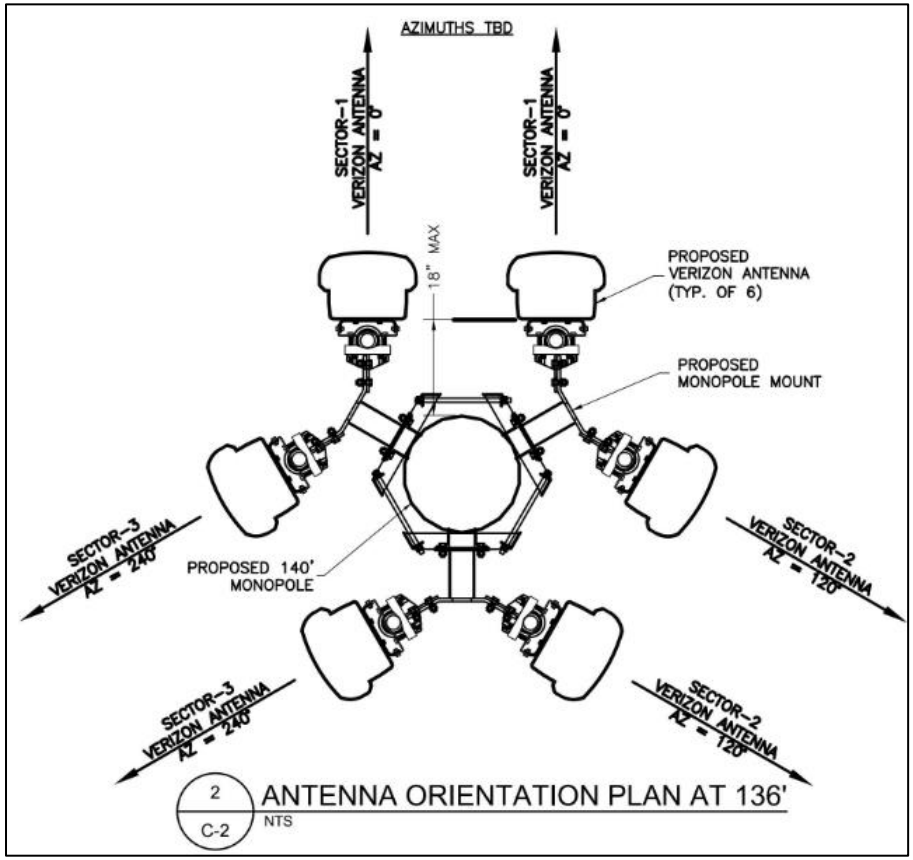


Fig. 8: Applicant's detail showing 18" from face of monopole to back of antenna.

SUMMARY OF RECOMMENDATIONS

Points of Discussion

1. Anticipated visibility of the monopole
2. Anticipated visibility of the ground equipment and base station

Recommendations

Regarding the Certificate of Appropriateness for the ground equipment and base station:

Because the ground equipment is expected to be sufficiently screened from the EC and the wooden fence is not expected to appear out of place in the surroundings, staff recommends approval of the Certificate of Appropriateness for the ground equipment and base station.

Regarding visibility of the monopole:

Staff recommends that the ARB forward the following recommendation to the Agent:

1. The ARB finds that the proposed location will not sufficiently minimize the visibility of the monopole from the I-64 Entrance Corridor.

Regarding the Special Exception:

Staff recommends that the ARB forward the following recommendation to the Agent:

1. The ARB finds that a consistent 18" standoff will not create significant additional negative visual impact as viewed from the I64 EC.

ATTACHMENTS

Attach. 1: ARB2022-58: Scruby Verizon project description
Attach. 2: ARB2022-58: Scruby Verizon site plan

VIRGINIA OUTDOORS
FOUNDATION

June 24, 2020

Albemarle County
Scott Clark, Senior Planner
400 McIntire Road
Charlottesville, VA 22902

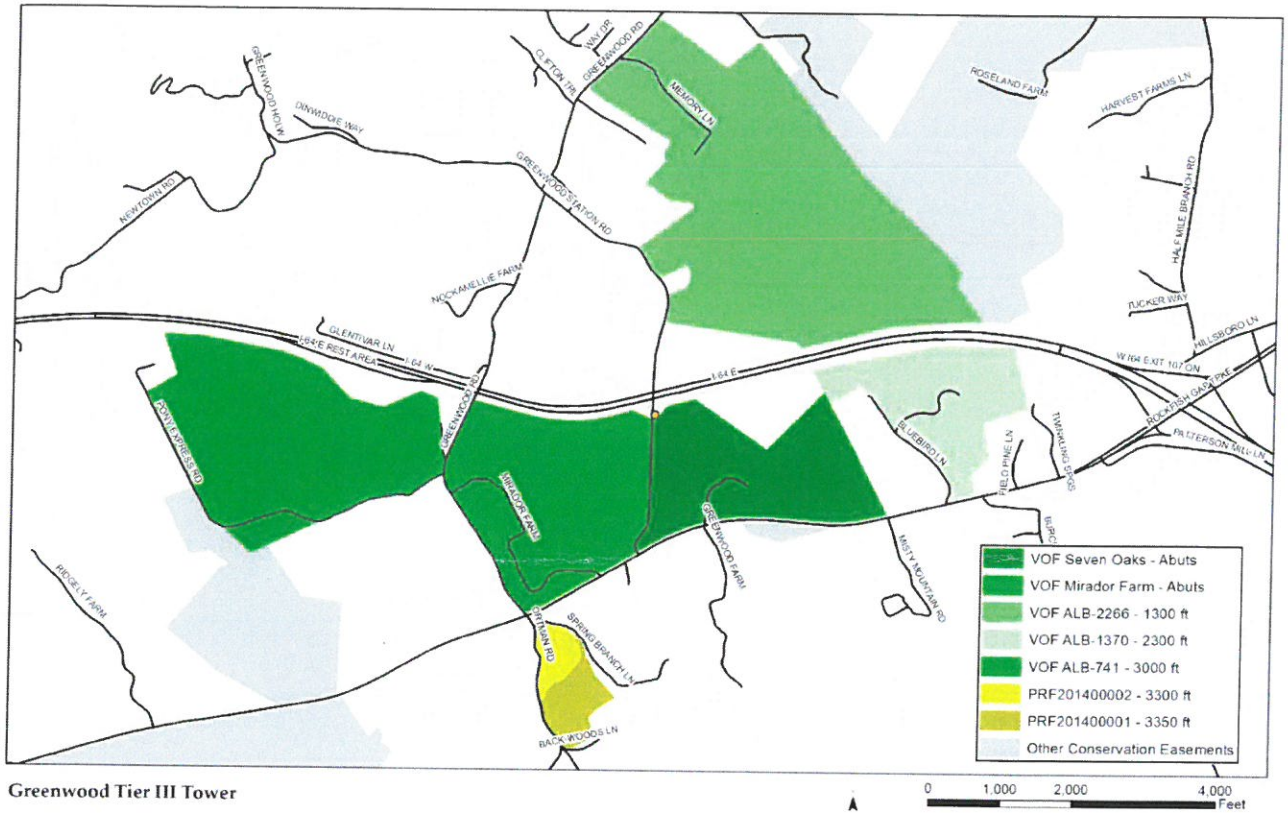
RE: VOF Easement: ALB-00860, ALB-00933, ALB-02266, ALB-01370, ALB-00741
Verizon Personal Wireless Service Facility – Albemarle County Special Use Permit

