IN RE: **PETITION FOR VARIANCE** * BEFORE THE
E/S Dogwood Road, S/S of Ingleside Ave.
(5208 Dogwood Road) * ZONING COMMISSIONER
1st Election District
4th Council District * OF BALTIMORE COUNTY

Felix J. Palumbo, *Legal Owner* * **Case No. 07-079-A**
Nextel Communications of the Mid-
Atlantic, Inc., *Contract Lessee* *
Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Felix J. Palumbo and the Contract Lessee, Nextel Communications of Mid-Atlantic, Inc., through their attorney, Nicole M. Lacoste, Esquire. As filed, the Petitioners request a variance from Section 426.6 (A)(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet. At the outset of the hearing, however, counsel for the Petitioners was given leave to amend the Petition, to include variance relief from Section 238.1 of the B.C.Z.R. to provide for a setback of 49 feet from the centerline of a "Paper Road" (Cedar Lane) in lieu of the required 50 feet. This was done as a housekeeping measure and without objection from anyone in attendance. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite public hearing in support of the request were Katie Oppenheimer; Linda Flannery-Liebermann; Kim Stephenson of General Dynamics Wireless/Ejaad Telcom, Project Manager and Authorized Representative of the Lessee, Sprint/ Nextel; Felix J. Palumbo, owner of the subject property, and their authorized agent/attorney,

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Nicole M. Lacoste, Esquire, of Ballard, Spahr, Andrews & Ingersoll, LLP. Also appearing and testifying were David Bourquin, P.E., of Support Engineering, LLC, the consultants who prepared the site plan for this property and oversee structural design; Christopher S. Blackburn, Sprint/Nextel's Site Acquisition Consultant, who selected the subject site; Antoine a. Soyoh, Wireless Engineering Consultant with COMNET Wireless Solutions, who conducted the radio frequency analysis and established a "search ring" for Sprint/Nextel Communications, and Sarah L. Farley, an Architectural Historian with EBI Consulting, who conducted surveys of the neighboring historic district and is providing assistance to the Petitioners with regard to compliance with FCC Form 620 and Section 106 of the National Historic Preservation Act consultation process .

The issues presented in this case generated significant public interest and a number of community associations[1] and individuals from the surrounding Historic Franklintown neighborhood appeared and/or testified in opposition to the request, namely Jack Lattimore, former President, Franklintown Community Association; Sean C. Burke; Carroll A. Frey; Jean O'Donnell, President, Franklintown Community Association; Loren Keith Smith and Leora L. Smith; Nancy Masters Long, Board of Directors, Franklintown Community Association; Fred Worthington; William F. Eberhart, Jr., President, Historic Franklintown Association, Inc.; Johns W. Hopkins, Executive Director, Baltimore Heritage; Bryce Kaspar; Heide Grundmann, Gwynns Falls Trail Council; Gary F. Cerrone; Seth Rosenberg, Friends of Gwynns Falls/Leakin Park; Ray Zeigler, and Samuel Sperling, Esquire, representing the Laurence Organization, Inc. Also

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[1] It became obvious during the course of the two-day hearing that both the Franklintown Community Association and Historic Franklintown Association, Inc. claim jurisdiction over neighboring city and county residents and the potential adverse impacts the proposal would have on residential and historic properties. Both organizations claim a long history in preserving the historic character of the village of Franklintown and are united in their opposition to the cell tower and the negative impression it would have on area residents, tourists and hikers entering Franklintown using the Gwynns Fall Trail.

appearing and testifying in opposition to the structure in this Community Conservation area was David Green, Community Planner for Baltimore County's Office of Planning.

INTRODUCTION

The proposed project consists of a request for setback variances so that the construction of a 150-foot wireless telecommunications monopole tower and supporting equipment can be built on an approximately ¼-acre lot at 5208 Dogwood Road owned by Felix Palumbo. The project site is immediately adjacent to the Franklintown Historic District (B-1316), which is listed in the National Register of Historic Places. Nextel Communications (and other providers – *See* Petitioner's Exhibit 5) seek to improve network coverage for its cellular services, due to customer complaints and company studies suggesting that Sprint/Nextel services are unreliable in this area. A significant amount of testimony and evidence was submitted at the scheduled hearing held in this case on December 5, 2006 requiring a continuation. The hearing resumed on January 12, 2007 allowing time for Nextel representatives and community leaders to meet and exchange exhibits on the contested points in question. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein. Additionally, there were numerous documents, photographs, plats, written memoranda, and other exhibits entered into the record of this case.

THE PROPERTY AND PROPOSAL

Testimony and evidence offered revealed that the subject property is a square shaped parcel located between Dogwood Road (on the west) and Franklintown Road (on the east), just south of the Ingleside Avenue overpass (aka Forest Park Avenue overpass) in the Woodlawn area of the County and next to the Baltimore City line. The property contains a gross area of 0.239 acres, more or less, zoned B.R. (Business Roadside) and is currently unimproved and

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wooded. A "search area" having been developed and the Palumbo's property selected by Mr. Blackburn in view of its being one of the four locations identified – and the other three sites rejected by the radio frequency engineer, the Petitioners entered into a conditional lease of the site for a proposed wireless telecommunications facility. This site has received a favorable recommendation from Baltimore County's Tower Review Committee. As shown on the site plan and explained by Mr. Bourquin, the Petitioners propose the construction of an unlit 150-foot high galvanized steel monopole on the northwestern portion of the site, approximately 141 feet from another owner's residential property line, which in this case is to the north and on the other side of the Ingleside Avenue overpass. The pole, capable of supporting four wireless carriers, will be located next to a 12 foot by 20 foot equipment infrastructure shelter (*See* Petitioner's Exhibit 18) surrounded by a 45 foot by 25 foot board-on-board fenced equipment compound area.

Wireless communication towers and facilities are governed by Section 426 of the B.C.Z.R. Section 426.5 thereof provides that wireless telecommunication towers are permitted in the B.R. zone as a matter of right. In addition, however, the Petitioner must also meet mandatory setback requirements for these towers. Variances from the wireless communication facility requirements are authorized, pursuant to Section 426.11 of the B.C.Z.R. and governed by Section 307 thereof. Section 426.6.A.1 of the B.C.Z.R. requires that the tower be set back at least 200 feet *from any other owners residential property line.*[2] As indicated above, there are

[2] Normally, it is the responsibility of the Zoning Commissioner to determine the intent of the legislature when construing any regulation/statute. [*Marzullo v. Kahl* 36 Md. 158, 175 (2001)] In the case before me, I would be remiss in not pointing out an apparent ambiguity. B.C.Z.R. Section 426.6(A)(1) has undergone several changes but in each change the pertinent portion of the language here "at least 200 feet from any other owners residential property line" has remained constant with each enactment. It is apparent from studying the site plan (Petitioner's Exhibit 3), that the closest residentially "zoned" property line is 189 feet to the northwest. Palumbo and Nextel, perhaps out of an abundance of caution, have stated their needs as being "141 feet to another owners residential property line … ". It is obvious that the property line being referred to is a commercial or B.R. zoned property line. Albeit the *use* of that property is noted on the plan as residential, its zone designation is not residential. When the Baltimore County Council intended a required setback to be measured from a residentially *used* property or dwelling, it has said so. See, for example B.C.Z.R. Section(s) 104.2, 202.3.C.2(b), 204.4.C.4, 220.B, 230.4, 404.1.C, 404.2.B.2, 404.9.A.B.C, 410.2, 415.2.A.1, 417.7(D), 419.4.A(1), 424.1.C, 432A.C.1, etc.

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two variances requested in this case. One, pursuant to Section 426.6.A.1 to allow the applicants a set back as close as 141 feet from a northern property line in lieu of the required 200 feet, and by virtue of Section 426.6.A.2, Nextel will need a variance from Section 238.1 of the B.C.Z.R. for its infrastructure equipment cabinet that is shown on the plan as being 49 feet from the centerline of a paper road, labeled as "Cedar LN R/W" in lieu of the required 50 feet.

In addressing their burden under the law, the Petitioners produced the testimony of Antoine Soyoh, a radio frequency expert, under its license, Nextel, must provide an unbroken network for its users and clients. Soyoh's responsibility was to recommend technical solutions to Nextel for its re-banding efforts and cell phone coverage problems which in this case center at the edge of Leakin Park between two major highways (I-70 and US Route 40). He presented computer-generated propagation maps which show existing signal strength without the tower (Petitioner's Exhibit 12) and predicted signal strength in the subject area with the tower (Petitioner's Exhibit 13). As shown on these exhibits, the color green indicates the signal strength is sufficient to have continuous communication and properly hand off to the next cell tower. He noted the lack of coverage in the area as indicated by white where callers would likely experience dropped calls. Part of the coverage problems concern the undulating nature of the terrain in this area which cuts off line of site transmission and reception. He determined that increasing the transmission power of existing surrounding facilities in the area would not provide the needed coverage and the only viable option was to erect a new cell tower. He indicated that he considered three other locations within the geographic area identified to complete the network. Mr. Soyoh testified in detail about the options that were considered and concluded that the subject site was the only site available in this area.

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Mr. Blackburn also testified on behalf of the Petitioners. He is the real estate/site acquisition specialist for Nextel. He collaborated much of Mr. Soyoh's testimony and described in detail the investigation that was undertaken to find an appropriate site within the search area.

In support of the requested variances Nextel asserts that the current zoning, shape and size of the parcel and its location in the midst of commercial uses and existing road networks that surround this parcel distinguishes it from other properties in the area. They point to B.C.Z.R. Section 426, and that Nextel has obtained a favorable recommendation from the Baltimore Tower Review Committee, whose members represent the Office of Planning, Department of Permits and Development Management, Office of Information Technology, and the community.

For reasons that will be made clear below, I will only touch upon the arguments of the Protestants which are fully addressed in their written memoranda and letters (*See* Protestants' Exhibits 1, 2, 3, 6 and 15) and therefore, will not be repeated here in length. Their cumulative concerns can be summarized by stating that they believe development of the subject location, that is within 68 feet of the Baltimore City line, with a communications monopole at the gateway to Historic Franklintown, would be a significant visual intrusion, discourage future development of their circa 1761 village and be inconsistent with the County's Master Plan. Many of the community leaders fear that since Maryland law does not require the County's regulations to respect the zoning of adjacent jurisdictions, that this Commission will not consider the significant adverse impact that an approval of this request would have on this early planned rural community with its historic houses and mill buildings that date to the 1830's and remain intact. I have been informed and therefore believe that the Protestants' concerns have inspired legislation, House Bill 49, that would prevent local jurisdiction approval of communication towers located

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within 500 yards of another jurisdiction's boundaries without satisfying the zoning and regulatory requirements of the other jurisdiction. I am appreciative of the Petitioners' concerns and find that the monopole tower would have a visual adverse effect on the Historic Property.

VARIANCES FOR WIRELESS TELECOMMUNICATIONS TOWERS

A variance authorizes the property owner "to use property in a manner forbidden" by applicable zoning restrictions. *See Cromwell v. Ward*, 102, Md. App. 691, 700 (1995). In contrast to special exceptions, which "contemplate a permitted use . . . once the prescribed conditions are met" a variance contemplates a departure from the terms of the zoning ordinance in order to preclude confiscation of the property. Id. at 699-700

The test that governs variance requests generally also governs tower variance requests:

> The zoning commissioner of Baltimore County and County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations . . . only in cases **where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request** and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship . . . . [A]ny such variance shall be granted only if in strict harmony with the spirit and intent of said . . . area . . . regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant other variances . . . .

B.C.Z.R. Section 307.1 (emphasis added); see B.C.Z.R. Section 426.11 (area setback for wireless telecommunications tower and related equipment may be granted "in accordance with Section 307").

"The burden of showing facts to justify . . . a variance rests upon the applicant." *Easter v. Mayor and City Council of Baltimore,* 195 Md. 395, 400 (1950). Both the "special circumstances or conditions" requirement, which is typically referred to as the "uniqueness" element, and the "practical difficulty" element of the two-pronged test must be satisfied. "The

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By DSJ

law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been – a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." *Cromwell*, 102 Md. App. at 721.

As noted above, the "special circumstances or conditions" prong of the variance test is commonly referred to as a "uniqueness" requirement, even though it is not necessary for the Petitioners to show truly unique circumstances. Uniqueness has a "rather specialized meaning" in zoning law. *See Umerley,* 108 Md. App. at 506. As Judge Cathell explained:

> "[u]niqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions . . .

Thus, "the initial and essential first step in the determination of appropriateness of an area variance" is whether "the subject property is so inherently unique that the ordinance's impact thereon would be disproportionate when compared to other lands in the district." *Chester Haven Beach P'ship v. Bd. of Appeals for Queen Anne's County*, 103 Md. App. 324, 338 (1995); *See* also *Umerley*, 108 Md. App. at 506 ("the zoning authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property").

In *Evans v. Shore Communications, Inc.*, 112 Md. App. 284 (1998), the Court of Special Appeals affirmed the denial of a height variance necessary to build a wireless telecommunications tower in Talbot County. They specifically rejected the applicant's

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arguments that the property was unique because it satisfied the technological requirements for wireless service and because it had an elevation that reduced the need for a higher tower on that property or elsewhere. *Id.* at 308.

CONCLUSION

I find that the Petitioners failed to show that the 10,080 square foot parcel measuring 110' wide on the south side (facing Cedar Lane R/W), 87.17' on the west side (towards Dogwood Road), 91.17' with an arc on the east side (facing Franklintown Road) and approximately 114.68' with an arc on the northern side and partially located in Flood Zone C, is different from other properties in the area. When David Bourquin and Christopher Blackburn were asked what was unique about the property, they replied that it was properly zoned for the use intended, it was within the search area that was issued by Nextel, their intent is to place a telecommunications tower in a particular area and this subject parcel is unique and satisfies the coverage objectives and fulfills a much needed service in the area.

By itself, the fact that a property cannot accommodate an otherwise permitted use without an area variance does not require the grant of a variance. If this was a test, zoning authorities would be obligated to grant a setback variance simply because the setback requirements would prevent a permitted use. Yet, Nextel's Petition rests solely on the theory that the property is unique because it cannot meet the setback requirements for the monopole. Further, the parcel cannot be characterized as unique based solely upon Nextel's search ring. As *Evans* teaches, the fact that this parcel falls within a geographic area selected by Nextel for technological reasons is not a characteristic that is inherent to the property. *See Evans*, 112 Md. App. at 308. In short, I find no evidence that would permit the inference that the small lot with its configuration as described means that Petitioners suffer a disproportionate impact from the

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setback requirements, as compared to other nearby property owners. To accept Petitioners argument that a variance should be granted, simply because the property would otherwise allow a permitted use, I would be permitting "the exception to swallow the rule".

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, I find that the Petitioners' variance requests should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January 2007 that the Petition for Variance seeking relief from Section 426.6 (A)(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet; and from Section 238.1 of the B.C.Z.R. to provide for a setback of 49 feet from the centerline of a "Paper Road" (Cedar Lane) in lieu of the 50 feet, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.

WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-31-07
By DLW

RE:	PETITION FOR VARIANCE 5208 Dogwood Road; E/S Dogwood Road, S/S Ingleside 1st Election & 4th Councilmanic Districts Legal Owner(s): Felix J. Palumbo Contract Purchaser(s): Nextel Communications of the Mid-Atlantic, Inc by Nicole Lacoste Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-079-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Nicole Lacoste, Esquire, Ballard, Spahr, Andrews & Ingersoll, LLP, 300 Lombard Street, 18th Floor, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED
SEP 05 2006
Per

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

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5208 Dogwood Road

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

426.6(A)(1) ~~Setbacks~~ BCZR TO PERMIT A PROPOSED WIRELESS TELECOMMUNICATIONS TOWER TO HAVE A SETBACK AS CLOSE AS 141' TO ANOTHER OWNER'S RESIDENTIAL PROPERTY LINE IN LIEU OF THE REQUIRED 200'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty:

1. Strict compliance with setback requirement would render conformance unnecessarily burdensome;
2. A lesser relaxation would give substantial relief; and
3. Relief can be granted in such fashion that spirit of ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Nextel Communications of the Mid-Atlantic, Inc.
Name - Type or Print

Nicole M. Lacoste, as authorized agent
Signature

c/o Ballard Spahr, 300 E. Lombard, 18th floor — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Legal Owner(s):

Felix J. Palumbo
Name - Type or Print

Signature

Name - Type or Print

FELIX J. PALUMBO
Signature

119 Hollywood Drive — Telephone No.
Address

Glen Burnie — MD — 21060
City — State — Zip Code

Attorney For Petitioner:

Nicole M. Lacoste
Name - Type or Print

Nicole M. Lacoste
Signature

Ballard Spahr Andrews & Ingersoll, LLP
Company

300 E. Lombard, 18th fl. — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Representative to be Contacted:

Nicole M. Lacoste
Name

Ballard Spahr, 300 E. Lombard, 18th fl. — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

OFFICE USE ONLY

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UNAVAILABLE FOR HEARING _____

Case No. 07-079-A

Reviewed By LTM **Date** 8/18/06

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 1-31-07

By DRS

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5208 Dogwood Road

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

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1. Strict compliance with setback requirement would render conformance unnecessarily burdensome;
2. A lesser relaxation would give substantial relief; and
3. Relief can be granted in such fashion that spirit of Ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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.

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Name - Type or Print

Nicole M. Lacoste, as authorized agent
Signature

c/o Ballard Spahr, 300 E. Lombard, 18th floor — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Legal Owner(s):

Felix J. Palumbo
Name - Type or Print

Signature

Name - Type or Print

FELIX J. PALUMBO
Signature

119 Hollywood Drive
Address — Telephone No.

Glen Burnie — MD — 21060
City — State — Zip Code

Attorney For Petitioner:

Nicole M. Lacoste
Name - Type or Print

Nicole M. Lacoste
Signature

Ballard Spahr Andrews & Ingersoll, LLP
Company

300 E. Lombard, 18th fl. — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Representative to be Contacted:

Nicole M. Lacoste
Name

Ballard Spahr, 300 E. Lombard, 18th fl. — 410-528-5546
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

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UNAVAILABLE FOR HEARING _____

Case No. 07-070-A

Reviewed By LTM Date 8/18/06

REV 9/15/98

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Date 1-3-07
By DSO

ATCS, P.L.C.
ENGINEERING • PLANNING • SURVEYING
304 Harry S. Truman Pkwy, Suite F, Annapolis, MD 21401
(410) 224-7497 FAX (410) 224-7498
email: atcsarundel@atcsplc.com

DESCRIPTION OF THE LANDS OF WILLIAM AND CHRISTINA COOK
5208 ~~5224~~ DOGWOOD ROAD 474
FIRST COUNCILMANIC DISTRICT, ~~FIRST~~ ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the point of intersection of the easternmost right-of-way line of Dogwood Road (variable width right-of-way) with the southernmost right-of-way line of North Forest Park Road (a variable width right-of-way);

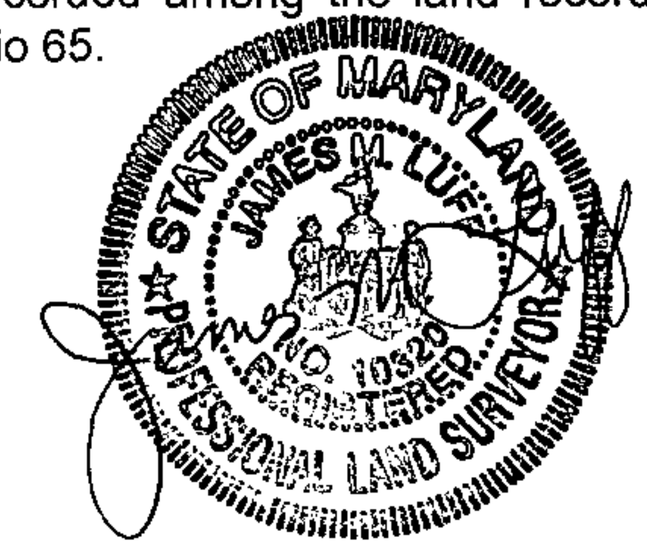
THENCE, leaving said beginning point so fixed and said Dogwood Road and binding on the aforesaid North Forest Park Road, the following two (2) courses and distances: (1) North 64° 19' 58" East 77.96 feet to a point of curve and (2) with the arc of a curve to the right, 36.72 feet. Said curve having a radius length of 34.00 feet and subtended by a chord of South 84° 43' 39" East 34.96 feet;

THENCE, leaving said point and said North Forest Park Road and binding on the westernmost right-of-way line of Franklintown Road (a variable width right-of-way), with the arc of a curve to the left, 91.17 feet to a point. Said curve having a radius length of 350.00 feet and being subtended by a chord of South 14° 39' 21" East 90.91 feet to a point;

THENCE, leaving said point so fixed and said Franklintown Road and binding on the division line between the lands now or formerly of Reginald Sullivan and Ursula Benkert (see Liber 8481, folio 251) and the herein described lands, South 75° 44' 30" West 110.00 feet to an iron pipe found in the first mentioned easternmost right –of-way line of Dogwood Road. Note: the aforesaid division line is also shown as the northernmost side of Cedar Lane as delineated on a plat recorded among the land record books of Baltimore County in Liber 3928, folio 203;

THENCE, leaving said iron pipe so fixed and binding on the aforesaid Dogwood Road, North 14° 15' 30" West 87.17 feet to the place of beginning. Containing in all 10,403 square feet or 0.239 acres of land more or less as surveyed by ATCS, P.L.C. in November of 2005;

BEING THE REMAINING lands as contained in the conveyance from Monique R. Hicks, now known as Monique R. Jackson, to William M. Cooke and Christina R. Cooke by deed dated June 14, 2002 and recorded among the land record books of Baltimore County, Maryland in Liber 16726, folio 65.



079

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9832

DATE 8/12/06 ACCOUNT R001 0006 6150

AMOUNT $ 325.00

RECEIVED FROM: KIM STEPHENSON

FOR: 07-079-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DRM
8/21/2006 8/18/2006 14:36:57
REG ISSUE CALKIN KPOR KP1
RECEIPT # 265732 8/18/2006 OFLN
PAY 5 CBA ZONING VERIFICATION
P. MD. 1007132
Recpt Tot $325.00
$325.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING 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: # 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District — 4th Councilmanic District
Legal Owner(s): Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.

Variance: to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Wednesday, October 18, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2). For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 10/604 Oct. 3 111438

CERTIFICATE OF PUBLICATION

10/5/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-079-A

Petitioner/Developer: NEXTEL COMM.-MID ATLANTIC, INC.

Date of Hearing/Closing: OCT. 18, 2006

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

Attention: **Christen Matthews**

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 propery located at

#5208 DOGWOOD ROAD - E. SIDE DOGWOOD ROAD AT S. SIDE OF INGLESIDE

The sign(s) were posted on OCT. 2, 2006
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

NOTICE OF ZONING 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: # 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District — 4th Councilmanic District
Legal Owner(s): Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.

Variance: to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Tuesday, December 5, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391.
JT 11/688 Nov. 21 116730

CERTIFICATE OF PUBLICATION

11/22/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/21/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 07-079-A

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

PLACE: ROOM 407 COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON MD. 21204

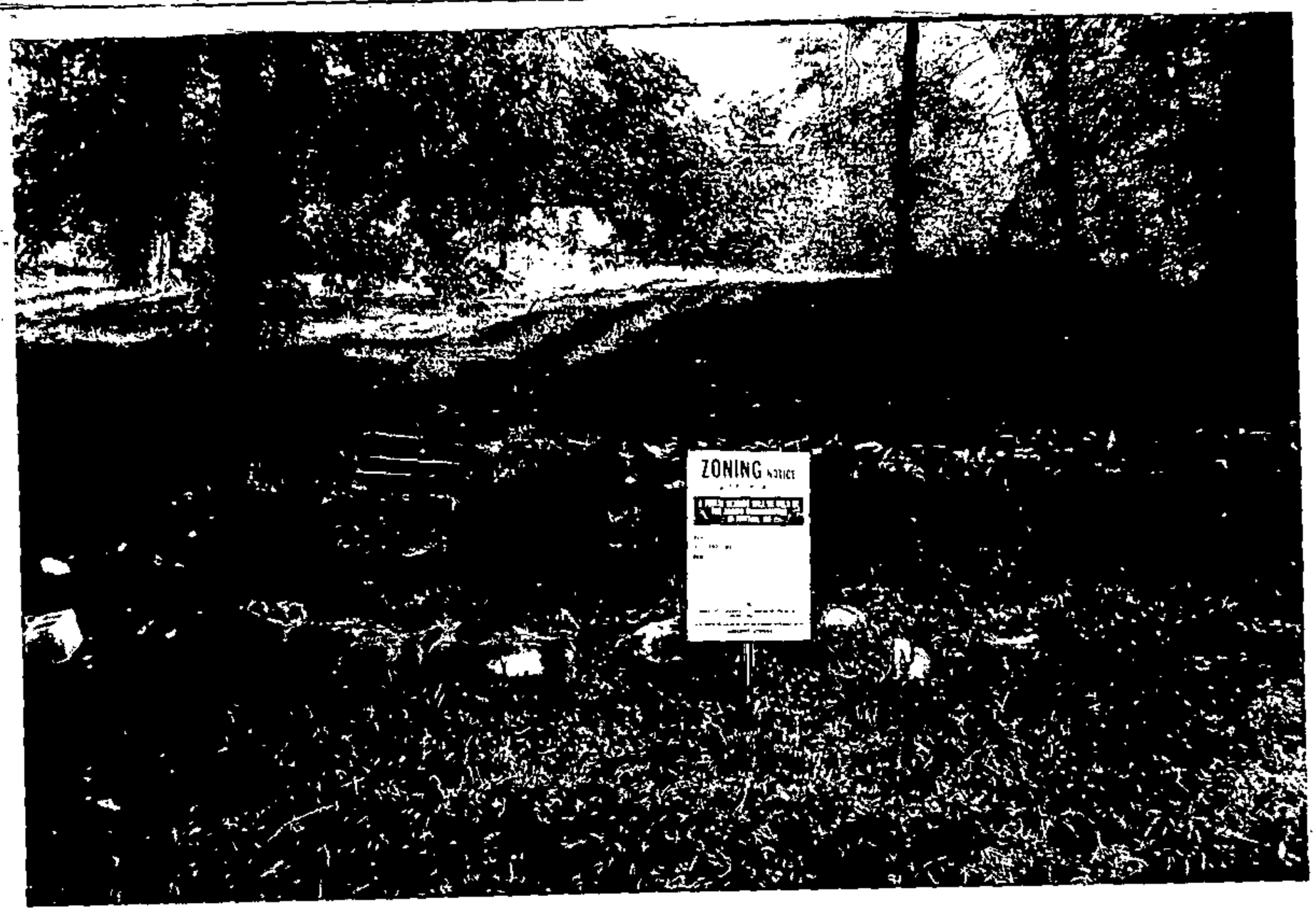
DATE AND TIME: WEDNESDAY, OCTOBER 18, 2006
AT 2:00 P.M.

REQUEST: VARIANCE TO PERMIT A PROPOSED WIRELESS TELECOMMUNICATIONS TOWER TO HAVE A SETBACK AS CLOSE AS 141 FEET TO ANOTHER OWNER'S RESIDENTIAL PROPERTY LINE IN LIEU OF THE REQUIRED 200 FEET.

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



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Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-079-A
PETITIONER/DEVELOPER:
Nextel Communications of the Mid-Atlantic, Inc.
DATE OF HEARING: Dec. 5, 2007

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
5208 Dogwood Road

(see page 2 for full size photo)

POSTED ON: November 20, 2006

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 11, 2006

Nicole M. Lacoste
Ballard, Spahr, Andrews & Ingersoll, LLP
300 E. Lombard Street, 18th Floor
Baltimore, MD 21202

Dear Ms. Lacoste:

RE: Case Number: 07-079-A, 5208 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 18, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Felix J. Palumbo 119 Hollywood Drive Glen Burnie 21060
Nextel Communications of the Mid-Atlantic, Inc. c/o Ballard Spahr Nicole M. Lacoste, Authorized Agent 300 D. Lombard Street, 18th Floor Baltimore 21202

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 8.25.06

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

RE: Baltimore County
Item No. 079 LTM

Dear. Ms. Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: September 1, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2006
Item Nos. 07-067, 068, 069, 079, 080,
081, 082, 083 and 084

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-09042006.doc

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 28, 2006

Item Number(s): 067,068,069,079,080,081,083,084

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: October 16, 2006

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
John V. Murphy, Deputy Zoning Commissioner

RE: Petition for Variance
Case No. 07-079-A
(5208 Dogwood Road)

The above-captioned case was scheduled for a hearing on Wednesday, October 18, 2006 at 2:00 pm. Prior to the hearing date, the Petitioner's attorney requested a postponement of at least 30 days from the scheduled hearing date. Please see attached correspondence from Nicole M. Lacoste, Esquire, dated October 16, 2006.

I am returning the file to your office.

Thank you for your attention and cooperation in this matter.

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: June 5, 2006

TO: Donald T. Rascoe, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee

SUBJECT: New Tower – Nextel Communications – 5208 Dogwood Road
Attachments: Sprint Application to the Tower Review Committee

The Tower Review Committee met on May 30, 2006 and is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations in reference to the proposed construction of a new 150-foot monopole to be located on the property of Felix Palumbo, 5208 Dogwood Road, Baltimore MD 21207.

- *Antennas should be placed on existing towers, buildings, and structures, including those of public utilities, where feasible.*

Findings: Nextel Communications has provided all requested information to the Tower Review Committee (TRC) to successfully demonstrate that no other co-location opportunities exist at or near this location that would suffice in providing their requested coverage of the intended area. The TRC agrees with this finding. As such, Nextel Communications has proposed to install a new 150-foot monopole.

- *If a tower must be built, the tower should be: Constructed to accommodate at least three providers.*

Findings: Nextel Communications has stated, in the application dated April 21, 2006 that the new structure will be constructed so as to support 2 additional wireless service providers in addition to Nextel Communications.

- *Erected in a medium or high intensity commercial zone when available.*

Findings: This area is located in a BR Zone.

- *Located and designed to minimize its visabilityvisibility from residential and transitional zone.*

Findings: Based on the pictures and simulations presented by Cingular Wireless and an on-site visit, we find that the visual impact will be minimal at the height proposed. The

monopole may be visible from an adjacent parcel zoned DR 5.5 and will be visible from an adjacent elevated roadway. Nextel Communications has indicated approval has been received from the Maryland SHPO.

Conclusion

By a unanimous decision of the Tower Review Committee, it was agreed that the advisory comments provided above be forwarded to the Development Review Committee for further processing. It is the recommendation of the committee, that the 150-foot monopole would meet all the requirements of Section 426, while allowing much needed emergency and non-emergency communications for the citizens of the area. A reduction in the height will only reduce the coverage, eliminate the possibility of other wireless carrier co-location and delay new technology wanted and needed throughout this area of the County.

Additional Information

This project will require an exception to setback distances from the roadways located on two sides of the property and to properties on the remaining two sides.

Tower Review Committee

Richard A. Bohn, Tower Coordinator
Curtis Murray , Office of Planning
Harry Wujek, Community Member TRC
Richard Sterba, OIT Representative

CC: Jeffrey Barmach, Baltimore County Office of Law
Chris Blackburn, Site Acquisition Consultant, General Dynamics
Robert Stradling, Director, Baltimore County Office of Information Technology

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
300 EAST LOMBARD STREET, 18TH FLOOR
BALTIMORE, MARYLAND 21202-3268
410-528-5600
FAX: 410-528-5650
WWW.BALLARDSPAHR.COM

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DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

NICOLE M. LACOSTE
DIRECT DIAL: 410-528-5546
PERSONAL FAX: 410-361-8942
LACOSTEN@BALLARDSPAHR.COM

December 12, 2006

RECEIVED
DEC 13 2006
ZONING COMMISSIONER

Sent by facsimile (410-887-3468) and U.S. Postal Service

William J. Wiseman, III
Zoning Commissioner
Baltimore County Zoning Commissioner's Office
401 Bosley Avenue, Room 405
Towson, MD 21204

RE: Case Number 07-079-A - 5208 Dogwood Road

Dear Commissioner Wiseman:

Please be advised that the hearing for the above referenced matter, first heard by you on December 5, 2006, is set to be continued on Friday, January 12, 2007, at 9 a.m.

Sincerely,

Nicole M. Lacoste

NML/cmb

cc: Peter Max Zimmerman, Esq.
Mr. William Eberhart

1/12
9AM
407

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 19, 2006

Nicole M. Lacoste, Esquire
Ballard Spahr Andrews & Ingersoll
300 East Baltimore St, 18th Floor
Baltimore MD 21202-3268

RE: **PETITION FOR VARIANCE**
East side of Dogwood Road at south side of Ingleside
(5208 Dogwood Road)
1st Election District – 4th Council District
Legal Owner: Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.
Case No. 07-079-A

Dear Ms. Lacoste:

This is to confirm that the hearing for the above-referenced matter, first heard by Commissioner William J. Wiseman, III on December 5, 2006 is set to continue on Friday, January 12, 2007 at 9:00 am. The hearing room is located in the County Courts Building at 401 Bosley Avenue, Room 407, Towson, Maryland.

In the event that this date is inconvenient to the attorneys or their respective clients, please let us know at your earliest convenience.

Very truly yours,

Patricia Zook

Patricia Zook
Legal Secretary
to the Zoning Commissioner
for Baltimore County

c: Please See Attached List

Nicole M. Lacoste, Esquire
Ballard Spahr Andrews & Ingersoll
300 East Baltimore St, 18TH Fl
Baltimore MD 21202-3268

Felix J. Palumbo
119 Hollywood Drive
Glen Burnie MD 21060

David Bourquin
7 Old Solomons Island Rd, Ste 205
Annapolis MD 21401

Antoine Soyoh
13129 Shinnecock Drive
Silver Spring MD 20904

Chris Blackburn
6716 Alexander Bell Drive
Columbia MD 21046

Sara Farley
6876 Susquehanna Trail South
York PA 17403

Kim Stephenson
6716 Alexander Bell Drive
Columbia MD 21046

Katie Oppenheimer
5800 Clipper Lane #103
Clarksville MD 21029-1388

Jack Lattimore
5408 West North Ave
Baltimore MD 21207

Sean Burke
5000 Division St
Baltimore MD 21207

Honorable Delores G. Kelley
110 College Avenue
302 James Senate Office Bldg
Annapolis MD 21401-1991

Myra S. Perel
5108 Franklintown Rd
Baltimore MD 21207

Garry F. Cerrone
5108 Franklintown Rd
Baltimore MD 21207

James B. Kraft
Councilman, First District
100 North Holliday St, Rm 505
Baltimore MD 21202

Helen L. Holton
Councilwoman, 8th District
100 North Holliday St, Rm 518
Baltimore MD 21202

William F Eberhart Jr
Historic Franklintown Assoc
1719 North Forest Park Ave
Baltimore MD 21207-6504

David Meltzer, President
The Laurence Organization
6999 Reisterstown Rd Ste 1
Baltimore MD 21215

Ray H. Zeigler
5115 N Franklintown Rd
Baltimore MD 21207

Kathleen G. Kotarba, Ex Director
Comm Historical/Archit Preservation
417 East Fayette St, 8th Fl
Baltimore MD 21202-3416

Carroll Frey
5102 Hamilton Street
Baltimore MD 21207

Jeane O'donnell
5126 Crescent Street
Baltimore MD 21207

Loren Keith & Leora Smith
5100 Maple Park Ave
Baltimore MD 21207

Nancy Martens Long
1814 North Forest Park Ave
Baltimore MD 21207

Fred Worthington
5117 Franklintown Road
Baltimore MD 21207

Johns Hopkins
Baltimore Heritage, Inc.
11-1/2 West Chase Street
Baltimore MD 21201

Bryce Kaspar
5115 North Franklintown Road
Baltimore MD 21207

Heide Grundmann
522 Overdale Road
Baltimore MD 21229

Seth Rosenberg
5007 North Forest Park Ave
Baltimore MD 21207

MARTIN O'MALLEY
Mayor

OTIS ROLLEY III
Director

RECEIVED
JAN 0 8 2007
COMMISSIONER

December 19, 2006

Ms. Sarah L. Farley
Architectural Historian
EBI Consulting
Mid-Atlantic Regional Office
6876 Susquehanna Trail South
York, PA 17403

Re: Comment in Section 106 Consulting Process
MD3077D/Security Boulevard
5208 Dogwood Road, Baltimore, Maryland
EBI Project #61065262

Dear Ms. Farley:

The Baltimore City Commission for Historical and Architectural Preservation (CHAP) appreciates the opportunity to participate in the Section 106 Consulting Process for the proposed Nextel Communications tower and equipment, to be located at 5208 Dogwood Road, Baltimore, Maryland. This project is identified as EBI Project #61065262.

It is the position of the Commission that the proposed communications tower and equipment will have an extreme adverse effect upon the Franklintown Historic District. This community's character has been recognized by its National Register and Baltimore City historic district designations. The Franklintown property owners have made a strong commitment to the community's preservation and enhancement. Allowing the placement of a 150-foot communications tower, related equipment, and chained link /barbed wire fencing is destructive to this nationally recognized historic treasure.

CHAP respectfully asks that the proposed tower be disapproved, in accordance with Federal Section 106 requirements.

Sincerely,

Kathleen G. Kotarba
Executive Director

Cc: Mr. William F. Eberhart, Jr.
Mr. J. Rodney Little
Mr. Arnold F. Keller
Mr. William J. Wiseman, III
Mr. David Carroll
Mr. Johns Hopkins
The Honorable Helen Holton
Mr. Rob Nieweg
Mr. Tyler Gearhart
Mr. William Pencek

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
300 EAST LOMBARD STREET
BALTIMORE, MD 21202-3268
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PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Kristen Matthews	Baltimore County Zoning Office	410.887.3048	

From: Nicole M. Lacoste
Phone: (410) 528-5546
Fax: (410) 361-8942
E-mail: lacosten@ballardspahr.com

Date: October 16, 2006

Matter: 075708

Total number of pages including this page: 2.
If you do not receive all the pages, please call Christine Brooks, 410-528-5524

Please Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received the communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
300 EAST LOMBARD STREET, 18TH FLOOR
BALTIMORE, MARYLAND 21202-3268
410-528-5600
FAX: 410-528-5650
WWW.BALLARDSPAHR.COM

PHILADELPHIA, PA
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VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

NICOLE M. LACOSTE
DIRECT DIAL: 410-528-5546
PERSONAL FAX: 410-961-6942
LACOSTEN@BALLARDSPAHR.COM

Kristen,
OK to postpone
DNK

October 16, 2006

By Facsimile (410.887.3048)

Ms. Kristen Matthews
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 07-079-A, 5208 Dogwood Road

Dear Ms. Matthews:

The Applicant, Nextel Communications of the Mid-Atlantic, Inc., of the above referenced Petition for Variance hereby requests a postponement of at least thirty (30) days from the scheduled hearing on Wednesday, October 18, 2006, before the Zoning Commissioner. Please advise as to the rescheduled hearing date at your earliest convenience.

Should you have any questions regarding this request for postponement of hearing date, do not hesitate to contact me directly. Thank you.

Sincerely,

Nicole M. Lacoste

Nicole M. Lacoste

cc: Kim Stephenson

07 – 079 - A

JAMES B. KRAFT
COUNCILMAN
FIRST DISTRICT

BILLY B. HWANG
LEGISLATIVE AIDE

JEAN P. PULA
ADMINISTRATIVE AIDE

BALTIMORE CITY COUNCIL

CHAIR
PUBLIC SAFETY SUBCOMMITTEE
VICE CHAIR
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
MEMBER
LAND USE AND TRANSPORTATION COMMITTEE
CITY COUNCIL MEMBER
MARYLAND MUNICIPAL LEAGUE
CLEAN AIR PARTNERS

October 23, 2006

RECEIVED

William J. Wiseman, III
Zoning Commissioner
Room 407, Courts Building
401 Bosley Avenue
Towson, Maryland 21204

OCT 26 2006

ZONING COMMISSIONER

Re: Proposed Nextel tower at 5208 Dogwood Road

Dear Mr. Wiseman:

I have recently been informed of the proposed Nextel tower to be built at 5208 Dogwood Road. Members of the community have reacted strongly to this proposal, as they feel that its completion would be detrimental to the area's classification as a Historic District, and could damage a significant environmental location. I support the community in its opposition to the proposed tower.

If you have any questions with regard hereto, then please call me. Otherwise, thank you for your attention to this matter.

Very truly yours,

James B. Kraft

JBK/esm

cc: Historic Franklintown Association, Inc.

Wiseman re 5208 Dogwood Rd 102306

100 NORTH HOLLIDAY STREET, ROOM 505 · BALTIMORE, MARYLAND 21202
TEL: (410) 396-4821 & (410) 522-1324 · FAX: (410) 347-0547
EMAIL: JKRAFT@BALTIMORECITYCOUNCIL.COM

07-079-A

BALTIMORE CITY COUNCIL

HELEN L. HOLTON — Eighth District

ROOM 518, CITY HALL
100 N. HOLLIDAY STREET, BALTIMORE, MARYLAND 21202
TELEPHONE: 410-396-4818
FAX: 410-396-4828
EMAIL: hholton@baltimorecitycouncil.com
WEBSITE: www.helenholton.org

— CHAIR —
SUBCOMMITTEE:
ECONOMIC DEVELOPMENT
& PUBLIC FINANCING

— VICE CHAIR —
TAXATION & FINANCING
COMMITTEE

— MEMBER —
BUDGET & APPROPRIATIONS
COMMITTEE

LABOR SUBCOMMITTEE

RECEIVED

OCT 23 2006

ZONING COMMISSIONER

October 16, 2006

Baltimore County Zoning Commissioner
Office of Planning
Courts Building, Mailstop 3402
401 Bosley Avenue, Room 407
Towson, Maryland 21204

RE: 150-foot Nextel tower proposed at 5208 Dogwood Road

Dear Zoning Commissioner:

I am writing in response to numerous calls and conversations with residents of Baltimore City that live in communities surrounding the proposed 150-foot Nextel tower at 5208 Dogwood Road. I attended a site visit of the proposed location on Thursday, October 12, 2006 to experience firsthand what these citizens would be forced to live with should this zoning request be approved.

