

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND EXCEPTION. 367 ft. from E/S
 Pot Spring Rd., 130 ft. NE from * ZONING COMMISSIONER
 Loch Raven Rd.(2300 Dulaney Valley Rd)
 8th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District
 Legal Owner: Stella Maris,Inc. * Case No. 98-83-SPHX
 AT&T Wireless Services, Inc. Lessee
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Special Exception for the property located at 2300 Dulaney Valley Road in northern Baltimore County. The Petitions were filed by Stella Maris, Inc., property owner, and AT&T Wireless Services, Inc., Contract Lessee. Special Exception relief has been requested to approve the installation and operation of a wireless transmitting and receiving facility, pursuant to Sections 502.7 and 1A03.3.B.14 of the Baltimore County Zoning Regulations (BCZR). Special Hearing relief is requested to approve the amendment to the previously approved site plans in cases 96-84-X and 97-271-SPHX. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Appearing at the public hearing held for this case were Michael Yglesias and Michael Valentine on behalf of AT&T Wireless Services, Inc., co-Petitioner. The Petitioner was represented by Paul Dorf, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately 104.47 acres, zoned R.C.4. This is a large tract located in northern Baltimore County and is the site of the Stella Maris Hospice facility.

ORDER RECEIVED FOR FILING
 Date 10/28/97
 By M. Dorf

As shown on the site plan the property is improved with a building complex and related internal road network and infrastructure.

The Petitions at issue seek approval to install a wireless transmitting receiving facility equipment on the roof of the Hospice building. This building is approximately 6 stories tall and is already the site of similar equipment, installed pursuant to zoning relief granted in cases 96-84-X and 97-271-SPHX.

Additional testimony and evidence offered at the hearing was that AT&T Wireless Services, Inc. is establishing its antenna network throughout Baltimore County, in order to provide wireless communication services to the public. Presently, there exists a hole in the company's coverage in the vicinity of the subject site. Thus, the company proposes installing 9 antennas atop the hospice building in order to fill this need. As noted above, similar antennas are already on the building as part of the networks of two competitors of AT&T Wireless Services, Inc.

Based upon the testimony and evidence presented, I am persuaded to grant the Petitions for Special Hearing and Special Exception. Clearly, there will be no detrimental impact to the health, safety or general welfare of the community. An environmental impact statement was submitted (Petitioner's Exhibit No. 2) which is dispositive on this issue. The installation of the company's equipment on the existing site is appropriate. Such an installation prevents the construction and proliferation of monopoles and towers throughout the landscape.

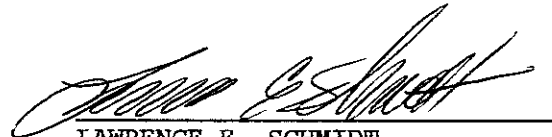
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of October 1997 that, pursuant to the Petition for Spe-

cial Exception, approval for the installation and operation of a wireless transmitting and receiving facility, pursuant to Sections 502.7 and 1A03.3.B.14 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing approval to amend the previously approved site plans in cases 96-84-X and 97-271-SPHX to allow a wireless transmitting and receiving facility, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 10/28/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 28, 1997

Paul Dorf, Esquire
Adelberg, Rudow, Dorf, Hendler & Sameth
600 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Pot Spring Road, 367' NE of Loch Raven Road
(2300 Dulaney Valley Road)
8th Election District - 4th Councilmanic District
Stella Maris, Inc., Owners; AT&T Wireless Services, Inc., Lessee
Case No. 98-83-SPHX

Dear Mr. Dorf:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Sr. Mary Karen McNally, RSM, Stella Maris, Inc.
2300 Dulaney Valley Road, Timonium, Md. 21093

Messrs. Michael Yglesias and Michael Valentine, AT&T Wireless Services
8403 Colesville Road, 16th Floor, Silver Spring, Md. 20910

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

98-83-SPHX

2300 Dulaney Valley Road

which is presently zoned E.R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the previously approved site plan in prior cases 96-84-X & 97-271 SPHX

to permit the installation and operation of a wireless transmitting and receiving facility on the roof of the Stella Maris building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

AT&T Wireless Services, Inc.

by: Brian S. Parsons, Agent

(Type or Print Name)

[Signature]

Signature

8403 Colesville Rd, 10th Floor

Address

Silver Spring MD 20910

City

State

Zipcode

Attorney for Petitioner:

S. Leonard Rothman, Esquire

(Type or Print Name)

Adelberg, Rudow, Dorf, Hendley & Smith

[Signature]

Signature

600 Merchantile Bank & Trust Bld.

TWO HOPKINS PLAZA (410) 539-5195

Address

Phone No.

Baltimore, MD 21201

City

State

Zipcode

Legal Owner(s):

Stella Maris, Inc.

(Type or Print Name)

Sr. Mary Karen McNally, RSM

Signature

Executive Vice President &

Chief of Operations Officer

(Type or Print Name)

[Signature]

Signature

2300 Dulaney Valley Rd. (410)

Address

Phone No.

252-4500

Timonium, MD 21903 X 374

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

S. Leonard Rothman, Esquire

Name

TWO HOPKINS PLAZA (410) 539-5195

Address

Phone No.

5195

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: *[Signature]* DATE 09-03-97

83.

ORDER RECEIVED FOR FILING
Date _____
By _____



B07E.4
Stella
mans



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

98-83-SPHX

2300 Dulaney Valley Road

which is presently zoned ~~D-1~~ RCR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Installation and operation of a wireless transmitting and receiving facility, pursuant to Section 502.7 of the Zoning Ordinance & Section 1A03.3-B.14

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

AT&T Wireless Services, Inc.

By: Brian S. Parsons, Agent

(Type or Print Name)

Signature

8403 Colesville Road, 16th Floor

Address

Silver Spring MD 20910

City

State

Zipcode

Attorney for Petitioner

S. Leonard Rothman, Esquire

(Type or Print Name)

Adelberg, Rudow, Borg, Hendler & Sameth

Signature

600 Merchantile Bank & Trust Bldg.

Two Hopkins Plaza (410) 539-5195

Address

Phone No.

Baltimore, MD 21201

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Stella Maris, Inc

(Type or Print Name)

Sr. Mary Karen McNally, RSM
Executive Vice President and
Chief Operations Officer

(Type or Print Name)

Sister M. Karen McNally, RSM

Signature

2300 Dulaney Valley Road

Address

Phone No.

