Gardner, Stephen

From: Gardner, Stephen
Sent: Tuesday, April 13, 2010 11:19 AM
To: 'Sean Hughes Law'
Subject: RE: Beaumeade Substation WAN493F
Attachments: Double-Ad Application(with signature line).doc

Sean,

Yes. You are confirmed for a Planning Commission Work Session on Wednesday, April 21, 2010; T Mobile is first on the agenda.

You are also confirmed for a Board of Supervisors Public Hearing on Monday, May 10, 2010. I do not know the order of the agenda for the 10th, but I do know it's a long agenda with items that will undoubtedly have multiple public speakers. The Board will usually place those items at the beginning. I would prepare for a long night.

Also, confirmation of 10th means that both the Chair of the Planning Commission and the District Supervisor have given their consent to the request for double-advertisement. Per our conversation last week, I will need you to fill out the attached form, which essentially states the Applicant will bear the costs of advertising, should the Planning Commission not act and the Board Public Hearing be consequently deferred.

Also, since there was a technical glitch in the advertisement with the March 24, 2010 Planning Commission Public Hearing, the County Attorney has requested that you provide a letter acknowledging that the SPEX area now represents an extent of land that is larger than what was advertised and that the Applicant understands the risk involved, should the application be challenged.

Once we have these two things, you should be fine. Instructions will accompany the posters regarding notification, and the procedure for Board of Supervisors Public Hearing affidavits and affirmations is the same as for the Planning Commission.

Thanks,

Stephen Gardner

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Tuesday, April 13, 2010 9:27 AM
To: Gardner, Stephen
Subject: RE: Beaumeade Substation WAN493F

Stephen-

Good morning.

I wanted to firm up per our conversation last week that we are confirmed for these 2 dates. You were pretty sure last week, but were looking to get confirmation.

Please advise.

Thanks,

Sean

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Tuesday, April 06, 2010 11:44 AM
To: 'Gardner, Stephen'
Cc: 'Merrithew, John E..'; 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Stephen-

Good morning. I just tried you live and left a message.

We would like to proceed forward WITHOUT a 2nd PC Public Hearing-recognizing the risk of appeal. Thus, please confirm if the route we will take is-- so we can AVOID posting property and sending notice letters out by tomorrow as required for an April 27 PC Public Hearing:

-PC review and hopeful vote at work session/committee meeting on April 20

and

-Bd of Supers Public Hearing on May 10

**** Also-- want to talk live or firm up next steps with you re this process/matter- (e.g. What presence we should plan on having at meeting on April 20 before PC, firm up you/Co needs a reaffirmation of Affidavit 7-14 business days before May 10 hearing and any other items).

We have continued discussions with Dominion and are looking to pull Ct. records that support their/our belief that the 35 ft ROW has been established for some time - - and also why we believe they persuaded the County in/around 2002 when Dominion was doing work and needed approvals to not make it a condition then-- and hope to have additional info for you/Co soon. Worst case scenario re timing- hopeful that condition could be such that dedication occurs or proof provided that it already exists prior to Site Plan approval (which is close to the condition you have now-- I believe).

Thanks-

Sean

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Monday, April 05, 2010 10:32 AM
To: 'Gardner, Stephen'
Subject: RE: Beaumeade Substation WAN493F

Thanks. I just tried you live and left a voice message.

Can we give you our answer by noon tomorrow? (enough time to pull the ads?)

I need to confer with my client and believe my POC is out today due to Passover holiday.

I expect to recommend to them that they do take the risk and do NOT participate in a 2nd PC Public Hearing.

QUESTION: When you note risk--is that risk re an Appeal by any potential opposition that they did not get proper notice and thus did not attend a PC Public Hearing or is there any other as well in your mind?

Sean

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Monday, April 05, 2010 10:20 AM
To: Sean Hughes
Cc: Merrithew, John E..
Subject: RE: Beaumeade Substation WAN493F

Sean,

It appears the earliest available Planning Commission Committee date would be April 21, 2010. The Planning Commission could act at this meeting should they so choose; I see no reason why they would not.