Living along jurisdictional lines often makes decisions such as this not so cut and dry and warrant further review and input. I am not a historic district expert but I can share with you that those residents who choose to live in historic districts take on additional expense by their very actions. This in Baltimore City is above the high property taxes that they willingly pay as residents of the City. If you have not had the opportunity to physically visit the site I strongly urge you to take time and do just that in order to gain a better perspective to what's at stake.

I am a pro-business person and have supported the interest of business when business makes sense for the greater good. In so doing I have learned that in weighing the interests of the greater good it is important to give more weight to those who will be impacted the most. During the hearing you will be presented with photos taken with the proposed tower inserted to scale to give an idea of what people will have to live with from various views in the surrounding areas. There are very view businesses and the area proposed is more residential than industrial and business.

I am confident that Nextel could find alternative sites in the area that would not infringe upon the three historic residential districts that are located in close proximity to the proposed site. I would strongly urge you to support the concerns of taxpaying owner-occupied citizens that enrich the tax base of the state in numbers that are significantly greater than the revenue to be gained by this one tower at this one site.

Sincerely,

Helen L. Holton

cc: Historic Franklintown Community Association

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 16, 2006

VIA FACSIMILE

Ms. Kristen Matthews
Zoning Review Office
Baltimore County Office Building
111 Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Case 07-079-A, 5208 Dogwood Road, Baltimore, MD 21207

Dear Ms. Matthews:

Due to holiday travel and the previous commitments of our board members, we respectfully request that this postponed hearing not be scheduled between November 22 and December 4, 2006.

Thank you very much for your cooperation.

Best regards,

William F. Eberhart, Jr.
President

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

THE LAURENCE ORGANIZATION, INC.
6999 Reisterstown Road
Suite 1
Baltimore, Maryland 21215

Tel: 410-764-7100
Fax: 410-764-7714

FLO

September 14, 2006

The Honorable Kenneth N. Oliver
Councilman
Fourth District Baltimore County
400 Washington Avenue
Towson, MD 21204

Via FedEx

Re: Nextel Pole Construction
5028 Dogwood Road
Franklintown

Dear Councilman Oliver,

My firm is constructing a new subdivision of 10 homes in the Historic Franklintown neighborhood of Baltimore, just 3 blocks from the site of the proposed Nextel pole at 5028 Dogwood Road. Please find a site plan and elevations enclosed.

The proposed pole would be ugly and make the gateway to both Franklintown, Baltimore County as well as Franklintown, Baltimore City look like a warzone. As a developer, I certainly understand the need for improvements to infrastructure, but this pole will have a huge, NEGATIVE impact on the neighborhood because of its highly visible location.

Please note our strong objection to its construction and take our concerns into account during the variance process. Please do not hesitate to contact me with questions or concerns on my direct line 443.255.0697 or by email at dmeltzer@laurenceorganization.com.

Thank you very much for your consideration.

Very truly yours,

David Meltzer
President

CC: Samuel Sperling, Esq., Bill Eberhart, Historic Franklintown Assoc.

✓

SENATOR DELORES G. KELLEY
10th Legislative District

Senate Finance Committee

Vice Chair
Committee on Executive Nominations

Vice Chair
Joint Committee on Health
Care Delivery and Financing

State Commission on
Criminal Sentencing Policy

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

110 College Avenue
302 James Senate Office Building
Annapolis, Maryland 21401-1991
410-841-3606
Fax 410-841-3399

Vice Chair
Baltimore County
Senate Delegation

Maryland Commissioner
Education Commission of
the States

Financial Services Committee
National Association of
State Legislatures

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DEC 0 4 2006

ZONING COMMISSIONER

November 27, 2006

Baltimore County Zoning Commissioner
Office of Planning
Courts Building, Mailstop 3402
401 Bosley Ave., Room 407
Towson, MD 21204

Re: 150 Foot Nextel tower proposed at 5208 Dogwood Road

Dear Zoning Commissioner:

I am writing to oppose granting the variances for the construction of the 150-foot Nextel tower in the Historic Franklintown District which I represent. The tower would not only adversely affect Franklintown proper, but surrounding communities as well. Moreover, property values would be significantly devalued as a result of having an unsightly tower in the midst of the area.

I am confident that Nextel could find more suitable alternatives that would not infringe on the historic nature of Franklintown. I urge you to support the concerns of the citizens and reconsider granting a variance for the proposal. Thank you in advance for your consideration.

Sincerely,

Delores G. Kelley

Delores G. Kelley

Cc: Bill Eberhart

BW 12/5

07-079-A

RECEIVED

NOV 20 2006

ZONING

Tuesday, October 17, 2006

To whom it may concern,

I am Myra S. Perel , residing at 5108 Franklintown Rd. Baltimore, MD 21207. As a long term resident of Baltimore's Historic Franklintown I wish to register my disapproval and opposition to the intentions of Nextel to force a microwave/radio tower on this community in the vicinity of the 5200 block of Dogwood Rd. The installation of such a device would be highly detrimental to the surrounding residents and the community values which they hold dear.

Sincerely,

Myra S. Perel

RECEIVED
NOV 2 0 2006
BOARD OF APPEALS

Tuesday, October 17, 2006

To whom it may concern,

I am Garry F. Cerrone , residing at 5108 Franklintown Rd. Baltimore, MD 21207. As a long term resident of Baltimore's Historic Franklintown I wish to register my disapproval and opposition to the intentions of Nextel to force a microwave/radio tower on this community in the vicinity of the 5200 block of Dogwood Rd. The installation of such a device would be highly detrimental to the surrounding residents and the community values which I and they hold dear.

Sincerely,

Garry F. Cerrone

5100 Maple Park Avenue,
Baltimore, MD 21207-6516

January 3, 2007

Mr. William J. Wiseman
Zoning Commissioner, Baltimore County
County Courts Building
401 Bosley Ave, Suite 405
Towson, Maryland 21204

RECEIVED
JAN 0 3 2007
ZONING COMMISSIONER

RE: Petition for Variance, Case No. 07-079-A

Dear Mr. Wiseman:

In the year 1964 we bought an old house in a wooded area of Baltimore City which is called Frankintown. Eight years later we moved from one house to another one in this same area as we loved the small community and the country living we found here. Forty-two years later we are still here, still struggling to keep this wonderful community from being eroded by super highways, widened streets, more building, more commercialism. And now—the Nextel tower.

We attended the first hearing, but will not be able, for medical reasons, to attend the second. We do wish to have our objections to this petition on record.. This tower will be visible from our neighborhood and we do not want it here. Those set-back requirements were established for a good reason and a variance should not be granted.

It is our opinion that residents of Baltimore County—many of whom do not live in this area—were the ones consulted. Baltimore City residents were not contacted regarding this plan, and most of the photographs taken were not pertinent. Therefore this study was deeply flawed.

We respectfully request that this petition for variance be refused. Thank you for your attention to this matter.

Sincerely,

Loren Keith Smith

Leora L. Smith

Bill Wiseman - Zoning Commission Question

From: "Purnell, Janet P." <JPurnell@bcps.k12.md.us>
To: <wwiseman@co.ba.md.us>
Date: 01/11/07 7:18 AM
Subject: Zoning Commission Question

5107 Maple Park Avenue
Baltimore, Maryland
21207-6517
January 10, 2007

Mr. William Wiseman
Baltimore County Zoning Commission
401 Bosley Avenue Room 406
Towson, Maryland

Dear Mr. Wiseman:

I have been a home owner in Franklintown for twenty-nine years. I am very concerned about the plan for a large and offensive cellular tower proposed for the entrance to our community. One of the key factors in choosing Franklintown for my home was the historic nature of the homes and surrounding area. The park like quality of the environment makes it a very special placed to live. The intrusion of a cellular tower would add a negative industrial park look to our very special location.

I am currently a Sprint cellular phone user, and have in the past used the Nextel service. I have never had a problem with connectivity or service in the Franklintown area. There is no need to place the tower in our neighborhood. Please do not support the effort of Nextel to do so.

Sincerely,

Jan Purnell

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete or destroy the message immediately without opening any attachments.

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DAVID BOURQUIN	7 OLD SOLOMONS ISLAND RD. STE. 205	ANNAPOLIS, MD 21401	dbourquin@supportengineering...
FELIX PALUMBO	119 HOLLYWOOD DR	GLEN BURNIE, MD 21060	
ANTOINE A. SOTOH	13129 Shipwright Dr. Silver Spring MD	Silver Spring MD, 20904	antoine.soto@sprint.com
Chris Blackburn	6716 Alexander Bell Dr.	Columbia, Dc. 21046	CSblack826@aol.com
SARAH FARLEY	6876 SUSQUEHANNA TRAIL SOUTH	YORK, PA 17403	sfarley@ebiconsulting.com
Kim Stephenson	6716 ALEXANDER BELL Dr.	Colaymbia MD 21046	Kim.stephensonNE@T-MS.com
Katie Oppenheimer	5800 Clipper Lane #103	Clarksville, MD 21029-1388	Katie.oppenheimer@t-mobile.com
Linda Flannery-Liebermann	6716 Alexander Bell Dr, Suite 230	Columbia, MD 21046	linda.flannery-liebermann@gd.t.com

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07156SPH
DATE 12/5/06

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Jack Lattimore	5408 W. North Ave.	Baltimore MD 21207	jackal5408@verizon.net
✓ Sean Burke	5000 Division Street	Baltimore MD 21207	seanburke@mris.com
✓ Carmen Frey	5102 HAMILTON ST.	BALTIMORE, MD 21207	
✓ Jane O'Donnell	5126 Crescent St.	Balto. MD 21207	jodonnell@comcast.net
✓ Leora Smith	5100 Maple Park Ave	Balto. md 21207	
✓ Nancy Masters Long	1814 North Forest Park Ave.	Baltimore Md 21207	
✓ Loren Keith Smith	5100 Maple Park Avenue	Balto. Md 21207	
✓ FRED WORTHINGTON	5117 FRANKLINTOWN RD	BALTO. MD 21207	FRED@BMWW.COM
✓ BILL EBERHART	179 N FOREST PARK AVE	BALTIMORE, MD 21207	bill@ebarchart.com
✓ Johns Hopkins	Baltimore Heritage 11½ W. Chase St.	Baltimore MD 21201	hopkins@baltimoreheritage.org
✓ BRYCE KASPAR	5115 N Franklintown Rd	Baltimore MD 21207	RAY.ZEIGLER@VERIZON.NET
✓ Heide Grundmann	522 Overdale Rd	B-21229	hgrundat@aol.com
✓ GARRY CERRONE	5108 FRANKLINTOWN Rd	BALTO. MD 21207	gcerrone@gcdesigngroup.com
✓ SETH ROSENBERG	5007 North Forest Park AVE	21207	
✓ Ray Zeigler	5115 N Franklintown Rd,	Baltimore MD 21207	ray.zeigler@verizon.net
✓ Sam Sperling	6300 Lincoln Ave Balt MD 21209	Balt MD 21209	ssperling@sperlinglaw.us
	N. (5108)		

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID	Green		

ELEVATIONS

ASHMAN'S HOPE

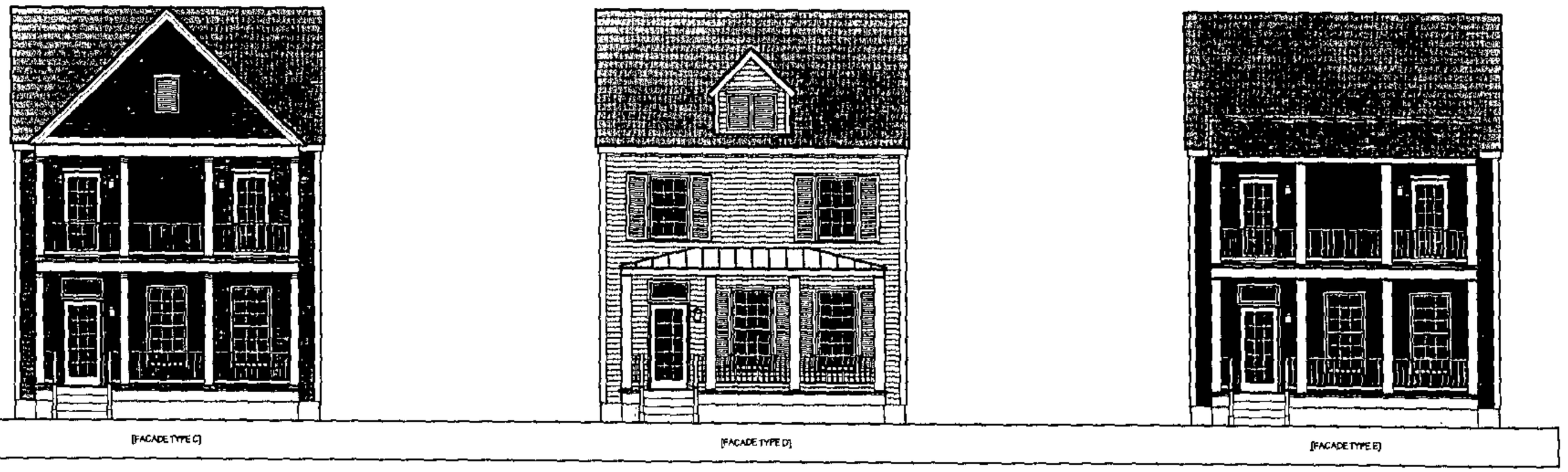
A DEVELOPMENT BY
THE LAURENCE CORPORATION

AT FRANKLINTOWN, MD
PROJECT NO. 4471
JANUARY 13, 2006

RM BOVICH ARCHITECTURE
6225 1/2 N. CHARLES ST.
BALTIMORE, MD 21212
410. 377. 5487

[FACADE TYPE A]

[FACADE TYPE B]



[FACADE TYPE C]

[FACADE TYPE D]

[FACADE TYPE E]

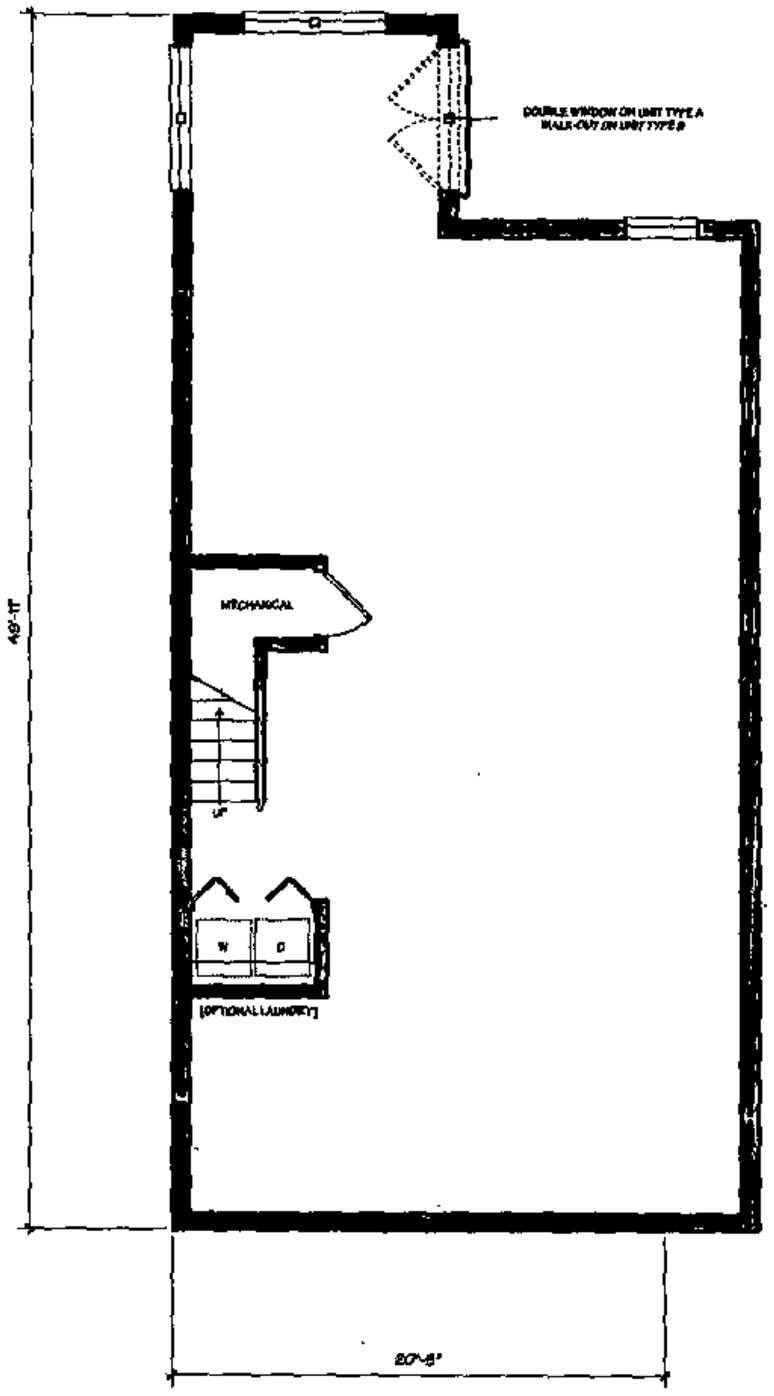
443.255.0697

THE LAURENCE ORGANIZATION, INC.
6999 REISTERSTOWN ROAD
SUITE 1
BALTIMORE, MARYLAND 21215

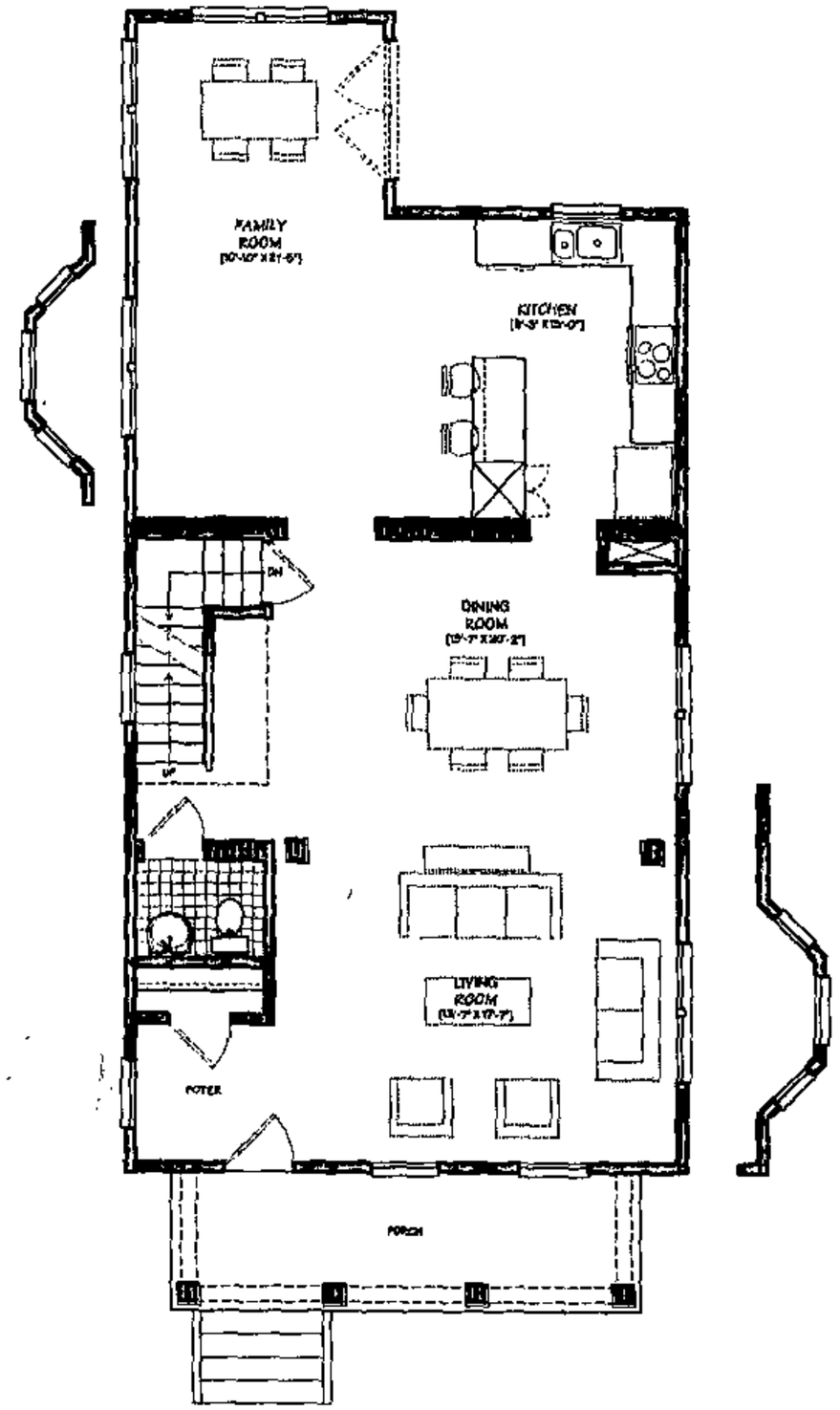
TEL: 410.764.7100
FAX: 410.764.7714
dmeltzer@laurencecommunitymanagement.com

PROPERTY MANAGEMENT
& DEVELOPMENT

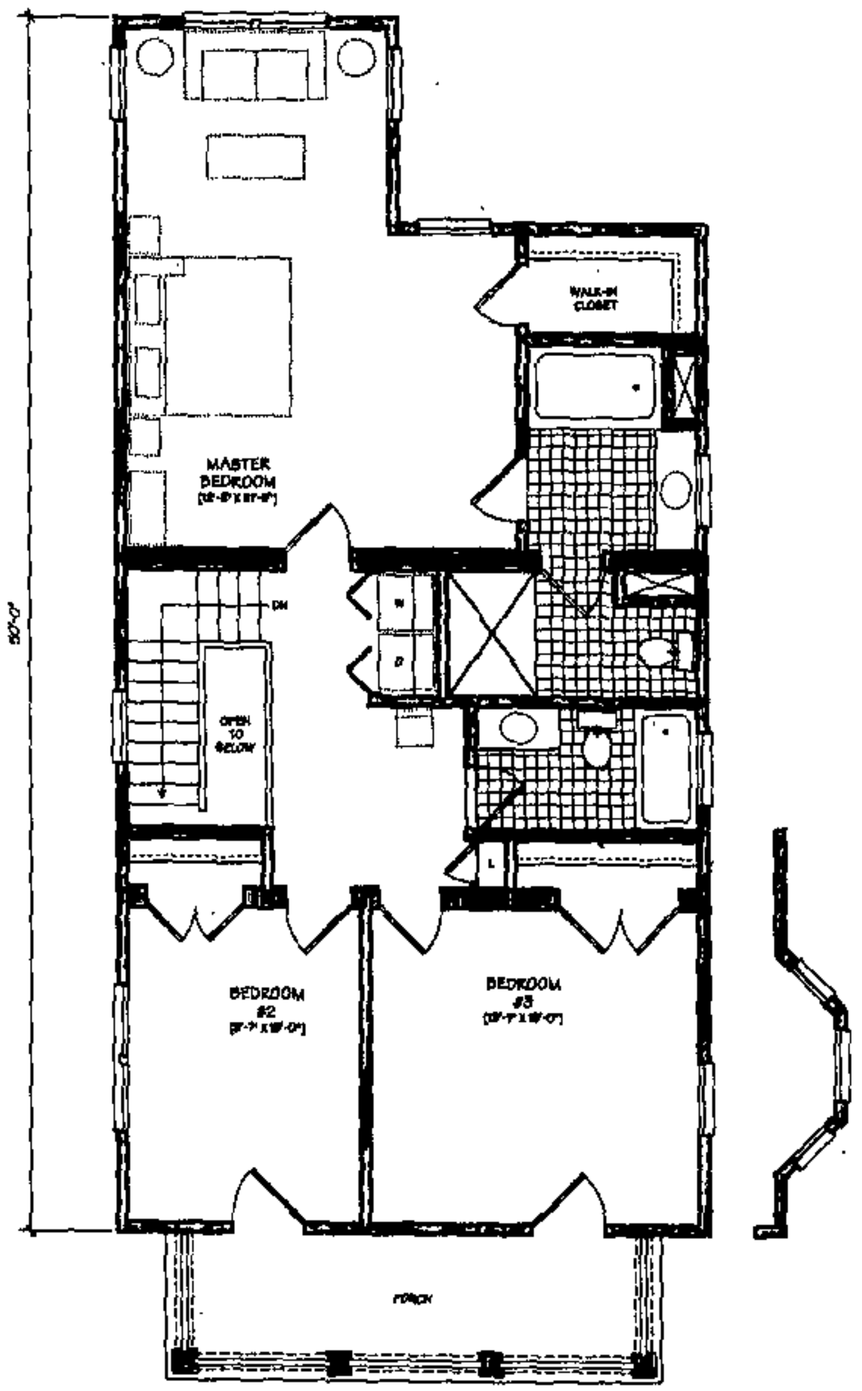
DAVID MELTZER



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

12FT

GENERAL NOTES

1. Site Area - 2.15 ac
2. Zoned R-4
3. Site is not in a 100-Year Floodplain.
4. Site is not in the Chesapeake Bay Critical Area.

5. OWNER:

David L. Meltzer
6910 Reisterstown Road, #1
Baltimore, MD 21215

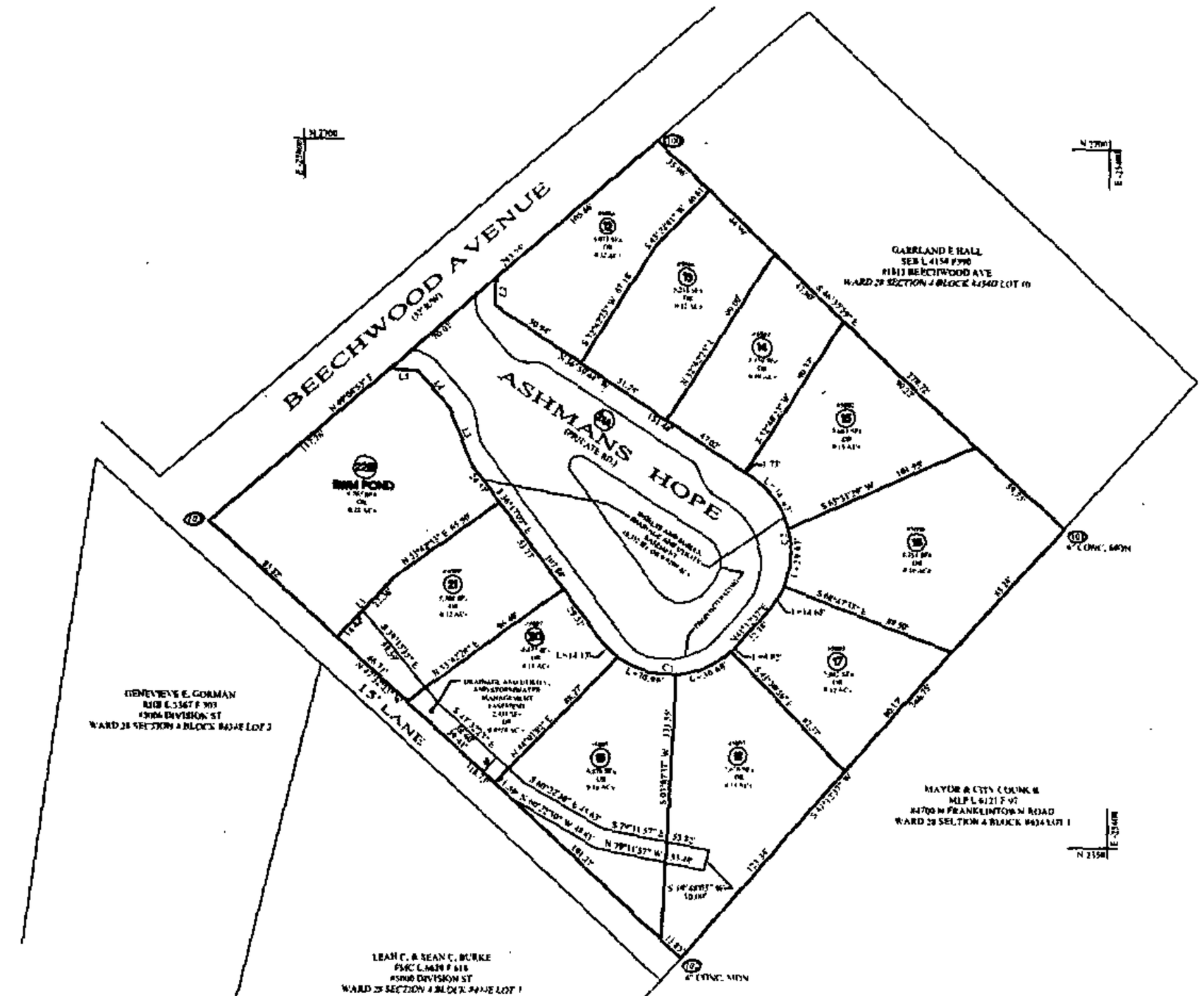
6. Building restriction line (BRL) Information: From 25
Rearyard side 10'
Street side 20'
Front 25'

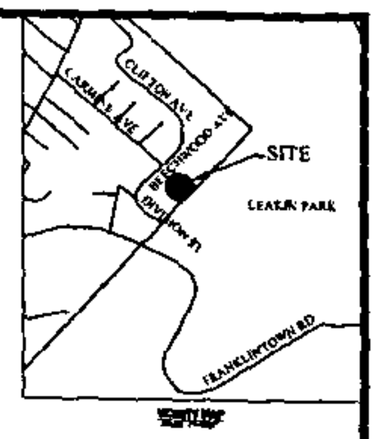
7. This plat was prepared without the benefit of a title report

8. Total Property Area 94,357 SF or 1.9025 AC ±

LOT AREAS

LOT #	SQUARE FT	ACREAGE
LOT 17	5,071 SF±	0.1164 AC±
LOT 18	7,355 SF±	0.1689 AC±
LOT 14	5,450 SF±	0.1251 AC±
LOT 15	5,883 SF±	0.1351 AC±
LOT 16	8,354 SF±	0.1918 AC±
LOT 17	5,043 SF±	0.1158 AC±
LOT 18	7,670 SF±	0.1761 AC±
LOT 19	6,876 SF±	0.1579 AC±
LOT 20	7,493 SF±	0.1720 AC±
LOT 21	5,706 SF±	0.1310 AC±
SWM AREA	9,787 SF±	0.2246 AC±
PRIVATE ROAD	18,332 SF±	0.4208 AC±
ACCESS & DUE	18,335 SF±	0.4209 AC±





COORDINATE TABLE

POINT	NORTHING	EASTING
100	27011.7632	-25624.6247
101	25510.2319	-25422.1452
102	27094.5111	-25611.0905
103	27094.8009	-25946.2161

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	BEARING	DIST
C1	80.59	45.00	56.97	S87°55'15"E	70.19
C2	78.94	45.50	51.68	N08°29'39"W	69.41

LINE TABLE

LINE	BEARING	LENGTH
L1	N42°37'37"E	30.00
L2	N49°36'38"E	13.96
L3	N20°32'12"W	29.90
L4	N40°51'07"W	24.19
L5	N85°29'26"W	(R&D)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY that I am a duly registered Professional Land Surveyor of the State of Maryland and that the land shown hereon was surveyed and that this plat was prepared in accordance with the requirements of the Real Property Article of the Annotated Code of Maryland and the Regulations adopted pursuant thereto.

RAPHAEL WOOLDRIDGE — DATE

OWNER'S CERTIFICATION

I/We hereby certify that I/We am/are the owner(s) of the property shown and described hereon and that I/We adopt this plan of subdivision with my/our free consent and in accordance with the provisions of the Annotated Code of Maryland and the Subdivision Regulations of Baltimore City.

DAVID L. MELTZER — DATE

FINAL SUBDIVISION PLAN

ASHMANS HOPE

1807 BEECHWOOD AVENUE

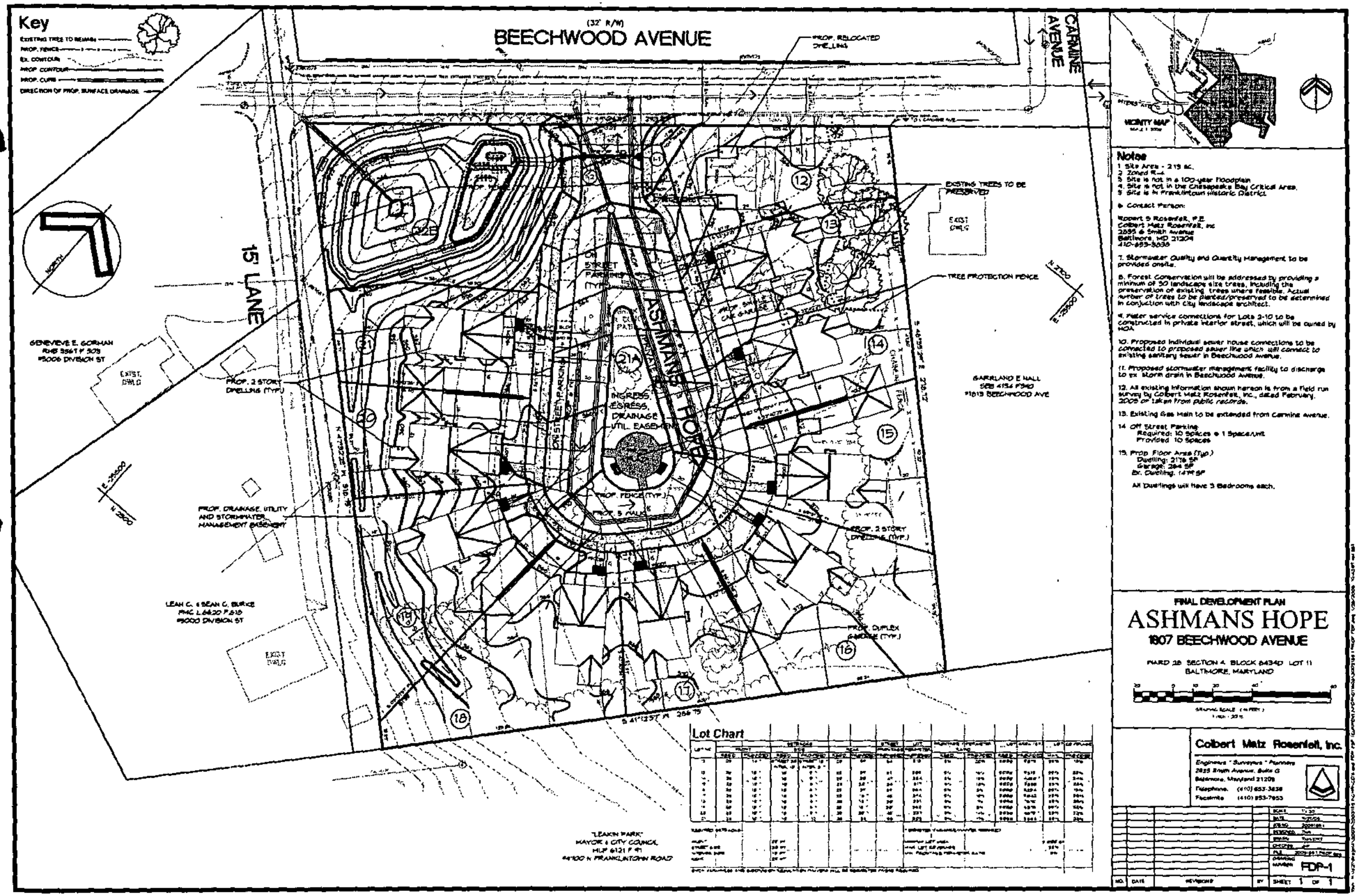
WARD 28 SECTION 4 BLOCK 8434D LOT 11
BALTIMORE CITY, MARYLAND

GRAPHIC SCALE (IN FEET)
1 inch = 30 ft

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO	DATE	REVISIONS	BY

SHEET 1 OF 1


Key
EXISTING TREE TO REMAIN
PROP. FENCE
EX. CONTOUR
PROP. CONTOUR
PROP. CURB
DIRECTION OF PROP. SURFACE DRAINAGE
BEECHWOOD AVENUE
(32' R/W)
CARMINE AVENUE
PROP. RELOCATED DWELLING
EXISTING TREES TO BE PRESERVED
EXIST DWLG
TREE PROTECTION FENCE
15' LANE
ON STREET PARKING (TYP.)
EASTMANS HOPE
INGRESS, EGRESS, DRAINAGE UTIL. EASEMENT
PROP. FENCE (TYP.)
PROP. 5' WALK
PROP. 2 STORY DWELLING (TYP.)
PROP. 2 STORY DWELLING (TYP.)
PROP. DUPLEX GARAGE (TYP.)
PROP. DRAINAGE, UTILITY AND STORMWATER MANAGEMENT EASEMENT
GENEVIEVE E. GORMAN
R/B 3561 P 309
#5006 DIVISION ST
EXIST DWLG
GARRLAND E HALL
SEB 4154 P340
#1813 BEECHWOOD AVE
LEAH C. & SEAN G. BURKE
RHG L.6830 F.510
#5000 DIVISION ST
EXIST DWLG
"LEAKIN PARK"
MAYOR & CITY COUNCIL
MLP 6121 F 91
#4100 N. FRANKLINTOWN ROAD
N 41°12'57" W 266.75'
N 27°00' E 278.22'
N 41°12'57" W 266.75'
N 27°00' E 278.22'
N 27°00' E 278.22'
N 41°12'57" W 266.75'
N 27°00' E 278.22'
N 41°12'57" W 266.75'
N 27°00' E 278.22'
N 41°12'57" W 266.75

jhr 10/18

07-079-A

Ray H. Zeigler

RECEIVED

OCT 1 1 2006

ZONING COMMISSIONER

5115 N Franklintown Rd., Baltimore, MD 21207
Phone: 410-448-6189
E-Mail: ray.zeigler@verizon.net

October 7, 2006

Baltimore County Zoning Commissioner
Room 407, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Nextel Tower Zoning Variance Application
5208 Dogwood Road
Hearing 10/18/06

Dear Sir,

In the summer of 2000, after completing a long search for a home in the Baltimore area, I purchased my home at 5115 N. Franklintown Road for several reasons. I moved here from the Eastern Shore of Maryland and previously lived in a home built in approximately 1820 by a Revolutionary War officer. The property is on the National Register of Historic Places. I wanted a new home that also was unique and had some American history connected to it. I found it. Not only is the home of historic interest, it is located in one of the most beautiful sections in the Baltimore area.

I was shocked, surprised, and incensed to learn recently that a 150-foot communications tower had been approved for the Franklintown Historic District. I realize that Franklintown is partially in the City and partly in the County, but I see it as a contiguous district worthy of historic preservation. Had this proposed tower been in place when I was home shopping, I would be living elsewhere. From my standpoint its approval not only will affect property values, it shows a complete lack of understanding of the importance of preserving historic districts.

Property owners in Baltimore historic areas need to go through a series of processes in order to make improvements on our properties. This is as it should be in order to preserve the historic integrity of the property and ensure that the historic qualities of the region are not compromised. The approval of this tower would show a complete lack of vision and understanding of the nature of historic preservation.

Unfortunately, I will be out of town for the next two weeks. Otherwise I would be present to protest in person. I urge strongly that this matter be examined with extreme care and an eye to preserving our history. If this project is approved, what next? It could open the door to all sorts of strange requests for variances, perhaps even more bizarre than this one.

Sincerely,

Ray H. Zeigler

Ray H. Zeigler

JM 10/18

COUNCILMAN OLIVER

COUNTY COUNCIL
OF
BALTIMORE COUNTY
410-887-3389

RECEIVED
SEP 29 2006
COMMISSIONER

RE: 7-79-A

It is a pleasure to send you
The enclosed material

07-079-A

MARTIN O'MALLEY
Mayor

OTIS ROLLEY III
Director

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OCT 20 2006

ZONING COMMISSIONER

October 16, 2006

Zoning Commissioner
Baltimore County
Room 407, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Zoning Hearing-5208 Dogwood Road

Dear Commissioner of Zoning:

It has come to the Commission's attention that Baltimore County will convene a Zoning hearing to consider variances necessary to the construction of a 150-foot Nextel tower at 5208 Dogwood Road. We respectfully request consideration of the following in the decision making process.

Please be advised that the proposed tower will adversely affect Franklintown, a premiere historic district. This community's character has been recognized by its National Register and Baltimore City historic district designations. The Franklintown property owners have made a substantial investment in the community's preservation and enhancement. We urge Baltimore County to respect the integrity of the historic district and disapprove the installation of the tower.

Please do not hesitate to contact me at (410) 396-4866 if I may answer any questions about historic Franklintown.

Sincerely,

Kathleen G. Kotarba
Executive Director

Bill Wiseman - Fwd: 150-foot Nextel tower proposed at 5208 Dogwood Road

From: Office of Planning
To: Wiseman, Bill
Date: 10/18/06 3:40 PM
Subject: Fwd: 150-foot Nextel tower proposed at 5208 Dogwood Road

Bill: I believe this email is for you. Can you handle this?
Thanks,
Rosie Katzenberger
#3211

>>> "Holton, Helen" <HHolton@baltimorecitycouncil.com> 10/17/2006 8:58 AM >>>
Baltimore County Zoning Commissioner
Office of Planning
Courts Building, Mailstop 3402
401 Bosley Avenue, Room 407
Towson, Maryland 21204

RE: 150-foot Nextel tower proposed at 5208 Dogwood Road

Dear Zoning Commissioner:

I am writing in response to numerous calls and conversations with residents of Baltimore City that live in communities surrounding the proposed 150-foot Nextel tower at 5208 Dogwood Road. I attended a site visit of the proposed location on Thursday, October 12, 2006 to experience firsthand what these citizens would be forced to live with should this zoning request be approved.