Timonium, MD 21903 (410) 252-4500

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

X 374

S. Leonard Rothman, Esquire

Name

Two Hopkins Plaza (410) 539-5195

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

SDA

DATE 09-03-97



ZONING DESCRIPTION

98-83-SPHX

Engineers, Architects
and Planners

Suite 401
3000 Chestnut Avenue
Baltimore, MD 21211-2751
410 235 1150
FAX 410 235 1388

Ankara Turkey
Baltimore, MD
Eschborn Germany
Kenner, LA
Marlton, NJ
Memphis, TN
Pittsburgh, PA
Scranton PA
State College PA
Williamsburg, VA
York, PA

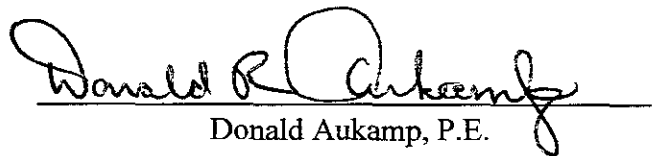
BEGINNING for the same at a point distant North 67° 36' 43" East 367.10 feet from a point on the east side of Pot Spring Road, 60 feet wide, which is located 130 feet, more or less, northeasterly from the intersection of the east side of Pot Spring Road with the centerline on Loch Raven Road, thence the following courses and distances:

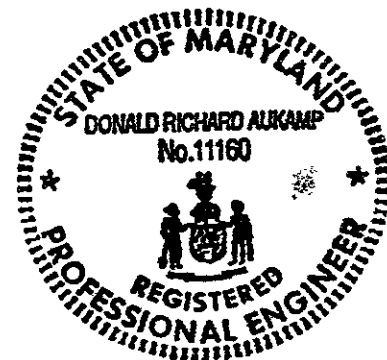
North 67° 36' 43" East 1207.12 feet, South 12° 21' 44" East 425.11 feet,
North 40° 21' 14" East 588.33 feet, South 50° 02' 45" East 188.32 feet,
North 55° 50' 38" East 580.03 feet, South 29° 32' 25" West 1910.71 feet,
South 45° 22' 09" West 416.37 feet, North 41° 42' 23" West 448.40 feet,
North 47° 08' 46" East 89.54 feet, and North 40° 42' 40" West 1136.68
feet to the place of beginning.

CONTAINING 40.0 acres of land, more or less.

BEING known as 2300 and 2310 Loch Raven Road and located in the Eighth Election District of Baltimore County, Maryland.

This description has been prepared for zoning purposes only and is based on information obtained from a Deed, dated June 27, 1997 and from a previous zoning description of the site, as prepared by Morris & Ritchie Associates, Inc.


Donald Aukamp, P.E.



CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 18, 19 97

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 18, 19 97.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

NOTICE OF HEARING
The Planning Commission of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:
Case: 96-88-SPHX
2300 Dinkley Valley Road,
Stella Maris
367' from EIS Fox Spring Road, which is 130' NE from Loch Raven Road
8th Election District
4th Councilmanic
Legal Owner(s):
Stella Maris, Inc.
Contract Purchaser(s):
AT&T Wireless Services, Inc.
Special Exception: for installation and operation of a wireless transmitting and receiving facility. Special Hearing: to approve an amendment to the previously approved site plan in prior cases 96-84-X and 97-271-SPHX to permit the installation and operation of a wireless transmitting and receiving facility on the roof.
Hearing: Tuesday, October 7, 1997 at 11:00 a.m., Room 407 Courts Bldg., 401 Bosley Avenue.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.
9/26/97 Sept. 18 C174594

CERTIFICATE OF POSTING

RE: Case No.: 98-83-SPHX

Petitioner/Developer: A.T. & T WIRELESS
SERVICES
90 S. LEONARD ROTTMAN, 2TH

Date of Hearing/Closing: OCT 7, 1997

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

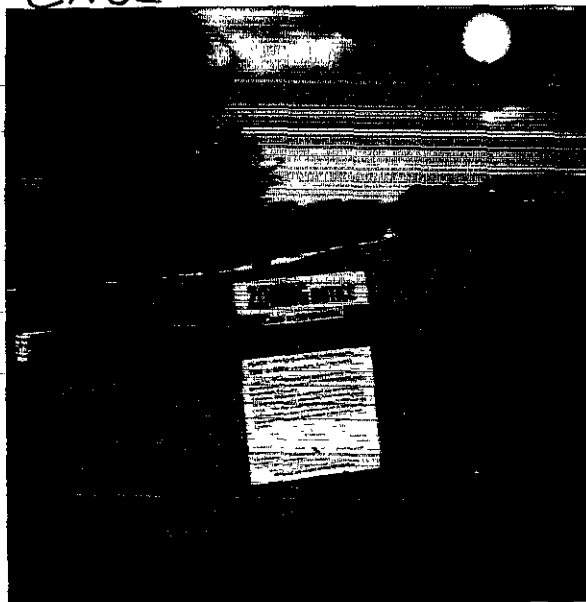
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2300 DULANEY VALLEY RD

The sign(s) were posted on 9/22/97
(Month, Day, Year)

CASE # 98-83-SPHX



Sincerely,

Richard E. Hoffman 9/22/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

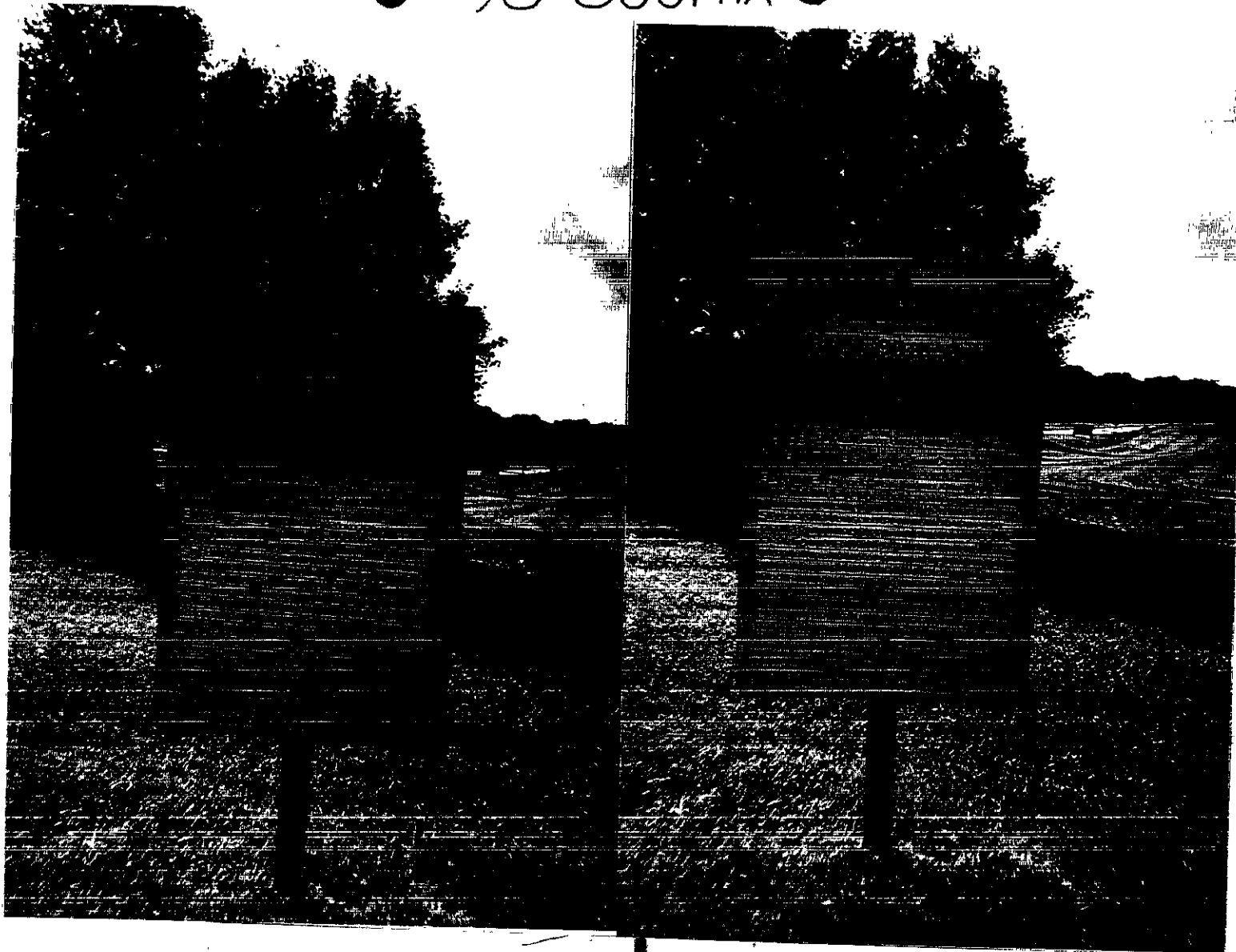
(410) 879-3122
(Telephone Number)