Regarding a second Public Hearing, I would pose the question to you. Is the Applicant comfortable that the first public hearing will not be challenged? If so, we could probably avoid a second public hearing, but it would be at your risk. Even though the County Attorney has indicated concerns that the first public hearing was advertised in error, we can proceed to the Board, but again, it would be at your discretion with an understanding that you will be assuming the risk of doing so.

Please be advised that I have advertised this application for both the April 28, 2010 Planning Commission Public Hearing and the May 10, 2010 Board of Supervisors Public Hearing. We can easily pull the ad for the PCPH if needed.

Thanks,

Stephen Gardner

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Thursday, April 01, 2010 10:14 AM
To: Gardner, Stephen
Subject: RE: Beaumeade Substation WAN493F

Stephen-

Good morning. I wanted to follow up re below and our discussion about this on Tuesday to see what feedback you have received from John M and/or Count Attorney re our options re if a 2nd PC public hearing is avoidable or not and timing of when we can aim to get before the Bd and next steps (re Committee date and attendance, new ads, reaffirm affidavit requirements, etc.).

Thanks-

Sean

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Sunday, March 28, 2010 1:05 PM
To: 'Gardner, Stephen'
Subject: RE: Beaumeade Substation WAN493F

Stephen-

Do you have a few minutes for us to talk Monday am or Tuesday?

I want to see if you have had any additional discussions since Wed. night with County Attorney, etc. at County to see if we are legally able to avoid a second public hearing before the PC or if not--definitely aim for the option of double advertising to try to push forward here.

Thanks,

Sean

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Wednesday, March 24, 2010 9:59 AM
To: 'Gardner, Stephen'
Subject: RE: Beaumeade Substation WAN493F

Thanks Stephen.

I do hope we can resolve before tonight to all sides satisfaction-as believe this is a good and important app--with much value to come from it (improved essential, non-essential and emergency wireless telephone and internet for all customers of T-Mobile, Sprint and Verizon).

I hope/think that the current plan and filing by Dominion gives the County some strong assurance of what it wants/needs re ROW and we can proceed forward re overall good for Co--in order to provide enhanced wireless to all in this part of Loudoun--as tech so vital in the County, 3 carriers' customers are in need of enhanced service now and believe ROW protection does exist now and perhaps the condition can be removed or softened to reference and rely upon that existing recorded doc by Dominion or similar.

Please do call when you are able.

Sean

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Wednesday, March 24, 2010 9:48 AM
To: Sean Hughes
Subject: RE: Beaumeade Substation WAN493F

As an FYI, all other conditions remain unchanged. I acknowledge your subsequent email regarding this language and will be in touch.

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Tuesday, March 23, 2010 4:42 PM
To: Gardner, Stephen; 'Claffey, Vicky'
Cc: 'Moradi, Majid'; 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Thanks-will look at 6. The other conditions 1-5--- are they as previously written or are they "revised"?

Sean

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Tuesday, March 23, 2010 1:52 PM
To: Sean Hughes; 'Claffey, Vicky'
Cc: 'Moradi, Majid'; 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Thank you. The plat looks good. Once again, I will be distributing the plat to the Commission as an update tomorrow night. The update memorandum will identify that all Staff issues have been resolved.

As an FYI, I will initiate a final review of the plat and the Conditions of Approval with Zoning Administration upon receipt of hard copies. This will be the first of two reviews of the Conditions, the second being conducted by the County Attorney's Office prior to final approval.

Finally and as part of the update to the Commission, I will be suggesting a Condition of Approval related to the right-of-way dedication. The revised Conditions are attached for reference, and the new Condition is #6.

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Tuesday, March 23, 2010 12:15 PM
To: 'Claffey, Vicky'; Gardner, Stephen
Cc: 'Moradi, Majid'; 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Thank you.

From: Claffey, Vicky [mailto:Vclaffey@compassts.com]
Sent: Tuesday, March 23, 2010 12:11 PM
To: Sean Hughes; Gardner, Stephen
Cc: Moradi, Majid; Bird, Amy
Subject: RE: Beaumeade Substation WAN493F

Fixed and ready to pass on.