Living along jurisdictional lines often makes decisions such as this not so cut and dry and warrant further review and input. I am not a historic district expert but I can share with you that those residents who choose to live in historic districts take on additional expense by their very actions. This in Baltimore City is above the high property taxes that they willingly pay as residents of the City. If you have not had the opportunity to physically visit the site I strongly urge you to take time and do just that in order to gain a better perspective to what's at stake.

I am a pro-business person and have supported the interest of business when business makes sense for the greater good. In so doing I have learned that in weighing the interests of the greater good it is important to give more weight to those who will be impacted the most. During the hearing you will be presented with photos taken with the proposed tower inserted to scale to give an idea of what people will have to live with from various views in the surrounding areas. There are very view businesses and the area proposed is more residential than industrial and business.

I am confident that Nextel could find alternative sites in the area that would not infringe upon the three historic residential districts that are located in close proximity to the proposed site. I would strongly urge you to support the concerns of taxpaying owner-occupied citizens that enrich the tax base of the state in numbers that are significantly greater than the revenue to be gained by this one tower at this one site.

Sincerely,

Helen L. Holton
Councilwoman, 8th District

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 2, 2006

RECEIVED

OCT - 3 2006

ZONING COMMISSIONER

Mr. Stephen DelSordo
Preservation Officer
Wireless Communications Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Proposed Nextel Wireless Communications Tower; 5208 Dogwood Road, Baltimore, MD 21207

Dear Mr. DelSordo:

Pursuant to Section XI of the Nationwide Programmatic Agreement, we challenge the conclusions of EBI Consulting as stated in the FCC Form 620 submitted by EBI on behalf of Nextel Communications.

We contend that the report does not correctly portray the effects of the communications tower on the Franklintown Historic District (FHD). We offer the following in support of our position:

1. Ms. Mancuso, although apparently certified by the Department of the Interior, does not appear to have sufficient experience to have determined the effects of this tower on the FHD, as most of her work prior to this assessment was as a student, an intern, or a research assistant.
2. The report contains the following factual errors:
   a. Geographical directions of the photographs are incorrect.
   b. Some of the referenced street names are incorrect.
3. The report failed to include the following organizations as consulting parties
   a. The Baltimore City Department of Planning.
   b. The Baltimore City Commission on Historical and Architectural Preservation.
   c. Baltimore Heritage Area.
   d. The Baltimore County Landmark Commission.
   e. Baltimore Heritage.
   f. Preservation Maryland.
   g. Historic Franklintown, Inc.
   h. Franklintown Community Association.
4. We believe that the conclusions concerning the APE for visual effects, as stated in Attachment 7, will be greater than the suggested ½ mile, due to its location and the terrain.

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

5. The conclusions in Attachment 10 are incorrect for the following reasons:
   a. The proposed tower and its lightening rod are approximately 3.5 times the height of the Franklintown Inn, the tallest building in the FHD, and the building immediately adjacent to the proposed site.
   b. The tower is approximately 4-5 times the height of the other buildings in the district (mostly two or three story residential structures). It will be the tallest structure for several miles and will dominate and overwhelm the modest nature of the FHD and the surrounding landscape.
   c. The tower will be visible from the majority (we estimate 23) of the properties in the FHD in all seasons and from several of the others (we estimate 7 or 8) in the fall and winter.
   d. Although the Ingleside Avenue overpass is located adjacent to the site it is of modest scale (22 feet above the roadway = 1/7 the height of the proposed tower) and was constructed prior to the awarding of National Register status so that it was not subject to review. The bridge is of such a scale that it could be softened with landscaping, and in fact part of it was with landscaping installed Baltimore County several years ago. There is no amount of landscaping that can screen a 150-foot tower in this location.
   e. The surrounding forestation consists mostly of deciduous trees of an average height of not more than 60 feet. The tower and its antenna at a height of 158 feet will be 68 feet taller than these trees so that its view will not be "inhibited" by them. In the fall and winter, the trees will provide little or no screening and will make the tower visible from additional properties that do not have a view of it in the summer.
   f. The properties in the North Forest Park Avenue corridor of the district will have the most adverse visual impact as they are 90-100 feet higher in elevation than the base of the tower and will have an unobstructed view of the tower above the trees.
   g. The Millrace Tavern and the Franklintown Inn will not only have a direct view of the tower, but will also have direct view of the 20 by 45 foot chain link and barbed wire industrial structure at its base that will house the electrical and mechanical equipment.
   h. There are additional properties in Baltimore County, west of the tower in the APE for visual effects. These properties are part of the original Freeman plan that was the main basis for the National Register application and could be included in it if the district were expanded into Baltimore County. There are also properties in the 5100 block of Maple Park Avenue that are in the local historic district that would be eligible for designation under a separate National Register application.
   i. Attachment 11 does not have the required photographs taken from the properties visible from the proposed tower site. The date and focal length of the lens used to take the photographs are not listed.
   j. The photograph that is purported to have been taken from the central portion of the FHD is actually take from the eastern edge at an elevation

that makes it one of the few places from which the tower might not be visible.

We request that the FCC prohibit the construction of this tower under the provisions of the Nationwide Programmatic Agreement and Section 106 of the NHPA.

Thank you for your prompt response and cooperation.

Best regards,

William F. Eberhart, Jr.
President

CC:
J. Rodney Little, MHT
Kathleen Kotarba, CHAP
Katry Harris, ACHP
Honorable Kenneth Oliver, Baltimore County Council
Honorable Helen Holton, Baltimore City Council
Honorable James Kraft, Baltimore City Council
Arnold F. Keller, Baltimore County Planning Director
William J. Wiseman, III, Baltimore County Zoning Commissioner
David A. C. Carroll, Baltimore County DEPROM Director
Patricia Bentz, BCHT
Johns Hopkins, Baltimore Heritage
Tyler Gearhart; Preservation Maryland
William Pencek, Baltimore Heritage Area
Robert Nieweg, NTHP
Robert Watkinson; Nextel
Nicole Lacoste, Ballard Spahr Andrews & Ingersoll

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 2, 2006

Mr. J. Rodney Little
Director DHCP
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Re: Proposed Nextel Communications Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Director Little:

We request that you rescind your letter of approval for construction of the proposed tower. Your letter concurs with the conclusion of EBI Consulting that the tower will have no adverse effect on the Franklintown Historic District in Baltimore City.

We understand how, from the information contained in the Form 620, your staff might have come to the conclusion that the tower will have no effect on the historic district. However, we contend that the report contains factual errors and has omitted information that would lead to the opposite determination – that the tower will, in fact, adversely affect the Franklintown Historic District. The Baltimore City Commission for Historical and Architectural Preservation (CHAP), Baltimore Heritage, Preservation Maryland, and the consultant who prepared the National Register application also agree that the tower will have an adverse effect on the historic district.

In addition to the problems with the report, we believe that the consultants did not exercise sufficient due diligence when selecting consulting parties, as CHAP, Baltimore Heritage, Preservation Maryland, and the affected community associations were not included as consulting parties.

I have attached our comments to the FCC in pursuant to Section XI of the Nationwide Programmatic Agreement.

Thank you very much for your cooperation.

Best regards,

William F. Eberhart, Jr.
President

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

Case No.: 07-079-A 5208 DOGWOOD RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	LETTERS OF AUTHORIZATION 1-A - 1-B -	HISTORIC FRANKLINTOWN BOOK OF LETTERS & PHOTOS
No. 2	RESUME David Bourgeois	LETTER WILLIAM F EBERHART, JR W/ PHOTOS
No. 3	SITE PLAN	LETTER FRED E WORTHINGTON W/ PHOTOS
No. 4	RESUME - Christopher Blackburn	RESPONSE TO SECTION 106 REVIEW
No. 5	T-MOBIL LETTER	BALTIMORE COUNTY MEMO FROM PAT KELLER
No. 6	NEXTEL COMMUNICATION'S LETTER TO COMMUNITY ASSOCIATIONS - 9/26/06	Collectively FRANKLINTOWN COMMUNITY ASSOCIATION LETTERS 6A - TO ZC 6B - TO Palumbo 6C - Councilman Oliver
No. 7	PALUMBO'S PETITION IN SUPPORT OF SITE 7/15/06	Mr. Latimores Statement (Read into record)
No. 8 ~~Withdrawn~~	IMPACT STUDY by LIPMAN FRIZZELL & MITCHELL	EBERHART PROPERTIES UNDERGOING RESTORATION (NOTE EXEMPLAR CRANE IN Distance
No. 9	CANADATE RF MAP	FACT SHEET FOR FCC
No. 10.	ANTOINE SOYOH RESUME	CODE Sect -
No. 11	FAA 2-C SURVEY CERTIFICATION	11-A MAP 11-B Photographs
No. 12	Propogation Plot without site	Sect 22 Para 940 47 CFR

Case No.: 07-079-A

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	PROPOGATION PLOT With Proposed SITE	NAT'L REGISTER REPORT
No. 14	RESUME - ARCHITECURAL HISTORIAN - SARAH FARLEY	LETTER FROM ACHP (Advisory Council)
No. 15	Pages 1 thru 35 - PORTION OF M'S FARLEYS Sect 106 Report	106 FINDINGS
No. 16	EBI PHOTO'S - Attm ILLUSTRATES VIEW SHED HAS OTHER INTRUSIONS	2003 - Dedication of Greenway around Frederick
No. 17	MITIGATION DESIGN	MR. EBERHARTS testimony and Summation
No. 18	EXTERIOR STRUCTURE OF BRICK	
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Case No.: 07-079-A 5208 DOGWOOD RD

Exhibit Sheet

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Case No.: 07-079-A

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
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No. 18	EXTERIOR STRUCTURE OF BRICK	
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Sprint
Together with NEXTEL

Sprint Nextel
1 International Boulevard
Mahwah, NJ 07495

October 10, 2006

To Whom It May Concern:

Please be advised that Kim Stephenson of General Dynamics Wireless Services/Ejaad Telecom is an authorized representative of Sprint Nextel and its subsidiaries in the Greater Maryland and Washington, DC areas. Ms. Stephenson has been retained as a project manager for Sprint Nextel and is authorized to undertake on our behalf all activities related to the leasing, zoning, and construction of our wireless facilities.

Ms. Stephenson has full authority to oversee and participate in all zoning processes (informal and formal) on the behalf of Sprint Nextel at the jurisdictional level. Additionally, she may supervise the submission and presentation of any applications, materials, or other documentation that may be required by applicable review agency(s).

Ms. Stephenson is authorized to designate colleagues from time to time to assist in the implementation of these tasks. Furthermore, Ms. Stephenson may delegate her authority in writing under separate cover as required.

If there are any questions, please do not hesitate to contact me at 201-684-4068 (office), 201-923-4640 (mobile), or by email at jp.p.poplawski@sprint.com. Thank you for your cooperation and assistance in this matter.

Sincerely,

John Paul Poplawski
Real Estate Manager
Sprint Nextel

PETITIONER'S
EXHIBIT NO. 1

Sprint Together with Nextel

November 27, 2006

To Whom It May Concern:

Please be advised that I, Kim Stephenson of General Dynamics Wireless Services/Ejaad Telecom am an authorized representative of Sprint Nextel and its subsidiaries in the Greater Maryland and Washington, DC areas. I have been retained as a project manager for Sprint Nextel and am authorized to undertake all activities related to the leasing, zoning, and construction of Sprint Nextel's wireless facilities.

By way of this letter, I do hereby authorize Ms. Nicole Lacoste Esq., of Ballard, Spahr and Andrews to submit and present any applications, materials, or other documentation that may be required by applicable review agency(s), specifically in reference to our Petition for Variance for 5208 Dogwood.

If there are any questions, please do not hesitate to contact me at 215-783-4730(mobile), or by email at kim.stephenson@gd-ns.com. Thank you for your cooperation and assistance in this matter.

Very Truly Yours,

Kim Stephenson

Site Acquisition Manager

David Michael Bourquin, P.E.

2820 Mockingbird Court Annapolis, MD 21401
410-571-9870 (W) 410-571-9871 (Fax)
E-mail: dbourquin@supportengineering.com

Education

B.S. – Civil Engineering — 1990 – 1994
Lehigh University — *Bethlehem, PA*

Experience

A/E Director — February 2002 – Present
Support Engineering, LLC — *Annapolis, MD*

- As a partner and director of engineering I have designed or overseen the design of approximately 250 wireless communications sites in Maryland, Virginia, and the District of Columbia. Tasks have included structural design and analysis of existing and new structures, plan document preparation for zoning board approvals and building permit applications, and project coordination. Sites have included raw land towers, building rooftop installations, water tank installations, and co-locations on existing towers.

Structural Design Engineer, Associate — July 1994 – February 2002
Johnson, Mirmiran, & Thompson — *Sparks, MD*

- Performed structural design of bridges and retaining walls for numerous transportation projects in Maryland and Pennsylvania. Responsibilities included design computations, preparation of plan documents and review of shop drawings.
- Organized and performed in-depth bridge inspections for several Maryland counties.
- Performed structural design for rail, marine, and airport facilities including the Silver Spring MARC station, Locust Point Marine Terminal, Dulles Airport, and Reagan National Airport.

Professional Registration

Licensed Professional Engineer:

- State of Maryland, 1999, No. 200376
- State of Virginia, 2002, No. 0402 037295
- District of Columbia, 2002, No. PE900487

Professional Organization Memberships

- American Society of Civil Engineers (ASCE)
- National Society of Professional Engineers (NSPE)
- American Institute of Steel Construction, Inc. (AISC)

PETITIONER'S

EXHIBIT NO. 2

Christopher S. Blackburn

PROFESSIONAL EXPERIENCE

Wireless Enterprises — **2005-Present**

Site Acquisition Specialist – Sprint/Nextel

- **Independently identified candidates for site packages.**
- **Negotiated and drafted lease terms with landlords for execution.**
- **Submitted landlord executed contracts to client for their review and execution.**
- **Resolved landlord issues and concerns.**
- **Coordination of management of site zoning process.**
- ***Acquisition of building permits for sites.***

Inland Communications Inc. — **1999 – 2005**

Site Acquisition Manager – AT&T, Cingular, Crown Castle, T-Mobile. — **(Baltimore /Washington)**

- **Supervised a team of up to five Site Acquisition Specialists (SAS) managing up to 120 sites.**
- **Worked directly with wireless legal department, landlords, and vendors to achieve aggressive build plans..**
- **Exceeded client's target goals with aggressive forecast.**
- **Reviewed, negotiated, drafted, and revised contracts to comply with all carriers corporate standards.**
- **Conducted lease negotiation training sessions with SAS's.**
- **Successfully negotiated and executed bulk deals**
- ***Reviewed title reports, issued commentary, and addressed or resolved problematic title issues.***
- **Quickly and effectively resolved issues, concerns, and problems with prospective and existing landlords/property owners.**
- **Supplied client's lease administration personnel with detailed and useful project reports, updates and/or plans on no less than a weekly basis and *then educate, guide and advise in ways designed to best support achievement of* projections/goals.**
- **Worked closely with all disciplines to deliver a quality product with reduced *risk, cost, and timelines.***

Site Acquisition/Collocation Specialist

- **Assisted in training personnel.**
- **Worked with the Zoning Department to find the best area for a location in a given search area.**
- ***Submitted sites for clients approval.***
- **Identified and Analyzed the feasibility of site location with the RF department based on existing and proposed *towers located in the Washington/Baltimore MTA.***
- **Successfully negotiated Master License Agreements and Site License Agreements for the client.**
- **Organized and conducted weekly meetings with the tower companies *in the Washington/Baltimore MTA.***

Site Acquisition Specialist – AT&T, Triton PCS, Crown Castle, Nextel

- **Independently identified candidates for site packages.**
- **Negotiated and drafted lease terms with landlords for execution.**
- **Submitted landlord executed contracts to client for their review and execution.**
- **Resolved landlord issues and concerns.**
- ***Coordination of management of site zoning process.***
- **Acquisition of building permits for sites.**

PETITIONER'S

EXHIBIT NO. 4

T-Mobile

Chris Blackburn
6716 Alexander Bell Drive
Columbia, MD 21046
August 1, 2006

Dear Mr. Chris Blackburn,

I am writing in regards to the proposed Nextel Tower located on Dogwood Road. Upon Nextel's approval to construct a tower at 5208 Dogwood Road, Baltimore, MD 21207, T-Mobile intends to enter into a lease agreement for the collocation of your agreement.

Please notify T-Mobile as soon as approvals have moved forward as we would like to move as quickly as possible with the execution of the lease. I have attached a copy of our application as well as lease exhibits showing T-Mobile's proposed equipment location and mounting height.

Please contact me upon receipt of this letter. Thank you in advance for your cooperation.

Regards,

Jessica Andrews

Jessica Andrews
Site Acquisition Specialist
T-Mobile Baltimore/DC
240-264-8725 Desk
Jessica.andrews15@t-mobile.com

T-Mobile USA, Inc.
Office: (240) 264-8600
Fax: (240) 264-8610
12050 Baltimore Avenue
Beltsville, MD 20705

PETITIONER'S

EXHIBIT NO. 5

NEXTEL®

General Dynamics
6716 Alexander Bell Drive
Suite 230
Columbia, Maryland 21046

September 26, 2006

Catonsville Community Conservation Association
Attention: Mr. Jim Himel, V.P.
20 N. Beaumont Avenue
Catonsville, MD 21228

Edmondson Heights Civic Association
Attention: Ms. Kathy King, President
1130 Saint Agnes Lane
Baltimore, MD 21207

Gwynns Falls Watershed Association
Attention: Mr. Dave Hollander, President
2119 Gwynn Oak Avenue
Baltimore, MD 21207

Liberty Road Community Council
Attention: Ms. Vivian Noonan, President
3674 Clifmar Road
Baltimore, MD 21244

Meadows Community Association
Attention: Ms. Marion Flood, President
6113 Sunny Lane
Baltimore, MD 21207

Southwest Coalition
Attention: Mr. Charles MacGill
319 Gun Road
Baltimore, MD 21227

Westgate Community Association
Mr. Patrick Burns, President
PO Box 25331
Baltimore, MD 21229

PETITIONER'S
EXHIBIT NO. 6

NEXTEL

General Dynamics
6716 Alexander Bell Drive
Suite 230
Columbia, Maryland 21046

Subject: Proposed Wireless Facility at 5208 Dogwood Rd., Baltimore, MD 21207

Dear Community Leader:

Nextel Communications of the Mid-Atlantic, Inc. is licensed by the Federal Communications Commission (FCC) to provide wireless personal communication services throughout Baltimore County, Maryland.

An additional antenna facility is required in order to maintain dependable coverage and to meet future needs in this area. Nextel is proposing an installation at 5208 Dogwood Rd., Baltimore, MD 21207

Nextel's proposed installation will consist of a 150' monopole, a 12' x 20' equipment shelter, nine (9) telecommunications panel antennas, three (3) Global Positioning System (GPS) antennas, a generator pad, and ancillary equipment. The three GPS antennas will be mounted to the equipment shelter. The ancillary equipment will be housed inside the equipment shelter which will be located on the ground.

Baltimore County Code requires a setback variance approval by the Zoning Commissioner for the proposed installation. Should you have any questions regarding Nextels proposed installation please contact me.

Regards,

Chris Blackburn
Site Acquisition Consultant
General Dynamics
6716 Alexander Bell Drive
Columbia, MD 21046
(410) 808-2497
csblack82@aol.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Liberty Road Community Council
Attn: Vivian Noonan, Pres.
3674 Clifmar, Rd.
Baltimore, MD 21244

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Vivian Noonan ☐ Agent ☐ Addressee

B. Received by (Printed Name) Vivian Noonan C. Date of Delivery 10-8

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7003 1010 0005 5931 0636

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Southwest Coalition
Attn: Charles MacGill
314 Gun Rd.
Baltimore, MD 21227

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Charles MacGill C. Date of Delivery 10-10-2

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Catonsville Community Conservation Ass.
Attn: Jim Ihimel, VP
204 Beaumont Ave
Catonsville MD 21228

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name) James Ihimel C. Date of Delivery 9/29/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 1010 0005 5931 0605

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edmondson Heights Civic Ass.
Attn: Kathy King, Pres.
1130 Saint Agnes Ln.
Baltimore MD 21207

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kathryn King C. Date of Delivery 9/25/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 1010 0005 5931 0612

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Marion D. Flood C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RESIDENTS, FREQUENT VISITORS AND EMPLOYEES OF FRANKLINTOWN

July 15, 2006

To Whom It May Concern;

This petition is in support of having a cell tower placed across the street from Bullwinkles Saloon in Woodlawn. The signatures below attest to the fact that there are no objections to this tower and would welcome better coverage for cell phones in the area.

Printed Name	Signature	Address
Samuel Wilson	Samuel Wilson	5322 Dogwood Rd. Balt. 21207
Sharon Ball	Sharon Ball	2301e Ridge Rd 21244
PAUL YACKANICZ		9225 Lewis Mercer Ave 21117
Robert M Eisen	Robert M Eisen	1540 S Rolling Rd 21227
Thomas Lloyd		1660 old ingleside Ave 21207
HAROLD BRADFORD	5403 Dembook	
JAMES TIERNEY	James Tierney	7329 Poplarwood Rd
Patrick Barrett		MD 21234
MICHAEL SQUATRITO		1213 Kenwood Rd 21060
Johnny Ray Smith Sr.		1418 Ingleside Ave. Balt. MD 21207
Tina M. Sexton	Tina M Sexton	1418 Ingleside Ave Balt. MD 21207
Rick Walker		4603 Hampstead MD. 21074
Brandy Shanahan	Brandy Shanahan	2301e Ridge Rd Windsor Mill 21244
ED. KEENAN		5320 Poplarwood Rd 21207
G. Schaefer		2582 Marbourne Ave
JOHN H. KRAFT		7308 CASTLEWOOD RD 21244
John Cosden		3523 St. James Rd 21244
SEANA LEE	Seana Lee	4603 Wards Chapel RD 21117
JOHN GIBSON	7397 S. FREEDOM	HANOVER, MD 21076
Keith Towns		5 University Ct. 21228
Bryna Brannan		513 Valcourt Ct. 21228
Denise Brotherton		1635 Langford Rd.
Evelyn Ne Smith	~~1305 Middleford~~	1305 Middleford Rd
Chris Bruce		
Frank Palumbo		7281 Turnfield Rd
Robert Bonsall		6419 Wilkop Blvd 21207

PETITIONER'S

EXHIBIT NO. 7

July 15, 2006

To Whom It May Concern;

This petition is in support of having a cell tower placed across the street from Bullwinkles Saloon in Woodlawn. The signatures below attest to the fact that there are no objections to this tower and would welcome better coverage for cell phones in the area.

Printed Name	Signature	Address
Karen Elder	Karen Elder	1540 S Rolling Rd
Jim Ruan		2638 W. Lark Dr
Brad Kay		1063 Leyfield Sykesville MD 21784
Gladys Bonsall	Gladys Bonsall	6419 Windsor Mill Rd
Lee Bonds		7308 Castlemara Rd
Dawn Palumbo	Dawn Palumbo	3567 Horton Ave Balt. MD
Samantha Clark		1603 Bluffdale Rd Windsor Mill 21244
Michael Benner		2511 Cedar Dr Bal. 21207
Linda Benner		2511 Cedar Dr. B. MD 21207
John Machlinski		907 Masefield Rd 21207
Leroy Walker		7392 Windsor Mill Rd 21244
~~Richard Kyle~~		3122 Greenmead Rd 21244
Brian Robinson		48 Derby Catonsville MD 21228
Gary Sanford	Mary Sanford	1601 N. Forest Park 21207
Anna Sapfarf		1601 N. Forest Park 21207
Peter Manasar		9804 Blowing 21133
Beth G Blake	Beth G Blake	506 Lee St. 21228
Gerran Rogers		5304 Dogwood Rd 21207
Rodney Blake		6128 Dearborn Rd 21228
Ellie Allen		5304 Dogwood Rd
Scott McIntyre		803 Scarlett Pl Balto MD 21229
Nancy Peach	N. Peach	3 Irungate Ct Catonsville 21228
Tony Karaglic		4144 Louisville Rd 21048
John Asuqo		3026 Hernwood Rd. Edgewood 21040
Lee Ditzel		5310 Dogwood Rd. Edgewood 21207
		704 Raynor Ave. Balto. 21228

July 15, 2006

To Whom It May Concern;

This petition is in support of having a cell tower placed across the street from Bullwinkles Saloon in Woodlawn. The signatures below attest to the fact that there are no objections to this tower and would welcome better coverage for cell phones in the area.

Printed Name	Signature	Address
JAMES BROWNE	James Browne	9911 Sylvan Dell Ct.
D. NICHOLSON		16935 Court Ct Olney MD
DAN Hudson		1116 Woodmoor RD Stevensville MD
DENNIS STOCK		2500 Rid Dorf Athelmat Bowie MD
MICHAEL SPEAR		1316 Stockton Rd Jarrett MD 21085
FRANK SCHLOSS		6008 Barnett Branch Baltimore 21209
GARY BLISS		1819 EASTVIEW DR 21155
[illegible]	SCOTT BAKER	310 Bidwell Rd
W.R. PRICE	W R Price	203 Tides Run Yorktown VA.
Douglas Wilder	Douglas Wilder	1233 Washington RD, MD
[illegible]	[illegible]	1407 Haven Place MD
DERAL DUDEARM	Deral Dudearm	527 Sunset Knoll Pasadena MD. 2112
FRANK MACHIN	[illegible]	123 FOREST AVE BALTO. MD 21228
CATHY KRIEGER	Cathy Krieger	6034 BURNT OAK RD BALT. MD 21228
Athena Ellis	[illegible]	14901 Kalmia Dr. Laurel, MD 20707
Kenneth A Zimmerman Jr	Kenneth A Zimmerman Jr	6712 Edward Ave 21244
Lukas J. Breeden	Lukas J. Breeden	3152 Clarks Cr. Finksburg MD 21048
[illegible]	DAVID HOLMES	305 Penfield RD West Friendship MD 21050
[illegible]	Brian Troxel	807 Lynove Rd Linthicum 21090
Willis Fouts Sr	[illegible]	5016 Graves Rd-Rd Lincoln MD 21102
MIKE Stumph	[illegible]	227 Front Rd Bato Md 21207
GERALD NELLIS	Gerald Nellis	6701 DOGWOOD RD BALTO, MD 21207
Sherry Martin	[illegible]	2613 Larchmont Dr Balto MD 21209
JOHN MARTIN	John P Martin	" " " " "
DAVID MILLER	[illegible]	Right Hand
Joey Scott	Joseph on Scott	4 Bonway Ct

July 15, 2006

To Whom It May Concern;

This petition is in support of having a cell tower placed across the street from Bullwinkles Saloon in Woodlawn. The signatures below attest to the fact that there are no objections to this tower and would welcome better coverage for cell phones in the area.

Printed Name	Signature	Address
Dana O'Brien	Dana O'Brien	5200 N Franklintown Rd 21207
Scott Rayner	Scott Rayner	[redacted]
Stan Bilello	Stan Bilello	Cantonsville MD 21228
Renee Glass	Renee Glass	6610 Rockwell Rd 21228
Shannon Skene	Shannon Skene	5200 Franklintown Rd.
Rebecca Seubert	Rebecca Seubert	1962 Pleasant Hill Dr. 21207
Samuel Dilworth	Samuel Dilworth	1462 Pleasant Hill Dr 21207
Robert Dilworth	Robert Dilworth	Baltimore 21223
929 Remington Ave		
Timothy Mauck		Ellicott City MD 21043
		Reisterstown MD 21136
	418 Overbrook Rd	
	1501 Richland Rd	Bmore 21228
Louise Fitzgerald	Louise Fitzgerald	1647 Birkwood Road 21207
Janet D Smith		422 S Rolling Rd 21228
Thos. J. Price II	3115 Green Meade Rd	Windsor Mill MD 21244
CHRISTINA SLOTT	Christina Slott	4 Benway CT 21228
DONALD A. SMITH		422 S. Rolling MD 21228
ERIC STEEN		8410 Spring Rd. 21122
John McTassney		
KEVIN MEEHAN		3012 Fernbrake Ave
Barrett Knight		3448 Hillegtown Pl
Roger E. Russell Jr	5320	Pegwood Rd. Balto MD 21207
DARRYL GIBSON		5515 Hilton Ave 21207

IMPACT STUDY:

SECURITY BOULEVARD CELL SITE
5208 DOGWOOD ROAD
BALTIMORE, MARYLAND 21207

NOVEMBER 14, 2006

Prepared by:

LIPMAN FRIZZELL & MITCHELL LLC
Real Estate Appraisers & Consultants
Three Centre Park
8815 Centre Park Drive – Suite 200
Columbia, Maryland 21045

Submitted to:

Ms. Kim Stephenson
Site Acquisition Manager
6716 Alexander Bell Drive
Suite 230
Baltimore, Maryland 21046

LFM – 10465

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PETITIONER'S
EXHIBIT NO. 8

Lipman Frizzell & Mitchell LLC

REAL ESTATE CONSULTANTS

M. Ronald Lipman, CRE, MAI
George P. Frizzell, CRE, MAI
Ryland L. Mitchell III, CRE, MAI
David H. Brooks, CRE, MAI
Calvin V. Thomas, Jr., MAI
Joseph M. Cronyn

Sheldon A. Stern, MAI
Kelly A. Hoffert
Nathan O. Brantley
F. Ford Dennis, Jr.
Joanne L. Andrews
Heather R. Lueben
Michael J. Lester
Stacy A. Harman

Eileen T. Thomas
Barbara C. Gardner
Michael J. Chicorelli
Janet L. Seward
James E. Caminis
Jack L. Powell, Jr.
William O. Donahue, Jr.
Deborah M. Ryba, Mgr.

November 14, 2006

Ms. Kim Stephenson
Site Acquisition Manager
6716 Alexander Bell Drive - Suite 230
Columbia, Maryland 21046

RE: Security Boulevard Cell Site
5208 Dogwood Road
Baltimore, Maryland 21207

Dear Ms. Stephenson:

In accordance with your request that we conduct a study of the above captioned property on which you propose to construct a 150 ft. freestanding monopole cell tower to be used in connection with the Nextel communication network, we herewith submit our report. The purpose of the study is to determine the impact, if any, that the cell tower will have on its immediate and general environs.

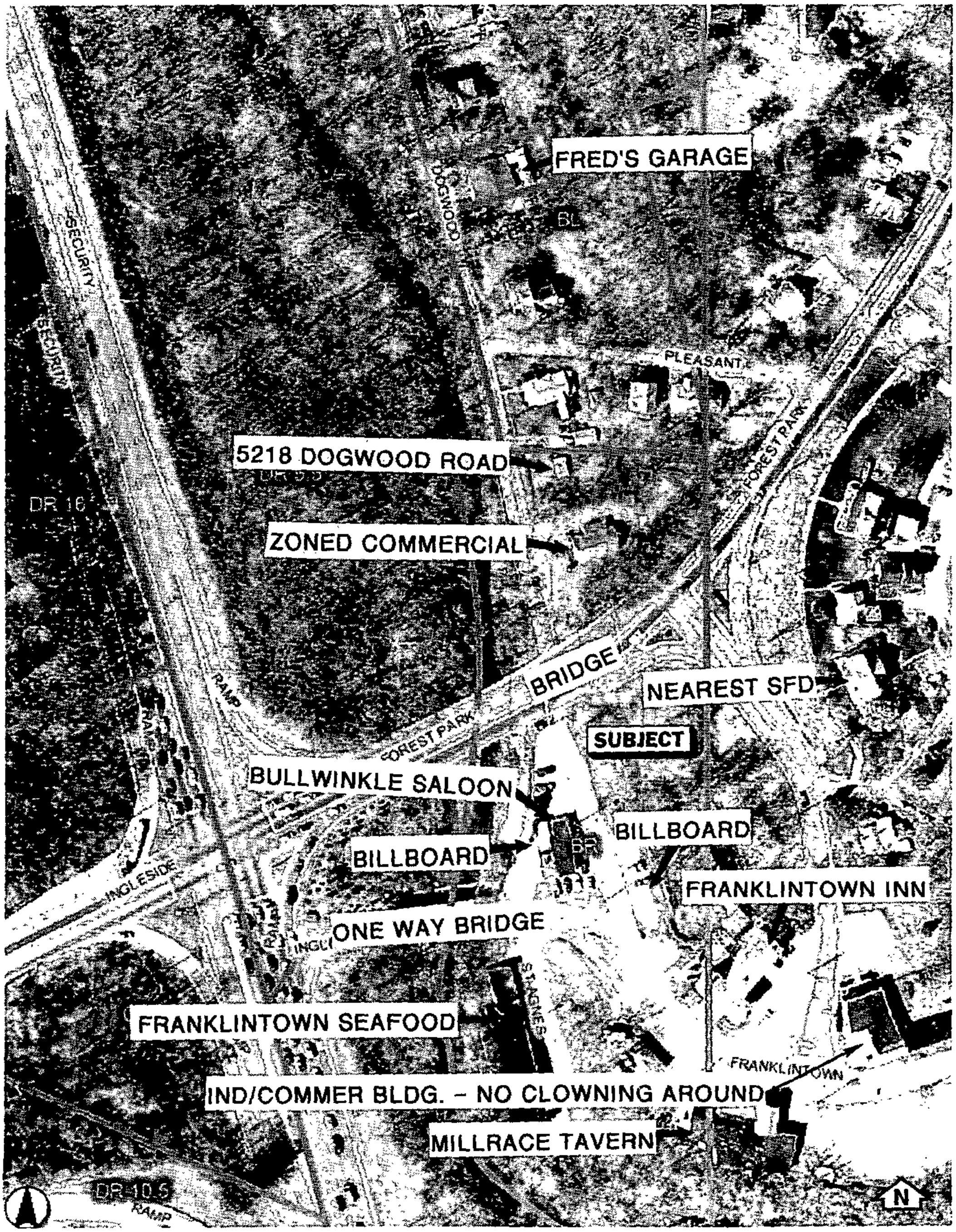
BACKGROUND

In preparation for this study, on November 8, 2006 we inspected the subject site, its environs and general neighborhood, noted land uses in the immediate area, reviewed tax maps prepared by the State Department of Assessments & Taxation, topographic maps, recent aerial photography and a site plan for the proposed monopole site and equipment building, visited several other monopole sites in the Baltimore and Washington Metropolitan areas and reviewed and updated past studies completed by Lipman Frizzell & Mitchell ("LF&M") regarding underground easements, communication towers and other such uses located adjacent and among commercial and residential areas.

Much of our statistical research has been accomplished by use of Maryland Property View, a powerful database licensed from the Maryland State Department of Assessments and Taxation which lists complete physical and financial data regarding every property in the State of Maryland.

Though the proposed site is located in a primarily commercial area, we have reviewed a study conducted by LF&M regarding single family detached housing prices along the Falls Road

AERIAL / USE MAP



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Corridor in and around existing monopoles in the Potomac area of Montgomery County, Maryland and have updated a study we made of a monopole site in Clearview Estates, an upscale single family detached large lot subdivision on Route 108 in Clarksville, Howard County, Maryland. We believe that, if an impact to a proximate cell tower is to be felt, it would most likely occur in the setting of an upscale residential neighborhood.

NEIGHBORHOOD DESCRIPTION

The subject neighborhood is an older section of western Baltimore City and the adjacent sections of Baltimore County, bounded by Security Boulevard on the west, the eastern terminus of I-70 to the south, the Windsor Terrace neighborhood on the north and Leakin Park on the east.

The section most closely oriented to the subject is commercial in character, with a number of seafood restaurants and bars in addition to industrial and other commercial uses. The aerial photo on the facing page locates the subject property and its relationship to commercial and, to a lesser degree, residential uses. While some of the road system is more modern, many of the streets in the immediate area of the subject are older roadways which, to some degree, have experienced a noticeable downturn in usage due to the new road network.

There are a number of billboards in the immediate area, immediately adjacent and near the subject property, in addition to overhead electric lines which are typical of older streetscapes (see photos).

Uses in close proximity to the subject (which may be found on the facing aerial) are as follows:

Bullwinkle Saloon – opposite subject on Dogwood Road
Industrial/Commercial Building – adjacent and south of subject (with billboards along Dogwood Road frontage)
N. Forest Park Avenue Bridge – adjacent and north of subject
Former Franklintown Seafood – S/s Old Ingleside Avenue at St. Agnes Lane
Franklintown Inn – 1 lot south of subject

Streets in the immediate area are in only fair to poor condition, mainly because they have been, to a large degree, abandoned by major traffic patterns and thus, have not been maintained by the City and County.

We obtained information from the Baltimore Metropolitan Council, which forecasts population, households, and employment through 2025 based on 2000 Census Data. The subject property lies in Regional Planning District No. 324, which is defined as Catonsville. The planning district extends from Route 40 on the north to the Howard/Baltimore County line on the west to Sulphur Spring Road on the south to the Baltimore County/City line on the east.

According to the Baltimore Metropolitan Council, the 2000 population estimate was 33,555. The population increased 1.55% in the year 2005 with an additional increase of approximately 3.01% projected through the year 2015. Households are expected to follow the same trend.

Area Map

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The 2000 household count was 12,998 and increased 2.76% by 2005. Households are expected to increase an additional 4.55% to 13,965 by the year 2015 with the 2000 estimate at 17,239 jobs. Employment declined slightly from 2000 to 2005. Growth in employment is expected into the year 2015 by approximately 3.06%. The Council's forecasts are summarized below, and suggest that the neighborhood is generally mature.

Demographic Statistics

Regional Planning District 324

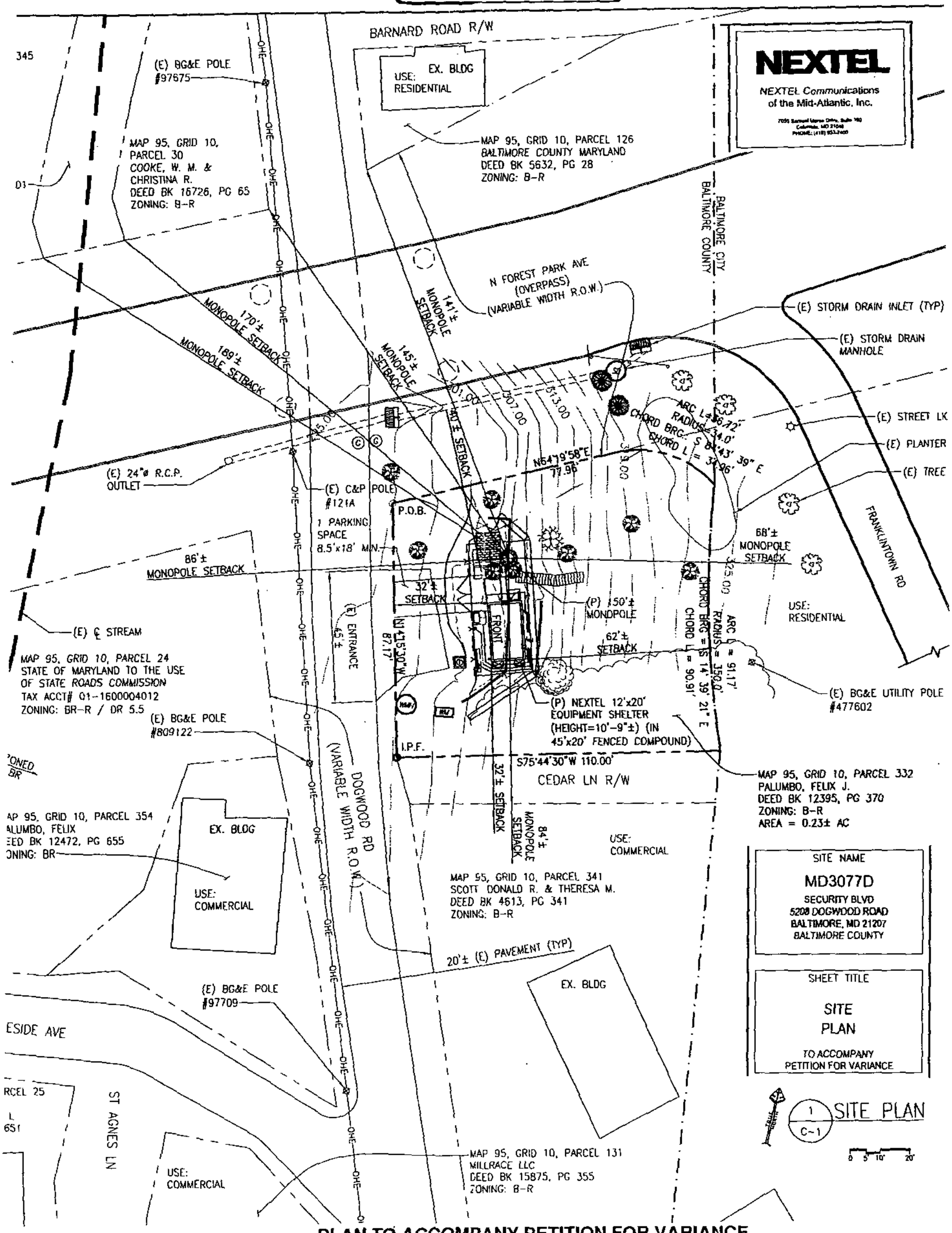
Population	2000	2005	% Change	2010	% Change	2015	% Change
Baltimore Region	2,515,360	2,625,972	4.4%	2,733,749	4.1%	2,795,057	2.2%
Baltimore County	754,292	790,712	4.8%	819,662	3.7%	832,860	1.6%
RPD 324	*33,555*	*34,074*	*1.5%*	*34,820*	*2.2%*	*35,101*	*0.8%*
Households							
Baltimore Region	959,658	1,011,049	5.4%	1,065,933	5.4%	1,106,869	3.8%
Baltimore County	299,877	316,871	5.7%	330,074	4.2%	336,975	2.1%
RPD 324	*12,998*	*13,357*	*2.8%*	*13,778*	*3.2%*	*13,965*	*1.4%*
Employment							
Baltimore Region	1,534,407	1,614,937	5.2%	1,702,313	5.4%	1,765,671	3.7%
Baltimore County	452,500	469,150	3.7%	493,297	5.1%	502,260	1.8%
RPD 324	*17,239*	*17,233*	*0.0%*	*17,662*	*2.5%*	*17,760*	*0.6%*

Source: Baltimore Metropolitan Council, Cooperative Forecast Round 6-B, Aug. 2005

We also reviewed data from the 2006 Edition of the Sourcebook of Zip Code Demographics as published by ESRI Business Information Solutions. The subject lies within zip code 21207 which is generally bounded by I-695 to the west, Johnnycake Road and the Baltimore National Pike to the south, Liberty Road and Liberty Heights Avenue to the north and Gwynns Falls Park to the east. ESRI estimates the 2006 population at 48,909, an increase of 1.12% over the 2000 figure. ESRI forecasts an additional increase of 2.37% by the year 2011. Households grew from 18,544 in 2000 to 18,600 in 2006, a gain of 0.30%. An increase of approximately 2.58% is expected by the year 2011. ESRI estimates the median household income at $50,519 which is below the statewide average ($64,637) and the United States estimate ($51,546).