2300 DULANEY VALLEY RD.

POSTED: 9/22/97

Richard E. Hoffman 9/22/97

● 98-83SPHX ●





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1997

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

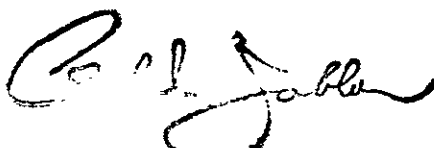
CASE NUMBER: 98-83-SPHX
2300 Dulaney Valley Road - Stella Maris
367' from E/S Pot Spring Road, which is 130' NE from Loch Raven Road
8th Election District - 4th Councilmanic
Legal Owner(s): Stella Maris, Inc.
Contract Purchaser(s): AT&T Wireless Services, Inc.

Special Exception for installation and operation of a wireless transmitting and receiving facility.

Special Hearing to approve an amendment to the perviously approved site plan in prior cases 96-84-X and 97-271-SPHX to permit the installation and operation of a wireless transmitting and receiving facility on the roof.

HEARING: TUESDAY, OCTOBER 7, 1997 at ^{11 AM}~~2:00 p.m.~~ Room 407 Courts Building, 401 Bosley Avenue.

If you have any questions concering this matter, please feel free to contact Gwen Stephens at 410-887-3391.


ARNOLD JABLON
DIRECTOR

cc: Stella Maris, Inc.
At&T Wireless Services, Inc.
S. Leonard Rottman, Esq.

AJ ggs



TO: PUTUXENT PUBLISHING COMPANY
September 18, 1997 Issue - Jeffersonian

Please forward billing to:

S. Leonard Rottman, Esq.
600 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, MD 21201
410-539-5195

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-83-SPHX
2300 Dulaney Valley Road - Stella Maris
367' from E/S Pot Spring Road, which is 130' NE from Loch Raven Road
8th Election District - 4th Councilmanic
Legal Owner(s): Stella Maris, Inc.
Contract Purchaser(s): AT&T Wireless Services, Inc.

Special Exception for installation and operation of a wireless transmitting and receiving facility.
Special Hearing to approve an amendment to the perviously approved site plan in prior cases 96-84-X and 97-271-SPHX to permit the installation and operation of a wireless transmitting and receiving facility on the roof.

HEARING: TUESDAY, OCTOBER 7, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-83-SPHX

2300 Dulaney Valley Road - Stella Maris

367' from E/S Pot Spring Road, which is 130' NE from Loch Raven Road

8th Election District - 4th Councilmanic

Legal Owner(s): Stella Maris, Inc.

Contract Purchaser(s): AT&T Wireless Services, Inc.

Special Exception for installation and operation of a wireless transmitting and receiving facility.

Special Hearing to approve an amendment to the perviously approved site plan in prior cases 96-84-X and 97-271-SPHX to permit the installation and operation of a wireless transmitting and receiving facility on the roof.

HEARING: TUESDAY, OCTOBER 7, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Stella Maris, Inc.
At&T Wireless Services, Inc.
S. Leonard Rottman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 22, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-83-SPHX

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: SPECIAL HEARING TO AMEND PRIOR CASES 96-54X &
97-271 SPHX AND SPECIAL EXCEPTION BOTH TO ALLOW
INSTALLATION AND OPERATION OF A WIRELESS
TRANSMITTING & RECEIVING FACILITY ON THE
ROOF OF THE STELLA MARIS BUILDING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 2, 1997

S. Leonard Rottman, Esquire
600 Mercantile Bank & Trust Building
Two Hopkins Plaza
Baltimore, MD 21201

RE: Item No.: 83
Case No.: 98-83-SPHX
Petitioner: Stella Maris, Inc.

Dear Mr. Rottman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 3, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3.16.97
Item No. 083 JRA

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 22, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Allan & Tamara Cooper
Stella Maris, Inc.
Yvonne McMahon

Location: DISTRIBUTION MEETING OF SEPTEMBER 15, 1997

Item No.: Listed Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

085, 083, and 081

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: September 16, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 83 & 85

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Cary L. Keller

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 19, 1997

FROM: *RWB* Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for September 22, 1997
Item Nos. 082, 083, and 085

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE922.NOC

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
2300 Dulaney Valley Road (Stella Maris), * ZONING COMMISSIONER
367' from E/S Pot Spring Road, which is *
130' NE from Loch Raven Road * OF BALTIMORE COUNTY
8th Election District, 4th Councilmanic *
CASE NO. 98-83-SPHX
Legal Owner(s): Stella Maris, Inc.
Contract Purchaser(s): AT&T Wireless Services, Inc.
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 1997, a copy of the foregoing Entry of Appearance was mailed to S. Leonard Rottman, Esq., Adelberg, Rudow, Dorf, 2 Hopkins Plaze, Suite 600, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Yglesias

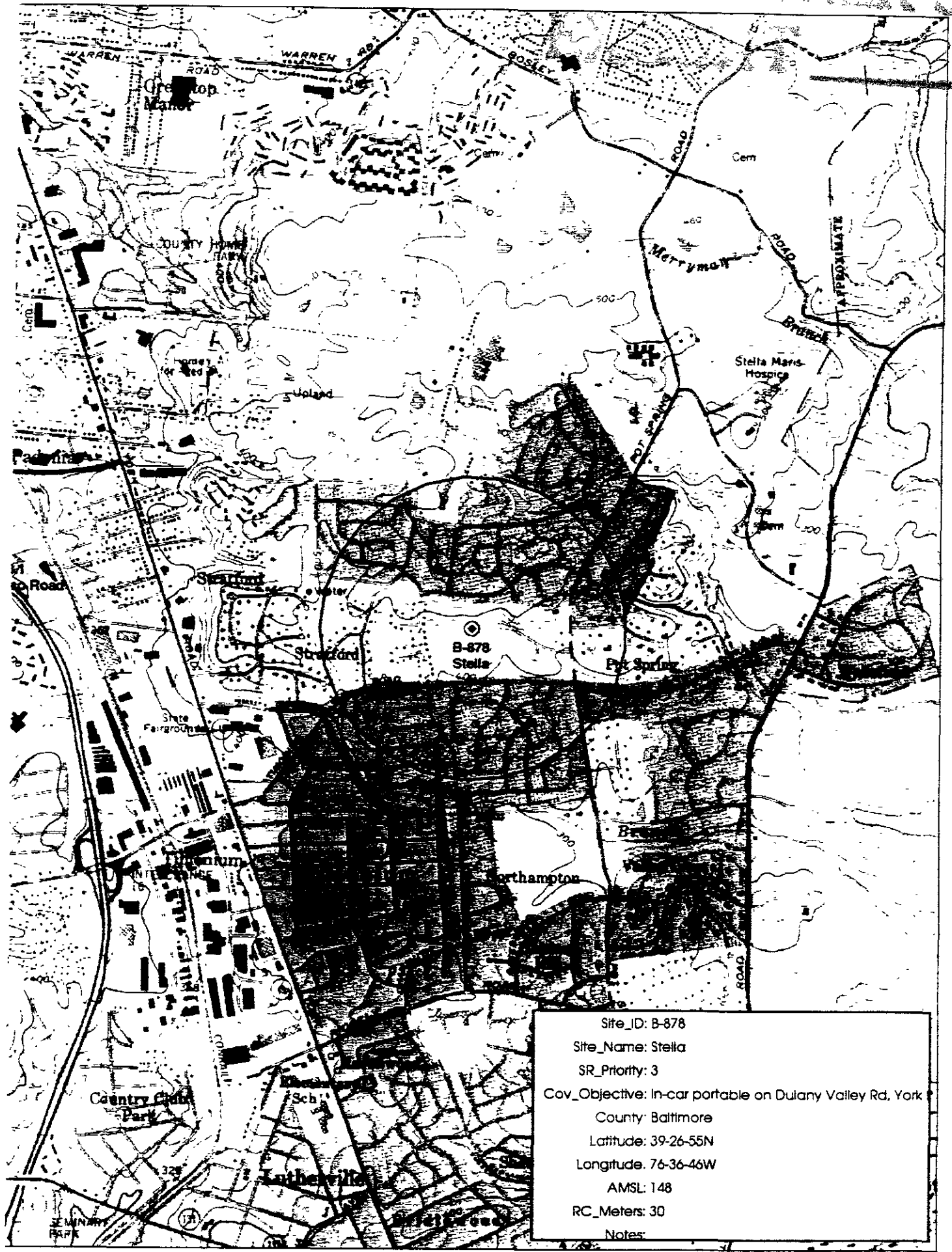
11710 Beltsville Drive, Beltsville, MD 20705