Greetings,

On May 22, 2020 representatives from Verizon Wireless conducted a pre-application meeting with Albemarle County Staff regarding a proposed project to construct a Personal Wireless Service Facility on County tax map parcel 54-72A. Since the proposed wireless facility (Tier III) would be located in the designated Albemarle County Greenwood Afton Rural Historic District, Verizon Wireless is required to obtain a special use permit from the County for the project. On May 27, 2020, Albemarle County staff contacted the Virginia Outdoors Foundation (VOF) about the proposed project. County staff informed VOF that the supplemental regulations for obtaining a special use permit for construction of Tier III wireless facilities includes the following requirement:

6. Screening and siting to minimize visibility. The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also shall be sited to minimize its visibility from any entrance corridor overlay district, state scenic river, national park or national forest, regardless of whether the site is adjacent to the district, river, park or forest. ***If the facility would be located on lands subject to a conservation easement or an open space easement, or adjacent to a conservation easement or open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.***

Given this Albemarle County supplemental regulation, County staff have requested that VOF provide an inventory of any specific resources located on the "adjacent" open space easement properties that are "specifically identified for protection" under the terms of the Deed of Easement held. County staff have determined that the term "adjacent" as used above is not interpreted to mean "immediately abutting," but "nearby" which means within a mile radius of the proposed Personal Wireless Service Facility site. County staff provided the map below identifying which open space easements they were requesting VOF to provide information about.



Greenwood Tier III Tower

The attached memo contains language quoted directly from each Deed of Easement held by VOF pertaining to scenic resources "specifically identified for protection" on each of the five properties as requested by Albemarle County.

Please contact me with any additional information requests or desired clarifications at 540-422-5011 or jaltice@vof.org.

Respectfully,

Justin Altice
Stewardship Specialist

CC: Landowners - ALB-00933 (Hope Hadley Burghardt, Trustee), ALB-00860 (Golden Magnolia, LLC), ALB-02266 (Propaganda, LLC), ALB-01370 (TAF Investments, LLC), ALB-00741(Chiswell, LLC) and Verizon Wireless – Lori Schweller (legal representative)

VIRGINIA OUTDOORS
FOUNDATION

Memo

From: Justin Altice

Date: 6/24/2020

Re: Verizon Personal Wireless Service Facility – Albemarle County Special Use Permit ALB-00860, ALB-00933, ALB-02266, ALB-01370, ALB-00741

The following contains language quoted directly from each Deed of Easement held by the Virginia Outdoors Foundation that pertains to scenic resources "specifically identified for protection" on each of the five properties as requested by Albemarle County.

ALB-00860 - Golden Magnolia, LLC (directly abuts)

- Recitals regarding conservation values:
  - WHEREAS, said property is listed on the Virginia Landmarks Register (June 20, 1989) and the National Register of Historic Places (December 26, 1989) and lies in the view shed of Mirador Farm which is also on the Virginia Landmarks Register (September 16, 1982) and National Register of Historic Places (April 7, 1983)
  - WHEREAS, the property of the Grantor fronts on U S. Route 250, a designated Virginia Scenic By-way, and has also been designated by the Board of Supervisors of Albemarle County as an Entrance Corridor, and contributes to the scenic views enjoyed by the public there from

- Restrictions:
  - No timbering shall be permitted on the Property other than for the Grantor or his successor's domestic consumption except for the cutting of trees which have died naturally or which are removed for the permitted uses in Paragraphs 5 and 6 hereinafter, or which, were they not removed, would jeopardize the character of the forest on the Property or adjacent properties, or which would present an imminent hazard to human health or safety. It is the intent of the Grantor that the woodlands remain in their natural state.
  - No building or structure shall be constructed in the field adjoining Greenwood Station Road which would be in the viewshed of the adjoining historic property known as Mirador

ALB-00933 - Burghardt, Hope Hadley, Trustee (directly abuts)

- Recitals regarding conservation values:
  - WHEREAS, the property hereinafter described is listed on the Virginia Landmark Registry and the National Registry of Historic Places as the childhood home of Lady Astor, the first lady member of Parliament, and is also identified with Lady Astor's sister, Irene Gibson, wife of illustrator Charles Dana Gibson and prototype of his fashionable "Gibson Girl" of the 1890's; and the manor house completed in 1942 was extensively renovated by architect William Adams Delano for Nancy Lancaster, an internationally recognized interior designer

- Restrictions:
  - No permanent or temporary building or structure shall be built, or maintained on the Property other than (i) the historic manor house which may not be demolished without permission of the Grantee, (ii) all other existing structures (see Attached List of Structures in Appendix A) which may be repaired, replaced, remodeled or enlarged, (iii) an aviary, to be built on the existing tennis court, not to exceed the square footage of the tennis court, without prior written permission of the Grantee, (iv) a log cabin relocated from the Seven Oaks property which adjoins Mirador
  - No new buildings shall be constructed within two hundred (200) feet of the centerline of Route 250.