We have utilized Maryland Property View, a database licensed through the Maryland State Department of Assessments & Taxation, to research the residential marketplace in the immediate and general vicinity of the subject property. Following is a listing of that data in summary form which provides information regarding lot sizes, improvement sizes, and recent pricing in the nearby subdivisions:

Site Plan



PLAN TO ACCOMPANY PETITION FOR VARIANCE

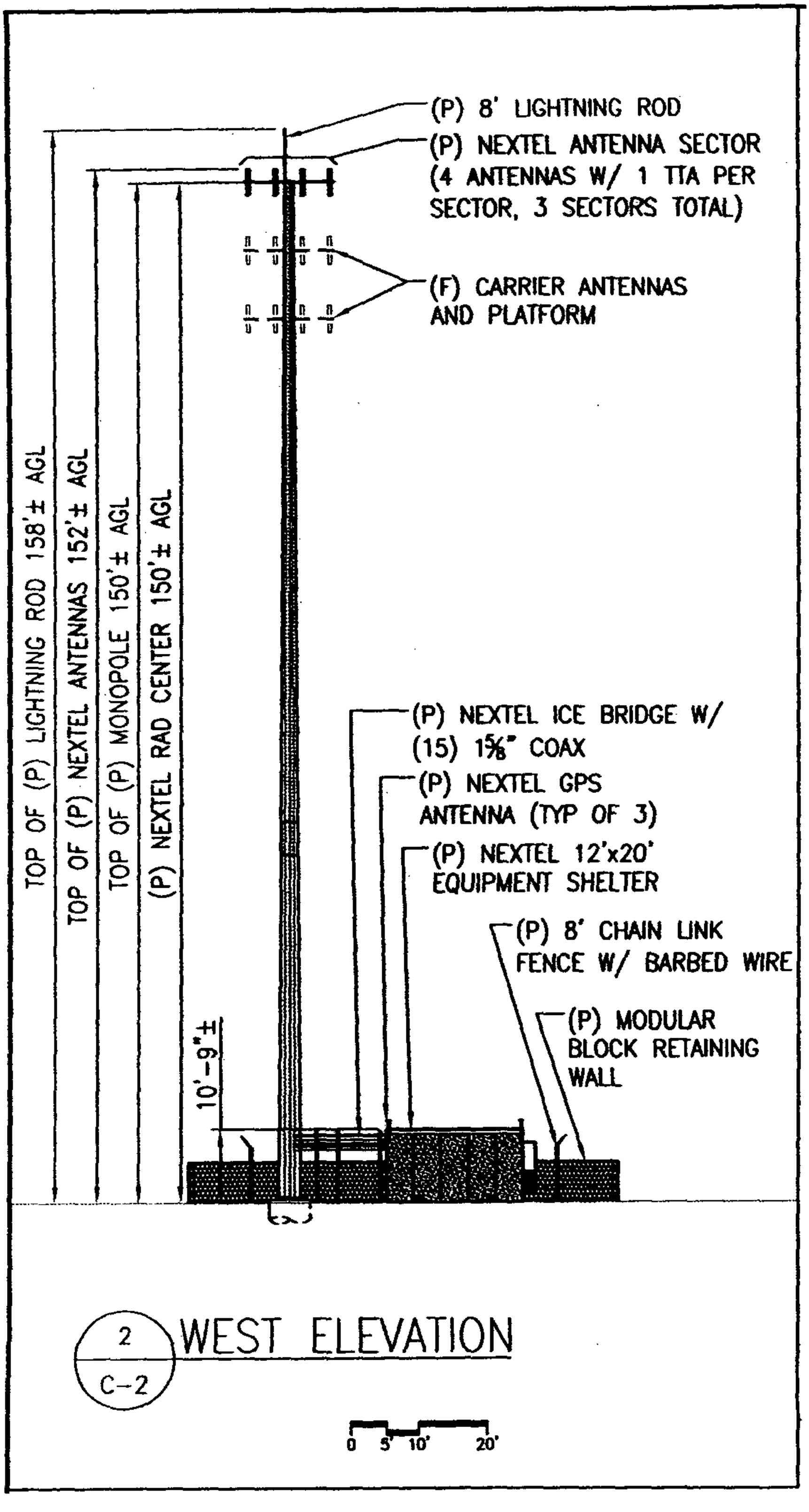
Subdivision	Location	Housing Type	Avg. Lot Size (Acres)	Avg. House Size (Sq.Ft.)	Avg. Sale Price
BRIGADOON	N of Johnnycake Rd., S of Prince George St., W of Kent Ave., E of SW Academy for Arts and Science	Townhouses	0.078	1478	$209,072
CATONSVILLE GARDENS	S of I-70, N of Harford Ave, W of Forest Park Ave, E of Walden Circle	SFD	0.156	1033	$210,800
CATONSVILLE MANOR	E of Johnnycake Rd, S of I-70, N of Rt 40, W of Forest Park Ave	SFD	0.186	1121	$212,521
EDMONDSON HEIGHTS	S of I-70, E Ingleside Ave, W of St. Agnes Lane, N of Newfield Rd	Townhouses	0.059	1200	$168,895
EDMONDSON PARK	S of I-70, W of Forest Park Ave, N of Sunset Ave, E of Langford Rd	Townhouses	0.085	1216	$147,375
INGLESIDE PARK	S of I-70, E of Ingleside Ave, W of Langford Rd, N of Sunset Ave	Townhouses	0.076	1174	$166,258
WEDGEWOOD	S of I-70, E of St. Agnes Ln, W of Baltimore City Line, N of Baltimore National Pike	SFD	0.182	1164	$188,015
WEST EDMONDALE	N of Baltimore National Pike, W of Coleridge Ct, E of Ingleside Ave, S of Sunset Ave	Townhouses	0.058	1153	$150,718
WEST HILLS	N of Baltimore National Pike, E of Coleridge Ave, W of Baltimore City Line, S of West Hills Park	Townhouses	0.105	1446	$197,738
WESTVIEW PARK	E of I-695, N of Baltimore National Pike, W and S of Johnnycake Rd	SFD	0.175	1279	$252,977
WINDSOR TERRACE	N of I-70, E of Security Blvd, W of Baltimore City Line, S of Windsor Mill Rd	SFD	0.170	1174	$197,894

The overall general neighborhood is considered a middle income community, with most homes built during the mid 1900's.

The area has good vehicular access via several major routes. The eastern terminus of I-70 is located just south of the subject and provides access to I-695 - the Baltimore Beltway, which in turn provides access to major interstates such as I-95, I-83, and Route 295 (Baltimore Washington Parkway). MD Route 40 (Baltimore National Pike) runs east/west and provides access to Baltimore City to the east and western Baltimore County and Howard County to the west. The area is also served by Security Boulevard (MD 122), Ingleside Avenue and Forest Park Avenue.

The neighborhood is served by all necessary utilities. Baltimore County and Baltimore City provide water and sewer, while BGE provides electricity and natural gas service. Verizon Communication provides local phone service.

In summary, the subject is a mixed use neighborhood, predominated by second and third tier commercial and industrial properties with billboards throughout and overhead pole mounted electric lines visible throughout.



2
C-2

WEST ELEVATION

SUBJECT PROPERTY

The proposed cell site is to be constructed an unimproved lot owned by Felix J. Palumbo located at 5208 Dogwood Road, Baltimore, Maryland 21207.

The subject site is irregular in shape and contains approximately 1/4 acre. The property is zoned commercial, in a Business Roadside (BR) classification. While it appears to have frontage on three streets – Forest Park Avenue, Franklintown Road and Dogwood Road, only the last two are functional since Forest Park Avenue is a bridge along the subject's northern boundary. The site falls downgrade from Franklintown Road to Dogwood Road and is at-grade along both frontages, though somewhat steeply upgrade from its Dogwood frontage.

PROPOSED MONOPOLE

The proposed monopole site is located 40± ft. east of the site's frontage on Dogwood Road, 68± ft. west of its eastern boundary and 26± ft. south of its northern boundary. The monopole will be a 150 ft. high pole with Nextel antennas on the top platform, with space for two other communication companies to co-locate on the pole below the Nextel antennas.

The pole itself will be located within an 8 ft. high board-on-board wood fenced compound measuring 20 ft. by 45 ft., with a gate. Within the enclosure will be a 12 ft. x 20 ft. equipment shelter. The tower itself will be located in the northern section of the enclosure.

The zoning action requested for the subject property is a petition for a variance to permit a wireless commercial telecommunications facility, which use is allowed in a BR zoning classification.

VISIBILITY OF MONOPOLE FROM NEARBY PROPERTIES

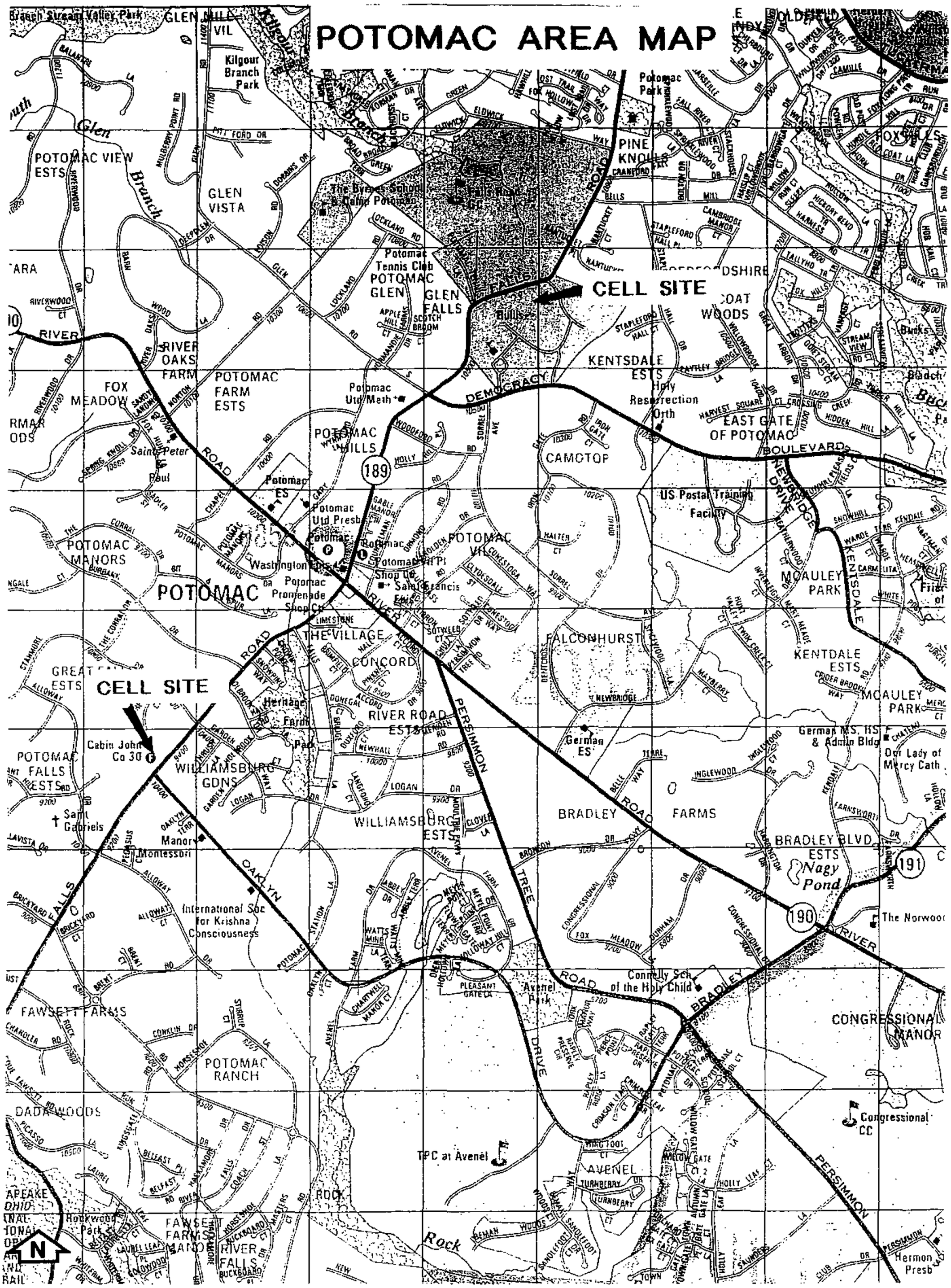
Properties in closest proximity to the subject include numerous second and third tier commercial and industrial properties situate in the immediate area. Several houses are located upgrade on Crescent Street, approximately 200+ ft. east of the proposed monopole.

These homes are assessed in a range of $60,000 to $90,000 and overlook the commercial core to the west which also includes billboards and overhead electric/telephone poles and nearby N. Forest Park Avenue.

STREETSCAPE

Photos of existing telephone and electric poles located along Dogwood Road near the subject and along N. Forest Park Avenue in close proximity to existing dwellings located to the east of the subject are set forth in the Addenda of this report. Because of the proximity of these poles, their relative size, dark color and wires, they will loom large; the subject's 150 ft. monopole which will be silver in color and will not be obtrusive. Moreover, the older commercial complex in which the subject is located also supports several large billboards.

POTOMAC AREA MAP



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IMPACT OF A MONOPOLE SITE ON ITS SURROUNDING AREAS

Various studies Lipman Frizzell & Mitchell has conducted, together with common sense, lead us to conclude that the proposed monopole will have no economic impact on the surrounding residential subdivisions. One need only look towards the skyline in almost any suburban location to note the existence of numerous interruptions to a pristine view. Perhaps the most common and unattractive components of our streetscape are the telephone/electric poles which line public rights-of-way throughout suburbia, even in upscale neighborhoods.

Interestingly, one of the most proximity dwellings to the subject (5218 Dogwood Road) immediately abuts N. Forest Park Avenue where it is bridged (see photos in *Addenda*). Moreover, its lot is zoned commercial.

Light poles, television antennas, satellite dishes, and other such visual events are commonplace in a typical subdivision. When one compares these daily impositions on our various view corridors, with a singular narrow tower, perspective is achieved.

Because of these numerous interruptions to our view in almost any rural/residential or suburban setting, residents of homes in these areas have become immune to their existence; their actions in the marketplace prove the point.

MARKET STUDIES OF RELATIVE VALUES IN PROXIMITY TO CELL TOWERS

FALLS ROAD CORRIDOR

In early 1995 Lipman Frizzell & Mitchell conducted an in depth survey of house sales in the Potomac area aligning the Falls Road Corridor both in proximity to and somewhat distant from several monopole sites. This research was conducted "by hand" using the land records of Montgomery County together with on-site inspections, tax maps and aerials. An area map of this section of Potomac is set forth on the facing page.

We now have far more powerful data sources with the advent of Maryland Property View, a State owned database listing every property in the State of Maryland, input by the various counties' residential assessors1. MPV tracks properties by address, lot and block and other legal identification and includes the latest sales price, grantor, grantee, current liber/folio, prior liber/folio, house size and date of construction, type of construction, lot size, full cash value assessment information and a myriad of other relevant information.

MPV allows the user to specifically determine geographic limits in a data search. For purposes of this analysis, we have identified single family subdivisions in close proximity to the several monopole sites to include homes that are within one to two blocks of the monopole, and have compared their sales prices with similar homes that are more distant. That is to say, via this powerful computer database, we have been able to discern sales of properties in close proximity to the poles and have compared those sales on a house by house and on a sq.ft. basis with similar properties in the same neighborhood, not proximate to or within visual contact with the monopoles. Such an analysis allows us to test the market's reaction to proximity to a monopole.

(See Map Grid FG41:P72

BULLIS SCHOOL CELL SITE

FALLS

3059 / 392
5.81 Ac.

3059 / 388
12.13 Ac.

NANTUCKET TER.

LITTLE
3059 / 390
5.77 Ac.
P 1.10

STAPLEFORD HALL COURT

STAPLEFORD HALL DRIVE

CELL SITE

FARMS

Bullis School Inc.
3053 / 206
13.77 Ac.
19.54 Ac. tot.
N 317

Bullis School Inc.
3053 / 206
31.98 Ac.
57.45 Ac. tot.

Westwood Management Corp.
5068 / 760
9.84 Ac.
P 416

Westwood Management Corp.
Plat 12091
18.17 Ac.
N 500

3094/395

PARCEL "B"

DEMOCRACY ROAD

P642

IRON GATE

IRON GATE CT.

BOULE

CAMOTOP

BENTCROSS

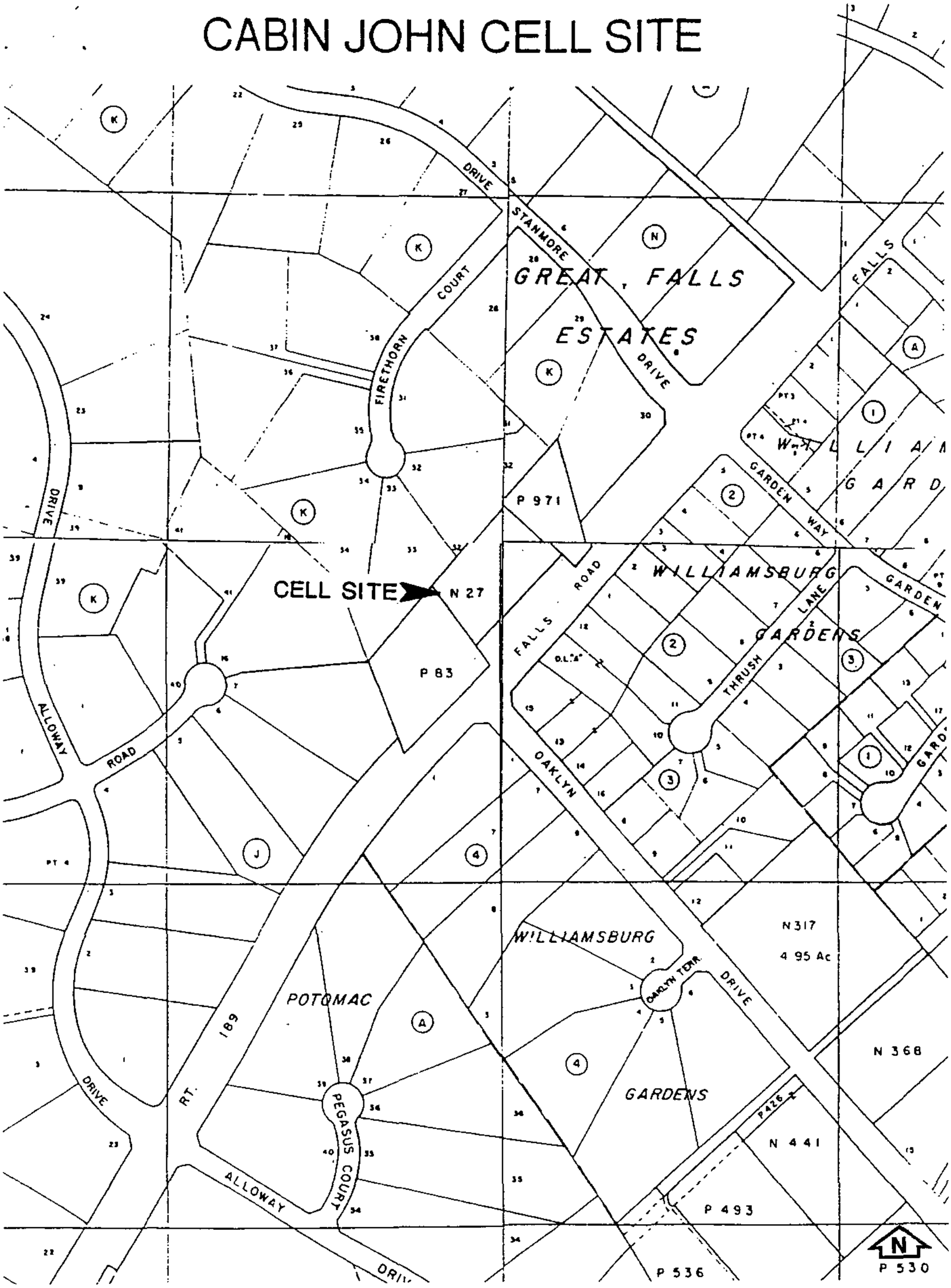
N

Lipman Frizzell & Mitchell LLC

The complete study is contained in our file. By way of summary, following are pertinent statistics:

Near Monopole At/In	Proximate Properties	Non-Proximate Properties
Bullis School/ Kentsdale Estates Subd. 130 ft. Monopole constructed in 1984 with 12' x 30' equipment shelter	1 - **2 acre lot sale** - 13 Stapleford Hall Court, 4/94, **$360,000**; monopole	1 - **2 acre lot sale** - 10400 Willowbrook Drive, 6/97, backs to **$350,000** (3,000 ft. away)
	2 acre lot with **6,350 sq.ft. home** - 9 Stapleford Hall Court, 7/96, **$1,150,000 ($181/sf.)**; 500 ft. east of monopole	**28 sales** of other houses between 1/94 and 3/98, generally **3,000 to 8,000 sq.ft.**; avg. of **$169/sq.ft.** with absolute prices of $500,000 to $2,000,000
	1 acre lot with **6,224 sq.ft. home** - 10837 Nantucket Terrace; Sold 6/98 at **$760,000 ($122/sq.ft.)** 450 ft. north of monopole.	
	2 acre lot with **4,048 sq.ft. home** - 2 Stapleford Hall Court; sold 10/98 at **$878,510 ($127/sq.ft.)**. 500 ft. east of monopole.	
	2 acre lot with **6,469 sq.ft. home** - 10415 Stapleford Hall Drive; sold at **$1,200,000 ($186/sq.ft.).** 650 ft. southwest of monopole.	
	Matched Pair	
	1 acre lot with **4,623 sq.ft. home** - 10813 Nantucket Terrace; sold 1/98 at **$660,000 ($143/sq.ft.)**; resold 1/00 at **$857,500 ($185/sq.ft.)**. Apprec. at 14%/year. 350 ft. north of	

CABIN JOHN CELL SITE



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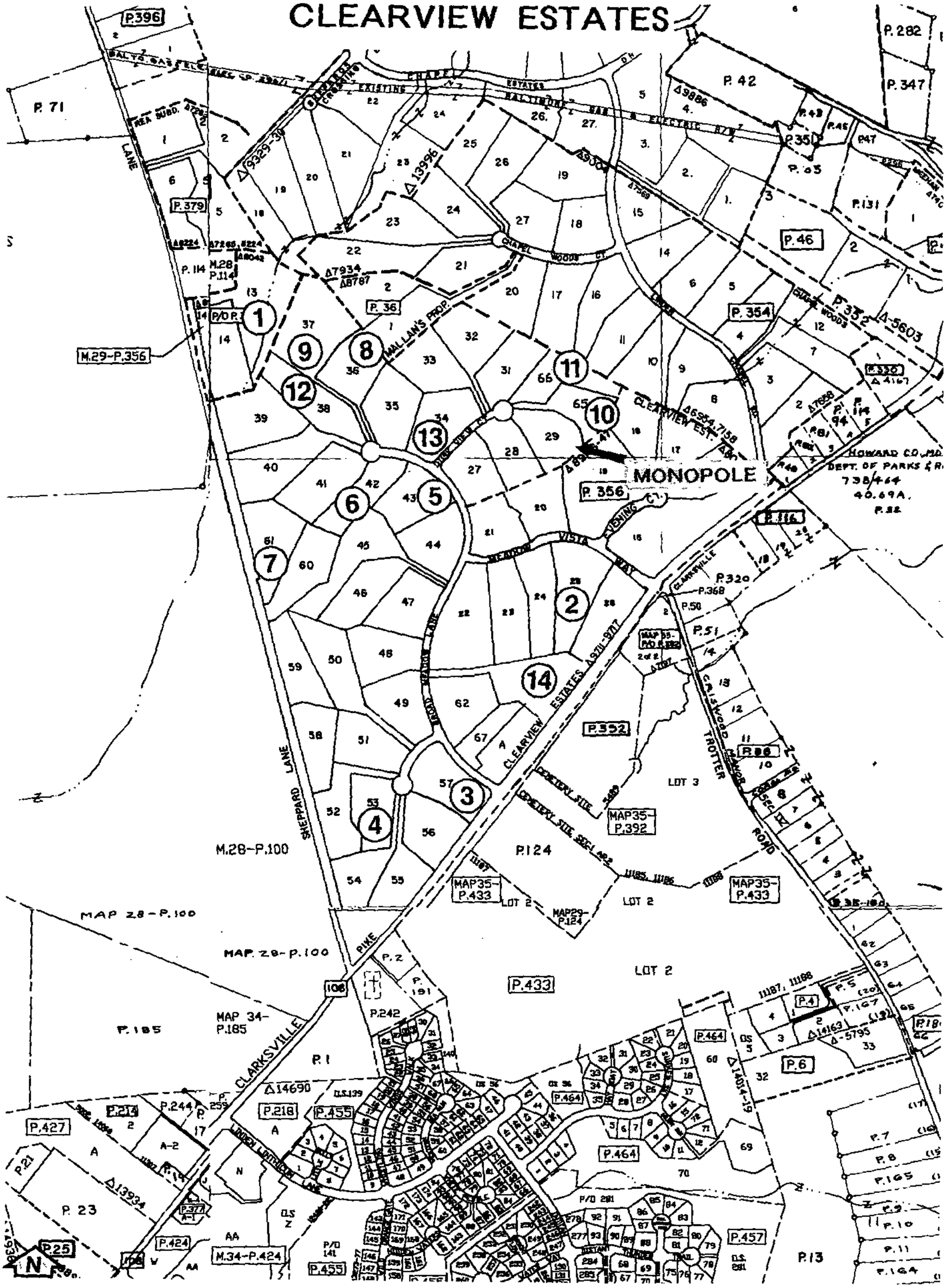
	monopole.
Cabin John Vol. Fire Sta/ Great Falls Estates	2 - 1.5 to 2 acre **lot sales within 700 ft. of monopole (Falls Rd., Belmart and Stanmore), Average $187,400/acre** with sales between 11/94 and 5/96 **5 sales of homes** averaging 3,640 sq.ft. between 3/92 and 10/97 within 700 ft. of monopole with **average sf. price of $193.45**. Absolute prices ranged from $525,000 to $800,000.
	5 lot sales averaging 2.2 acres in size with **average** price at **$166,700/acre** with sales between 5/96 and 4/98 **20 sales of homes** averages 5,330 sq.ft. between 1/97 and 4/98 with **average sf. price of $194.31**. Absolute monopole with **average sf.** prices range from $600,000 to $1,750,000

CLEARVIEW ESTATES



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CLEARVIEW ESTATES, CLARKSVILLE, HOWARD COUNTY

We have also investigated sales in the Clearview Estates subdivision in the Clarksville section of Howard County, just west of Columbia. This is a large lot (average 3.5 acres), upscale area of homes now (2005) in the $750,000 to over $1,000,000 price range, with lots originally (in the mid 1990's) in the $130,000 to $150,000 range.

Interestingly, the monopole is located on one of the subdivision lots and is in plain view of many of the surrounding lots. We have located every lot sale and home sale on the subdivision plat, comparing sales of proximate lots and houses with those more distant from the cell tower. The most recent (February 2005) lot sale (there are very few unimproved lots left in the subdivision) was at $625,000, and it has visibility to the monopole. A tax map of the area is set forth on the facing page. A summary of the study's original results follow:

Proximate Lot Sales (within 500 ft.)	**Non-Proximate Lot Sales (outside 500 ft.)**
3 **Lot Sales** spanning 9/91 - 4/97; average 3.14 acres, $135,500 average price **($43,153/acre)**	18 **Lot Sales** spanning 4/92 - 10/96; average 3.47 acres, $139,700 average price **($40,259/acre)**
3 **House Sales** spanning 12/92 - 9/97; average 3,577 sq.ft.; $385,000 to $545,000; average **$126.70/sq.ft.**	25 **House Sales** spanning 6/91 - 3/98; average 3,698 sq.ft.; $354,000 to $525,000; average **$114.22/sq.ft.**

2 Matched Pairs:

1) 12050 Broad Meadow Lane
3/93 - 9/97 $359,900 to $385,000
Apprec. at 1.5%/year compounded

2) 12119 Dusk View Court
12/93 - 8/97 $483,625 to $545,000
Apprec. at 3.25%/year compounded

1 Similar Pair:

12043 Broad Meadow Lane 3,596 sq.ft. sell in 5/99 for $530,000 or $147/sq.ft. Located 500± sq.ft. from monopole	12068 Broad Meadow Lane; 3,496 sq.ft. sells in 6/99 for $510,000 or $146/sq.ft. Located 900± from monopole.

Clearview Estates - Howard County, MD
"Matched Pair" Sales Since January 2000
(Date Adjusted from Later to Earlier Sale)

Pair No	Sale No	Buyer	Address	Liber/Folio	Lot No	Lot Size (Ac)	Bldg Sqft	Year Built	Sale Date	Sale Price	$/SqFt Imps	Date Adj'd [1] $/SqFt Imps	Comments
1	7	Smith, Richard A	12061 Broad Meadow Ln	06358/0139	61	3.81	3,332	1994	Aug-02	$650,000	$195.08	**$195.08**	No Visibility
1	6	Watson, Stephen H	12049 Broad Meadow Ln	06361/0041	42	3.16	3,320	1994	Aug-02	$665,000	$200.30	**$200.30**	High Visibility
2	1	Bair, Candy W	5205 Sheppard Ln	05871/0149	13	5.79	2,678	1996	Dec-01	$500,000	$186.71	**$151.17**	No Visibility
2	4	Chang, Nancy S	12040 Misty Rise Ct	05142/0126	53	3.00	2,764	1993	Jul-00	$425,000	$153.76	**$153.76**	Limited Visibility
3	3	Stuart, Anne	12001 Broad Meadow Ln	06209/0001	57	3.70	4,509	1997	Jun-02	$705,000	$156.35	**$121.95**	Limited Visibility
3	10	Sessomes, Mariusa	12118 Dusk View Ct	05237/0541	65	3.26	4,749	1997	Oct-00	$555,000	$116.87	**$116.87**	Adjacent Cell Tower High Visibility
4	8	Wetzel, John C	12062 Broad Meadow Ln	06777/0388	36	3.16	3,970	1994	Jan-03	$695,000	$175.06	**$175.06**	Low Visibility
4	11	Miller, Michael S	12125 Dusk View Ct	07456/0437	66	3.10	3,884	1997	Aug-03	$829,900	$213.67	**$195.87**	1 Lot from Cell Tower High Visibility
5	9	Donahue, F Michael	12068 Broad Meadow Ln	05524/0570	37	5.29	3,498	1994	Jun-01	$586,500	$167.67	**$167.67**	No Visibility
5	2	El-Sayed, Najib M A	11909 Meadow Vista Way	08331/0001	25	4.09	3,260	1991	May-04	$785,000	$240.80	**$155.89**	High Visibility
5	5	Marlatt, Geoffrey T	12043 Broad Meadow Ln	05903/0561	43	3.20	3,586	1994	Jan-02	$650,000	$181.26	**$166.16**	High Visibility
6	12	Cohen, Steven P	12074 Broad Meadow Ln	07033/0600	38	3.66	3,792	1993	May-05	$1,070,000	$282.17	**$282.17**	No Visibility
6	13	Pham, Bruce T	12050 Braod Meadow Ln	04060/0058	34	3.53	2,712	1993	Jun-05	$888,088	$327.47	**$320.92**	High Visibility
	14	Favorite, Nnora	Broad Meadow Ln	03629/0658	64	4.90	N/A	N/A	Feb-05	$625,000	N/A		Visibility

[1] Adjusted 1.25%/month within pair numbers 1 thru 5 and 2%/month for pair number 6

SecurityBlvd/Clearview Chart.123

We have recently updated our study of Clearview Estates, the results of which are set forth on the facing page. These sales represent transactions involving improved lots with homes ranging anywhere from 2,700 sq.ft. to over 4,500 sq.ft. On the following facing page is an aerial photo and subdivision plat of this community. On the previous facing page is a list of thirteen sales which are grouped in "matched" pairs in order to determine if the proximity to and visibility of the monopole has had an impact on those homes which are so located. We broke down the sales by building size in order to make an "apples-to-apples" comparison. For example, pair No. 1 involves two sales of homes with just over 3,300 sq.ft. in each. The second group averages approximately 2,700 sq.ft. of finished area, the third group approximately 4,600 sq.ft., the fourth group approximately 3,900 sq.ft. and the fifth group (which actually includes three sales) averages approximately 3,400 sq.ft. In each of the groups is a property which has either no visibility or limited or low visibility while the second sale has limited to high visibility. In the case of the fifth "pair" they are actually three sales, the first of which has no visibility and the second and third of which have high visibility.

The chart compares prices per sq.ft. of improvements between the properties which are either proximate to and visible from the cell site with similar properties which are not.

Because of the dynamic residential market, we have also had to adjust for date of sale so that our comparisons are "time sensitive" and therefore homogenous from that perspective. Based on reports in the residential sector, notably those issued by the Multiple Listing service in Maryland, we conclude that Clearview Estates has enjoyed among the highest annual appreciation or approximately 15%/year for 2000 thru 2004 and even higher in 2005. Utilizing 1.25%/month (15% divided by 12 months) for this earlier sales and 2%/month for the 2005 sales, we have adjusted the sales for disparate dates.

The reader is referred to the column entitled "Date Adj'd $/Sq.Ft. Imps" wherein the sq.ft. comparison of somewhat similar size homes is presented. In Pair No. 1, it may be seen that the property with high visibility to the cell tower actually sold for more per sq.ft. than a similar property with none. In Pair No. 2, again, the property with limited visibility of the cell site sold for slightly more per sq.ft. than that home with no visibility to the site. In Pair No. 3, the site with limited visibility sold at slightly more than a home located adjacent the cell tower which obviously has very high visibility.

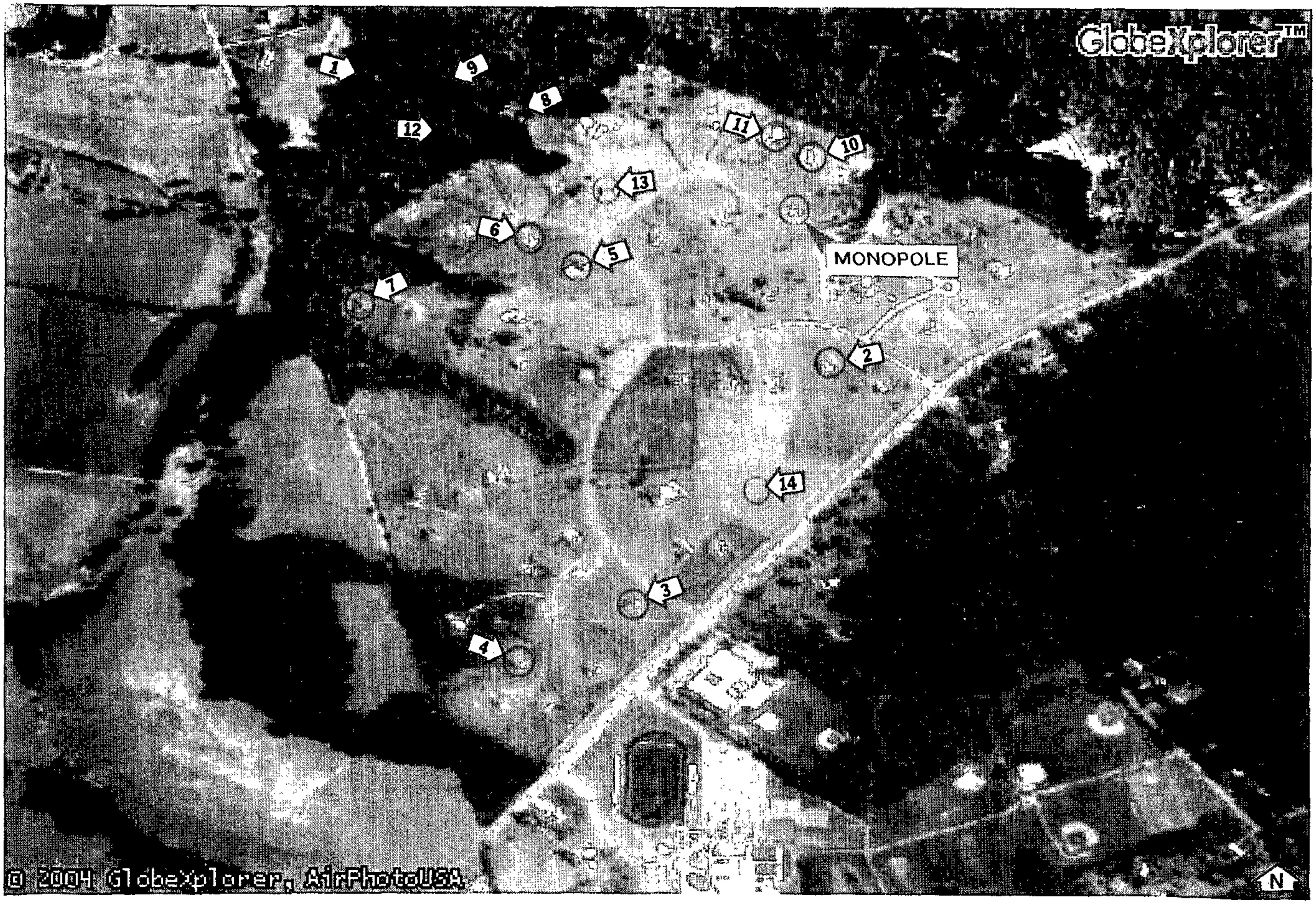
In Pair No. 4, the property that is located one lot from the cell tower, thus having high visibility to it, sold for more per sq.ft. than the low visibility sale.

The fifth "pair" is actually three sales, the first of which has no visibility and the second two of which have high visibility. Again, there is no indication of negative impact.

The sixth pair involves two properties both of which sold in 2005. Again, no indication of pole impact is noted.

In fact, viewing all of the sales in Clearview Estates, to include both the original study and this more recent one, there is no reason to believe that a monopole impacts nearby residential

CLEARVIEW ESTATES



properties, we conclude that there will be no negative impact of the subject's tower to any off-site properties nearby in the subject neighborhood.

CONCLUSIONS

In summary, based upon our investigation and surveys, and by virtue of our experience, it is our opinion that the proposed monopole and equipment building will not impact negatively on its immediate or general surroundings. Moreover, based on our understanding of the type of signals sent by these towers, we do not believe that there will be any health problems associated therewith.

Respectfully submitted,

LIPMAN FRIZZELL & MITCHELL LLC

M. Ronald Lipman, CRE, MAI
Certified General Real Estate Appraiser
Maryland License No.: 04-1072

MRL/mam

Underlying Assumptions & Contingent Conditions

This consulting report is subject to the following limiting conditions:

That the legal description - if furnished us - is assumed to be correct.

That no responsibility is assumed for matters legal in character, nor is any opinion rendered by us to title which is assumed to be marketable. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear, under responsible ownership and competent management unless otherwise noted.

That the stamps placed on deeds used to indicate sales are in correct relationship to the actual dollar amount of the transaction.

That unless otherwise noted, it is assumed there are no encroachments, zoning violations or restrictions existing in the subject property.

That the consultant is not required to give testimony or attendance in court by reason of this consulting report, unless previous arrangements have been made therefore.

The plans in this report are included to assist the reader in visualizing the property. The consultant has made no survey of the property and assumed no responsibility in connection with such matters.

Information, estimates and opinions contained in this report, obtained from sources outside of this office, are considered reliable, however, no liability for them can be assumed by the consultant.

Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purposes by any but the client without the previous written consent of the consultant or the client, and in any event, only with proper qualification.

That this consulting report shall be considered in its entirety. No part thereof shall be utilized separately or out of context.

That the analyses found herein are subject to these and to any other predications set forth in the body of this report but which may have been inadvertently omitted herein.

That, if required by governmental authorities, any environmental impact statement prepared for the subject property will be favorable and will win approval of the appropriate regulatory bodies.