MICHAEL VALENTINE

3000 CHESTNUT AVE, BALTIMORE, MD,

Paul Dorf





Site_ID: B-878
Site_Name: Stella
SR_Priority: 3
Cov_Objective: In-car portable on Dulany Valley Rd, York
County: Baltimore
Latitude: 39-26-55N
Longitude: 76-36-46W
AMSL: 148
RC_Meters: 30
Notes:

Denny & Associates, P.C.

Consulting Engineers

1901 Pennsylvania Avenue, N.W.
Suite 402
Washington, DC 20006-3405

202-452-5600
202-452-5620 FAX

WRITER'S DIRECT DIAL
202-452-5601

MAILING ADDRESS
P.O. Box 19329
Washington, DC 20036-9329

E-MAIL
rdenny@denny.com

October 6, 1997

VIA FACSIMILE AND FEDERAL EXPRESS

Ms. Laura Linderman
AT&T Wireless Services, Inc.
11710 Beltsville Drive
Beltsville, Maryland 20705

Re: Stella Maris Hospice Site (878.4), Towson, Maryland

Dear Laura:

Enclosed are an "Original" and twelve copies of our exhibit addressing human exposure to radio-frequency emissions for the Stella Maris Hospice site in Towson, Maryland.

Please call if you have any questions regarding the exhibit.

Sincerely yours.

Robert W. Denny, P.E.

Enclosure

EXHIBIT 4

**DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, DC**

**ENGINEERING EXHIBIT
HUMAN EXPOSURE TO
RADIO-FREQUENCY EMISSIONS
AT&T WIRELESS
STELLA MARIS HOSPICE (878.4)
TOWSON, MARYLAND**

ENGINEERING STATEMENT

INTRODUCTION

Robert W. Denny, Jr., being first duly sworn, says that he is president of Denny & Associates, P.C., consulting engineers with offices in Washington, DC; that he is a professional engineer registered in the District of Columbia, Maryland, and other jurisdictions; that he is familiar with the guidelines for human exposure to radio-frequency emissions that have been adopted by the FCC; and that he has performed many power density calculations of the type presented herein.

This statement has been prepared for AT&T Wireless, a Personal Communications Services (PCS) licensee, to address the concerns of public exposure to radio-frequency emissions from the proposed facility.¹

PROPOSED FACILITIES

The proposed site is located at 2300 Dulaney Valley Road, Towson, Maryland.² The proposed transmitting antennas will be mounted on the roof of the building housing the Stella Maris Hospice. The AT&T Wireless antennas will have

¹ This analysis is based on specifications for the proposed PCS facility provided to the undersigned by AT&T Wireless.

² Geographic coordinates are referenced to the 1927 North American Datum (NAD 27).

**DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, DC**

Engineering Statement
Stella Maris Hospice (878.4)
Towson, Maryland

Page 2

center lines approximately 77 feet or greater above ground level (AGL). A maximum of two PCS transmitters per sector are to be used at the site, and the planned service area is divided into three equal sectors.

Taking into account PCS transmitter power output, transmission line loss, and antenna gain, the maximum effective radiated power (ERP) on any of the channels will not exceed 120 watts. If all six of the proposed PCS transmitters (two transmitters in each of three sectors) were to be in simultaneous operation, total ERP would not exceed 240 watts per sector. The PCS facility at this site operates in the frequency band between 1950 megahertz (MHz) to 1965 MHz (Block B).

There is an existing PCS base station and an existing cellular base station mounted on the roof of the Stella Maris Hospice building. There are no known problems arising from the operation of the existing PCS and cellular facilities at the site.

BACKGROUND

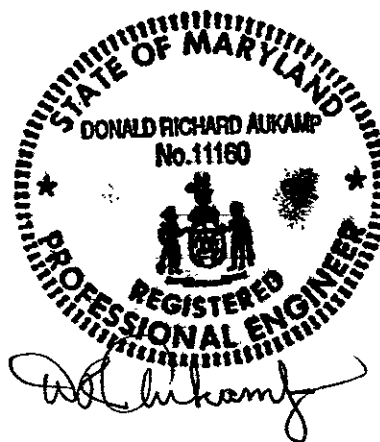
The existing and proposed transmitting systems at the site operate in the range of frequencies subject to FCC regulation. The operating frequencies are all within the nonionizing portion of the frequency spectrum. Nonionizing radiation, at high levels of exposure, results in tissue heating, while ionizing radiation is characterized by energy levels that can cause mutation of cells by altering genetic information. Both X-rays and gamma rays are familiar examples of ionizing radiation. Ionizing radiation occurs at frequencies exceeding 1,000,000,000 MHz. One MHz is equal to 1,000,000 hertz (Hz). One Hertz is equal to one cycle per second. The following chart puts the PCS and cellular frequencies into perspective with other communications services and types of radiation.