ALB-02266 - Propaganda, LLC (within one-mile radius)

- Recitals regarding conservation values:
  - Consistency of the open-space use of the Property with the Shenandoah National Park viewshed
  - The opportunity for the general public to appreciate the natural and scenic views of the Property from Interstate 64, and Greenwood Road (State Route 691) and Greenwood Station Road (State Route 690)

ALB-01370 - TAF Investments, LLC (within one mile radius)

- Recitals regarding conservation values:
  - WHEREAS, the real property hereinafter described is adjacent to Interstate 64 and U.S. Route 250, a designated Virginia Scenic By-way
  - WHEREAS, the real property hereinafter described lies adjacent to land under open space easement to the Grantee, and contributes in its undeveloped state to the open-space values of such land under easement

ALB-00741 - Chiswell, LLC (within one-mile radius)

- Recitals regarding conservation values:
  - WHEREAS, the house situated on one of the two parcels subject to this deed is eligible for the Virginia Landmarks Register under the laws of the Commonwealth of Virginia
  - WHEREAS, said property is situated adjacent to and in the view shed of Mirador Farm which is on the Virginia Landmarks Register and National Register of Historic Places
- Restrictions:
  - No timbering shall be permitted on the Property.... It is the intent of the Grantor that the woodlands remain in their natural state.
  - No permanent or temporary building or structure shall be built or maintained on the Property other than (i) the existing single-family dwelling and non-residential outbuildings commonly and appropriately incidental thereto, which dwelling may not be materially renovated or repaired without permission of Grantee.
  - (iv) Grantor reserves the right to construct one single family dwelling on the Chiswell Tract (Parcel A), consistent with the architectural style and design of the Mirador and Chiswell houses, provided said dwelling does not impact upon the view shed of the Mirador house
  - No structure of any kind, either temporary or permanent, regardless of type of material utilized and regardless of whether or not their purpose would be for human or animal habitation shall be constructed or placed on the Hillsdale Tract (Parcel B).

preservationpiedmont

April 2, 2018

Geo-Technology Associates
Ms. Kirti Rajpurohit
43760 Trade Center Place, Suite 110
Sterling, VA 20166

Re: Verizon Telecommunications Wireless Monopole Tower off I-64

Dear Ms. Rajpurohit:

Established in 1993, Preservation Piedmont is a nonprofit grassroots organization dedicated to preservation of our historic resources. It serves the City of Charlottesville, the County of Albemarle and other localities in the Central Virginia Area.

Under Section 106 review of the proposed project, the National Historic Preservation Act requires that the State Agency review the impacts of the proposed project and also assess any potential mitigation that could lessen the impacts.

Preservation Piedmont is very concerned about the visual effect of the cell towers to the viewshed of the Greenwood-Afton Rural Historic District, which is a state and national historic district, and the specific individually designated properties of Mirador and Cloverplains/Seven Oaks (which are also on the State and National Registers).

The siting of the cell towers which could be viewed from these properties changes the setting of the property by introducing an incompatible visual component. The historic districts are not only sites of historic homes and buildings related to historic events or people but also are set in landscapes that preserve the visual quality of the past. We believe that those who seek to place cell towers must seek to fit into these landscapes or find nearby built-up areas where they can function without impacting visual quality.

Built in 1842 Mirador was the home of the Langhorne family, whose inhabitants included Lady Nancy Astor, who lived there during her childhood. The 17th century Sam Black's Tavern is also located on this site. Seven Oaks, built in 1847, is the other property whose historic landscape contributes to the overall quality of the area.

From the conclusion of your report, the cell tower would be visible from several areas of these properties, although not visible from a building on the property. In our estimation, the overall scenic

EXHIBIT
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setting of these properties as well as the historic residential and farm buildings create a unique historic district. Thus, the cell tower is a negative impact to the scenic quality of the property.

Moreover, both of these properties, and probably others in the district, have conservation easements held by the Virginia Outdoors Foundation, thus signifying that the Commonwealth also deemed the properties worthy of protection. In order to receive the easements, the property owners gave up certain development rights and therefore monetary value to protect the scenic and natural qualities of the sites. We believe that the Department of Historic Resources should consider these easements in making its findings related to the impacts on the properties and the district as a whole. Verizon should seek to place the tower where it would not have this impact on the District.

Sincerely,

Ellen Wagner
President
Preservation Piedmont

cc: Chris Novelli, VDHR Chris.Novelli@dhr.virginia.gov

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596
(434) 296-5832

February 3, 2021

513 Stewart Street, Suite E
Charlottesville, VA 22902

RE: SP202000012 Scruby Property – Verizon Wireless Tier III PWSF

Dear Nathan and Lori:

Comments for the following divisions of the Department of Community Development and other agencies, as applicable, are provided below:

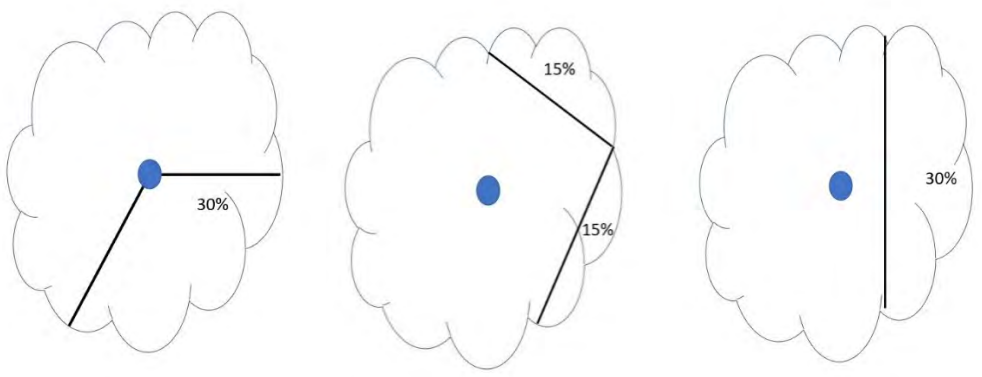
Albemarle County Division of Planning Services (Planner) - Christopher Perez

1. **[5.1.40(b)(6), 5.1.40(a)6]** *Screening and Siting to Minimize Visibility*. Based upon the balloon test conducted on Monday, January 11, 2021 and the photo simulations developed, the siting of the proposed facility does not minimize visibility from adjacent parcels (TMP 55-15 and TMP 54-74E) and streets (Greenwood Road/Rte. 691 and Rockfish Gap Turnpike/Rte. 250). The balloon was highly visible and skylit above the treeline from numerous locations mentioned above, which includes surrounding properties in the historic district. The visibility presented at the balloon test is not consistent with the Comprehensive Plan, the County's Wireless Policy, or the Zoning Ordinance. Based on these preliminary findings staff cannot recommend approval of the facility as proposed.