That, unless otherwise noted in the body of this report, this consulting report assumes that the subject property does not fall within the areas where mandatory flood insurance is effective.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.

It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

Acceptance of and/or use of this consulting report constitutes acceptance of the foregoing general assumptions and general limiting conditions.

Unless otherwise stated in this report, the existence of hazardous material1 which may or may not be present on the property, was not observed by the consultant. The consultant has no knowledge of the existence of such materials on or in the property. The consultant, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicted on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

Unless otherwise noted in the body of this report, we have not completed nor have we contracted to have completed an investigation to identify and/or quantify the presence of non-tidal wetland conditions on the subject property.

CERTIFICATION

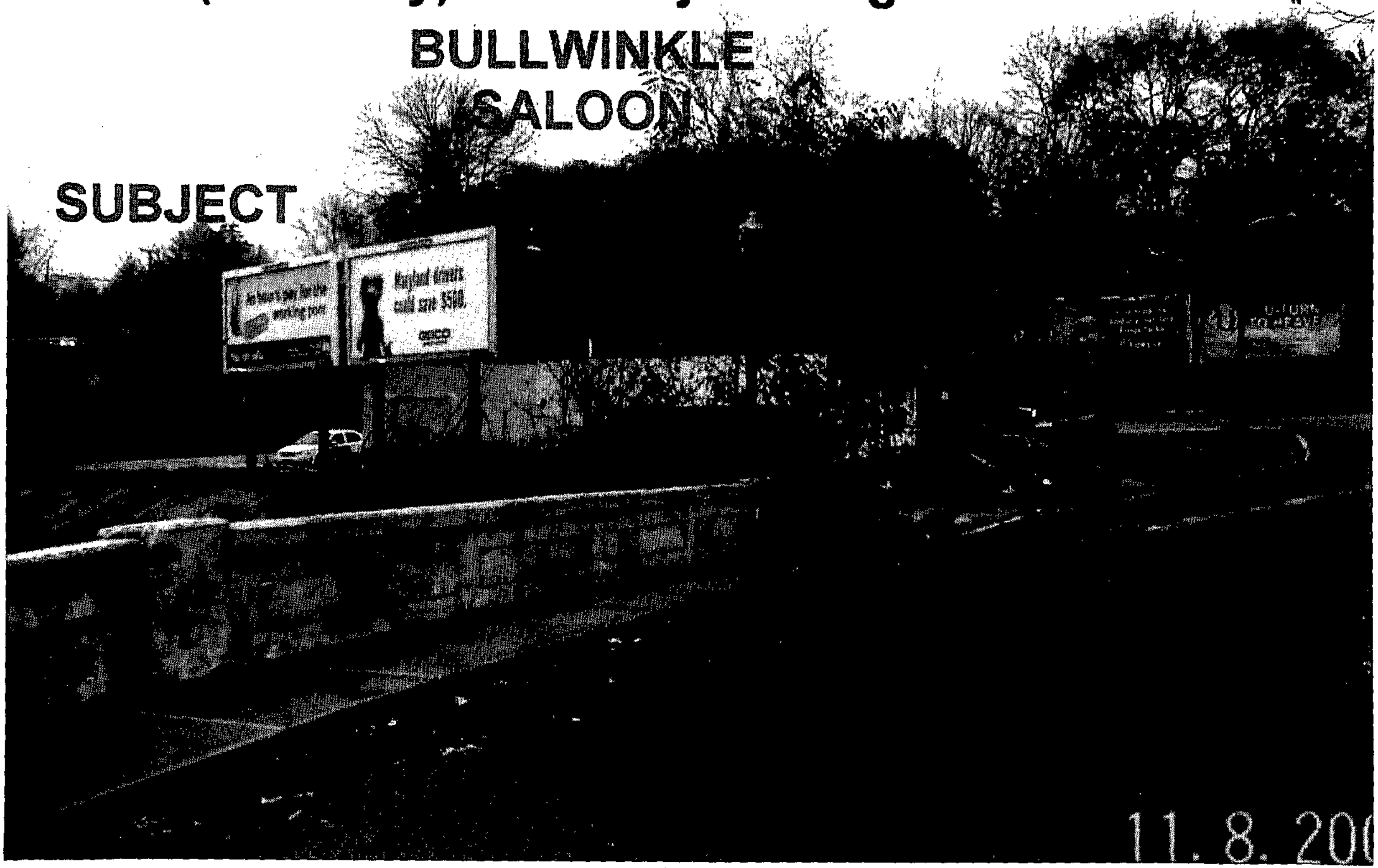
I certify that, to the best of my knowledge and belief, the statements of fact contained in this consulting report are true and correct. I further certify that the reported analyses and opinions are limited only by the reported assumptions and limited conditions and are my personal, unbiased, professional analyses, opinions and conditions. I further certify that I have no present or prospective interest in the property that is the subject of this report and that I have no personal interest or bias with respect to the parties involved. The consulting report analyses and opinions were developed and this consulting report has been prepared in conformance with (and the use of this report is subject to) the requirements of the ethics and standards of the Society of Real Estate Counselors. I do not authorize the out-of-context quoting from or partial reprinting of this consulting report. Further, neither all nor any part of this consulting report shall be disseminated to the general public by the use of media or public communication without the prior written consent of the appraiser(s) signing this consulting report.

November 14, 2006

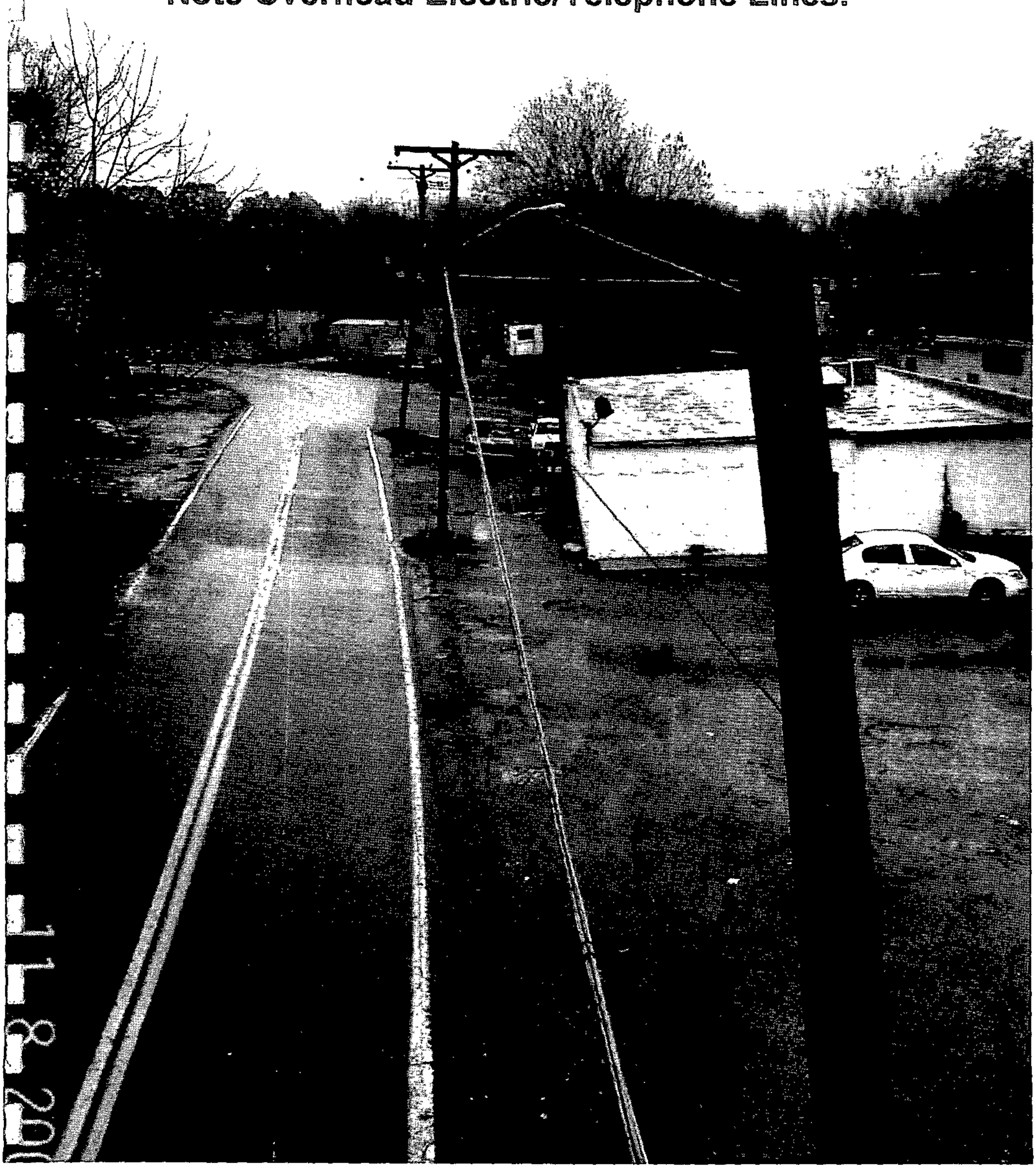
Appraiser1

AERIALS & SUBJECT PHOTOS

View Westerly along Ingleside Avenue Bridge (One Way) into Subject Neighborhood

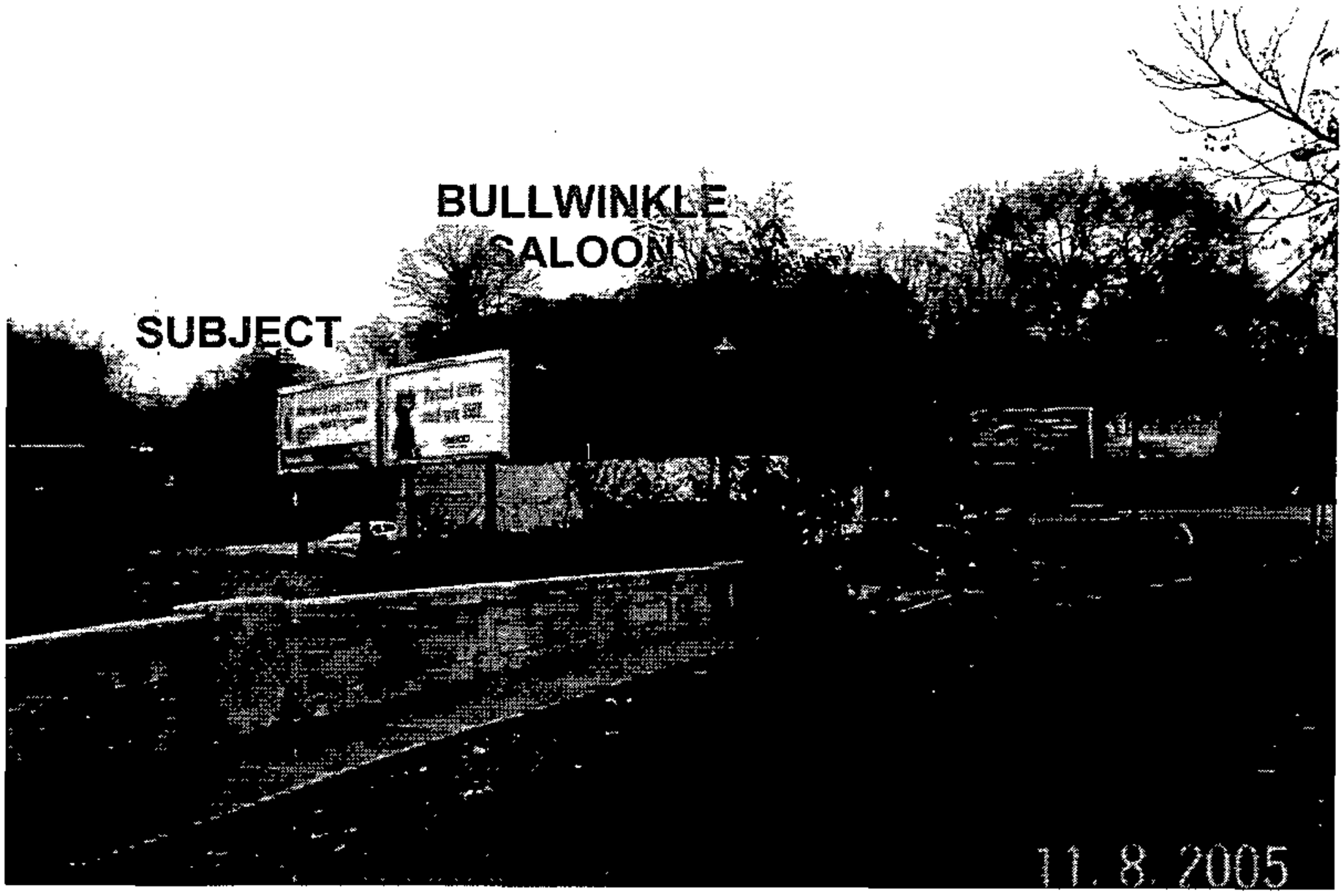


View Southerly from N. Forest Park Avenue Bridge.
Subject at Extreme Left.
Note Overhead Electric/Telephone Lines.

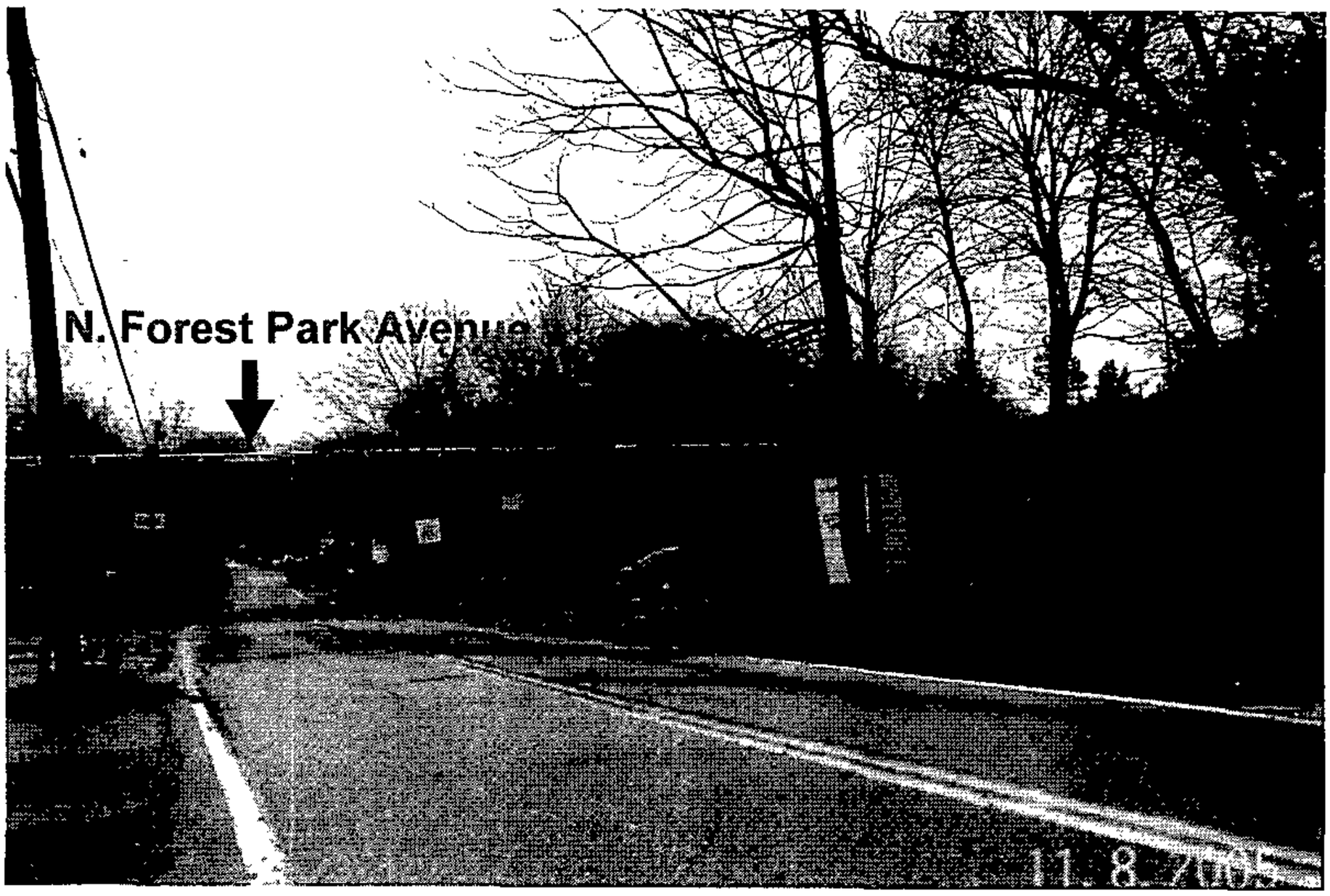


LL 8 20

Security Boulevard Cell Site
Subject Photographs



View Westerly across Old Ingleside Avenue Bridge (one way) into Subject Neighborhood



View Westerly along Dogwood Road, Subject at Right

SECURITY BOULEVARD CELL SITE
SUBJECT PHOTOGRAPHS

VIEW SOUTHWESTERLY OF SUBJECT FROM FRANKLINTOWN ROAD

VIEW OF SUBJECT SOUTHEASTERLY FROM N. FOREST PARK AVENUE BRIDGE

SECURITY BOULEVARD CELL SITE
SUBJECT PHOTOGRAPHS

VIEW EASTERLY OF SUBJECT FROM DOGWOOD ROAD

VIEW NORTHWESTERLY ALONG FRANKLINTOWN ROAD TOWARDS N. FOREST PARK AVENUE;
SUBJECT AT LEFT

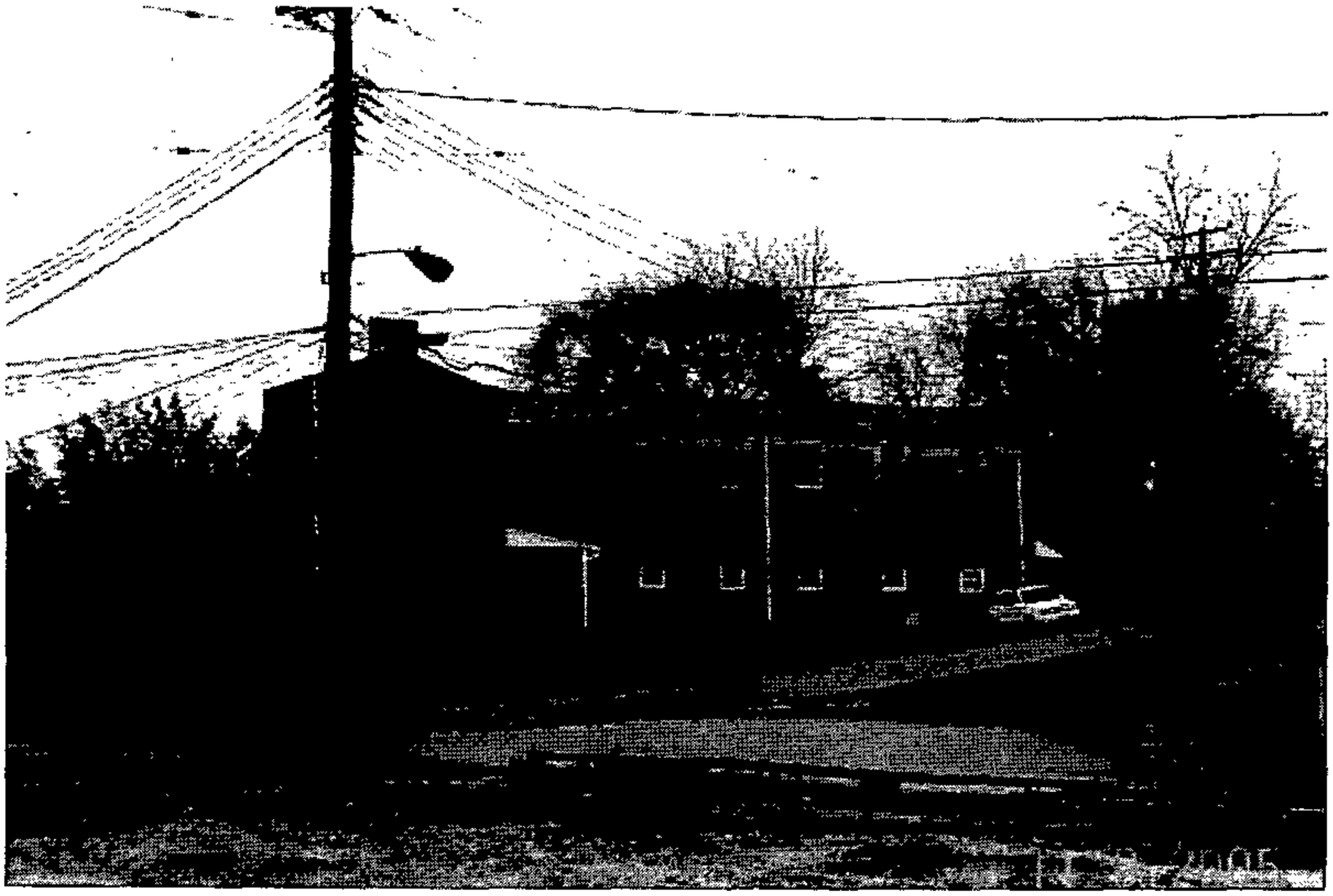
SECURITY BOULEVARD CELL SITE
SUBJECT PHOTOGRAPHS

VIEW OF NEAREST SINGLE FAMILY DWELLING, EAST OF SUBJECT

FORMER FRANKLINTOWN SEAFOOD & CRAB HOUSE

Security Boulevard Cell Site
Subject Photographs

Millrace Tavern



Franklintown Inn

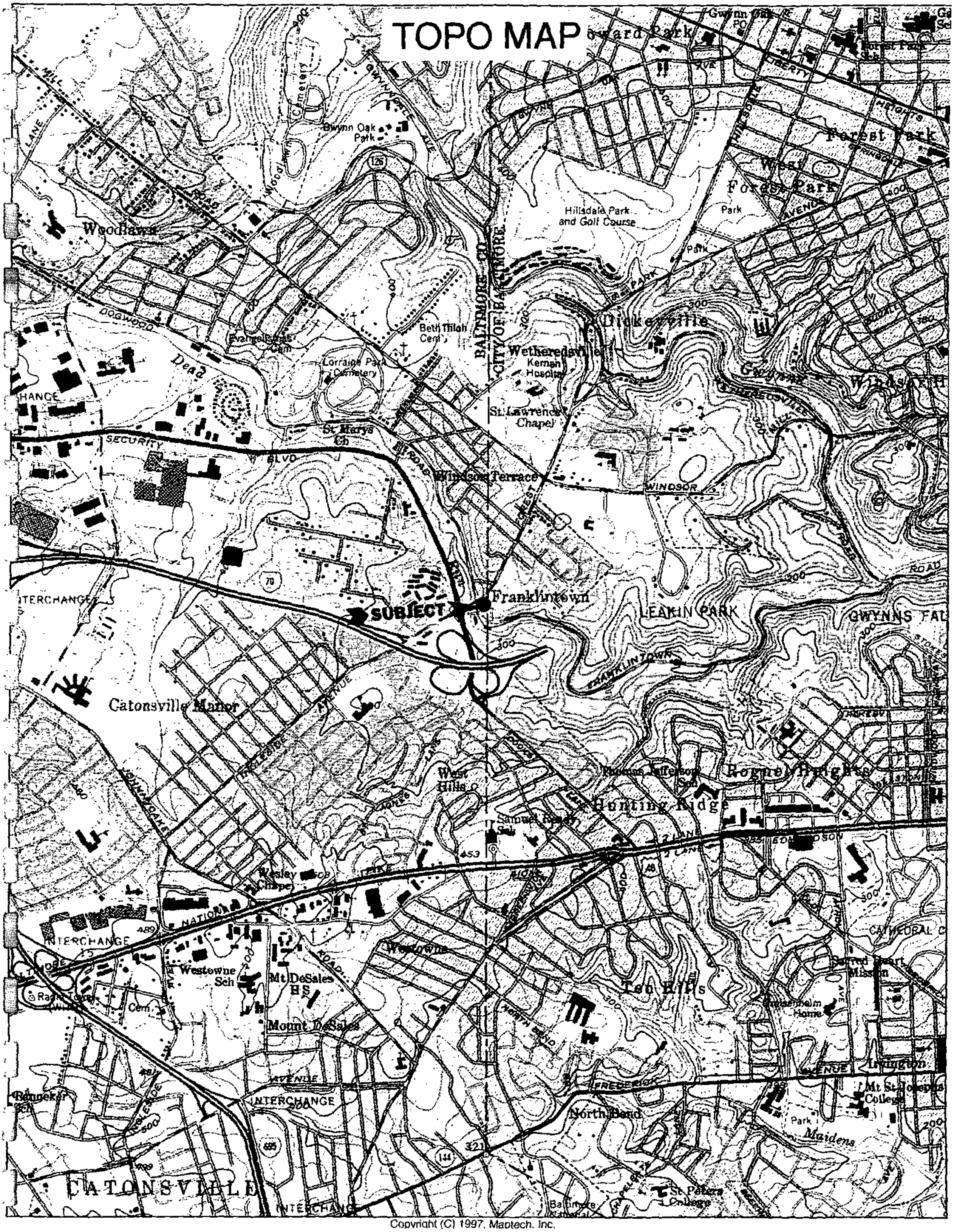
SECURITY BOULEVARD CELL SITE
SUBJECT PHOTOGRAPHS

5218 DOGWOOD ROAD

COMMERCIAL/INDUSTRIAL BUILDING ON FRANKLINTOWN ROAD OPPOSITE MILLRACE TAVERN (NO CLOWNING AROUND)

Topo Map

TOPO MAP



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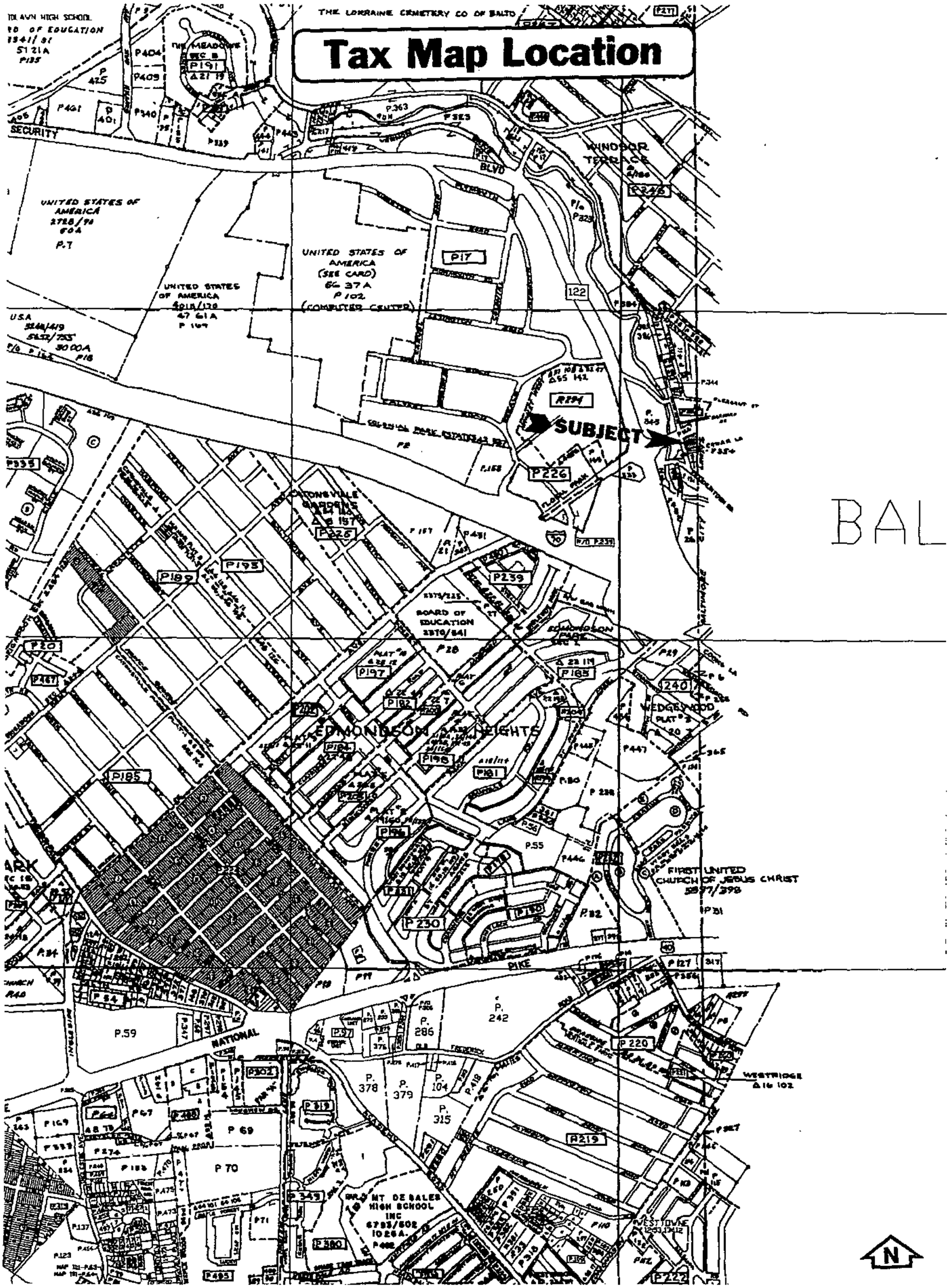
Tax Map

Tax Map Location

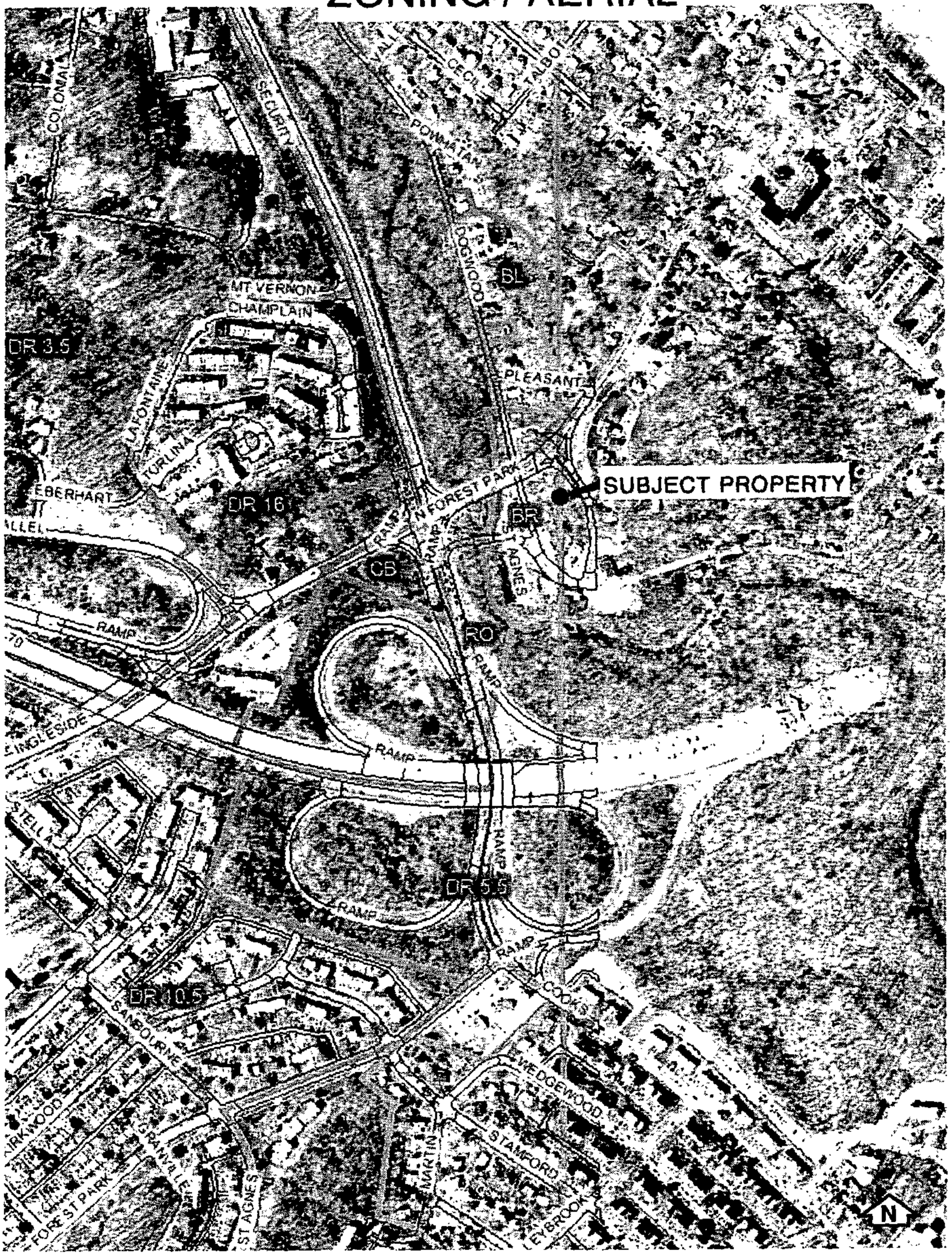


BAL

Lipman Frizzell & Mitchell LLC

ZONING / AERIAL

ZONING / AERIAL



Lipman Frizzell & Mitchell LLC

SUBJECT PROPERTY TAX RECORD

SUBJECT PROPERTY
TAX RECORD

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 01 **Account Number -** 0113207720

Owner Information

Owner Name: PALUMBO FELIX J

Mailing Address: 119 HOLLYWOOD DR
GLEN BURNIE MD 21060-6641

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /21935/ 669
2)

Location & Structure Information

Premises Address
5208 DOGWOOD RD

Legal Description
LT ES DOGWOOD RD
5208 DOGWOOD RD
SE COR INGLESIDE AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
95	10	332						1	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,080.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	21,520	21,520		
Improvements:	0	0		
Total:	21,520	21,520	21,520	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	PALUMBO FELIX J	**Date:**	05/26/2005	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/21935/ 669	**Deed2:**	
Seller:	FRANCE JACOB H,JR	**Date:**	09/22/1997	**Price:**	$25,000
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/12395/ 370	**Deed2:**	
Seller:	MEDICUS HOWARD F	**Date:**	11/02/1992	**Price:**	$10,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 9441/ 478	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

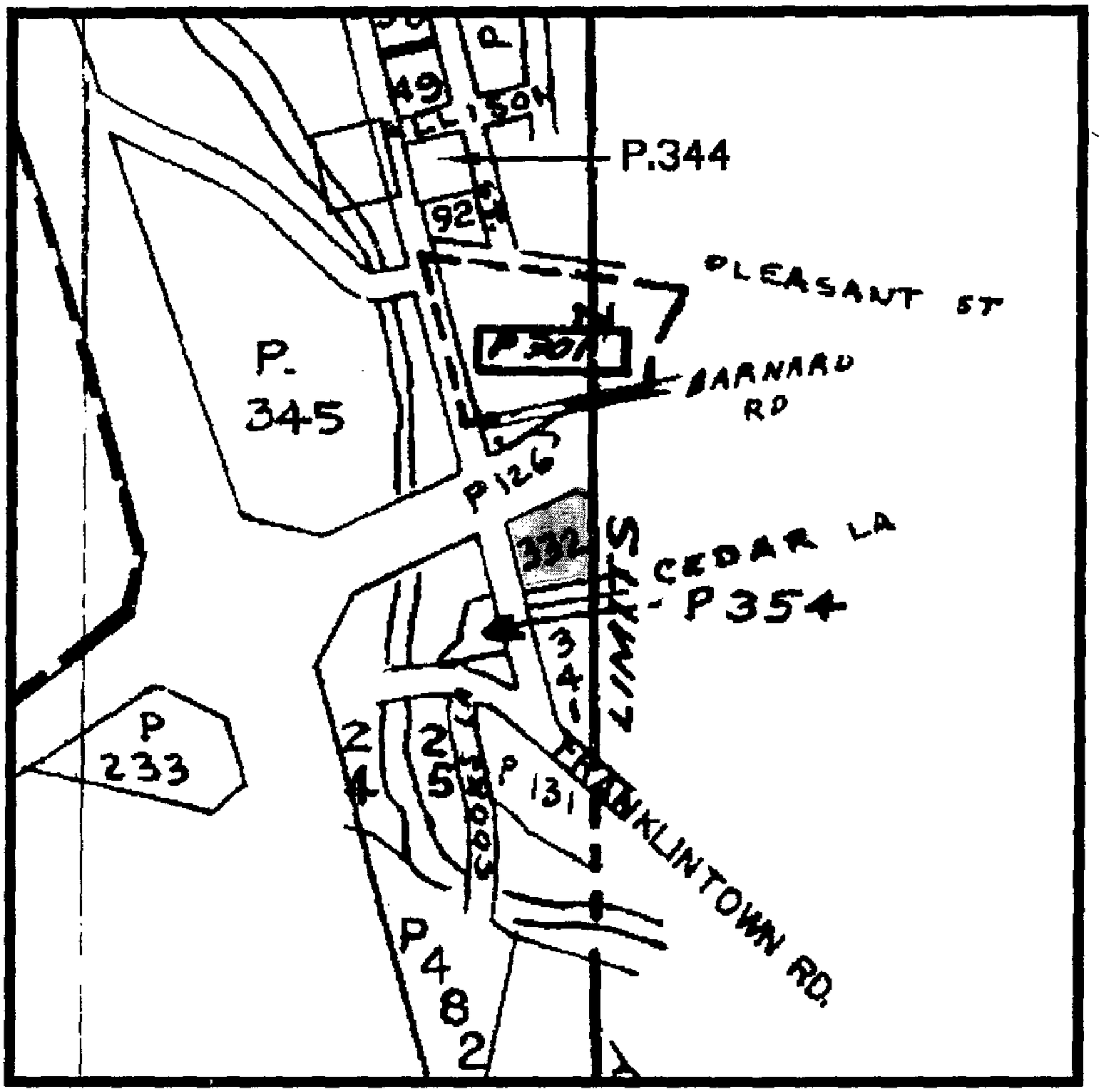
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 01**Account Number** - 0113207720

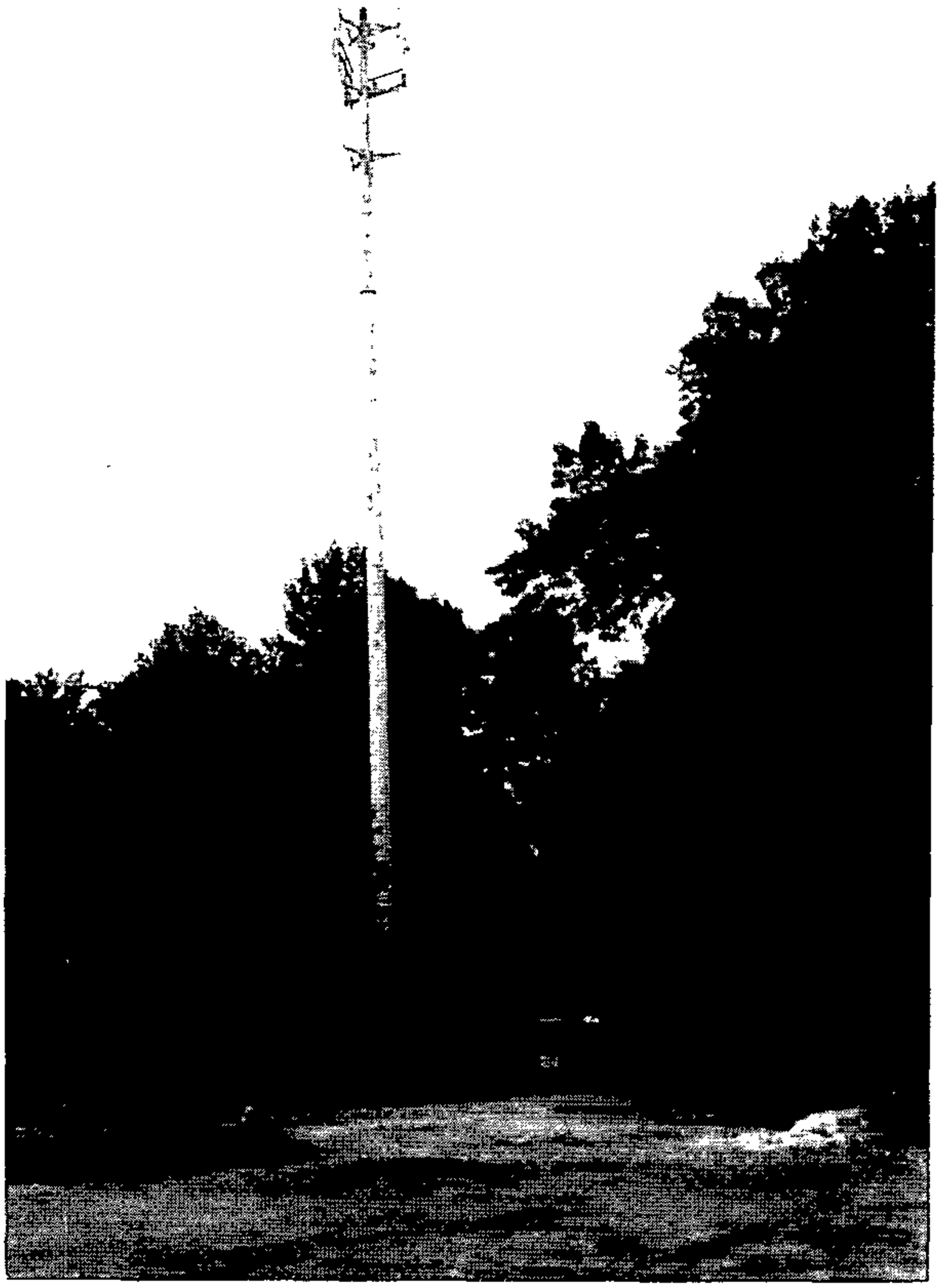


Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at

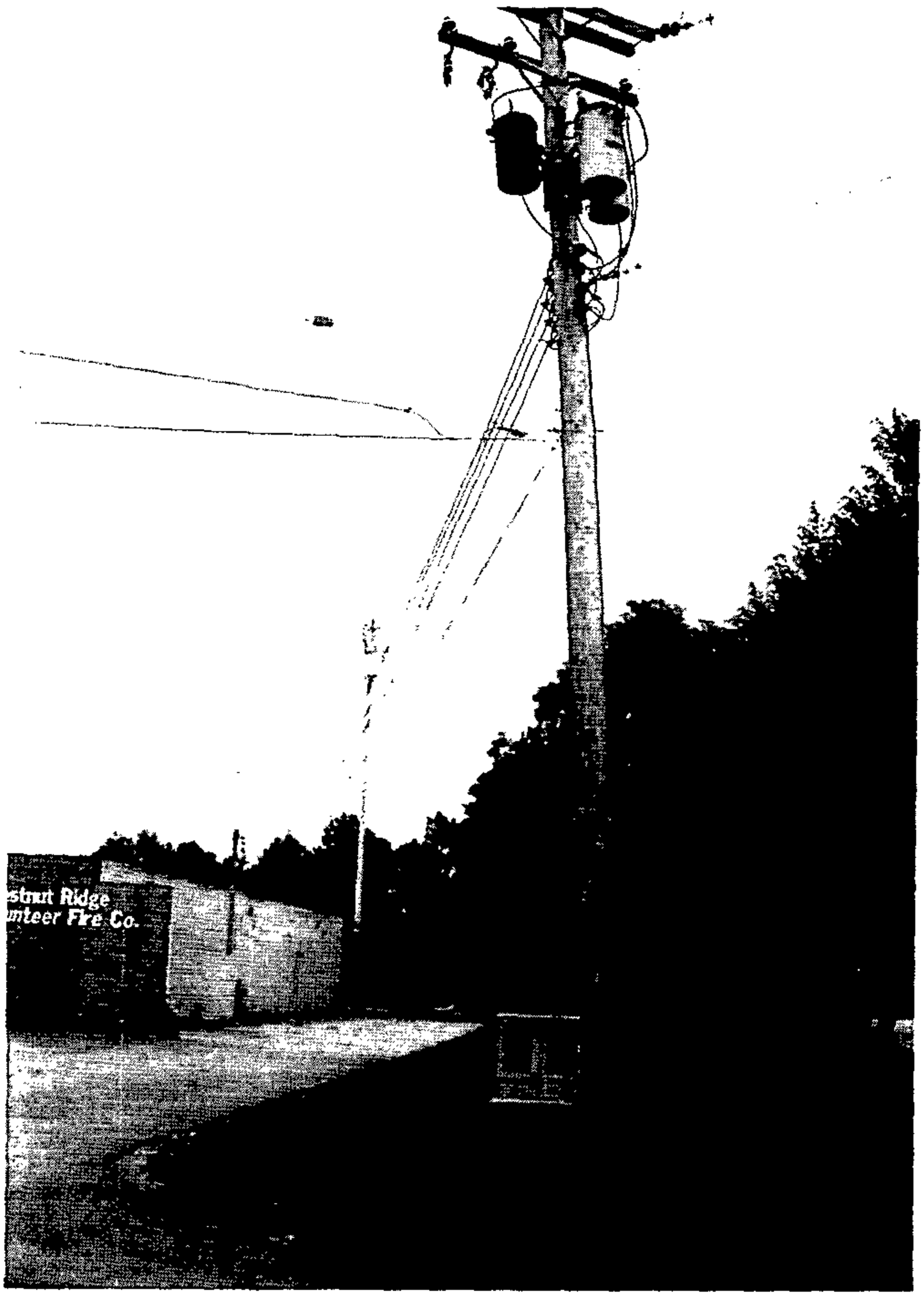
TAX MAP

Typical Monopole

Typical Monopole (150± ft.)