Environmental Impact Statement

AT&T Wireless Services, Inc. Stella Maris Hospice #B878.4

August 1997
Project No. 72602

Prepared for:
AT&T Wireless Services, Inc.
11710 Beltsville Drive
Beltsville, MD 20750

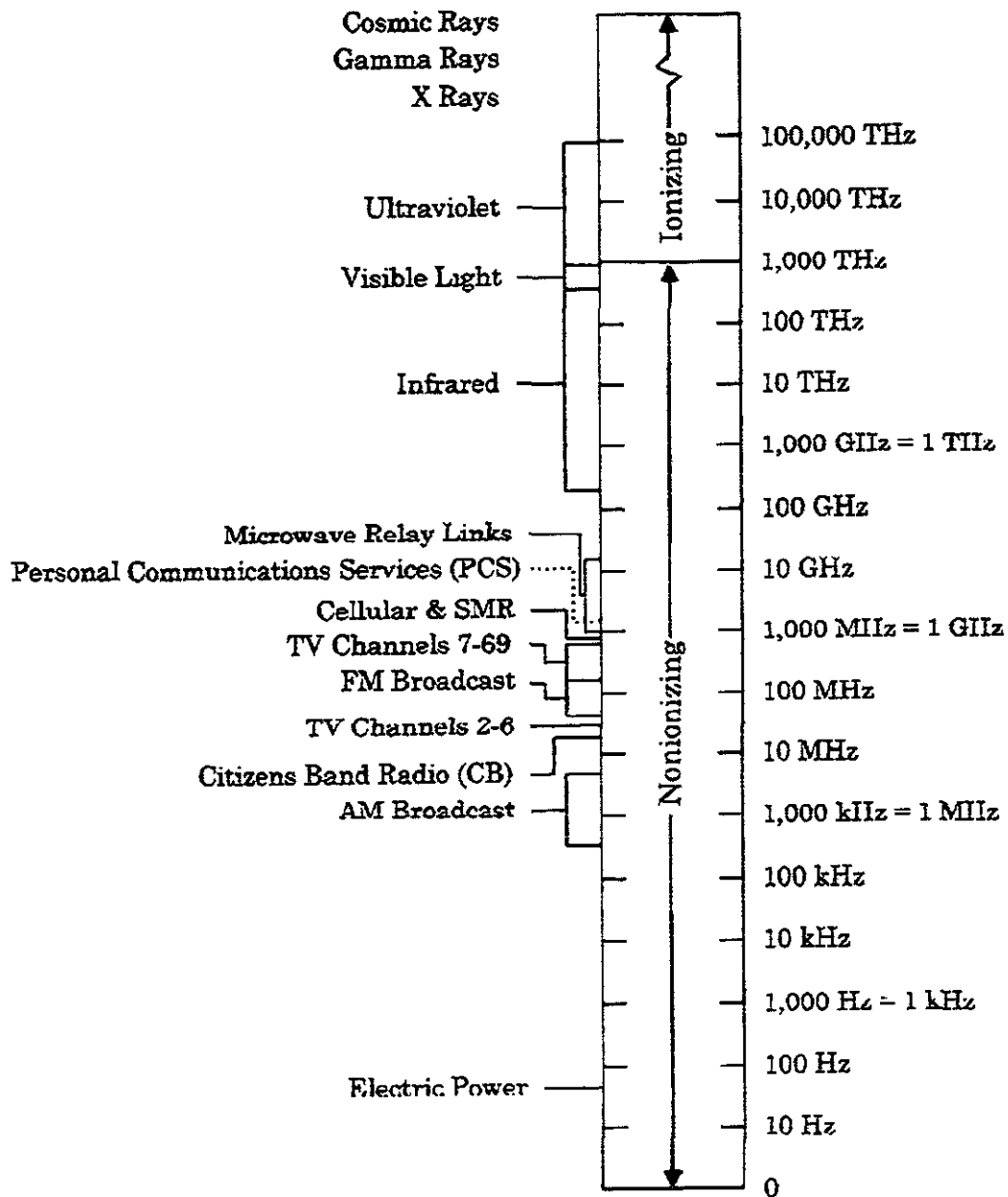


Prepared by:
Buchart-Horn, Inc.
3000 Chestnut Avenue, Suite 401
Baltimore, MD 21211

DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, DC

Engineering Statement
Stella Maris Hospice (878.4)
Towson, Maryland

Page 3



**DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, DC**

Engineering Statement
Stella Maris Hospice (878.4)
Towson, Maryland

Page 4

Before proceeding with an analysis of the proposed AT&T Wireless installation, some background information on the physics of radio frequency emissions may prove helpful. Emissions from an antenna project radially outward in all directions, and the power density, which is a measure of the exposure level, diminishes inversely with the square of the distance between the source and the observer. For example, at a distance of four feet, the power density is one-quarter of that at a distance of two feet. At a distance of eight feet, the power density is one-quarter of that at four feet and one-sixteenth of the power density at two feet. Power density decreases rapidly as distance from an emitter increases due to this inverse relationship between power density and distance.

As part of its review process, the FCC examines the impact of proposals for new transmitting facilities on the environment. Pursuant to Section 24.52 of the FCC Rules, PCS licensees are required to comply with the human exposure to emission levels established by the National Council on Radiation Protection and Measurements (NCRP) specified in Section 1.1310 of the FCC Rules.

Federal legislation embodied in the Telecommunications Act of 1996 modifies Section 47 of the United States Code of Federal Regulations to include Section 282(c)(7)(B)(I)(II)(iv), which states:

No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

**DENNY & ASSOCIATES, P.C.
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WASHINGTON, DC**

Engineering Statement
Stella Maris Hospice (8/8.4)
Towson, Maryland

Page 5

The subsequent analysis demonstrates that the proposed AT&T Wireless facility complies with the maximum permissible exposure (MPE) limits specified in the federal regulations of Section 1.1310 of the FCC Rules.³

ANALYSIS

Figure 1 is a tabulation of the calculated power density and exposure level at a reference point six feet AGL near the exterior building wall, assuming simultaneous operation of the six PCS transmitters proposed for this facility (two PCS transmitters in each of three sectors) and the existing PCS and cellular transmitters. The exact complement of existing PCS and cellular transmitters is not known, but the assumed facilities are believed to be representative of what might be found at a typical roof top wireless communications site. As Figure 1 shows, the calculated power density at the reference point is 0.0525 percent of the MPE level for general population/uncontrolled exposure.⁴ Due to the low exposure levels present near the ground, no risk exists to the public of exposure to power density levels approaching the FCC MPEs for occupational/controlled⁵ or general population/uncontrolled exposure.

³ See 47 CFR 1.1310.

⁴ The FCC defines general population/uncontrolled exposure as those situations where the general public may be exposed, or in which persons who are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

⁵ The FCC defines occupational/controlled exposure as those situations in which persons are exposed as a consequence of their employment and in which those persons have been made fully aware of the potential for exposure and can exercise control over their exposure, or the incidental result of transient passage through areas where occupational/controlled limits apply, provided the individual is made aware of the potential for exposure.

DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, DC

Engineering Statement
Stella Maris Hospice (878.4)
Towson, Maryland

Page 6

All calculations of power density were made using conservative assumptions. Since the object of the transmitting antenna is to relay intelligence to a receiving antenna located horizontally outward at some distance, antennas are designed to concentrate energy into a relatively narrow range of angles above and below the horizontal plane and very little energy is radiated downward. The high-gain directional antennas of the type used by AT&T Wireless radiate most of the energy outward in the horizontal plane into one of several sectors encompassing the proposed monopole. For the purposes of this analysis, a vertical plane relative field factor of 0.175 was used in the calculation of power density from the PCS antennas at the target point in Figure 1. This vertical plane relative field value takes into account both the vertical directivity of the transmitting antenna as well as any energy from adjacent sector transmitting antennas that may contribute to exposure levels at the target point near the base of the proposed monopole. The contribution to overall exposure arising from ground reflections was accounted for in the calculations by inclusion of a coefficient of 1.6 as recommended by the Environmental Protection Agency.