2. **[5.1.40(b)(6), 3.1, 5.1.40(c)6,]** *Screening and Siting to Minimize Visibility*. Virginia Department of Historic Resources (VDHR) and the County's Historic Preservation Planner have stated that the level of visibility would have a negative visual impact on the character of the historic district and the individually designated properties. Consequently, an alternate location and/or reduced height are recommended. (See their comments below and attached).

3. **[5.1.40(b)(6), 5.1.40(c)6, 3-202(D)]** *Screening and Siting to Minimize Visibility*. Agricultural Forestal District (AFD) Advisory Committee found that the proposal conflicted with the purposes of the adjacent Yellow Mountain Agricultural Forestal District due to the tower's visual impacts and the related economic impacts to agricultural uses in the Districts. (See their comments below and attached).

4. **[5.1.40(d)(2), 5.1.40(a)(4)(f)]** *Trees.* The plan depicts grading of the site for the access road to the lease area. Some of this grading is proposed within the driplines of trees which are slates to remain onsite. Revise the landscape sheet to depict the grading onsite.
   If grading encroaches a minimum of 30% into the dripline of any tree it shall be marked as "to be removed", as death of that tree is almost guaranteed (see examples below of what 30% encroachment looks like). Staff believes 10 additional trees are impacted and shall be marked on the plans as "to be removed", these trees are tree#: 138, 211, 213, 221, 219, 223, 225, 199, 197, and 134. These trees range from 59' tall to 94' tall. Additional trees may be impacted around the pad itself.



5. **[5.1.40(a)(4)(f)]** *Trees.* On sheet Z-3 revise the note on the plans *"Total Trees to be removed: 19".*

6. **[5.1.40(b)(1)(b)]** *Outdoor Lighting.* The facility has been equipped with lighting located slightly above the ground equipment. Outdoor lighting for the facility shall be permitted only during maintenance periods. On the plan please provide a note to clarify how the lights will function. For example: "Lighting is to only be used during maintenance periods".

7. **[5.1.40(a)(12), 5.1.40(c)2, 18.4.2.3b, 18.4.2.5a]** *Critical Slopes.* You have requested a special exception (SE) to disturb critical slopes onsite. This item shall be acted on by the BOS.

8. **[5.1.40(b)2(c), 5.1.40(a)12]** *Projection.* You have requested a special exception (SE) to the flush mount provisions of the ordinance to allow the closest point of the back of the antenna to be more than twelve (12") inches from the facility, while maintaining the furthest point of the back of the antenna no more than eighteen (18") inches from the facility. This item shall be acted on by the BOS.

Virginia Department of Historic Resources (VDHR) – *Chris Novelli*
Having viewed the recently submitted photo simulations, we believe that the proposed tower will have an effect on the Mirador Farm property, the Seven Oaks Farm property, and the Greenwood-Afton Rural Historic District -- all of which are listed on the National Register of Historic Places. In order to ensure that the effect is not adverse, we request that the applicant explore measures to reduce the visual effect of the proposed tower. These may include reducing the height to the greatest extent possible that still achieves the desired coverage, finding an alternate location, or employing a stealth design. We need the applicant to provide coverage maps and an alternatives analysis, demonstrating that they have considered alternatives to what they are currently proposing. If alternatives are not possible, we need for the applicant to explain why. (See attached 1-28-21 email from VDHR for full correspondence)

Historic Preservation Planner – *Margaret Maliszewski*
The Scruby Verizon tower proposal was presented to the Historic Preservation Committee on January 25, 2021. Committee members requested that comments from the Virginia Department of Historic Resources be made available to the Planning Commission (PC) and Board of Supervisors (BOS) prior to the PC and BOS meetings at which this item would be considered, requested that photo-simulations be forwarded to the County for consideration, and asked if an alternate site had been proposed to avoid impacts to historic resources.

On January 28, 2021, the Virginia Department of Historic Resources (VDHR) commented on the recently received photo-simulations. VDHR determined that the proposal would have a negative impact on the Greenwood-Afton Rural Historic District and on the individually designated Mirador Farm and Seven Oaks properties and asked for additional information. The text of the VDHR comment is copied below.

Historic Preservation staff viewed the balloon test conducted on January 11, 2021. Available views of the balloon indicated that the proposed monopole would appear well above the trees and would be skylit from various vantage points within the Greenwood-Afton Rural Historic District and from individually designated properties including Mirador Farm and Seven Oaks. Staff agrees with VDHR that the level of visibility would have a negative visual impact on the character of the historic district and the individually designated properties. Consequently, an alternate location and/or reduced height are recommended.

Having viewed the recently submitted photo simulations, we believe that the proposed tower will have an effect on the Mirador Farm property, the Seven Oaks Farm property, and the Greenwood-Afton Rural Historic District -- all of which are listed on the National Register of Historic Places. In order to ensure that the effect is not adverse, we request that the applicant explore measures to reduce the visual effect of the proposed tower. These may include reducing the height to the greatest extent possible that still achieves the desired coverage, finding an alternate location, or employing a stealth design. We need the applicant to provide coverage maps and an alternatives analysis, demonstrating that they have considered alternatives to what they are currently proposing. If alternatives are not possible, we need for the applicant to explain why. Thanks, Chris Novelli Virginia Dept. of Historic Resources. (See attached 1-29-21 memo for full correspondence)

Agricultural Forestal District (AFD) Advisory Committee meeting 2-1-21
The committee voted 7:1 to find that the proposal conflicted with the purposes of the Districts due to its visual impacts and the related economic impacts to agricultural uses in the Districts.