Victoria G. Claffey
Cadd Drafting
Compass Technology Services
Office: 678-460-1424
Cell: 404-702-1424

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Tuesday, March 23, 2010 11:57 AM
To: 'Gardner, Stephen'
Cc: Moradi, Majid; Claffey, Vicky; 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Will do-thx

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Tuesday, March 23, 2010 11:56 AM
To: Sean Hughes
Cc: Moradi, Majid
Subject: RE: Beaumeade Substation WAN493F

With one exception, this looks good. The ultimate centerline and ROW notation related to Smith Switch Road was removed in this draft. The inclusion of this line and accompanying noted resolved the issue of dedication; the Planning Commission will want to see this. Please have him put these items back on the plat, consistent the plat dated 2/9/10. Specifically, the note said, "Ultimate R.O.W. centerline; 35' wide from proposed ROW." Otherwise, we are good to go.

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Tuesday, March 23, 2010 11:31 AM
To: Gardner, Stephen
Cc: 'Bird, Amy'; 'Moradi, Majid'; 'Claffey, Vicky'
Subject: RE: Beaumeade Substation WAN493F

Stephen-

Attached is pdf of the revised site plan that will be delivered to you in hard copy tomorrow am (12 copies).

Sean

*** Photo sims should come to you later today

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Monday, March 22, 2010 1:44 PM
To: Sean Hughes; 'Moradi, Majid'
Cc: 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Thank you. I did forget one thing. I would like to request an electronic copy of the SPEX plat. A pdf is fine.

From: Sean Hughes [mailto:shugheslaw@comcast.net]
Sent: Monday, March 22, 2010 1:00 PM
To: Gardner, Stephen; 'Moradi, Majid'
Cc: 'Bird, Amy'
Subject: RE: Beaumeade Substation WAN493F

Thanks Stephen.

I will work with Mr. Moradi re below. I believe we will be good to get you the 12 copies by Wed am.

And we do expect to have photo sims ready to-hopefully by tomorrow for you.

Sean

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]
Sent: Monday, March 22, 2010 12:27 PM
To: Moradi, Majid; Sean Hughes
Subject: RE: Beaumeade Substation WAN493F

Mr. Moradi / Mr. Hughes,

Thank you for revising the plat per our previous discussions. I have allowed zoning to quickly review the changes. The issue pertaining to depicting the ultimate centerline of Smith Switch Road has been resolved. I am now comfortable that the requested right-of-way dedication is being accommodated.

I consider the delineation and notation of the Special Exception area specific to the compound resolved. Conversely, zoning has requested that the delineation and notation of a second and third special exception area related to the existing vegetation be removed (Including multiple special exception areas that are disconnected from the primary use is unconventional). Continue to depict the existing landscaping on the plat and retain the "Existing (50' wide) Type 4 landscape buffer" notes.

Zoning has stated that conformance to the buffering requirements can be determined at the time of site plan. I apologize if this is somewhat contradictory to what was previously requested, but after seeing three separate special exception areas, it seems to be the best approach.

To accommodate the Planning Commission Hearing on Wednesday, please submit twelve copies of the plat depicting the changes noted above by noon on Wednesday (3/24/10); these plats will be distributed to the Commission as an update. I will be revising the Conditions of Approval to include a Condition related to the right-of-way dedication. This will also be included as part of the update.

Finally and as a reminder, the Commission requested a photo simulation of the telecommunications monopole from the Ashby Ponds (Erickson) community. Can you have this completed by Wednesday? If so, I would like to include this in the update as well.

If there are questions, feel free to call. Sean: I will try to give you a call this afternoon to connect on this and other issues. Thanks again to both of you for all your work on this application.

Stephen Gardner

From: Moradi, Majid [mailto:mmoradi@compassts.com]
Sent: Wednesday, March 17, 2010 10:51 AM
To: Gardner, Stephen
Cc: Sean Hughes
Subject: Beaumeade Substation WAN493F

Good Morning Mr. Gardner,
Per our conversation please sea attached site plan sheet for WAN493F per your comments.
Please let me know if this will work or you have any questions.
I look forward to hear from you.
Thanks

Matt Moradi
Project Engineer
Compass Technology Services
Office# : 443-766-1024 X 109
Cell # : 703-853-7919