The exposure level calculated for the proposed AT&T Wireless PCS operation is representative of that which would be generated by the second PCS operation at the Stella Maris Hospice site. The contributions of the existing and proposed PCS operations to ground level exposure at the site, approximately 0.05 percent of the MPE level for general population/uncontrolled exposure per facility, would result in exposure of only 0.1 percent of the allowable maximum. The contribution of the existing cellular operation with comparable antenna height (77 feet AGL) might increase aggregate exposure on the ground to between two and three percent of the MPE for general

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CONSULTING ENGINEERS
WASHINGTON, DC**

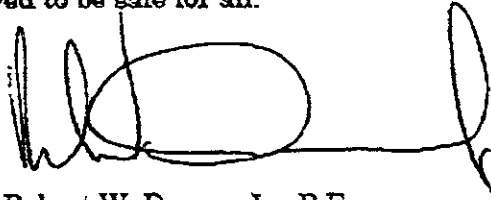
Engineering Statement
Stalla Maris Hospice (878.4)
Towson, Maryland

Page 7

population/uncontrolled exposures. Thus, given the low transmitting powers and high antenna elevations AGL (77 feet or greater) used in the wireless services like PCS and cellular, calculated exposure at ground level rarely exceeds a few percent of the MPE for general population/uncontrolled exposure.

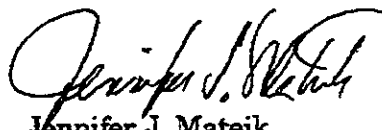
CONCLUSION

As Figure 1 shows, human exposure to radio-frequency emissions from the proposed AT&T Wireless PCS base station is well within the MPE limit for general population/uncontrolled exposure in all areas accessible to the public. The addition of the proposed AT&T wireless facilities to those already existing at the site will not significantly increase exposures anywhere inside or outside the building at ground level. Based on the current science, exposure to radio-frequency emissions below the MPE limits adopted by the FCC is believed to be safe for all.



Robert W. Denny, Jr., P.E.

Subscribed and sworn to before me this 6th day of October, 1997.



Jennifer J. Mateik
Notary Public, District of Columbia
My commission expires June 30, 2001

Figure 1

**ENGINEERING EXHIBIT
HUMAN EXPOSURE TO
RADIO-FREQUENCY EMISSIONS
AT&T WIRELESS
STELLA MARIS HOSPICE (878.4)
TOWSON, MARYLAND**

Tabulation of Calculated Exposure Level at Reference Point^a
(General Population/Uncontrolled Exposure)

<u>Transmitter Type</u>	<u>Number of Transmitters (per sector)</u>	<u>Effective Radiated Power Per Transmitter (watts)</u>	<u>Operating Frequency (MHz)</u>	<u>Total Effective Radiated Power (watts)</u>	<u>Distance to Reference Point (feet)</u>	<u>Calculated Power Density^b (mW/cm²)</u>	<u>Maximum Permissible Exposure^c (mW/cm²)</u>	<u>Percentage of MPE^d</u>
PCS (AT&T)	2	120	1950	240	71	0.000525	1.00	0.0525
PCS (Assumed existing)	2	120	1950	240	71	0.000525	1.00	0.0525
Cellular (Assumed existing)	20	100	869	2000	71	0.0142	0.58	2.46
						Total		2.565

Abbreviations:

MHz = megahertz
mW/cm² = milliwatt per square centimeter

- ^a The reference point is located six feet AGL near the exterior building wall.
- ^b Calculated using EPA-recommended ground reflection coefficient of 1.6 and a vertical plane relative field factor of 0.175 for the PCS antennas and 0.316 for the cellular antennas. The vertical plane relative field factor takes into account the antenna vertical plane directivity and the worst-case contribution from antennas in the adjacent sectors.
- ^c MPE was obtained from Section 1.1310 of the FCC Rules.
- ^d The MPE for general population/uncontrolled exposure for the operating frequency indicated was used as a reference.

98-83-
SPHX

LEGEND

(SURROUNDING PROPERTY INFORMATION)

MAP	PARCEL	LOT	NAME	ADDRESS	DEED REF.	ACCT. #
52	69		VILLA MARIA, INC.	CHARLES AND MULBERRY ST BALTIMORE, MD 21201	3845/231	0822035240
52	78	1	WATKINS, JOHN, L.	2204 DULANEY VALLEY RD LUTHERVILLE-TIMONIUM, MD 21093-2821	7174/10	0823004650
52	78	2	CLAYTON, RONALD, WIL	2200 DULANEY VALLEY RD LUTHERVILLE-TIMONIUM, MD 21093-2821	8035/322	0818049070
52	78	4	ROBERTSON, ROBERT R.	2200 DULANEY VALLEY RD LUTHERVILLE-TIMONIUM, MD 21093	10871/499	0818049070
52	78	5	BANKOSKI, SUSAN S.	408 E. TIMONIUM RD LUTHERVILLE-TIMONIUM, MD 21093-2839	10914/595	0818048800
52	78	6	PAXENOS, FOTIS, F.	406 EAST TIMONIUM RD LUTHERVILLE-TIMONIUM, MD 21093-2838	5113/29	0807016410
52	78	7	YIN, ROBERT L.	404 E. TIMONIUM RD LUTHERVILLE-TIMONIUM, MD 21093-2838	8342/336	0816017300
52	78	8	FERRY, JOHN MOTT	402 E. TIMONIUM RD LUTHERVILLE-TIMONIUM, MD 21093	1111/434	0804035990
52	74	121	SCHMIDT, RAYMOND	2205 DALEWOOD RD LUTHERVILLE-TIMONIUM, MD 21093-2702	5481/439	080900140
52	74	120	LEWIS, JOSEPH L. JR.	2207 DALEWOOD RD LUTHERVILLE-TIMONIUM, MD 21093-2702	5225/256	0818021700
52	76	148	REITH, THEODORE	312 OVERLOOK DR LUTHERVILLE-TIMONIUM, MD 21093	4353/745	0818012950
52	76	147	GORE, WARREN, J.	310 OVERLOOK DR LUTHERVILLE-TIMONIUM, MD	5419/105	0807048440
52	34		VILLA MARIA, INC.	320 CATHARAL ST BALTIMORE, MD 21201	3852/611	0822035241
52	119		VILLA MARIA, INC.	320 CATHARAL ST BALTIMORE, MD 21201	5036/202	0822035242
52	168	1	OSHEA & MURPHY BUILDERS	53 E. JOPLIN RD TOWSON, MD 21286	11901/103	22000015982
52	168	2	OSHEA & MURPHY BUILDERS	53 E. JOPLIN RD TOWSON, MD 21286	10901/103	22000015978
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52	168	4	BROOKS, LINDA L.	2214-A POT SPRING RD LUTHERVILLE-TIMONIUM 21093-2724	12210/150	22000015980
52	168	6	SUTER, CHARLES THOMAS	2214-B POT SPRING RD LUTHERVILLE-TIMONIUM 21093	11438/152	22000015981
52	123		VILLA MARIA, INC.	320 CATHARAL ST BALTIMORE, MD 21201	7328/349	1600003479
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52	66		STELLA MARIS HOSPICE, INC.	2300 DULANEY VALLEY RD TOWSON, MD 21204	4423/464	0819074729
52	5		STELLA MARIS HOSPICE, INC.	2300 DULANEY VALLEY RD TOWSON, MD 21204	2410/542	0819074726
52	71		BALTIMORE CO.	12-R---20 PARK USE BALTIMORE, MD 21204	5745/175	1700011170
52	43		ASSOCIATED CATHOLIC CHARITIES, INC.	320 CATHARAL ST BALTIMORE, MD 21201	4360/360	0801085690

SITE PLAN
SCALE: 1"=300'-0"