Architectural Review Board (ARB) 2-1-21 meeting
By a vote of 4:0 the ARB finds that the proposed location will sufficiently minimize the visibility of the monopole from the I-64 Entrance Corridor.

By a vote of 4:0 the ARB recommends to the agent that the plan be revised to eliminate grading from within the driplines of trees to remain.

Engineering – Matthew Wentland
1. SE202000006 (critical slopes waiver will need to be approved prior to or with Special Use Permit approval).

Fire and Rescue - Shawn Maddox
No objection

Inspections – Betty Slough
No objection

VDOT – Adam Moore
No objection

Please contact me at your earliest convenience if you have questions or require additional information.

Sincerely,



Christopher Perez
Senior Planner

Christopher Perez

Subject: FW: Section 106 Notification of SHPO/THPO Request for Information- Email ID # 5496275

From: towernotifyinfo@fcc.gov <towernotifyinfo@fcc.gov>
Sent: Thursday, January 28, 2021 9:45 AM
To: Margaret Maliszewski <MMaliszewski@albemarle.org>
Subject: Section 106 Notification of SHPO/THPO Request for Information- Email ID #5496275

This is to notify you that the Lead SHPO/THPO has requested additional information on the following filing:
Source: Virginia Department of Historic Resources
Date of Action: 01/28/2021
Comment Text: Having viewed the recently submitted photo simulations, we believe that the proposed tower will have an effect on the Mirador Farm property, the Seven Oaks Farm property, and the Greenwood-Afton Rural Historic District -- all of which are listed on the National Register of Historic Places. In order to ensure that the effect is not adverse, we request that the applicant explore measures to reduce the visual effect of the proposed tower. These may include reducing the height to the greatest extent possible that still achieves the desired coverage, finding an alternate location, or employing a stealth design. We need the applicant to provide coverage maps and an alternatives analysis, demonstrating that they have considered alternatives to what they are currently proposing. If alternatives are not possible, we need for the applicant to explain why.
Thanks,
Chris Novelli
Virginia Dept. of Historic Resources

File Number: 0009116351
TCNS Number: 207116
Purpose: New Tower Submission Packet

Notification Date: 7AM EST 06/17/2020

Applicant: Verizon Wireless
Consultant: Johnson, Mirmiran & Thompson, Inc., on behalf of Trileaf Corporation
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: MIRADOR FARM - A
Site Address: Greenwood Station Road
Detailed Description of Project: Our client proposes to install a Monopole Communications Tower at the referenced location. Ground-based equipment will be stored in a 20-foot by 30-foot (600 square feet) compound within a 40-foot by 40-foot (1,600 square-foot) lease area.
Site Coordinates: 38-2-39.0 N, 78-45-4.8 W
City: Greenwood
County: ALBEMARLE
State:VA
Lead SHPO/THPO: Virginia Department of Historic Resources

Please note that you must respond to this request within 60 days or this filing will be at risk of closure. To ensure that your response to this request is accurately recorded, your response must be uploaded as a document of type 'Response to SHPO/THPO Request for Information'.

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596
Phone (434) 296-5832 **Fax (434) 972-4126**

MEMORANDUM

TO: Chris Perez
FROM: Margaret Maliszewski
RE: SP2020-12: Sruby Verizon Wireless Tier III
DATE: January 29, 2021

The Scruby Verizon tower proposal was presented to the Historic Preservation Committee on January 25, 2021. Committee members requested that comments from the Virginia Department of Historic Resources be made available to the Planning Commission (PC) and Board of Supervisors (BOS) prior to the PC and BOS meetings at which this item would be considered, requested that photo-simulations be forwarded to the County for consideration, and asked if an alternate site had been proposed to avoid impacts to historic resources.

On January 28, 2021, the Virginia Department of Historic Resources (VDHR) commented on the recently received photo-simulations. VDHR determined that the proposal would have a negative impact on the Greenwood-Afton Rural Historic District and on the individually designated Mirador Farm and Seven Oaks properties and asked for additional information. The text of the VDHR comment is copied below.

Historic Preservation staff viewed the balloon test conducted on January 11, 2021. Available views of the balloon indicated that the proposed monopole would appear well above the trees and would be skylit from various vantage points within the Greenwood-Afton Rural Historic District and from individually designated properties including Mirador Farm and Seven Oaks. Staff agrees with VDHR that the level of visibility would have a negative visual impact on the character of the historic district and the individually designated properties. Consequently, an alternate location and/or reduced height are recommended.

Email received 1/28/2021:
This is to notify you that the Lead SHPO/THPO has requested additional information on the following filing:
Source: Virginia Department of Historic Resources
Date of Action: 01/28/2021
Comment Text: Having viewed the recently submitted photo simulations, we believe that the proposed tower will have an effect on the Mirador Farm property, the Seven Oaks Farm property, and the Greenwood-Afton Rural Historic District -- all of which are listed on the

National Register of Historic Places. In order to ensure that the effect is not adverse, we request that the applicant explore measures to reduce the visual effect of the proposed tower. These may include reducing the height to the greatest extent possible that still achieves the desired coverage, finding an alternate location, or employing a stealth design. We need the applicant to provide coverage maps and an alternatives analysis, demonstrating that they have considered alternatives to what they are currently proposing. If alternatives are not possible, we need for the applicant to explain why.

Thanks,

Chris Novelli

Virginia Dept. of Historic Resources

Christopher Perez

From: Scott Clark
Sent: Tuesday, February 2, 2021 8:33 AM
To: Christopher Perez
Cc: Margaret Maliszewski; Khristopher Taggart; Charles Rapp
Subject: SP 20-12 Scruby - AFD Update

Hi, Chris—

Just to update you on last evening's AFD Advisory Committee meeting – the committee voted 7:1 to find that the proposal conflicted with the purposes of the Districts due to its visual impacts and the related economic impacts to agricultural uses in the Districts.

I'll send a copy of the minutes once they're drafted.