Comparison of Roadside Electric/Telephone Pole with Setback Monopole at Chestnut Ridge Volunteer Fire Department Site on Greenspring Avenue, Baltimore County, Maryland (Monopole is Set Back 500 ft. from Road)



QUALIFICATIONS

Qualifications of Consultant - M. Ronald Lipman, CRE, MAI

Member:

Member (CRE): American Society of Real Estate Counselors
Member (MAI): Appraisal Institute (Chapter Pres.-'78 & '79)
Certified General Real Estate Appraiser #04-1072: State of Maryland
Certified General Real Property Appraiser #10136: District of Columbia
Certified General Real Estate Appraiser #4001 002875: Commonwealth of Virginia
Licensed Broker - Maryland Real Estate Commission
Board of Trustees - Mid Atlantic Realty Trust (NYSE), Chairman Investment Committee
Member - Association for Conflict Resolution

Education:

Awarded Masters Degree in Bus. Admin. (Real Estate Major) American Univ., 1964
Awarded Bachelor of Arts Degree (Bus.Admin.Major) Duke University, 1960
Continuously engaged in appraisal since 1961; in consulting since 1970

Teaching Assignments:

Instructor: SREA 101 and 201 Courses, 1971 thru 1980, Loyola & Notre Dame Colleges
Instructor: Annual School of Maryland Assessing Officers, 1969-1973, 1978-1980
Instructor: Condemnation Course IV for Appraisal Institute, Baltimore 1979/80
Instructor: Capitalization Theory & Techniques, for Appraisal Institute, Baltimore, 1981
Instructor: Income Property Valuation for Maryland Tax Court, 1984
Instructor: Md. Chapter, Appraisal Institute - R41-c Seminar, 1985
Instructor: Internal Rate of Return Seminar for Md. Commercial Assessors, 1986
Instructor: Acquisition of Real Estate - John Hopkins University Continuing Studies, 1987
Instructor: The Appraisal of Real Estate, Masters Program - JHU MBA program, 1992

Speaking Engagements/Other:

2005 - Speaker, *Bankruptcy Bar Association of Maryland, 17th Annual CLE Program*
2003 - Succession Planning Panel, Urban Land Institute Spring Forum - Baltimore
2003 - Family Limited Partnerships Seminar presented by MICPEL
2000-Annual MACPA/MICPEL Advanced Tax Institute-Partial Interest Discounting in the Context of Real Estate FLP's
1999-Selected as Mediator by Montgomery County and Property Owner in Condemnation Case
1997/98/99 Educational Seminar - MD Property Tax Assessment Appeals Boards
1995 Howard County Economic Plan - Update Committee
1995 Professional Education Seminar - Baltimore District, Internal Revenue Service
1994 Maryland Real Estate Tax Assessment Seminar - NAIOP
1993/94 - Property Tax Assessment Seminar - Linowes & Blocher and Miller, Miller & Canby
1993 "Trends in Real Estate Appraising" - Commercial Finance Association
1992/93 "Appraising Real Estate in Today's Marketplace" - The Rouse Company/MD Asssoc. of CPA's
1991 "Appraising in a Recessionary Economy" sponsored by NAIOP & BOMA
1987 "Challenges in the Development Process", Appraisal Institute Regional Conference
1986 "Real Estate in Tax Crisis" sponsored by Walpert, Smullian & Blumenthal, PA
1985 Appraisal Institute Regional Conference
1985 Maryland State Bar Association Real Estate Study Group
1984 "Annual Metropolitan Development Update" sponsored by Daft, McCune & Walker
1980 Appraisal Institute Regional Conference
1980 Mid Year Meeting, Maryland State Bar Association, Baltimore
1977 National Assoc. of Corporate Real Estate Executives-Balto./Wash.Area
1976 U.S. League of Savings Associations Convention, New York
1974 Joint Baltimore/Washington Mortgage Bankers Association Meeting
1973 International Appraisal Conference, SREA, Atlanta, Georgia

Qualified as expert witness before the courts of:

Baltimore City; Baltimore, Anne Arundel, Montgomery, Howard, Prince Georges, Carroll, Frederick & Cecil Counties; District of Columbia Superior Court; U.S. District Court of Maryland; Federal Bankruptcy Court; Los Angeles County Superior Court; Federal Tax Court; American Arbitration Association, NY; Court of Common Pleas, Erie, PA

Competency:

Numerous appraisals have been completed for all types of income and owner/user properties including office buildings, apartment complexes, shopping centers and industrial properties in addition to raw land and finished sites for development of these uses and special purpose properties such as mobile home parks, marinas and assisted living facilities.

REPRESENTATIVE CLIENTS OF LIPMAN FRIZZELL & MITCHELL

DEVELOPERS/INVESTORS/ADVISORS:

A&R Development Corporation
Acacia Realty Advisors
ADC Builders
AEW Capital Management
Ahmanson Development
Allen & Rocks
American Trading & Production Corp.
Bavar Properties Group
Dr. Leonard P. Berger
Blaustein Family Interest
Boston Real Estate Counsel
BSC America
Bozzoto Group
BVT Development Co.
Capital Associates
Casey Management, Inc.
Chevy Chase Land Company
Cignal Corporation
Circle Management Company
Clark Enterprises, Inc.
Constellation Properties
Continental Realty
Cordish Companies
Corporate Office Properties Trust
DeChiaro Properties
Dickinson Heffner
The Dolben Company, Inc.
Dome Corporation
Edward J. DeBartolo Corp.
Edward A. Meyerberg Co.
Enterprise Homes Inc.
Federal Realty Investment Trust
Forest City Enterprises
Fred Schnider Company LLC
General Growth Properties, Inc.
Gilligan Group
Great Point Investors
Greenebaum & Rose
Gulf Stream Properties
H & S Properties
Harrison Group
Harvey Companies
Heaver Properties
Heritage Properties
Himmelrich Associates, Inc.
Hoffberger Foundations, Inc.
Home Properties of New York
Homes for America, Inc.
Howard Research & Development
Integral Group
Investment Group Development Corporation
James Keelty & Co.
James F. Knott Development Company
JBG Properties, Inc.
JHP Development Company
J.P. Morgan Investment
Carl & Edward Julio
Kenilworth Equities (Robert Morrow)
Kennedy Associate Real Estate Counsel
Kimco Real Estate Investment Trust
The David Kornblatt Company
Kravco Company
Lee Development Group (LDG)
Land Design & Development Company
Landex Corporation
LaSalle Investment Mgmt.
Lazard Development
Lee Sammis Associates, Inc.
Legum Development
Lerner Company
Lubert-Adler Management Inc.
MacKenzie Commercial Real Estate Services LLC
Maisel-Hollins
Manekin Corporation
Meisel & Cohen Props.
Merritt Properties LLC
Mid-Atlantic Properties
Michael T. Rose Associates
MIE Investment Co.
MIG Realty Advisors, Inc.
Montgomery Housing Partnership
Monumental Properties, Inc.
MultiEmployee Property Trust
Multi-Properties
Natelli Communities
Nottingham Properties
NVR, Inc.
Osprey Property Group
Park Tower Developments, Ltd.
Pennrose Properties, Inc.
Peter G. Angelos
Petrie, Dierman & Kughn
PM Realty Advisors
Quantum Management
Riparius Development Corporation
Rock Realty, Inc.
Rockspring Properties (Camalier Family Interests)
Ryland Homes
Saybrook Community Capital
Senior Campus Living
Shelter Development
Spaulding & Slye
SSR Realty Advisors Inc.
St. Paul Community Development
St. Paul/Travelers
Struever Bros. Eccles & Rouse
Time Group
Toll Brothers, Inc.
Town & Country Management
Trammel Crow
United Trust Fund (UTF)
Wallace H. Campbell Real Estate Mgmt.
Whiting Turner
Winchester Commercial
Winchester Homes
Winthrop Financial Assocs.

CORPORATE:

7-Eleven, Inc.
A.S. Abell Co.
Advest
Allied Chemical
Amtrak
American Trading & Production
BGE
Saks 5th Avenue
BFI Industries
Bell Atlantic Properties
Bethlehem Steel
Black & Decker
Blue Cross/Blue Shield
BP North America

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CSX Realty
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Exxon
Fairlanes
Food Lion
Ford Motor Company
GEICO
General Electric
Genstar
Giant Food
Hyatt Hotels
IBM
JCPenney
Jos. A. Bank
Kaiser Aluminum
Kaiser Permanente
Lockheed Martin Corporation
Lord & Taylor
Macy's
Marriott Corporation
Maryland Casualty
Maryland Cup
May Department Stores (Hecht's)
McDonalds Corporation
Meridian
Merrill Lynch
Midas
Monumental Insurance
Nextell
Noxell
Peebles Department Stores
PEPCO
Richfood Holdings, Inc.
S&S Management
Safeway
Sears Roebuck & Co.
Senior Campus Living
Solo Cup
Times Mirror (The Sunpapers)
Toyota
T. Rowe Price
Wal-Mart
Washington Gas

ACCOUNTING FIRMS:

American Express Tax and Business Services
Grant Thornton
Coopers & Lybrand
Ernst & Young
Ellin & Tucker Chartered
Faw Casson & Company
Grabush Newman
Haskins & Sells
Hertzbach & Company
Peat, Marwick & Mitchell
Weil, Akman, Baylin & Coleman

LAW FIRMS:

Abramoff, Neuberger, Linder, LLP
Adelberg, Rudow, Dorf & Hendler
Ain & Bank
Arder & Hadden
Arent, Fox, Kintner, Plotkin & Kahn
Arnold & Porter
Ballard Spahr
Blades & Rosenfeld
Blank, Rome, Comisky & McCauley, LLP
Blumenthal, Delavan & Williams P.A.
Conroy, Ballman & Dameron
DLA Piper, Rudnick ,Gray & Cary US LLP
Drinker, Biddle & Reath
Fedder & Garten
Feldesman, Tucker, Leifer, Fidell & Bank, LLP
Fisher & Winner, LP
Fossett and Brugger Chartered
Fried, Frank, Harris, Shriver & Jacobson
Furey, Doolan & Abell, LLP
Gallagher, Evelius & Jones
Goodwin Procter
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
Hanley & Hanley
Hogan & Hartson
Hunton & Williams
Knight, Manzi, Nussbum & LaPlaca P.A.
Koehler & West Chartered
Kramon & Graham
Law Offices of Peter G. Angelos, P.C.
Levin & Gann
Linowes & Blocher
London & Mead
Martin, Snyder & Bernstein PA
McGuire Woods
Miles & Stockbridge
Miller, Miller & Canby
Morgan, Lewis & Bockius
Murphy Schaeffer
Neuberger, Quinn, Gielen, Rubin & Gibber P.A.
Niles, Barton & Wilmer
Nolan, Plumhoff & Williams
Ober, Kaler, Grimes & Shriver
Paley, Rothman,Goldstein,Rosenberg ,Eig &Cooper,Chartered
Patton Boggs, L.L.P.
Patterson, Belknap, Webb & Tyler
Romadka Gontrum & McLaughlin
Rosenberg Martin Funk & Greenberg
Royston, Mueller, McLean & Reid
Saul Ewing Weinberg & Green
Semmes, Bowen & Semmes
Shapiro, Sher & Guinor
Shaw, Pittman, Potts & Trowbridge
Shulman Rogers Gandal Pordy & Ecker
Steptoe & Johnson
Tydings & Rosenberg LLP
Venable
Ward & Klein Chartered
Whiteford, Taylor & Preston
Wilkes Artis
William J. Monks
Williams, Hammond, Moore, Shockley & Harrison
Zuckerman Spaeder LLP

REPRESENTATIVE CLIENTS OF LIPMAN FRIZZELL & MITCHELL

LENDERS/MORTGAGE BROKERS:

1st Mariner Bank
Acacia Federal Savings Bank
Advance Bank
Aetna Insurance
Aetna Insurance

AGM Financial Services, Inc.
Allstate Investments LLC
American City Mortgage Corp.
American Federal Savings Bank
AMRESCO Capital
Archon Finanical
Baltimore Life Ins. Co.
Banc One Capital
Bangkok Bank Limited
Bank of America
Bank of Boston
Bank of New England
Bear Stearns
Berkshire Mortgage Finance
Branch Banking & Trust Co. (BB&T)
California Bank & Trust
Canada Life Assurance Co.
Carroll County Bank & Trust
Chase Manhattan Bank
Chemical Bank
Chesapeake Bank
Chevy Chase Savings & Loan
Citibank Bank
Citizens National Bank
Columbia Bank
Columbia National Real Estate Finance LLC
Column Financial
Commercial Bank of Kuwait
Community Bank of Northern Virginia
Conseco Finance Servicing Corporation
Continental Bank
Credit Suisse/First Boston
CW Capital
Deutsche Bank Mortgage Capital LLC
Eagle Bank
Eastern Savings Bank
Equitable Investment Services
Equitable Life Assurance
Farmers & Mechanics National Bank
FCNB Bank
First Union Corp.
FHLMC
Fleet Bank
FNMA
Fremont Investment & Loan
GE Capital Corporation
General Electric Real Estate
Giant Food, Inc.
Greater Atlantic Savings Bank
Hagerstown Trust
Harbor Bank
Harbor Federal Savings Bank
Home Federal Savings Bank
Household Bank
Huntoon Hastings
IDS Certificate Company
Jefferson Pilot Life Insurance Company
JP Morgan Mortgage
K Bank
Key Bank
Key Bank & Trust
Laureate Capital LLC
Lehman Bros.
Lend Lease Real Estate Investments, Inc.
Liberty Federal Savings Bank
Lutheran Brotherhood
M & T Bank
Marine Midland Bank
Mercantile Safe Deposit & Trust Co.
Minnesota Life Insurance Company
Money Store
Monumental Life Ins. Co.
Morgan Guaranty Trust Company
Nationwide Insurance Company
New York Life Investment Management, Inc.
Nomura Capital
NorthMarq Capital Inc.
Ocean Bank
Paine Webber Real Estate Securities Inc.
Patrician Group
Peninsula Bank
Potomac Valley Bank
PPM Finance, Inc.
Penrose Financial
Preston Partners
Principal Real Estate Investors
Provident Bank of Maryland
Prudential Ins. Co. of America
Riggs Bank
Sandy Spring National Bank of Maryland
Severn Savings Bank FSB
Sonneblick-Goldman Corp.
Stancorp
State Farm Insurance Company
St.Paul/Travelers
Suburban Bank
Sun Life of Canada
SunTrust
Susquehanna Bank
Taneytown Bank
Teachers Ins. & Annuity Assn. of America
Tower Federal Credit Union
Union Capital Investments LLC
Union Dime Savings Bank
Wachovia Bank
Walker & Dunlop
Wells Fargo Bank
Wells Fargo Realty Advisors
Wilmington Trust Company
Wise Metals
Woodmen of the World Life Insurance Co.

INSTITUTIONAL:

American University
Archdiocese of Baltimore
Baltimore Symphony Orchestra
Bons Secours Baltimore Health System
Catholic Charities Cooperative Services
Coppin State University
Franklin Square Hospital
Greater Baltimore Medical Center (GBMC)
Good Samaritan Hospital
Harry & Jeanette Weinberg Foundation
Hoffberger Foundation, Inc.
Johns Hopkins Hospital
Johns Hopkins Real Estate
Johns Hopkins University
Massachusetts Institute of Technology (MIT)

REPRESENTATIVE CLIENTS OF LIPMAN FRIZZELL & MITCHELL

Mercy Hospital
Morgan State University
Northwest Hospital Center
St. Agnes Hospital
St. Joseph Medical Center
St. Paul Community Development Corp.
St. Paul School
Sinai Hospital/LifeBridge
Sisters of Notre Dame
Sisters of Charity
Tauber Foundation
United Brotherhood of Carpenters & Joiners
University of Maryland at Baltimore
University of Maryland College Park
University of Maryland Medical System
University of Maryland Hospital
University of Maryland Foundation
Volunteers of America

GOVERNMENTAL/OTHER:

Baltimore City Government
Baltimore County Government
Baltimore County Revenue Authority
Baltimore Development Corp. (BDC)
Blaustein Family Interests
BOMA
Carroll County Government
Cecil County Government
Department of Justice
District of Columbia Government
Estate of Jack Kent Cooke
Federal Communication Commission
Federal Deposit Insurance Corp.(FDIC)
Federal Home Loan Bank Board
Frederick County Government
GPU Energy
Harford County Government
Housing Authority of Anne Arundel County
Howard County Government
Internal Revenue Service
Maryland Department of Housing and Community Dev.
Maryland Economic Development Corp.
Maryland Historical Trust
Maryland Industrial Dev. Financing Authority (MIDFA)
Maryland Insurance Deposit Fund (MIDF)
Maryland Nat'l. Capital Park & Planning Comm. (MNCPPC)
Maryland Stadium Authority
Mass Transit Administration (MTA)
Montgomery County Government
Montgomery Co. Housing Opportunities Commission (HOC)
Montgomery Co. Office of Law
National Association of Industrial & Office Parks (NAIOP)
Prince George's County Government
Resolution Trust Corporation (RTC)
State Highway Administration (SHA)
U.S. Army Corps of Engineers
U.S. Dept.of Housing Urban Development
U.S. Dept. of Justice
U.S. Dept. of the Navy
U.S. General Services Administration
U.S. Naval Academy Athletic Association
U.S. Postal Service
Washington Suburban Sanitary Commission (WSSC)

RECREATIONAL:

Argyle Country Club
Baltimore Country Club
Belmont Bay Golf Course
Burning Tree Golf Club
Caves Valley Golf Club
Columbia Association
Country Club of Maryland
Country Club at Woodmore
Green Spring Valley Hunt Club
Elkridge Club
Hunters Oak Golf Course
Manor Country Club
Maryland Club
Somerset Farm Golf Club
Suburban Country Club
Woodmont Country Club

ATCS® P.L.C.
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304 Harry S. Truman Pkwy, Suite F, Annapolis, MD 21401 (410) 224-7497 FAX (410) 224-7498
email: atcsarundel@atcsplc.com

FAA 2-C SURVEY CERTIFICATION

Applicant: Nextel Communications
7055 Samuel Morse Drive
Columbia, MD 21046
(410)953-7400

Site Name: *Security Blvd.*
Site Number: *MD 3077D*
Site Address: *5208 Dogwood Road*
Baltimore, Maryland 21207

Horizontal Datum Source (*select one*):
☒ Ground survey ☐ GPS survey

Vertical Datum Source (*select one*):
☒ NGVD 88 ☐ NGVD 29 ☐ GPS survey

Structure Type (*select one*):
☒ New Tower ☐ Existing Tower ☐ Roof Top ☐ Water Tank ☐ Smokestack
☐ Other (describe): _____

Latitude: *39°18'15" N* NAD 83
Longitude: *76°42'41" W* NAD 83
Ground Elevation: *301.00* feet AMSL
Proposed Top of Structure: *150.00* feet AGL
Proposed Overall Height: *451.00* feet AMSL

CERTIFICATION: I certify that the latitude of *39°18'15" N* and the longitude of *76°42'41" W* are accurate to within +/- 50 feet horizontally, and that the site elevation of 301 feet AMSL is accurate to within +/- 20 feet vertically. The horizontal datum (coordinates) are based on the North American Datum of 1983 (NAD 83) and are expressed in degrees, minutes and seconds to the nearest hundredth of a second. The vertical datum (heights) are based on the National Geodetic Vertical Datum of 1988 (NGVD 88) and are determined to the nearest foot.

Surveyor Signature/Seal: _____ (SEAL)
Printed Name: *JAMES M. LUFF*
Professional Surveyor #: *10320*
Company: *ATCS,PLC*
Phone: *410-224-7497*
Date: *12-06-05*

PETITIONER'S
EXHIBIT NO. 11

Antoine A. Soyoh
13129 Shinnecock Drive
Silver Spring, MD 20904
Cell: 301-520-7018
Home: 301-890-5555
Email: aasoyoh@aol.com - antoine.soyoh@gmail.com

Career Objectives:

Wireless Professional looking for an opportunity to build a career in a challenging Telecommunication environment, and people with innovative ideas willing to exploit my wireless expertise. I am seeking to utilize my technical and leadership skills to effectively make contributions in Radio planning, design, deployment, optimization, operation and expansion of existing GSM, CDMA and iDEN networks. I am also seeking to provide Professional Engineering Services to leading equipment vendors and wireless companies in the globe, and help them develop/launch their Next Generation Broadband High Speed Multimedia CDMA2000/1X-EVDO, WCDMA/UMTS and WiMAX Networks.

Education

Graduate courses toward MS Degree in Electrical Engineering (Telecommunications), The Johns Hopkins *University, Baltimore, MD*

1991 BS Electrical Engineering, University of DC

Summary Of Qualifications - Technical Skills

• Senior Radio Planning Consultant with profound knowledge of FDMA, TDMA, CDMA and OFDM access techniques as well as the relevant Wireless Access Technologies(GSM, IS95CDMA, 1XRTT, iDEN, IS136, CDMA2000 , 1x-EV-DO, WCDMA-UMTS and Flash-OFDM).
• LCC Telecom Consultant for 8 years, and 6 years with WFI.
• In depth knowledge of RF Propagation Theory, Link Budget Analysis, Coverage analysis and RF Interference Theory.
• Hands-on experience in working diligently with cross-functional groups including Site Acquisition and Zoning Teams to select and assess candidates for viability and adherence to objectives. Experienced in attending and testifying in Zoning Hearings. Skilled in preparing site design configurations, and detailing site parameters to allow for rapid construction and equipment installation.
• Practical experience with field measurements techniques, drive test data collection, drive test data analysis and Propagation Model Tuning.
• In depth-Hands-on experience with RF Design, System Implementation, and RF Optimization through troubleshooting, system drive testing and proper parameters selection and adjustment.
• Practical experience with Traffic Engineering and Capacity Planning to maintain a good network G.O.S.
• Hands-on experience with Manual and Automatic Frequency Planning(AFP) to maintain acceptable C/I, SQE, SNR and achieve optimal network quality and improved system performance.
• Profound knowledge of System Architecture and RF Subsystems including BTS, Node B, BSC, RNCand MSC. Good understanding of the Fixed Network and Interconnect backhaul systems.
• Experience and strong knowledge in BTS hardware including TX-RX Radios, Filters, Amplifiers (PA/LNA/TTA/TMA/MHA), Combiners(Hybrid/Cavity), Duplexers, Diplexers, Connectors , Feeders and Antenna.
• Familiarity with FCC filing procedures and regulatory issues.
• In-depth knowledge of GSM, iDEN and CDMA Network Performance Improvement (NPI) processes to optimize the system's Key Performance Indicators (KPI).
• Strong theoretical and practical knowledge of Motorola iDEN systems, Lucent CDMA systems and SIEMENS-Ericsson-NOKIA GSM systems and optimization.
• Familiarity with Lucent, Ericsson, NOKIA and Nortel UMTS Networks.
• Experienced in developing and implementing indoor solutions and Microcells using Donor antennas/ bi-directional amplifier (BDA), Mini Cell site/Fiber-optic repeaters with RF Distributed Antenna System (DAS) using LGCell, Foxcomm and Radioframe equipment.
•Managed the technical activities related to the analysis, planning and design of a future in-building & underground system for WMATA (Washington Metro Transit Authority), including Technology assessment, interference analysis, capacity planning, system architecture and equipment selection.

PETITIONER'S

EXHIBIT NO. 10

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Home: 301-890-5555
Email: aasoyoh@aol.com – antoine.soyoh@gmail.com

Work Experience:

April06 – Current
Wireless Engineering Consultant
COMNET Wireless Solutions
Network Planning And Design For Sprint – Nextel Communications,
Columbia, MD.
• Conducted studies and analyses in multiple scenarios with the overall objective to assess Actix's Automatic Cell Planning (ACP) Tool capability to shift traffic from over utilized sectors to lesser-utilized neighbors, increase or maintain current quality within the BAWA market while adding capacity with minimal site build, and to increase coverage without degrading quality (maintain good C/I), all taking into consideration the loss of spectrum in the market.

Dec 05 – April 06
Wireless Engineering Consultant
TransTEK Wireless Communications Inc.– Apeiron Inc.
GSM - 3G/WCDMA/UMTS Radio Access Network Planning & Dimensioning For T-Mobile FSC Headquarters
Bellevue, WA.

• Played a critical role in capacity planning, establishing dimensioning requirements, conducting performance monitoring, developing engineering application and detailed capacity studies surrounding all aspects of the BSS portion of the TMobile GSM and future UMTS national network. Acted as a cornerstone in the development and maintenance of national guidelines for capacity planning, dimensioning and related impact studies for all levels of the network including, radio, BTS, BSC, PCUs, transcoders and cell splitting/capacity sites. This included planning around AMR, GPRS, EDGE, IP Access and future 3G-UMTS-WCDMA technology.

• Supported the regions with all items involved with capacity planning, Traffic forecasting and Radio Access Network dimensioning.

• Provided monthly forecasts on the sector, site, BSC and transcoder levels and relayed this information to regional, NSS, financial and other pertinent groups. Verified the reliability and accuracy of the forecasts compared to current dimensioning rules.

• Completed statistical analyses as they were requested, of impacts due to changes in marketing directives and variations in subscriber behavior, changes in equipment configuration, seasonality effects, etc...

• Worked with Ericsson, Nortel, Nokia and BSS Engineering to define impact and dimensioning requirements with all issues revolving around new feature implementation, software upgrades, and equipment changes then subsequently supplied the regional teams with the required information.

• Created and updated planning guidelines documentation and supplied planning support to regional constituents.

• Worked with the national/regional Design, BSS Engineering and Performance groups on items related to overall planning.

• Played a key role in the development of engineering planning tools including radio adds/removals, BSC and transcoder dimensioning, rehomes, LAC design, etc...
June – Nov 2005
Wireless Engineering Consultant
TransTEK Wireless Communications, Inc.
Network Performance and Optimization For Sprint – Nextel Communications
White Plains, N.Y.

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Network Performance Planning - Statistics & Key Performance Metric Review and improvement including Total Drop call Rate, Blocking, PCCH/SCCH performance. Systemwide Parameters review. Top 20 Drop Call Rate offenders identification. Site modification & High Site Optimization using Bucket Parameters to shed traffic and reduce Br's stacks. Site Level & Cluster Level optimization. 900 MHz Optimization using power adjustment, Antenna patterns matching, etc... Site modification including antennas relocation, RC reduction, antennas change to improve Spectrum re-use and improve overall Network performance.

April – June2005
Wireless Engineering Consultant
TransTEK Wireless Communications Inc.– AirCOM, Inc.
3G/WCDMA/UMTS Design, Deployment and Optimization For Cingular Wireless
Philadelphia, PA.

• Member of Network Planning team responsible for all aspects of the Cingular's 3G/WCDMA/UMTS RF Network Planning and Overlay design in The Philadelphia - Harrisburg Market. Duties included using strong knowledge of UMTS technology to set and implement the UMTS design methodology for the Cingular radio network migration project.

• Performed 3G/WCDMA/UMTS RF Network Planning and Overlay design, which involved carefully selecting existing GSM 850 and 1900 sites to produce a "Baseline Design". UMTS Planning Tool: AIRCOM ENTERPRISE / ASSET3g - Automatic Planning Tool: OPTIMI's ACP

• Performed Radio Propagation analysis and modeling for various environments including Heavy Dense Urban, urban, Suburban and Rural morphologies. Conducted K value calibration for various propagation models to be used in UMTS design, and generated clutter loss coefficients based on morphology.

• Prepared a Baseline Design, and conducted RF Planning GSM & WCDMA (3G/UMTS) Link budgeting, Nominal cell planning for a level of coverage, capacity and quality, Coverage and service prediction using Planning Tool, Radio design of sites (antenna height, type, orientation & tilts), Traffic distribution studies based on 64/64, 128/64 and 128/128 Throughput model. Performed Monte Carlo Simulations, generated plots, reports and statistics to be used in subsequent analyses. Optimized the "Baseline Design" by changing essentials RF parameters (E/M - Tilt/Antenna type, Power, etc...) to improve coverage, reduce pilot pollution and improve overall UMTS service.

Jan2005 – March2005
Wireless Engineering Consultant
TransTEK Wireless Communications
CDMA2000 1XEV-DO Field Integration Testing (FIT) For Sprint PCS
Kansas city, MO And Las Vegas, NV.

• Led a team of Rf Engineers and Drive testers to Perform Field Integration Test (FIT) activities in The Sprint PCS 1xEV-DO Radio Access Network (RAN) consisting of Lucent Flexent 1xEV-DO base transceiver sub-stations (BTSs) and 1xEV-DO Radio Network Controllers (RNCs) collocated with 3G-1X infrastructure to form 1xEV-DO/3G-1X combined network.
• Conducted Radio Access Network (RAN), Customer Data Network (CDN), IP Aggregator and AN/AAA Field Integration Test activities under various conditions to test the functionality, verify the performance and system coverage.
• Provided a framework of Field Integration Test case scenarios, including all criteria that must be met in order to complete testing, i.e. validation, verification, documentation, activities, events, circumstances, and post-test activities.
• Performed Regression testing to ensure smooth interoperability between CDMA 1xEv-DO and the existing 3G1xRTT Radio Access Network.
• Performed Functionality testing with Agilent E6474 and Actix to ensure the RAN call processing functionality, including connection setup and teardown, registration, control channel operation, authentication and handoff behavior.

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• Performed Verification of System Coverage across the network and checked distribution of SINR, DRC, Receive and Transmit Power, Active Set Size and other relevant parameters.
• Performed Verification of Hybrid mode RAN functionality that supports hybrid terminals capable of operating in CDMA2000 1X and 1xEV-DO modes .
• Conducted T1/Cajun Routers/DACS/RNC Backhaul load performance Verification and Testing.
• Continuously monitored the health of both 3G-1X / 1xEV-DO networks by collecting and reviewing Vendor specific parameters and Operational Measurements (OMs) from the switch using the Prospect Performance Measurement and Statistical tool.

Oct 2004– Dec 2004
Principal Engineer II
WFI /SIEMENS
FLASH-OFDM & CDMA 1X-EV-DO Planning and Dimensioning
Boca Raton, FL

• Worked with various functional teams to prepare and assemble SIEMENS's response to Nextel's RFP for the deployment of their Next Generation High Speed Broadband Radio Access Network in the 1.9 and 2.5 GHz bands.
• Assessed various technologies (EV-DO & F-OFDM) and deployment alternatives, their related risks and cost as well as the impact on system capacity and quality.
• Developed a wireless project plan including RF design , network implementation, system performance and optimization.
• Performed RF planning and dimensioning for the BAWA market, based on next generation F-OFDM release 3.0 and CDMA 2000 1xEV-DO Rev A Radio Access technologies.
• Prepared and reviewed Link Budgets calculations, which incorporated the specified global parameter values, the technology/sector specific parameters,VoIP and Dispatch, data speed and services.
• Performed Coverage design and capacity planning based on Nextel's usage and customer demographic and subscriber usage model.

Jan 2000 – Oct 2004
Principal Engineer II - WFI
Senior Radio Planning Engineer with Nextel – Nextel Partners in the following markets:

• National Headquarters, Reston, VA - RF Guidelines Development and National RF Engineering Coordination
• Columbia, MD - iDEN Network Planning, Design and Expansion.
• Greenville, SC - iDEN Network Design, Expansion and Optimization
• San Francisco, CA - iDEN System Expansion and Network Optimization.
• Harrisburg, PA - iDEN System Expansion and Network Optimization.

• Developed national standards and guidelines in relation to site design, link budget analysis, capacity planning, interference analysis, traffic analysis, system performance, spectrum management, and antenna standardization at The National Headquarters.
• Planned and conducted weekly meetings to discuss complex technical projects involving multiple markets and functional teams to discuss specific issues, and gather market specific requests.
• Coordinated the development of National RF guidelines in relation to QUAD base radios implementation and the 900 MHZ spectrum deployment.
• Evaluated current spectrum allocation nationwide, investigated potential 800 MHz Rebanding issues and supported the planning effort.
• Worked diligently with site acquisition and zoning restrictions, to assess candidates for viability and adherence to objectives. Prepared site design configurations, and detailed all site parameters to allow for rapid construction and installation.
• Conducted measurement integration techniques to refine propagation models in WIZARD.
• Developed and implemented solutions and approaches to provide adequate in-building coverage in the BAWA market using Donor antennas/ bi-directional amplifier (BDA), Mini Cell site/Fiber-optic repeaters with RF Distributed Antenna System (DAS) using LGCell, Foxcomm and Radioframe equipment. Major projects included The University Of MD Comcast Center and EDS Office Building in Reston, VA.

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• Worked in coordination with local RF Engineering teams and operations to conduct system shakedown and performance optimization.
• Developed an RF Performance Enhancement Plans by evaluating the existing networks and making specific recommendations to improve system level performance metrics.
• Performed Network Audits to ensure cell site parameters and antennas configuration are set according to design guidelines.
• Investigated network problems and identified their sources. Recommend corrective action including parameters Adjustment(H.O, Hysterysis, Power, Neighbor list) to improve coverage, increase radio resources utilization, and reduce congestion and dropped calls.
• Verified performance improvements by auditing service measurements, drive testing trouble spots and comparing before and after statistics.

May 2003 – Nov 2003
Principal Engineer II - WFI
Leadership and Management of The Telephia $Multi Million outsourced Engineering and Competitive Benchmarking Project.

• Lead a team of 30 engineers with responsibility for the overall operation of the project.
• Responsible for overall management and planning for the local office, logistics and field operations personnel assigned to the Telephia Project.
• Resource planning functions included overseeing regular schedules, special requests analysis, tasks prioritization, overall project balancing and alignment with budgets.
• Set measureable objectives, analyzed available resources, identified required resources, assigned responsibility and planned for contingencies.
• Managed recruitment, training and career development of staff and conducted critical performance reviews with Bonus/penalty incentives.
• Developed and maintained professional relationships with management and client at all levels to support process implementation.

January 1999 – Jan 2000
Principal Engineer II - WFI
Senior Radio Planning Consultant with SIEMENS in Casablanca, Morocco
GSM RF Design, System Deployment/RF Optimization

• Developed a wireless project plan including RF design , network implementation, system performance and optimization.
• Worked diligently with site acquisition and zoning teams, to acquire and assess 1800 candidate sites for viability and adherence to objectives. Prepared Link Budgets, site design configurations, and detailed all site RF parameters to allow for rapid construction and installation.
• Conducted drive test measurements (RXQUAL, RXLEV, FER FULL/SUB, DTX Rate) with TEMS, and reviewed BSS Statistics in order to troubleshoot failed call attempts, handover failures, TCH/CCH congestion, Coverage quality, co/adj-channel interference, RF link imbalances, hardware faults, etc...
• Prepared and implemented corrective actions (BSS power increase/decrease, antenna tilt/orientation, add/remove neighbors, frequency retune), and parameters Adjustment to improve coverage, increase radio resources utilization, and reduce congestion and dropped calls.

Nov – Dec 1998
Project Manager - WFI
Senior Wireless Telecomm Consultant with Nextel De Mexico S.A de C.V in, Mexico City, Mexico

• Conducted iDEN RF Optimization, Mexico City, Mexico
• Assumed functions of Optimization Coordinator with full responsibility for optimizing Nextel's cellular market in Greater Mexico City Metropolitan Region.

March – Oct 1998
Project Manager - LCC International
Senior Radio Planning Engineer with Fijutsu Communications in Tokyo, Japan,

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IS-95 - CDMA Network Design

• Worked in collaboration with the Fijutsu RF engineering Team to develop, plan and design a CDMA network in the Gouandong Province of China, using the principles of QUALCOMM Code Division Multiple Access (CDMA) and the relevant system architecture.
• Used CellCAD to conduct the RF Planning and design process.
• Calibrated and Optimized the propagation Model, Prepared the traffic maps and used the Planning tool to run Forward Link and Reversed Link Analyses including Uplink Load, Coverage and Capacity- Required Mobile Power- Best Servers Plots and Handovers Status- Forward Ec/Io, Total Interference, etc...
• Developed and prepared a Link Budget Analysis taking into consideration The BTS and MS Rx sensitivities, hardware losses/gains, The target coverage Reliability, the Propagation Characteristics of the Channel and the receiving environment.
• Produced Coverage Design Thresholds, Base Stations ERP's, Maximum Allowable Path Loss, Cell count and Cell size estimates.
• Prepared a PN-Offset Plan for the system.
• Prepared site design configurations, and detailed all site parameters to allow for rapid construction and installation.

May 1997 – Feb 1998
Project Manager - LCC International
Senior Radio Planning Engineer with Sprint Spectrum in Kansas City, Missouri.
PCS-CDMA System Evaluation, Benchmarking and Optimization, Kansas City, Missouri.

• Conducted Competitive Benchmarking Testing and Analysis for Sprint PCS CDMA network and other local cellular systems.
• Worked with the local team to gather drive test data from 3 major wireless carriers in Kansas City and Wichita, using the EXP2001™ (BENCHMARKER™), AURYST™, and LL2000™
• Analyzed data with CMA and derived performance information such as AQS (Audio Quality Score), Access statistics, dropped call rates with regard to each system. Assesed Sprint's performance relative to other wireless networks.
• Investigated network problems and identified their sources. Recommended corrective action including parameters Adjustment to improve coverage, increase radio resources utilization, and reduce congestion and dropped calls.
• Verified performance improvements by auditing service measurements, drive testing trouble spots and comparing before and after statistics.
• Prepared changes and recommendations such as power level adjustment (BCR attenuation), T_ADD, T_DROP, T_COMP, TT_DROP, pilots search windows, etc. to improve overall performance of Sprint's CDMA network.