SECTOR C
270 DEGREES

SECTOR B
150 DEGREES

SECTOR A
30 DEGREES

ENGR/ARCH
M.A.V.
DESIGN
BY M.A.V.
DRAWN
BY P.S.B.
CHECK
BY M.A.V.
DATE
07/28/97

DRAWING INTENT IS TO
INDICATE GENERAL
ARRANGEMENT OF DESIGN
AND INTENT OF WORK AND
IS PARTLY DIAGRAMMATIC.
DRAWING SHALL NOT
BE SCALED.
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REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	ZONING SUBMITTAL		07/28/97

BUCKNER-HORN
Engineers, Architects and Planners

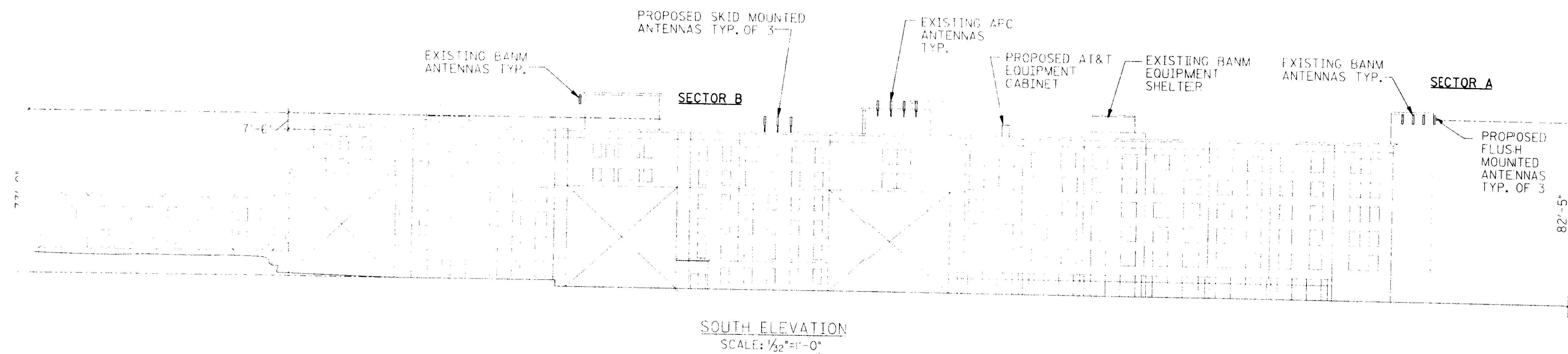
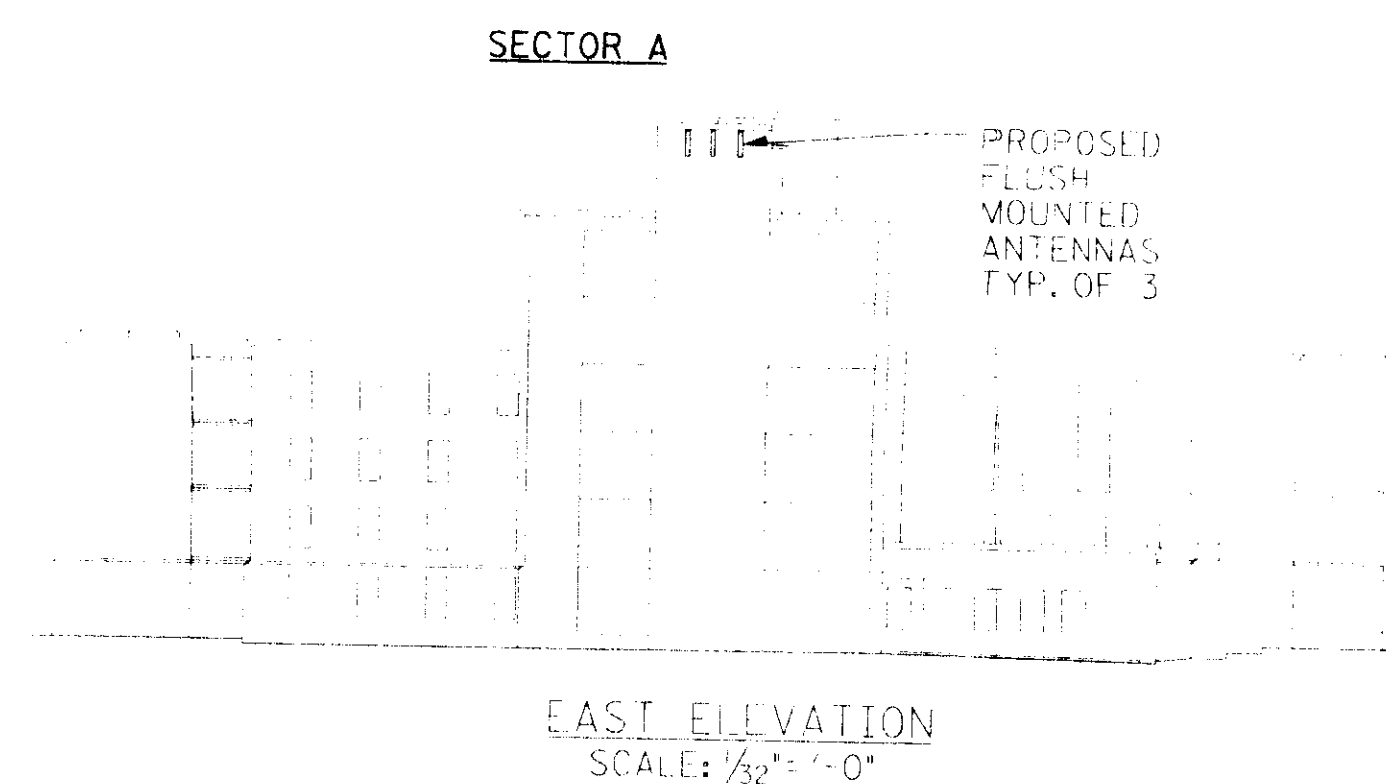
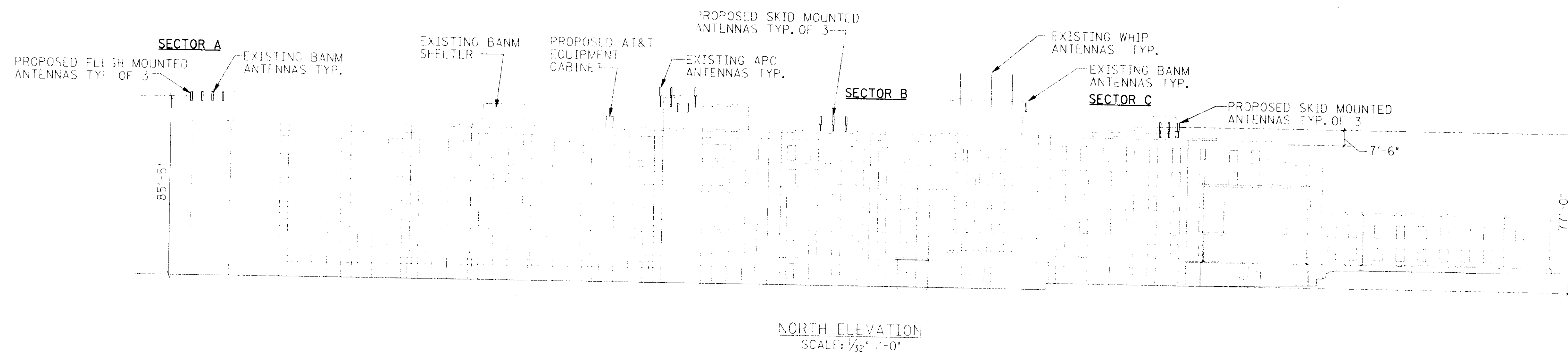
STATE OF MARYLAND
NOTARY PUBLIC
COMMISSION EXPIRES 12/31/98
JAMES M. BUCKNER
JAMES M. BUCKNER