--Scott

Scott Clark (he/him)
Albemarle County
Community Development Department - Senior Planner (Rural Areas) - Secretary, Albemarle Conservation Easement Authority
sclark@albemarle.org
401 McIntire Road, Suite 228, Charlottesville, VA 22902

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902
(434) 296 - 5823
Fax (434) 972 - 4012

DRAFT ARB ACTION MEMO

Date: February 1, 2021
Time: 1:00 PM
Meeting Room: Virtual Meeting

Members:
Frank Stoner: Present (arrived at 1:30 pm)
Frank Hancock: Present
Fred Missel, Vice-Chair: Present
Chris Henningsen: Present
Dade Van Der Werf, Chair: Present

Staff:
Margaret Maliszewski
Khris Taggart
Carolyn Shaffer

CALL TO ORDER

Mr. Van Der Werf called the meeting to order at 12:59 p.m. and established a quorum.

DISCLOSURES

- Mr. Hancock disclosed that he received an email from Valerie Long regarding the phasing of the Rio Hill redevelopment project.
- Mr. Henningsen disclosed that he also received an email from Valerie Long regarding the phasing of the Rio Hill redevelopment project and that he would recuse himself from the Sleep Number review.
- Mr. Van Der Werf disclosed that he and Mr. Stoner met with the Rio Hill redevelopment applicants.

PUBLIC COMMENT

None.

CONSENT AGENDA

a. **ARB-2020-130: Rivers Edge Initial** (TMP: 03200-00-00-005A0, 03200-00-00-005A1)

Location: On the east side of Rt. 29 at River's Edge Lane, approximately 1000' north of the Rt. 29/Lewis and Clark Drive intersection.

Proposal: To construct 100 multi-family residential units and associated site improvements on approximately 32.53 acres.

Staff Contact: Khris Taggart

Representative for Project: Justin Shimp / Rachel Moon

Prior to taking action on the consent agenda, Mr. Van Der Werf asked if ARB members thought the final submittal for this project could be reviewed by staff. It was the consensus of the ARB members that staff level review of the final application would be appropriate.

Motion: Mr. Missel moved to approve the consent agenda and forward the recommendations outlined in the staff report for the Initial Site Plan to the Agent for the Site Review Committee, as follows:

- Regarding requirements to satisfy the design guidelines as per § 18-30.6.4c(2), (3) and (5) and recommended conditions of initial plan approval:
  - Prior to Initial Plan approval the following items shall be resolved to the satisfaction of the ARB: None. The ARB recommends approval of the Initial Plan without conditions.

- Regarding recommendations on the plan as it relates to the guidelines: None.

- Regarding conditions to be satisfied prior to issuance of a grading permit: None

- Regarding the final site plan submittal:
  A Certificate of Appropriateness is required prior to final site plan approval. The following items and all items on the ARB Final Site Plan Checklist must be addressed:
  1. Provide architectural designs with the next submittal.
  2. Provide site sections to clarify the visibility of the proposed development from the EC street.
  3. Update the plans to include information on accessory structures and equipment.
  4. Include the standard mechanical equipment note on the architectural plans.
  5. Provide a lighting plan with the next submittal.
  6. Provide landscaping that helps integrate the site entrance into the EC, taking into consideration any future signage that will be needed.
  7. Identify trees that are to remain that meet the landscaping requirements for interior roads.
  8. Revise the landscape plan to provide additional pedestrian way trees and show all trees at 2½" caliper at time of planting.
  9. Revise the landscape plan to provide large shade trees 40' on center along the perimeters of the 38-space parking lot and the curved perimeter of the 24-space lot.
  10. Revise the landscape plan to show all exterior and interior parking lot trees at 2½" caliper at planting.
  11. Show tree protection fencing on, and coordinated throughout, the grading, landscaping, and erosion and sediment control plans.

Mr. Hancock seconded the motion.
The motion was carried by a vote of 4:0. (Stoner absent)

Regular Review Items

a. ARB-2020-129: Scruby Property – Verizon Tier 3 PWSF (TMP: 05400-00-00-072A0)

Location: East side of Greenwood Station Road, just south of I-64 (See Figure 1)

Proposal: To construct a telecommunications facility consisting of a 94' monopole tower with associated structures and equipment.

Staff Contact: Margaret Maliszewski and Khris Taggart

Representative for Project: Nathan Holland

Regarding the Certificate of Appropriateness for the ground equipment and base station:

Motion: Mr. Missel moved to approve the Certificate of Appropriateness for the ground equipment and base station as proposed.

Mr. Hancock seconded the motion.

The motion was carried by a vote of 4:0.

Regarding visibility of the monopole:

Motion: Mr. Hancock moved to forward the following recommendation to the Agent:
The ARB finds that the proposed location will sufficiently minimize the visibility of the monopole from the I-64 Entrance Corridor.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 4:0

Regarding the Special Exception:

Motion: Mr. Missel moved to forward the following recommendation to the Agent:
Revise the plan to eliminate grading from within the driplines of trees to remain.

Mr. Van Der Werf seconded the motion.

The motion was carried by a vote of 4:0.

b. ARB-2020-135: Rio Hill Redevelopment (TMP: 04500-00-00-094A0)

Location: West of Rt. 29, East of Berkmar Drive, south of Woodbrook Drive

Proposal: To renovate a majority of the existing Rio Hill Shopping Center (excluding the Kroger store and the southeast corner of the center), removing portions of the existing canopies and store entries to update the current façade.

Staff Contact: Khris Taggart

Representative for Project: David Timmerman

Mr. Stoner joined the meeting during the presentation of this item.

Motion: Mr. Stoner moved for approval of the Certificate of Appropriateness for ARB-2020-135: Rio Hill Redevelopment with the conditions listed in the staff report:

Regarding the site plan and architectural design for TJ Maxx and Sierra.

1. Provide samples for all materials and colors that confirm the use of warm tones.
2. If any new mechanical equipment is proposed, show how it will be screened from view from the EC.
3. Provide the standard mechanical equipment note on the architectural drawings.
4. Provide a lighting plan for review. Over-illumination of the building is not appropriate for the EC.
5. Identify the species proposed for the green screens on the site plan.

Regarding the site plan and the overall architectural design.