October 1996 – April 1997
Project Manager - LCC International
Senior Radio Planning Engineer with Lucent Technologies in Philadelphia, Pennsylvania
Verizon Wireless CDMA-AMPS Network overlay and Optimization

• Assumed functions of Lucent RF team leader, with responsibility for coordinating all optimization activities for the CDMA/AMPS network overlay.
• Coordinated with all inter-disciplinary teams, Developed an RF optimization Plan and Quantified overall resource requirements for project completion.
• Coordinated and monitored the installation and testing of Lucent optimization tools and drive test equipment (Qualcomm MDM's, DAT tool, SPECTRUM SWAP, ALERT, NPAR, OCNS, RF CALL TRACE).
• Performed Network Audits to ensure cell site parameters and antennas configuration are set according to design guidelines.
• Identified important areas in the region and prepared drive routes.
• Collected drive data with Qualcomm's MDM, analyzed data with Lucent DAT Tool, and derived performance information such as access statistics, dropped call rate, dominant Ec/Io, transmit power, FER and RFER with regard to each selected drive route.

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• Investigated network problems and identified their sources; Recommended corrective action including key CDMA parameters Adjustment (power control and power level/BCR attenuation, T_ADD, T_DROP, TT_DROP, pilots search windows, etc.) to improve system level performance metrics(KPI).
• Prepared changes and recommendations to affect required Eb/No, Decreased interference and pilot pollution, and reduced excessive handoffs.
• Verified performance improvements by auditing service measurements, drive testing trouble spots and comparing before and after statistics.
• Supervised a team of 17 RF engineers, technicians and drivers, and converted The Verizon Wireless AMPS system into fully functional and commercial CDMA850 wireless network that included 4 Lucent 5ESS switches and over 600 AUTOPLEX Series II cell sites.

May – September 1996
Project Manager - LCC International
Senior Radio Planning Engineer with Ptt Telecomm, The Hague, Netherlands (GSM900)
AlCATEL – Nokia System Audit & Network Performance Improvement (NPI)

• Prepared a complete Capacity Expansion Study along with a nationwide coverage design, based on existing Ptt's GSM traffic data and The Netherlands' demographic information to accommodate an increase of subscribers over the next 4 years.
• Performed System Audit and Capacity Expansion of the GSM900 Network.
• Performed Network Audits to ensure cell site parameters and antennas configuration are set according to design guidelines.
• Investigated network problems and identified their sources. Recommend corrective action including parameters Adjustment to improve coverage, increase radio resources utilization, and reduce congestion and dropped calls.
• Recommended and tested the use of special techniques and features (Frequency Hopping- DTX – Power Control, etc..) to reduce interference, increase capacity and improve overall performance.
• Identified "Hot Spots" areas and developed Micro Cell designs to accommodate projected traffic.
• Prepared a BCCH Frequency Plan taking into consideration Frequency coordination rules with respect to the neighboring countries(Germany, France, Belgium) to avoid interference.

July 1995 – May 1996
Project Manager - LCC International
Senior Radio Planner For Nextel Communications, White Plains, New York. (MOTOROLA-iDEN)

• Performed System Audit and RF Optimization
• Assumed functions of team leader with primary responsibilities that included spectrum management, traffic forecasting, capacity planning, frequency planning and interference analysis of Greater New York market (New York, New Jersey and Connecticut).

March 1994 – June 1995
Senior RF Engineer - LCC International
Radio Planning Engineer For Dial Call Communications (Nextel), ESMR \ iDEN Network Planning, Implementation and Optimization, Atlanta, Georgia

• Led team of seven engineers with total responsibility for design, implementation, optimization and expansion of Greater Atlanta Region.

February 1992 – February 1994
Design Engineer - LCC International

• Worked with various clients to respond to Request For Proposal or Bids for cellular licenses in Europe, *Middle East and Latin America.*
• Worked with various functional teams to combine financials, marketing goals and operational requirements to successfully develop a wireless project plan including vendor selection, RF design , network implementation, system performance and optimization.
-Bellsouth International, The Netherlands (GSM)

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-Tadiran Communications, TEL Aviv, Israel (AMPS/IS54)
-Celumovil de Colombia, Bogotá, Colombia (AMPS/IS54)
-Italy, Korea, India, Argentina and Brazil Projects (GSM, AMPS, IS54)

July 1991 – February 1992
Associate Engineer - LCC International
Radio Planning engineer for FRANCE TELECOM – GSM System Design, Paris, France
• Performed System planning , design and optimization for the Lyon region.
• *Analyzed candidate site locations through propagation prediction and drive test, and assessed them for* viability and adherence to objectives.

Professional Training

LCC Wireless University
• Survey and Site Selection, EM Theory and Propagation, Modulation and Coding, Cellular Systems Design Theory, Electronic Devices in Cellular, Antenna and Radiation
• Cellular Systems Protocols (GSM/ IS136/ iDEN/ CDMA), Telephone Traffic Engineering, Link Budget Analysis, Frequency Planning and Interference Analysis, Capacity Planning in Cellular, MSC/OMC Overview
• Handoff Parameters, System Design, Implementation, Evolution and Optimization, Direct Sequence
•Spread Spectrum, PCN / PCS Systems - SMR, ESMR and iDEN Overview.
• QUALCOMM CDMA/CDMA Workshop

QUALCOM Wireless University
• UMTS/WCDMA Network Planning
• UMTS/WCDMA Radio Interface Protocols
• UMTS/WCDMA Physical Layer
• UMTS/WCDMA Network Optimization

Lucent Wireless Training Program
CT5O850 CDMA Planning, Design and Optimization
WFI Training Program
• GSM Evolution to GSM2 - GPRS – EDGE – and UTRA.
• Evolution of The IS-95A Standard to IS-95B – 1XRTT – HDR – and cdma2000.
• IS136 migration route to IS-136+ - IS-136HS – EDGE - and UWC-136
• CDMA Concepts and Application in Wireless PCS networks
• GSM Based Cellular Systems (GSM900/DCS1800/PCS1900)
• CDMA 1X-EV-DO Overview, Planning and Design.
• CDMA2000 1xEV-DO Dimensioning and Optimization Workshop
• Managing Legally

Non-Technical Skills
• Skilled in leading teams and providing coaching where necessary to foster a cohesive team environment.
• Good interpersonal, collaboration, networking skills.
• Teamwork oriented with an ability to work independently when necessary.
• Decision-making skills that encompasses attention to details, efficiency and quality.
• Good oral and written communication skills. Excellent attention to Technical Documentation.
• Good Planning, Organization and Problem solving skills that emphasizes strong analytical and conceptual thinking.

Hardware & Software Planning Tools
• *Proficient in MS office Suite: Excel, Word, Access, PowerPoint. MS Project. MS SQL databases.*
• RF Planning and Design Propagation tools: ANET, PlaNet2.8, dBPlanner, NP Workplace(micro cell planning tool), Wizard, Odyssey, CellOpt AFP/ACP, ENTERPRISE-ASSET3G and Optimi ACP, PlanetEV.

• RF Optimization and Network performance tools: CMA, Agilent E6474A - Nitro, Grayson, Ericsson TEMS, DeskCat, Actix Analyzer, PN scanner, SAFCO, QUALCOMM CAIT, Lucent MDM, OPASS32, Mapinfo, WATCHMARK/Prospect -Wireless Data Statistical Tool, METRICA.

Sarah L. Farley
Architectural Historian

Ms. Farley has completed her formal education in historic preservation and meets the requirements for architectural historians as specified in 36CFR61 by the Department of the Interior. Ms. Farley has 6 years of full-time professional experience specializing in architectural history and Section 106 Compliance. Her professional employment as an architectural historian includes past positions with the Wyoming State Historic Preservation Office (SHPO), John Milner Associates, and A.D. Marble & Company. She has conducted surveys of a variety of historic property types including rural, urban, commercial, residential, and industrial sites. She has successfully completed project assignments including providing technical preservation guidance and producing architectural surveys and eligibility reports for the National Park Service, the Bureau of Land Management, the National Forest Service, the Federal Highway Administration, the Federal Aviation Administration, the Federal Communications Commission, and the Navy. To date, Ms. Farley has prepared more than 300 historic resources structural survey forms involving extensive historical and architectural research, photographic and written documentation, and field assessments.

At EBI, Ms. Farley specializes in conducting cultural resources surveys, assessing National Register eligibility of historic structures and sites, assessing project effects, and reviewing telecommunications reports as part of the NEPA compliance process.

Education

2001 MS, Historic Preservation, University of Vermont
1998 University of Pittsburgh School of Law
1997 BA, History, College of Wooster

Professional Experience

2004-present- EBI Consulting
Architectural Historian

Ms. Farley helps clients facilitate the environmental review process to ensure compliance with Federal Communications Commission (FCC) requirements under the National Environmental Policy Act (NEPA). Environmental reviews include analysis of historic properties, wetlands, endangered species habitat, floodplains, and other areas of environmental concern and the possible impacts of telecommunications installations on these sensitive areas. Ms. Farley has completed NEPA assessments in five states for various telecommunications clients. Ms. Farley has also been instrumental in developing and maintaining relationships with various state agencies whose comments on telecommunications projects are critical for timely installation.

2001 – 2004 - A.D. Marble & Company, Inc.
Architectural Historian

In her position as an Architectural Historian, Ms. Farley conducted architectural surveys and historic research, prepared state historic resources survey forms, and wrote determinations of eligibility and effects documentation.

MAGLEV: Findlay, Moon, and Robinson Townships, McKees Rocks Borough, and City of Pittsburgh, Allegheny County, PA. Port Authority of Allegheny County. Architectural Historian. Project involved cultural resource studies associated with the proposed installation of a high-speed magnetic levitation train. Assisting with preparation of Historic Structures Survey/Determination of Eligibility Report.

PETITIONER'S

EXHIBIT NO. 14

Susquehanna River Bridge Replacement Study, Dauphin and York Counties, PA. Pennsylvania Turnpike Commission. Project involved the replacement of a large, multiple span reinforced concrete bridge spanning the Susquehanna River. Assisted with historic resource evaluations on the east and west banks of the river. Prepared Historic Resources Survey Report.

S.R. 4012, Section 42M, Supplee Road Bridge Replacement, Honeybrook Township, Chester County, PA. PENNDOT District 6-0. Project involved the replacement of a small timber bridge over the West Branch of Brandywine Creek. Prepared Pennsylvania Historic Resource survey form.

S.R. 0030, Section SO1, Corridor Improvement Study, Sadsbury and Salisbury Townships, Lancaster County, PA. PENNDOT District 8-0. Project involves studies associated with improvements within this corridor, and the assessment of architectural resources as well as farmland studies. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

Interstate 95, Section CPR, City of Philadelphia, Philadelphia County, PA. PENNDOT District 6-0. Project involves improvements, widening of the main line of I95, as well as improvements to the transportation network adjacent to I-95. Conducted individual and neighborhood property studies, conducted historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 2095, Section 10S, Dark Hollow Road Bridge Replacement, Warwick Township, Bucks County, PA. PENNDOT District 6-0. Project involved the replacement of a historic, eligible truss bridge over the Neshaminy Creek. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

Susquehanna River Bridge Replacement Study, Dauphin and York Counties, PA. Pennsylvania Turnpike Commission. Project involved the replacement of a large, multiple span reinforced concrete bridge spanning the Susquehanna River. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

Maglev Project, Findaly, Moon, and Robinson Townships, McKees Rocks Borough, and City of Pittsburgh, Allegheny County, PA. Pittsburgh Port Authority. Project involves cultural resource studies associated with the proposed installation of a high-speed magnetic levitation train. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 2006, Section 001, Lower Oxford Township, Chester County, and Little Britain Township, Lancaster County, PA. PENNDOT District 8-0. Project involved the rehabilitation of the Pine Grove Covered Bridge over Octoraro Creek. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms and Determination of Eligibility Report.

S.R. 0097, Section 003, Mount Joy Township, Adams County, PA. PENNDOT District 8-0. Project involved the replacement of a small reinforced concrete bridge over Littles Run. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 2027, Section 02B, Lower Milford Township, Lehigh County, PA. PENNDOT District 5-0. Project involved the replacement of a double-span stone arch bridge over Hosensack Creek. Delineated, researched, and documented an historic district, and prepared Pennsylvania Historic Resource Survey form.

S.R. 4091, Section 10S, Bedminster Township, Bucks County, PA. PENNDOT District 6-0. Project involved the replacement of a small bridge over Cabin Run Creek. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 4091, Section 10S, Bedminster Township, Bucks County, PA. PENNDOT District 6-0. Project involved the replacement of a small bridge over Deep Run Creek. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 4023, Section BU1, Bedminster Township, Bucks County, PA. PENNDOT District 6-0. Project involved the replacement of a small bridge over Deep Run Creek. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 0663, Section VY2, Milford Square, Bucks County, PA. PENNDOT, District 6-0. Project involves architectural surveys in association with proposed roadway widening improvements. Identified, researched, and documented an historic district, and prepared Pennsylvania Historic Resource Survey form.

S.R. 6309, Section BU1, Bucks County, PA. PENNDOT District 6-0. Project involves studies of architectural resources in association with proposed roadway widening and realigning improvements. Conducted property surveys and recordation, historical research, and prepared Pennsylvania Historic Resource Survey forms and Determination of Eligibility report.

Wilkes-Barre/Scranton International Airport, Lackawanna and Luzerne Counties, Pennsylvania. Acker Associates, Inc. Project involves architectural surveys in association with proposed runway safety area improvements. Defined the Area of Potential Effect and prepared associated letter report. Delineated, researched, and documented an historic district, and prepared Pennsylvania Historic Resource Survey form.

S.R. 1003, Section 008, Kelly Township, Union County, PA. PENNDOT District 3-0. Project involved the replacement of a double span stone arch bridge over the Hoffa-Grove Mill Race. Delineated, researched, and documented an historic district, and prepared Pennsylvania Historic Resource Survey form.

Various properties, Wallace Township, Chester County, PA. Hankin Development Associates. Project involves the proposed construction of a large housing development in a rural area. Conducted property surveys and historical research, and prepared Pennsylvania Historic Resource Survey forms. Participated in planning meetings with the developer, the local historical commission, and the township supervisors.

Naval Air Engineering Station Lakehurst, HAER Recordation, Ocean County, N.J. Department of the Navy, Engineering Field Activity Northeast (EFANE). The ongoing project involves HAER recordation of 4 buildings and structures slated for demolition. This recordation is required to mitigate the adverse effects of the proposed demolition project on the National Register eligible buildings/structures. Conducted architectural survey and historic research, prepared written documentation (equivalent to HAER Narrative Format reports).

Naval Weapons Station Earle, HAER Recordation, Monmouth County, N.J. Department of the Navy, Engineering Field Activity Northeast (EFANE). Two ongoing projects involve HAER recordation of a total of 28 buildings and structures slated for demolition. This recordation is required to mitigate the adverse effects of the proposed demolition project on the National Register eligible buildings/structures. Conducted architectural survey and historic research, and assisted in the preparation of written documentation (equivalent to HAER Narrative Format reports).

S.R. 1012, Section BCG, Franconia Township, Montgomery County, PA. PENNDOT District 6-0. Project involved the improvement of the intersection of Cowpath and Godshall Roads. Conducted property surveys and historical research, and prepared Pennsylvania Historic Resource Survey forms.

S.R. 0228, Section 290, Adams Township and Mars Borough, Butler County, PA. Work performed in conjunction with KCI Technologies for PENNDOT District 10-0. Project involved improvements to S.R. 0228 through multiple townships. Evaluated the potential for an historic district within Mars Borough. Conducted property surveys and historical research, and prepared Pennsylvania Historic Resource Survey Forms.

Interstate 95, Sections BSR and BRI, City of Philadelphia, Philadelphia County, PA. PENNDOT District 6-0. Project involves improvements, widening of the main line of I95, as well as improvements to the transportation network adjacent to I-95. Conducted individual and neighborhood property studies, and conducted architectural and historical research. Prepared Pennsylvania Historic Resource Survey forms and the Determination of Eligibility Report. (Current Project)

2001- John Milner Associates
Architectural Historian

Ms. Farley worked as an architectural historian with John Milner Associates for several months in 2001. In this capacity, she was responsible for conducting historical research and field visits, preparing assessments of effect, determinations of National Register eligibility, and surveys of historic architectural resources.

Site Development, Inc. Private developer. Architectural Historian. Conducted cultural resources screenings in conjunction with proposed commercial developments in Pennsylvania.

Philadelphia International Airport, Philadelphia, PA. Federal Aviation Administration. Architectural Historian. Conducted historic resource survey in conjunction with the airport's development of a long-range management plan.

S.R. 0023, King of Prussia to Norristown, PA. Pennsylvania Department of Transportation. Architectural Historian. Conducted historic resource survey in conjunction with proposed relocation of S.R. 0023.

2001 - Wyoming State Historic Preservation Office
Review and Compliance Historian

Ms. Farley reviewed all project reports for effects on linear resources, historic landscapes, and the built environment. In this position she evaluated reports for compliance with 36CFR800 (as amended), conducted field visits with federal agencies, and provided mitigation and resource evaluation recommendations. Additionally, she assisted with drafting Memoranda of Agreement for projects with adverse effects to cultural resources.

Educational Experience

Summer 2000 Advisory Council on Historic Preservation
Intern

While with the Advisory Council on Historic Preservation, Ms. Farley was responsible for conducting an analysis of Memoranda of Agreement for projects involving the Federal Highway Administration (FHWA) to assist FHWA in their development of a "best practices" mitigation manual. Ms. Farley also represented the Council at the Federal Bureau of Prisons' NEPA conference, where she presented a lecture on Section 106 compliance.

1999 – 2000 University of Vermont
Graduate Teaching Fellow

Teaching assistant for United States History to 1865 and United States History Since 1865. Responsible for assisting professors with preparation for class meetings, helping students with projects and assignments, evaluating student papers and examinations.

Student Assistant

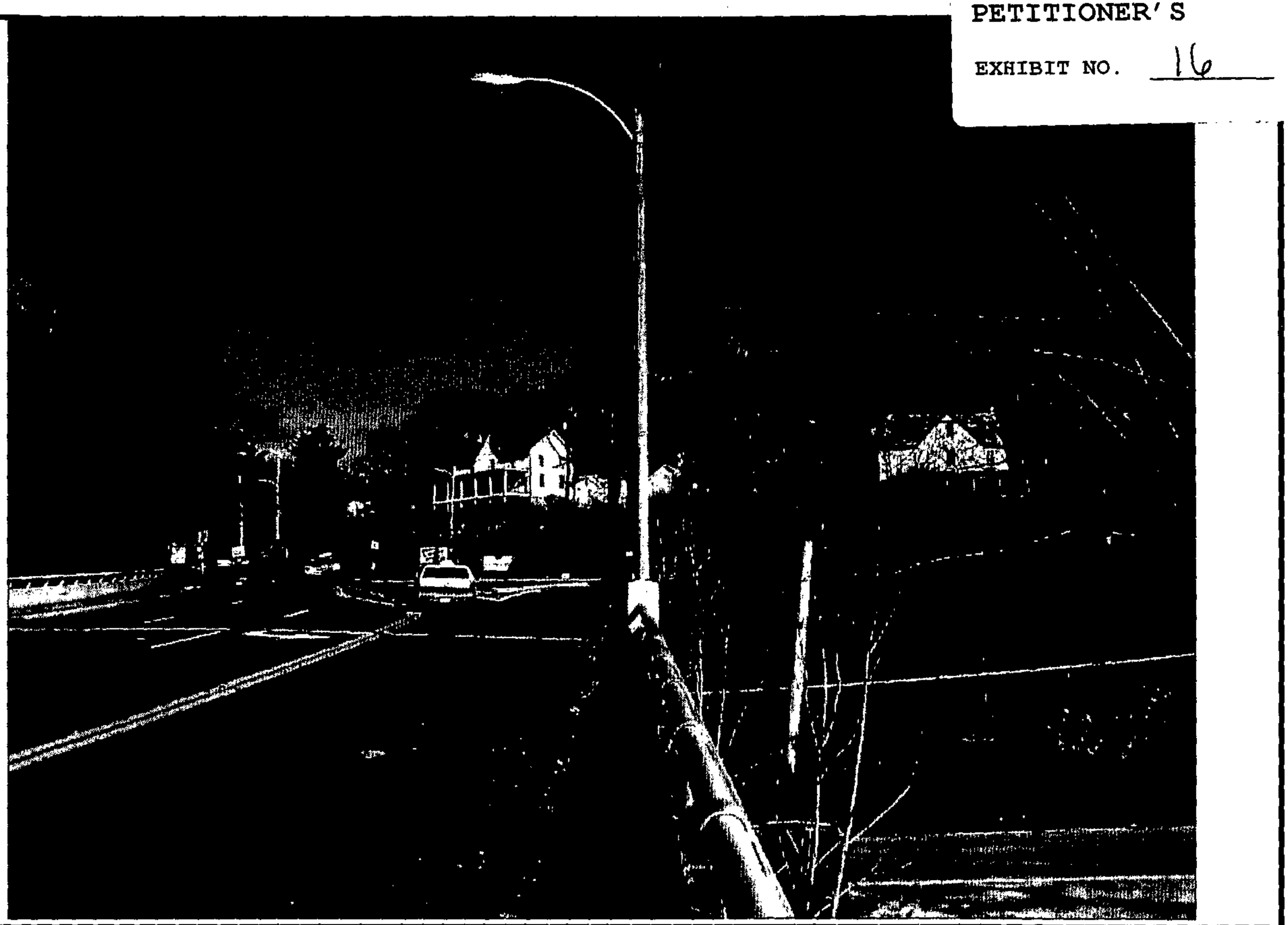
Contributed articles, photographs, and assisted with the production of the program's annual newsletter.

Publications

2000 Heritage Walking Tour of Downtown Swanton, Vermont. Prepared for the Swanton Historical Society. Researched, designed and created a brochure and map of the walking tour route through the village of Swanton.

PETITIONER'S

EXHIBIT NO. 16



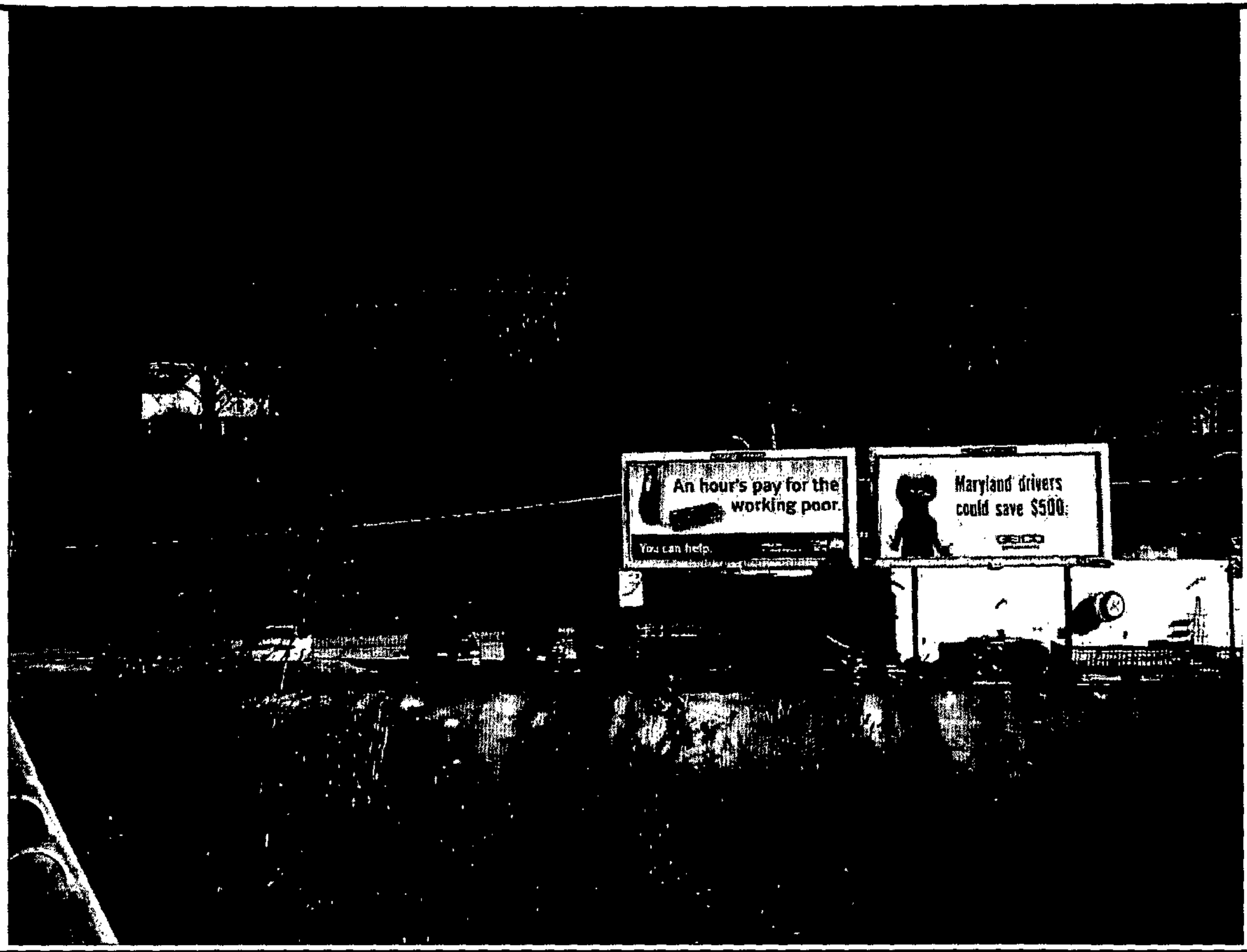
EBI CONSULTING

PHOTO A

VIEW LOOKING EAST TOWARD NORTH FOREST PARK AVENUE AND THE HISTORIC DISTRICT FROM THE INGLESIDE AVENUE OVERPASS

~~10/30/06~~ 11/9/06

N

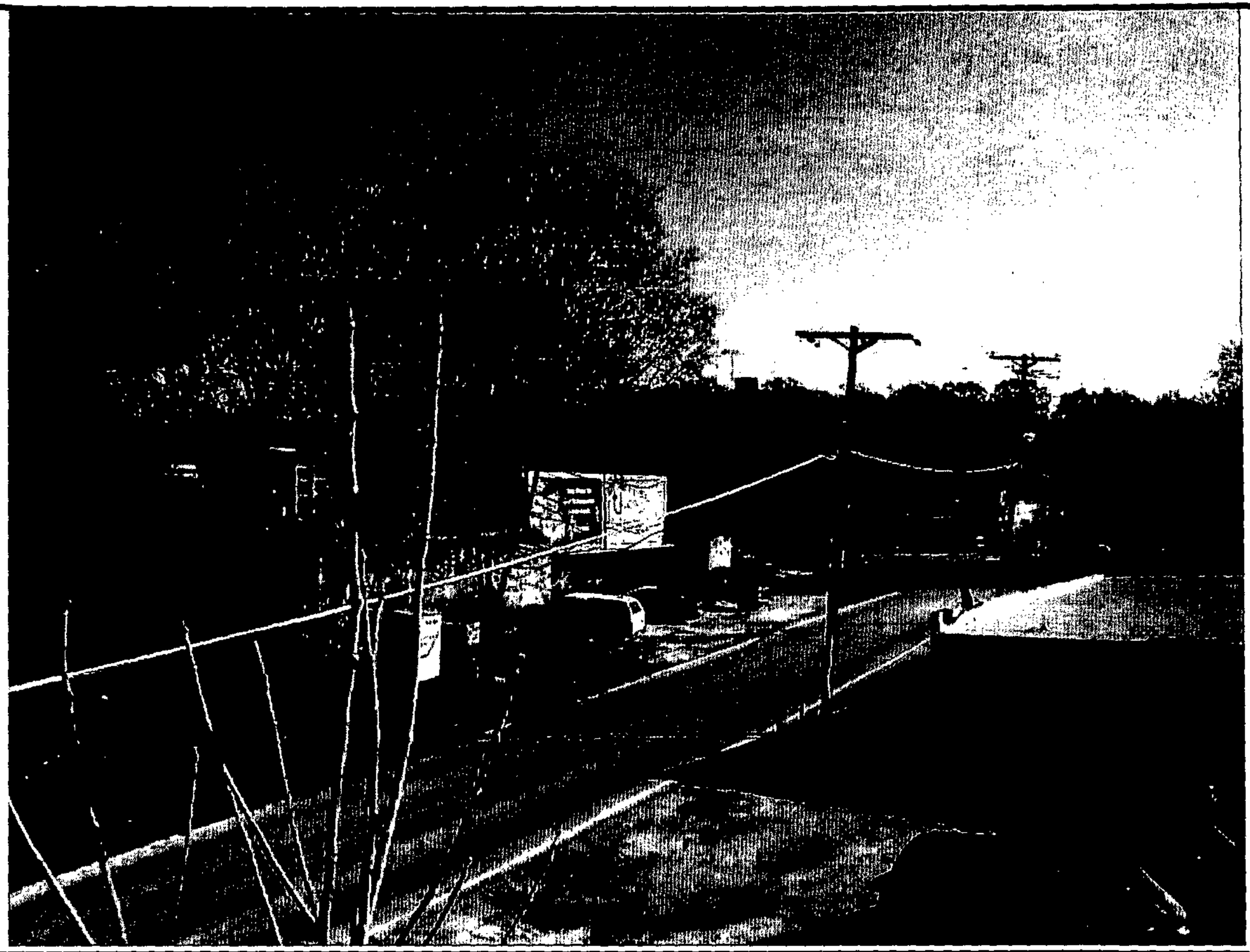


EBI CONSULTING

PHOTO B

VIEW LOOKING EAST/SOUTHEAST TOWARD DOGWOOD ROAD AND THE PROJECT SITE FROM THE INGLESIDE AVENUE OVERPASS. BUILDINGS WITHIN THE HISTORIC DISTRICT ARE VISIBLE ON THE LEFT AND RIGHT.

N



EBI CONSULTING

PHOTO C

VIEW LOOKING SOUTHEAST TOWARD DOGWOOD ROAD AND THE HISTORIC DISTRICT FROM THE INGLESIDE AVENUE OVERPASS.

EBI CONSULTING

PHOTO D

VIEW LOOKING EAST/NORTHEAST TOWARD NORTH FOREST PARK AVENUE AND THE HISTORIC DISTRICT FROM THE INGLESIDE AVENUE OVERPASS.

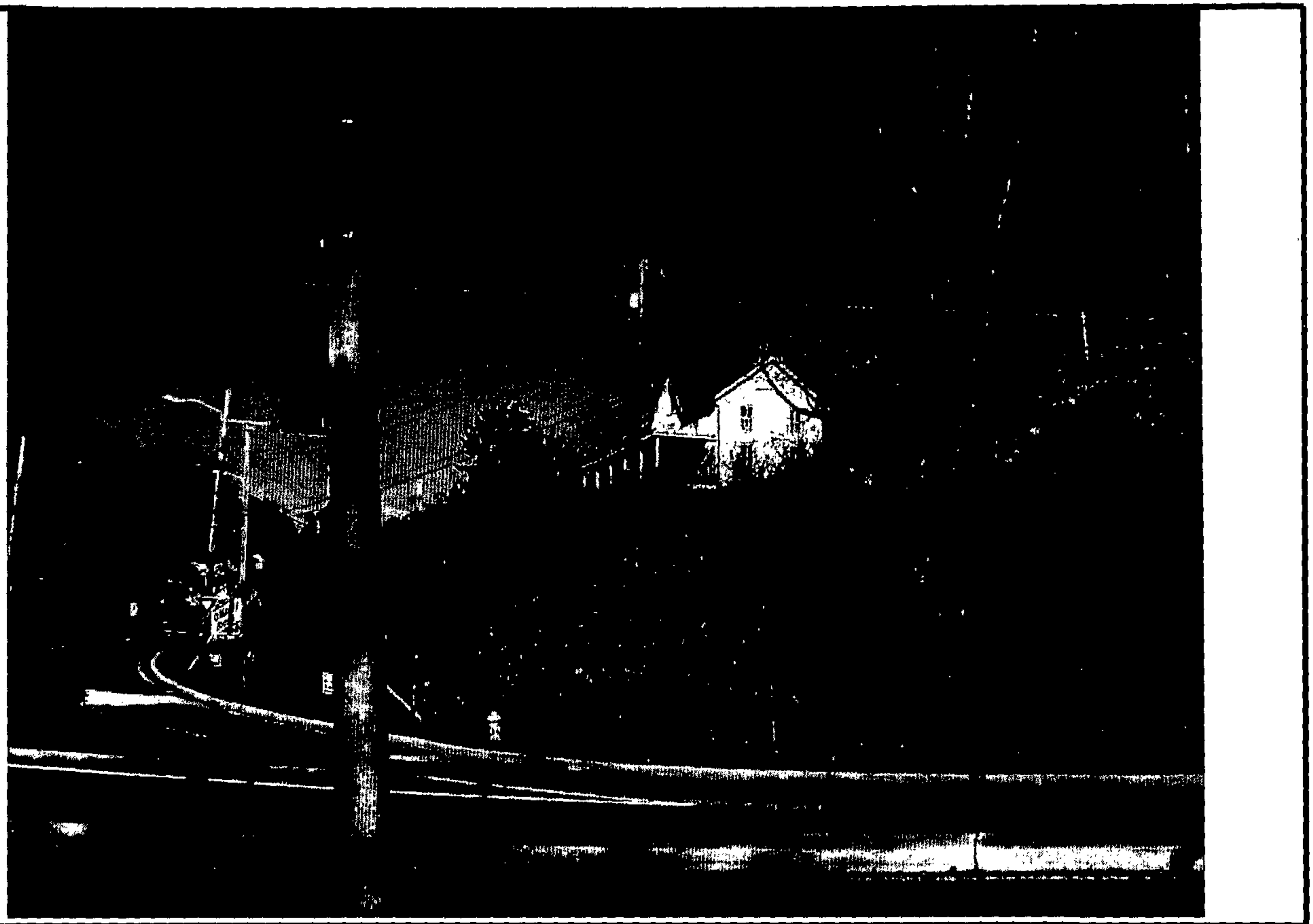
N

EBI CONSULTING

PHOTO E

VIEW LOOKING WEST FROM THE INTERSECTION OF NORTH FRANKLINTOWN ROAD AND NORTH FOREST PARK AVENUE TOWARD THE INGLESIDE AVENUE OVERPASS AND THE INTERSECTION OF INGLESIDE AVENUE AND SECURITY BOULEVARD.

N



WEBI CONSULTING

PHOTO F

VIEW LOOKING NORTHEAST FROM THE EASTERN BOUNDARY OF THE SUBJECT PROPERTY NEAR THE INTERSECTION OF N. FRANKLINTOWN ROAD AND N. FOREST PARK AVENUE TOWARD THE HISTORIC DISTRICT.

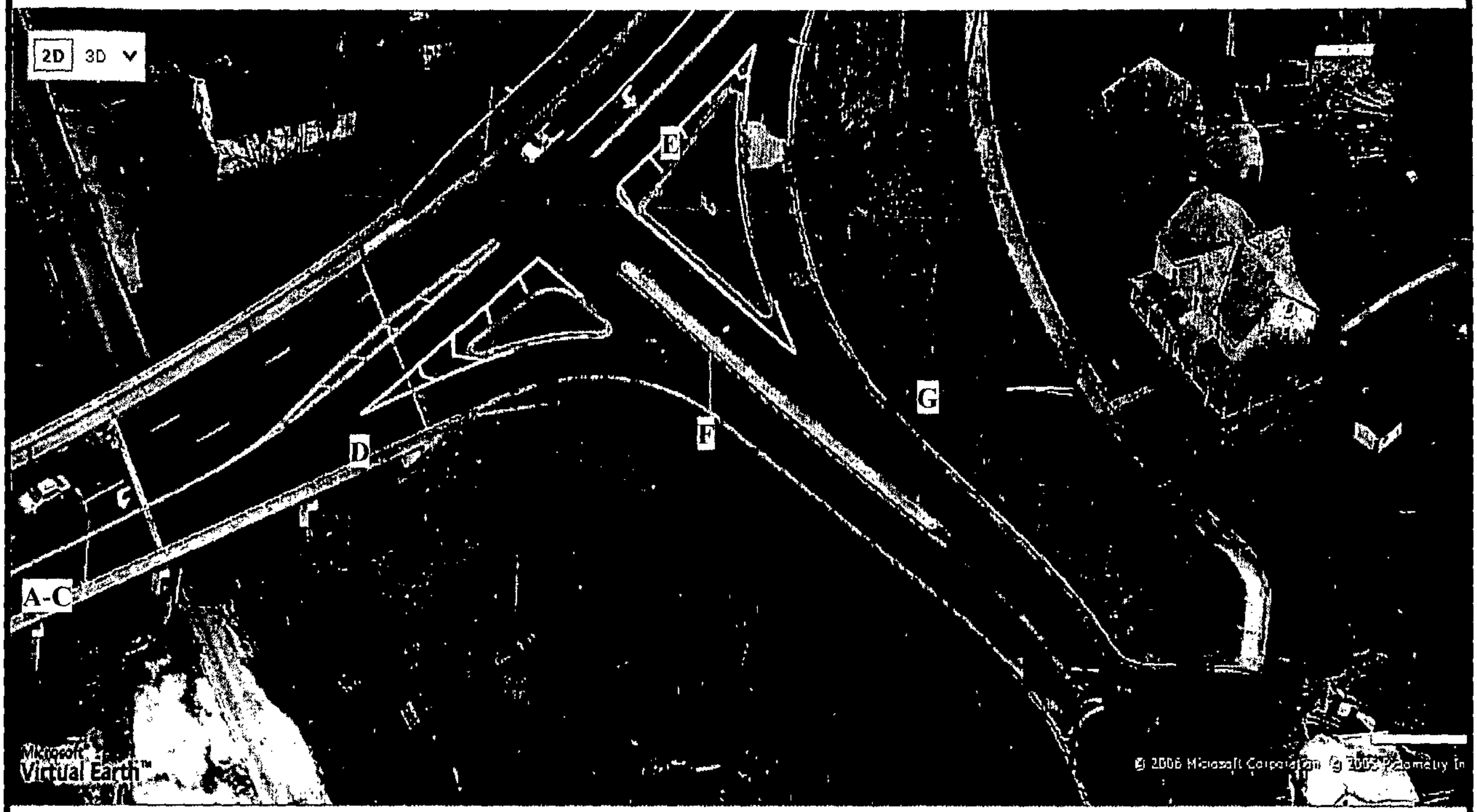
N

EBI CONSULTING

PHOTO G

VIEW LOOKING WEST/NORTHWEST FROM N. FRANKLINTOWN ROAD NEAR THE INTERSECTION WITH N. FOREST PARK AVENUE (WITHIN THE HISTORIC DISTRICT) TOWARD THE INTERSECTION OF SECURITY BOULEVARD AND INGLESIDE AVENUE.