AT&T PROPOSED UNMANNED WIRELESS SITE
PROPOSED EQUIPMENT LOCATION
SITE NUMBER: B878.4
SITE NAME: STELLA MARIS
SITE ADDRESS: 2300 DULANEY VALLEY RD.
TOWSON, MD 21204

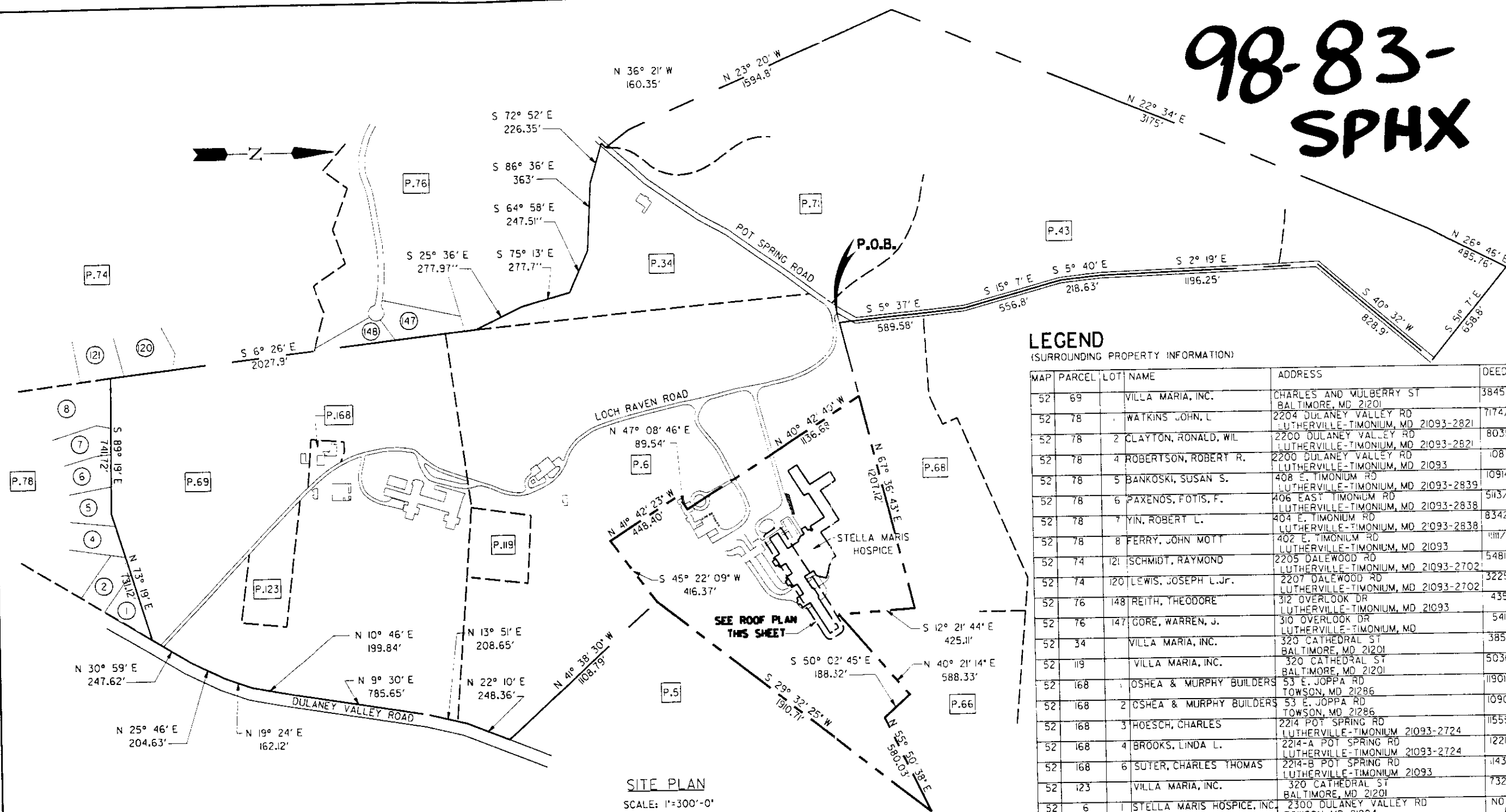
SITE PLAN
AND
ROOF PLAN

DRAWING NO.
1
SHEET NO.
1 OF 3
PROJECT NO.
72602

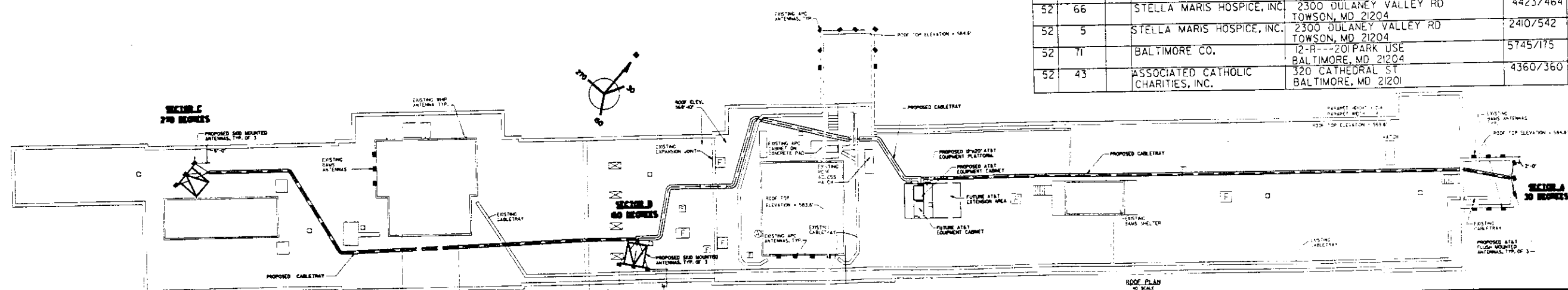
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SHEET NO. 3 OF 3		PROJECT NO. 72602		DRAWING SHALL NOT BE SCALED.		CHECK BY																													
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98-83-SPHX



SITE PLAN
SCALE: 1"=300'-0"



LEGEND

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AND
ROOF PLAN

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1 OF 1
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72602

DRAWING INTENT IS TO
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DRAWING SHALL NOT
BE SCALED
DATE 07/28/05
BY [Signature]
CHECKED BY [Signature]
DESIGNED BY [Signature]
ENGINER M.A.V.
P.S.B.
M.A.V.
DATE 07/28/05



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

83
043339

DATE 09-03-97

ACCOUNT

ROCI - CISC

AMOUNT

\$ SSC cc

RECEIVED FROM:

STELLA THAI INC

(Cash Return)

FOR:

040-SPC-HEMLOCK 3350.00
050-SPC-EXCEPTION 3000.00
TOTAL 6350.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

574

98-93-SPK

PAID RECEIPT

PROCESSED ACTUAL DATE

9/04/1997 9/04/1997 09:30:10

RECEIVED CASHIER CLERK ON 09/04/1997
MISCELLANEOUS CASH RECEIPT

Receipt # 020977

CR NO. 043339

ISSUED BY

Baltimore County, Maryland

CASHIER'S VALIDATION