1. Provide samples for all materials and colors that confirm the use of warm tones.
2. If any new mechanical equipment is proposed, show how it will be screened from view from the EC.
3. Provide the standard mechanical equipment note on the architectural drawings.
4. Provide a lighting plan for review. Over-illumination of the building is not appropriate for the EC.
5. Identify the species proposed for the green screens on the site plan.
6. If the architectural designs proposed for TJ Maxx and Sierra receive approval prior to the design of the overall shopping center, coordinate the overall design with TJ Maxx and Sierra.

Regarding the CSP and the signs for TJ Maxx and Sierra.

1. Revise the CSP to include the following detail regarding graphics colors: “no limit to graphics colors as long as the total is limited to three, plus black and white.”
2. All raceways must be painted or replaced so that the raceway color matches the color of the wall to which it is attached.
3. The signs for TJ Maxx and Sierra are approved as proposed.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 5:0.

c. ARB-2020-132: Albemarle Business Campus Block 5 (TMP: 07600-00-00-046A0 and 07600-00-00-05400 and 07600-00-00-046F0 (part)

Location: Rt. 631 at Rt. 780 (See Figure 1)

Proposal: To construct a self-storage building as part of a larger mixed-use development.

Staff Contact: Margaret Maliszewski

Representative for Project: Justin Shimp

Motion: Mr. Missel moved for approval of the Certificate of Appropriateness for ARB-2020-132: Albemarle Business Campus Block 5 with the conditions listed in the staff report, amended as follows:

1. Adjust utilities to allow for large trees, 2½" caliper at planting, along both sides the full length of the travelway located south of the Block B building.
2. Add the standard lighting note to the plan. "Each outdoor luminaire equipped with a lamp that emits 3,000 or more initial lumens shall be a full cutoff luminaire and shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent roads. The spillover of lighting from luminaires onto public roads and property in residential or rural areas zoning districts shall not exceed one half footcandle."
3. ~~3.~~ Eliminate the visibility of rooftop equipment. Use of the raised parapet is appropriate.
4. Provide manufacturer's names and color names/numbers for each proposed material.

Mr. Hancock seconded the motion.

The motion was carried by a vote of 5:0.

WORK SESSIONS

a. ARB-2020-69: Sleep Number (TMP: 06100-00-00-134A0)

Location: Fashion Square Mall

Proposal: To revise the metal panels to Master Wall Stucco panels with the same color and joint pattern.

Staff Contact: Margaret Maliszewski

Representative for Project: Mark Kestner

The ARB held a work session on Sleep Number to revise the metal panels to Master Wall stucco panels with the same color and joint pattern.

Motion: Mr. Hancock moved to approve the Certificate of Appropriateness for revised materials as presented in the meeting.

Mr. Missel seconded the motion.

The motion was carried by a vote of 5:0.

OTHER BUSINESS

a. EC Guidelines Discussion

Mr. Stoner gave a PowerPoint presentation describing the Rt. 151 Entrance Corridor and identifying buildings, structures, landscape features, and other important characteristics along its length. He discussed the overall rural character of the corridor, the presence of 4-board fencing, suburban style residences, commercial development near the Nelson line. The members noted the important mountain view, enhancing the natural resources along the corridor, the types of development that would come to the ARB for review, and the possible benefits of scenic highway designation.

b. Minutes Approval: January 19, 2021

Motion: Mr. Stoner moved for approval of the minutes from the January 19, 2021 ARB meeting.

Mr. Henningsen seconded the motion.

The motion was carried by a vote of 5:0.

c. Next ARB Meeting: February 15, 2021

Mr. Hancock stated that he would not be able to attend the February 15 meeting.

ADJOURNMENT

The meeting was adjourned at 2:50 p.m. to the next Virtual ARB meeting on Monday, February 15, 2021 at 1:00 p.m.

Albemarle County Planning Commission
FINAL March 2, 2021

The Albemarle County Planning Commission held a public hearing on Tuesday, March 2, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Rick Randolph; Daniel Bailey; Corey Clayborne; Jennie More; and Luis Carrazana, UVA representative.

Members absent: Tim Keller.

Other officials present were Andy Reitelbach; Stacey Pethia; Bart Svoboda; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org on the Community County Calendar, when available.

Ms. Shaffer called the roll. All Commissioners indicated their presence except for Mr. Keller, who was absent.

Mr. Bivins established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

There was no consent agenda.

Item Requesting Deferral

SP202000012 Scruby Property-Tier III Personal Wireless Service Facility
Mr. Bivins asked if any other information needed to be shared about the deferral request and heard none.

Mr. Clayborne moved to defer the item.

Ms. More seconded the motion, which carried unanimously (6:0). (Mr. Keller was absent.)

FLORA
ATTORNEYS AT LAW | PETTIT

Nancy R. Schlichting
Attorney at Law

Direct: (434) 220-6108
nrs@fplegal.com

Phone: (434) 979-1400
Fax: (434) 977-5109
530 East Main Street
P.O. Box 2057
Charlottesville, Virginia 22902

July 9, 2021

Via Email

Nathan Holland, Senior Site Development Manager
GDN Sites
513 Stewart Street, Suite E
Charlottesville, Virginia 22902

Re: **Verizon Personal Wireless Service Tower Facility/Scruby Property**

Dear Nathan:

Thank you for setting up and informing us about the informal balloon test at alternative sites on the Scruby property for the proposed Verizon cell phone tower. We appreciate your time and efforts. To be frank, we had hoped that Verizon would be considering alternative sites outside of the Greenwood-Afton Rural Historic District.

While we appreciate being included in the exercise, it proved to be somewhat confusing. We understand that the height of the balloons at the Option A and B positions were imprecise and did not necessarily accurately reflect how high a cell phone tower would be at those positions. Can you tell us if the balloon heights chosen - 90 feet and then 100 feet for Option A and 150 feet and then 140 feet for Option B – were based on what Verizon believes would be the minimum height necessary to obtain coverage at those sites? If not, can you tell us an approximation of what the minimum height would be for each site?

I know it goes without saying that my client would prefer that Verizon locate its tower outside of the Greenwood-Afton Rural Historic District for its sake and the sake of its neighbors, although we concede that the balloons from the private test were not as visible from as many points on Mirador as the original site. Of course, we will not know definitively about the impact on Mirador and the District until a true balloon test is conducted. What we can say is that we thought that the comments of the Historic Preservation Committee and the Virginia Department of Historic Resources reflecting their concern about the "negative visual impact on the character of the historic district" and the expectation that other locations would be researched, would prompt Verizon to look at alternative sites on other parcels – not just on the Scruby property. While Options A and B might prove to be some improvement over the original site, most of the points on which the County declined to support the original application would still not be cured by moving the proposed tower east on the Scruby property.

Thank you again for including us in the exercise. I look forward to receiving any additional information you may have about the height needed at Option A and B. Of course, if you would like to discuss this matter further, please do not hesitate to call me.

Sincerely,

Nancy R. Schlichting

NRS/mat
Enclosures
cc: Lori Schweller, Esq.
David Tomlin
Todd Zimmerman

From: Erin English <erinvenglish@gmail.com>
Sent: Wednesday, June 29, 2022 10:48 AM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Verizon tower in Greenwood

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Bill,
I am writing to voice my support for the Verizon wireless tower that is proposed in Greenwood, Virginia. We live at 311 Ortman Road, and have nearly zero access to Internet and limited access to cell service. We are a family of five with three students in the Albemarle County school system who cannot function without Internet at home. Although we will look at this tower directly in our view, quite possibly more than any other surrounding property, unfortunately, we need this tower to be able to participate in modern life.

We have reached out to Comcast, Firefly, and Verizon, with any ways to achieve reliable Internet service, and have come up with nothing.
Please do not hesitate to reach out with any questions.
Erin English
434-960-6054



July 21, 2022

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902
Attention Bill Fritz, Development Process Manager

RE: Scruby Property – Verizon Wireless Tier III PWSF
SP-2022-00011 and SE-2022-00030

Dear Mr. Fritz,

We are writing to voice our opposition to Verizon Wireless' request to construct a 140-foot-tall monopole tower to be used as a Personal Wireless Facility on Tax Map/Parcel 05500-00-00-01400.

Locating a tower at this site will hurt our property (05400-00-00-06100) and the surrounding area. Our property is located in the zone identified by Albemarle County with tower visibility, despite its relocation.

I regret missing the opportunity to share my disapproval of this tower at previous meetings. Unfortunately, the US Postal Service, specifically the Greenwood Post Office, has not been very consistent or reliable at delivering our mail. Neither my wife nor I were aware we had missed not one but two meetings. I became aware of the meetings from Todd Zimmerman, and I promise to be at all additional meetings.

Mr. Fritz, reviewing the notes regarding this situation, the tower is five stories taller than any adjacent tree within 25 feet of the proposed site. I do not see how the Department of Community Development can support this project. Also not adequately discussed is what this project will look like if approved and upgraded to a 5G network.

I do not see where your committee or the architectural review board discussed the impact of this tower on the dark sky. The effect of vehicles from the interstate will undoubtedly illuminate the structure in the night sky. Additionally, this tower's placement will impede this area's natural landscape, impacting runoff. Also visible and disturbing will be the fence necessary to surround this tower, its propane tanks, and generators. Finally, Mr. Fritz is the ridiculousness of a balloon test. It minimizes the negative impact the tower will have on this beautiful area. A tower will be significantly more substantial than a balloon attached to a string.

Regards,

Joe and Beth Curry
434-941-3539

From: J Adeline <jadeline49@yahoo.com>
Sent: Monday, June 27, 2022 5:43 PM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Support for Verizon Tower

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi,

I'm writing to convey my support for the Greenwood Verizon tower.

We live on Nether Springs Rd, off of Plank Rd, partway between Batesville and Greenwood.

Additional cellular infrastructure is crucial for this area. The speed slows to a crawl on weekends and evenings, especially in the summer when the campground at Misty Mountain is full up.

Many of us in this area are waiting patiently for fiber from Firefly with the RISE project after the fixed wireless provider in our area shutdown service. Verizon hotspots have become the go to service for us and a closer cell tower would be crucial for working and learning.

I express my support and please let me know if I can voice further help or support for the project.

Joel Adeline

3607701539

From: Julia S H <julia6nn@gmail.com>
Sent: Thursday, June 30, 2022 1:44 PM
To: Bill Fritz <BFRITZ@albemarle.org>
Subject: Scruby/Greenwood/Verizon project

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hello-
I am a lifelong Greenwood resident and would like to voice my support of the cell tower proposed. I preferred the first location as it was less obvious from my property, but find this second location acceptable as well.
I do think it is important to specify that it be a dull brown color. I hope this is required.
Additionally, I think that it would be great to require at least one spot on the tower to be leased to a competitor - I wonder if that is ever possible?
I will try to join the online video stream this afternoon.
Best,
Julia Shields
434-270-4861

SEVEN OAKS FARM, LLC
200 Seven Oaks Farm Road, Greenwood, Virginia 22943

July 31, 2022

William D. Fritz, AICP, Development Process Manager
Albemarle County Community Development
401 McIntire Road
Charlottesville, VA 22902

Re: Verizon Personal Wireless Service Tower Application in Greenwood – SP2022000111

Dear Mr. Fritz:

Seven Oaks Farm is submitting this letter to correct potential inaccuracies existing in the official record regarding the Scruby tower proposal referenced above.

First, neither Seven Oaks Farm nor its residents, the Zimmermans, are working with Verizon on this particular location. We have not agreed upon this location and are not supporting the project at this location.

Second, we understand there was an assertion during one of the public meetings on this matter that the balloon was not visible from Seven Oaks Farm during the balloon test in June. To the best of our knowledge, nobody requested any access to Seven Oaks Farm, nor did anyone other than Seven Oaks Farm employees access the property during the balloon test to determine if the balloon was visible. Seven Oaks Farm is a neighboring property to the proposed site, and unsurprisingly, the balloon was visible from numerous sites all over the property during the test. If the tower is backlit in any manner, it will be all the more visible.

A couple of sample photos of the balloon from different ends of the property are attached.

We appreciate the opportunity to correct the record in this matter.

Sincerely,

Seven Oaks Farm, LLC

Todd and Sarah Zimmerman