N



EBI CONSULTING

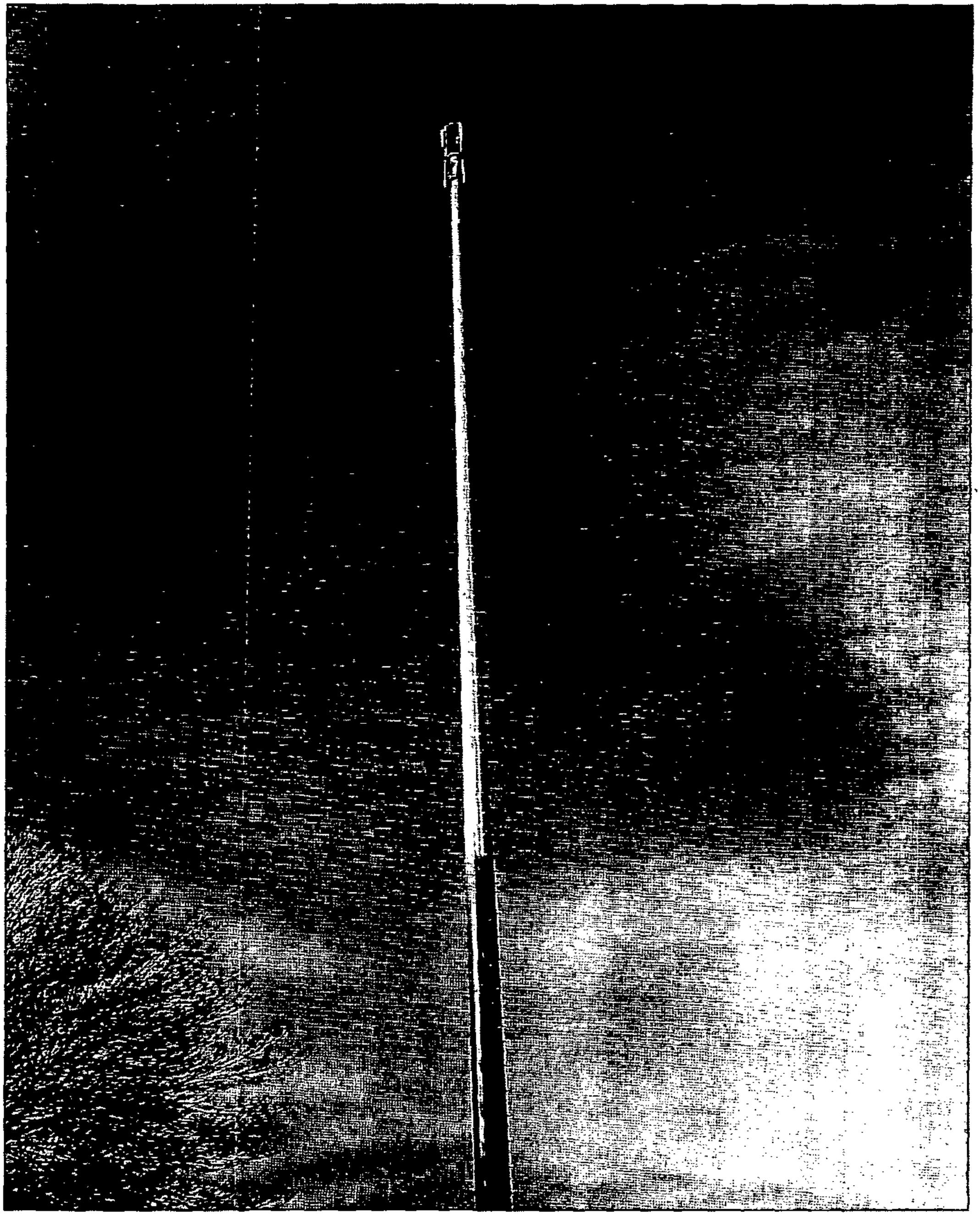
PHOTO LOC. MAP

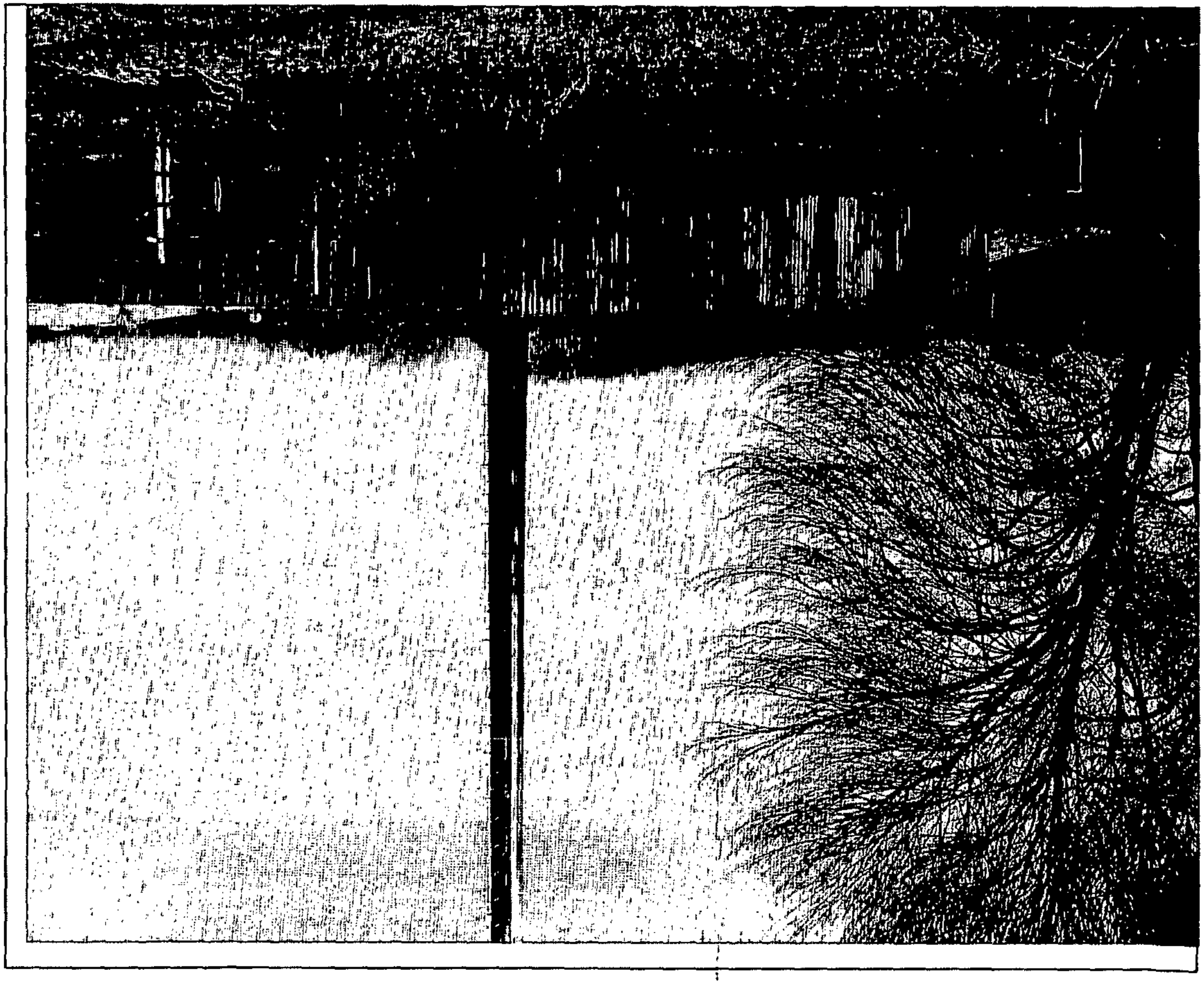
PHOTO LOCATION MAP
5208 Dogwood Road
Baltimore, MD
Photos taken November 9, 2006

N

PETITIONER'S

EXHIBIT NO. 17





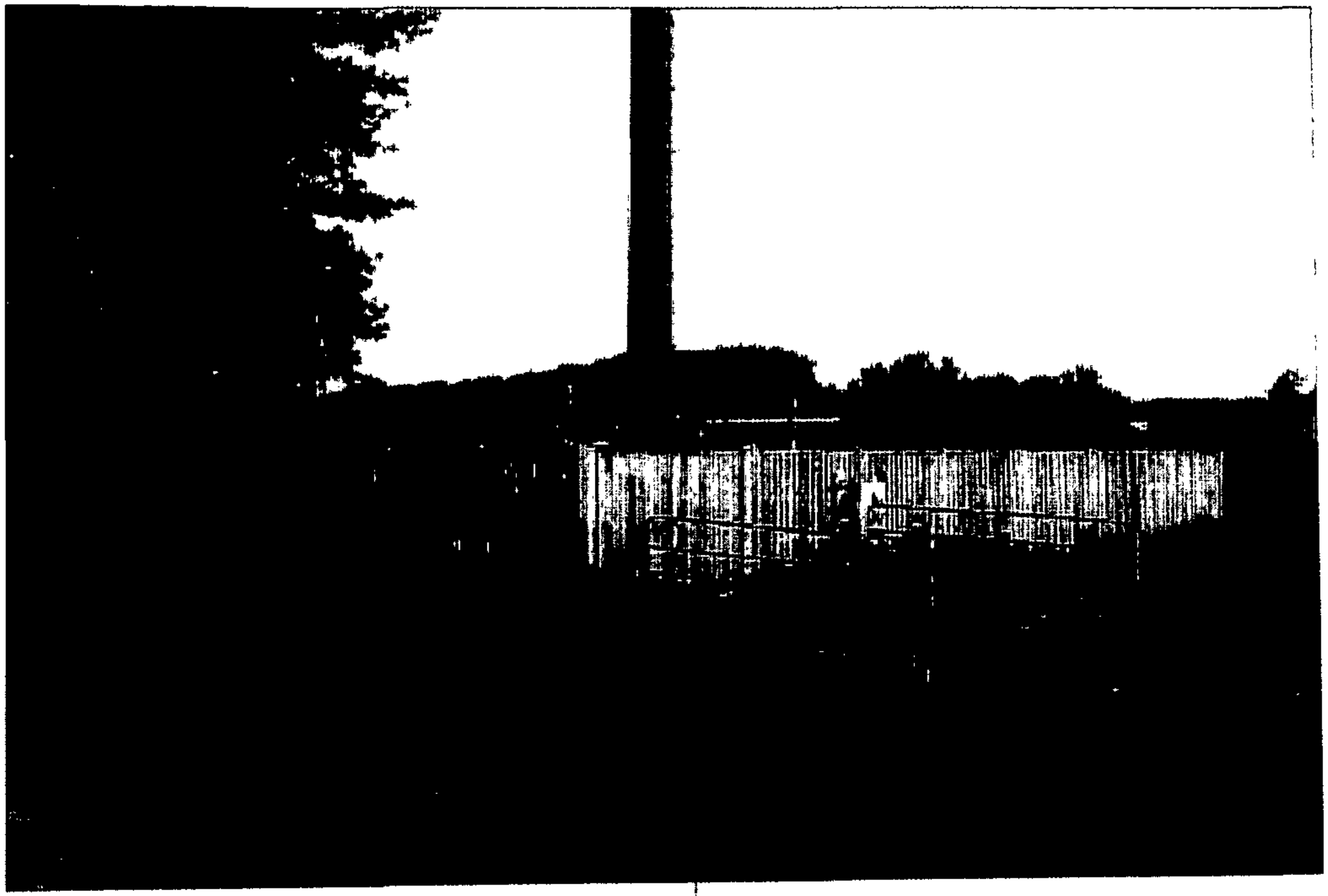
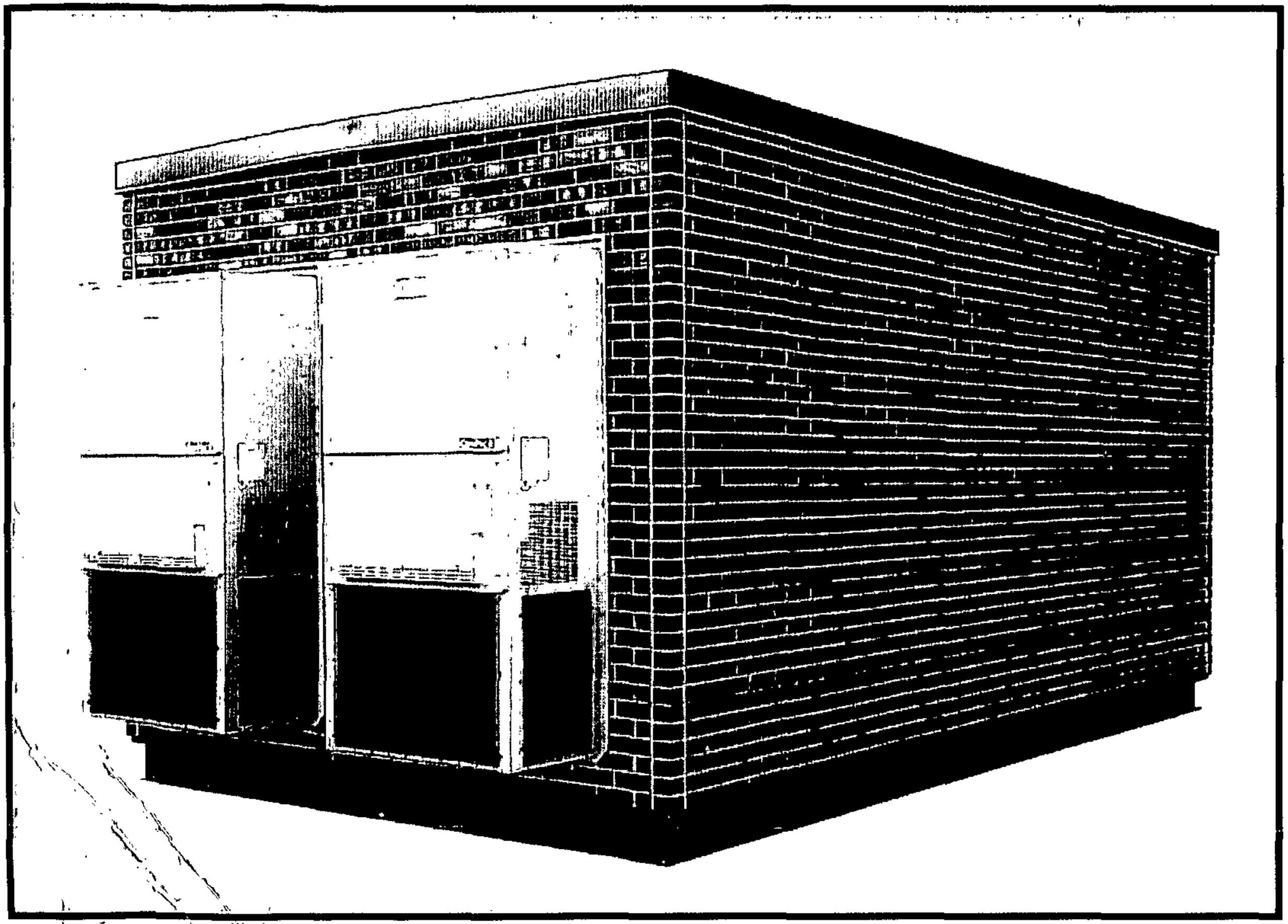


Photo #2: View of the site facing south.



PETITIONER'S

EXHIBIT NO. 18

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

1. *View looking* east from Bullwinkle's Saloon north (rear) parking lot toward the Subject Property and Franklintown Historic District (at the top of the hill).

2. View looking east/northeast from Bullwinkle's Saloon north (rear) parking lot toward the Subject Property.

PETITIONER'S

EXHIBIT NO. 15

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

3. View looking *northeast from* Bridge B 0096 (Old Ingleside Avenue over Dead Run) toward the Subject Property.

4. *View looking* northeast from St. Agnes Lane toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

5. View looking north/northeast from the intersection of Old Ingleside Road, Dogwood Road and Franklintown Road toward the Subject Property.

6. View looking north from Franklintown Road toward Dogwood Road and the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

7. View looking north from Franklintown Road toward the Subject Property. The Franklin Hotel is partially visible at right.

8. View looking north/northwest from the west end of the Millrace Tavern toward the Subject Property and the Franklin Hotel.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

9. View looking *northwest from* the parking lot at the east end of the Millrace Tavern toward the Franklin Hotel and the Subject Property.

10. *View looking* northwest at 5130 North Franklintown Road from the east end of the parking lot *adjacent to the* Millrace Tavern toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

11. View looking northwest from the southeast corner of the parking lot east of the Millrace Tavern toward the Subject Property. Included in this view are the Millrace Tavern (left), the Franklin Hotel (center), and 5130 North Franklintown Road (right).

12. View looking northwest from the intersection of North Franklintown Road and North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

13. View looking northwest from the parking lot adjacent to 5130 North Franklintown Road toward the Subject Property.

14. View looking northwest from North Forest Park Avenue, adjacent to the southwest corner of 1707 North Forest Park Avenue, toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

15. View looking northwest from North Forest Park Avenue, east of the Franklin Hotel, toward the Subject Property.

16. View looking west/northwest from the intersection of North Forest Park Avenue and Crescent Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

17. View looking west from Crescent Avenue, between 1707 and 1711 North Forest Park Avenue, toward the Subject Property.

18. View looking west from 1711 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

19. View looking southwest from the lawn between 1717 and 1721 North Forest Park Avenue toward the Subject Property.

20. View looking southwest from the lawn between 1711 and1717 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

21. View looking southwest from the south side of 1721 North Forest Park Avenue toward the Subject Property.

22. View looking southwest from the west side of Washington Park (Freeman's Oval) toward 1711 (left) and 1719-1721 North Forest Park Avenue (center & right) and the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

23. View looking southwest from the center of Washington Park (Freeman's Oval) toward the Subject Property. 1711 North Forest Park Avenue appears through the trees.

24. View looking west/southwest from 1715 Hill Street toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

25. View looking west from the south side of Hill Street toward the Subject Property.

26. View looking west at 5124 and 5126 Crescent *Avenue and* toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

27. View looking west from the intersection of Crescent Avenue and Hill Street toward the Subject Property.

28. View looking west from Hill Street behind 1711 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

29. View looking west/southwest *from* Hill Street *toward the* Subject Property. 1711 North Forest Park Avenue is on the left and 1717 North Forest Park Avenue is on the right.

30. View looking northwest along Hill Street toward Rose Lane behind 1719-21 North *Forest Park* Avenue.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

31. View looking northwest from 5124-26 Crescent Avenue toward the Subject Property.

32. View looking west from Crescent Avenue toward the Subject Property.

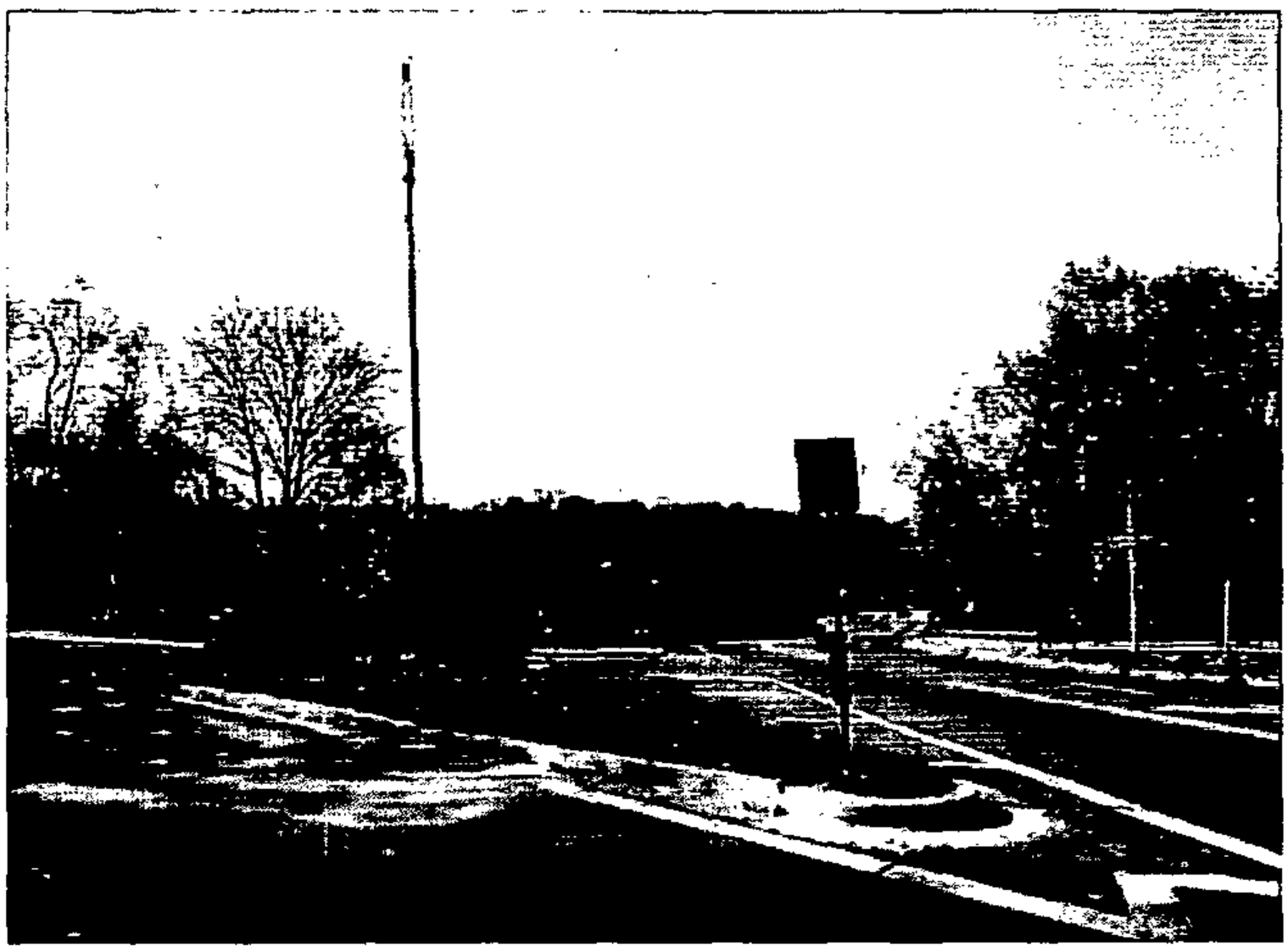
Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

33. View looking southwest from the intersection of Rose Lane and Hill Street toward the Subject Property.

34. View looking southwest from the intersection of North Forest Park Avenue and Rose Lane toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

35. View looking southwest from North Forest Park Avenue toward the Subject Property.



36. View looking southwest from North Forest Park Avenue at Ingleside Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

37. View looking southwest from the driveway at 1805 North Forest Park Avenue toward the Subject Property.

38. View looking southwest from the intersection of North Forest Park Avenue and Fredwall Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

39. View looking southwest from the intersection of Powhatan Avenue and North Forest Park Avenue toward the Subject Property.

40. View looking southwest from Vinewood Place at North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

41. View looking southwest from Vinewood Place adjacent to 1814 North Forest Park Avenue toward the Subject Property.

42. View looking southwest from Vinewood Place toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

43. View looking south at 5201 Vinewood Place toward the Subject Property.

44. View looking southwest from Powhatan Avenue toward 5110 Fredwall Avenue and the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

45. View looking southwest from 5110 Fredwall Avenue toward the Subject Property.

46. View looking southwest from the southeast end of Fredwall Avenue toward the Subject Property. 1809 North Forest Park Avenue is on the right.

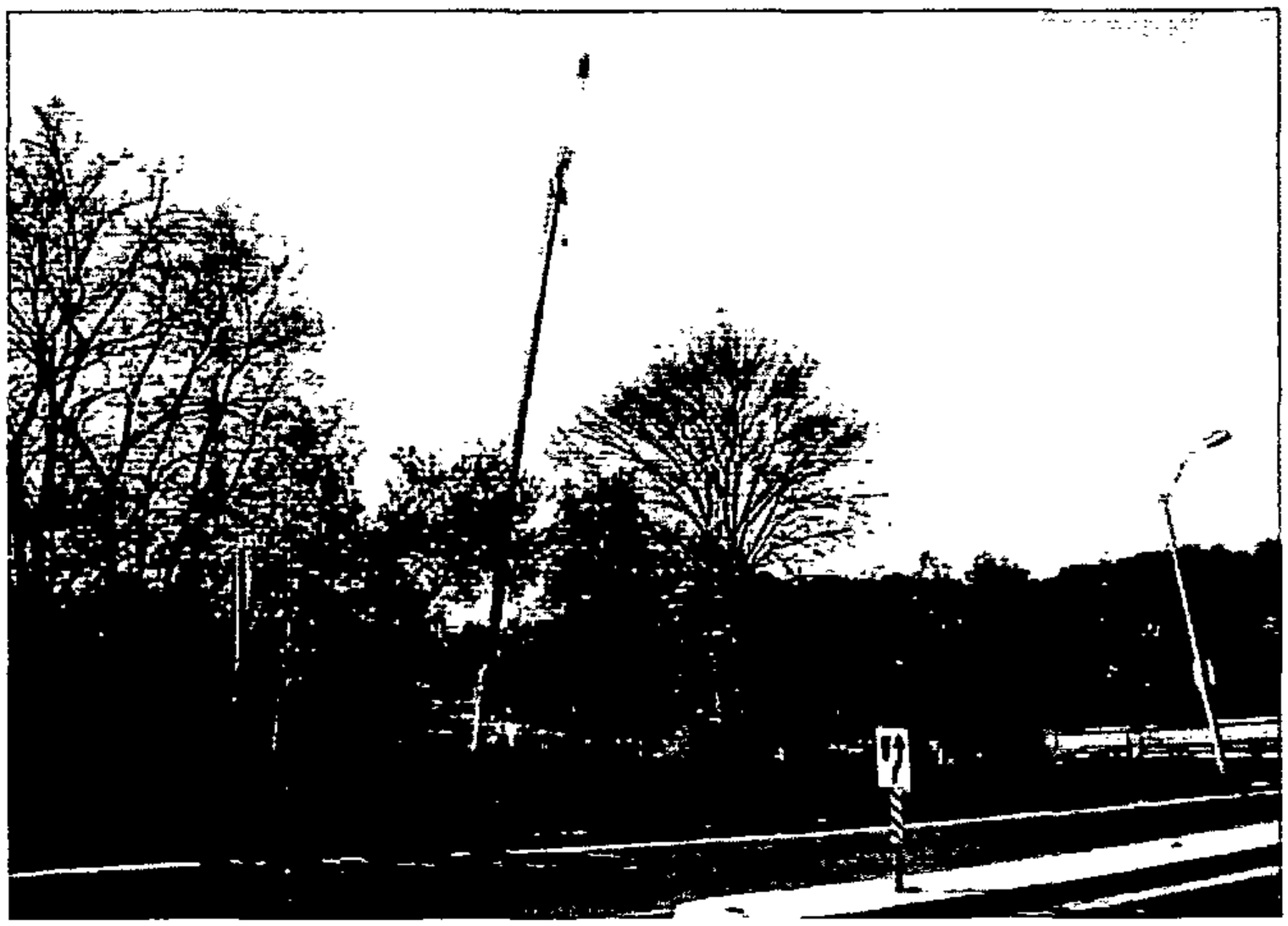
Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

47. View looking southwest from 1804 North Forest Park Avenue toward the Subject Property.

48. View looking soutwest from 1721 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

49. View looking southwest from the front porch at 1721 North Forest Park Avenue toward the Subject Property.



50. View looking west from North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

51. View looking northwest from the retaining wall at the northeast (rear) end of the Franklin Hotel toward the Subject Property.

52. View looking northwest from the parking lot at 5130 North Franklintown Road toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

53. View looking northwest from the northeast corner of the Millrace Tavern parking lot toward 5122-30 North Franklintown Road and the Subject Property.

54. View looking northwest from 5121 North Franklintown Road toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

55. View looking northwest from 5117 North Franklintown Road toward the Subject Property.

56. View looking west from 5117 North Franklintown Road toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

57. View looking west/southwest along North Franklintown Road from 5117 North Franklintown Road toward the Millrace Tavern.

58. View looking northwest from 5112-18 North Franklintown Road, across from the Mill Warehouse (right), toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

59. View looking west/northwest from 5115 North Franklintown Road toward the Subject Property.

60. View looking west/northwest across from 5108 North Franklintown Road toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

61. View looking west/northwest across from 5100 North Franklintown Road toward the Subject Property.

62. View looking west/northwest along North Franklintown Road from the Williams Street intersection toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

63. View looking west/northwest from Williams Street, between North Franklintown Road and Hamilton Avenue, toward the Subject Property.

64. View looking northwest from Williams Street at Hamilton Avenue, toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

65. View looking west from Division Street toward the Subject Property.

66. View looking north/northeast toward the Subject Property from land southwest of the intersection of Old Ingleside Avenue, Dogwood Road, and North Franklintown Road.

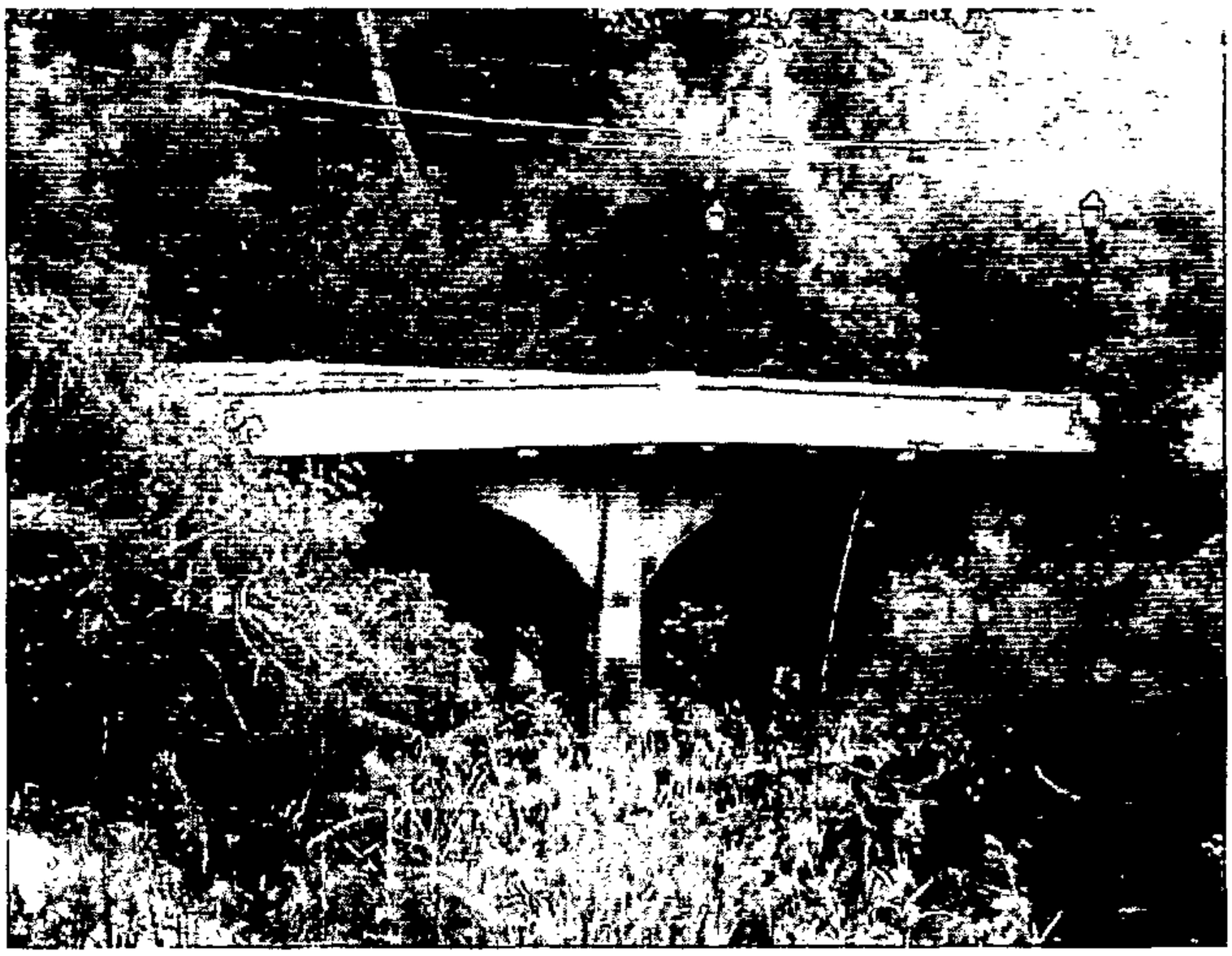
Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

67. View looking west/southwest from 1800 North Forest Park Avenue toward the Subject Property.

68. View looking east from North Forest Park Avenue, west of the intersection of North Forest Park Avenue and Security Boulevard, toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

69. View looking west from the east side of the Subject Property parcel toward the project site and Ingleside Avenue overpass.



70. View looking southwest at Bridge B 0096 (Old Ingleside Avenue over Dead Run).

EBI CONSULTING

PHOTO LOCATION MAP-1

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

N

EBI CONSULTING

PHOTO LOCATION MAP-2

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

N

EBI CONSULTING

PHOTO LOCATION MAP-3

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

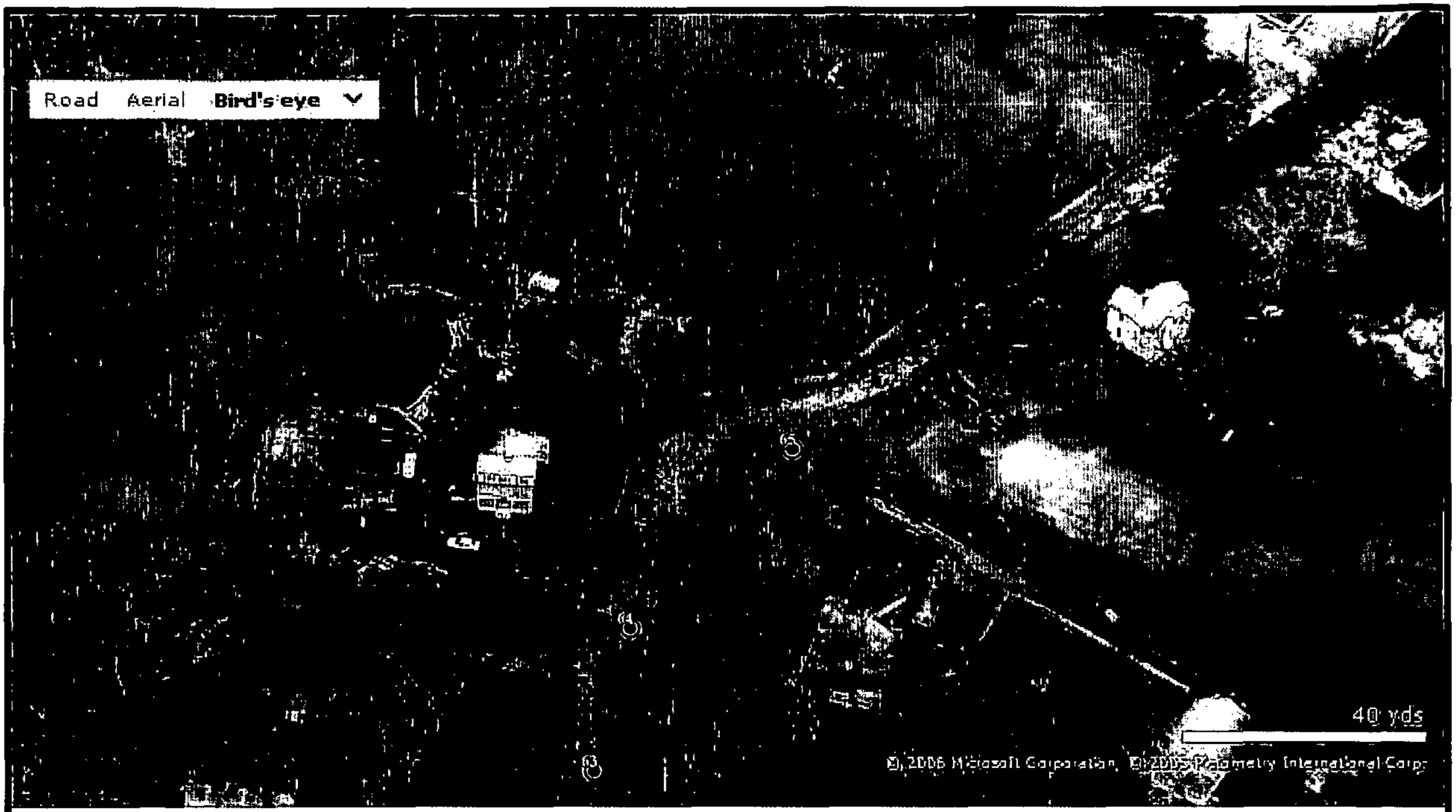
N

EBI CONSULTING

PHOTO LOCATION MAP-4

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

N

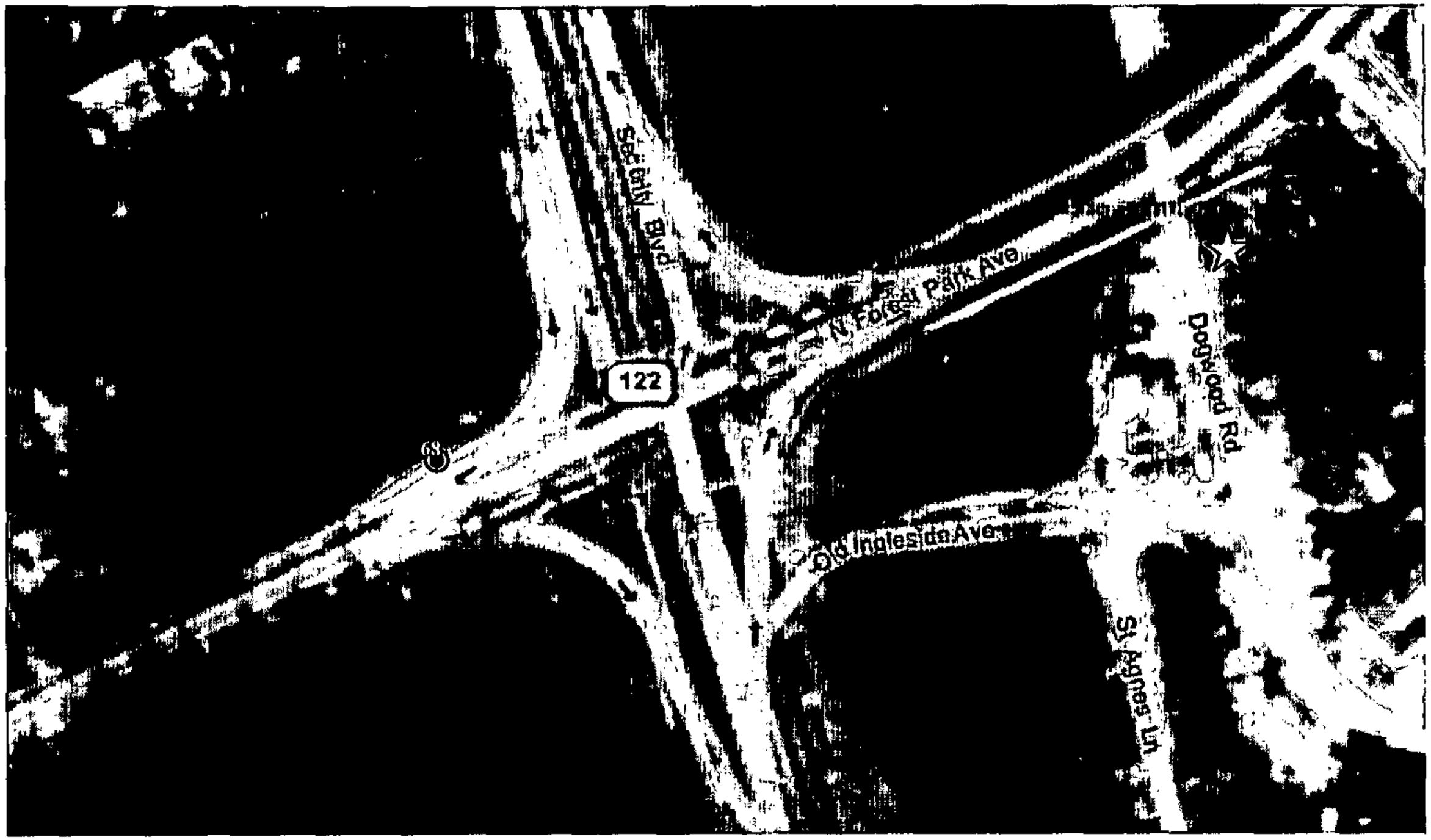


EBI CONSULTING

PHOTO LOCATION MAP-5

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

N



EBI CONSULTING

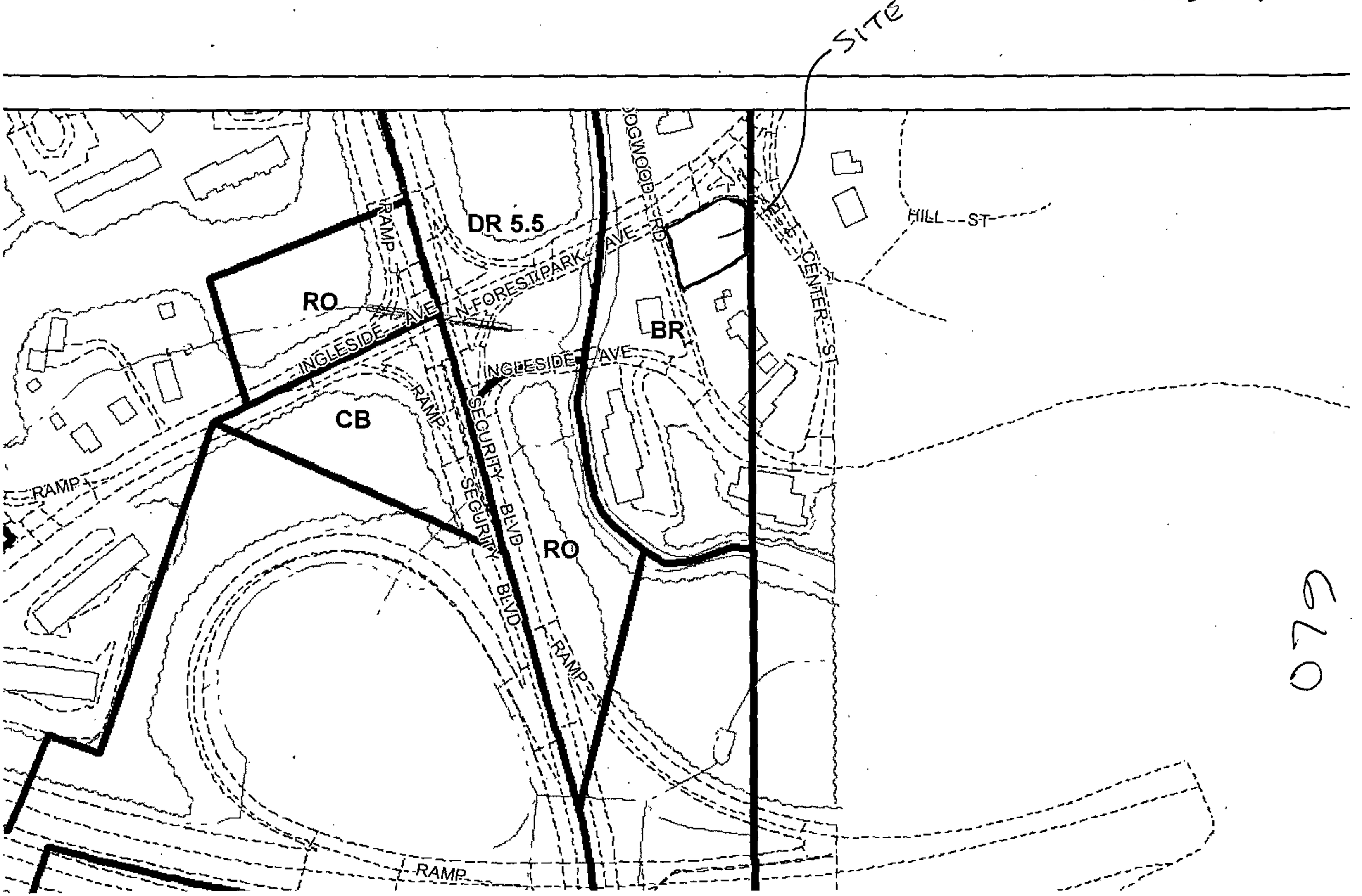
PHOTO LOCATION MAP-6

MD3077D/SECURITY BOULEVARD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
AERIAL PHOTO ©2006 MICROSOFT CORPORATION

N

Exhibit B to 7/28/06 Letter

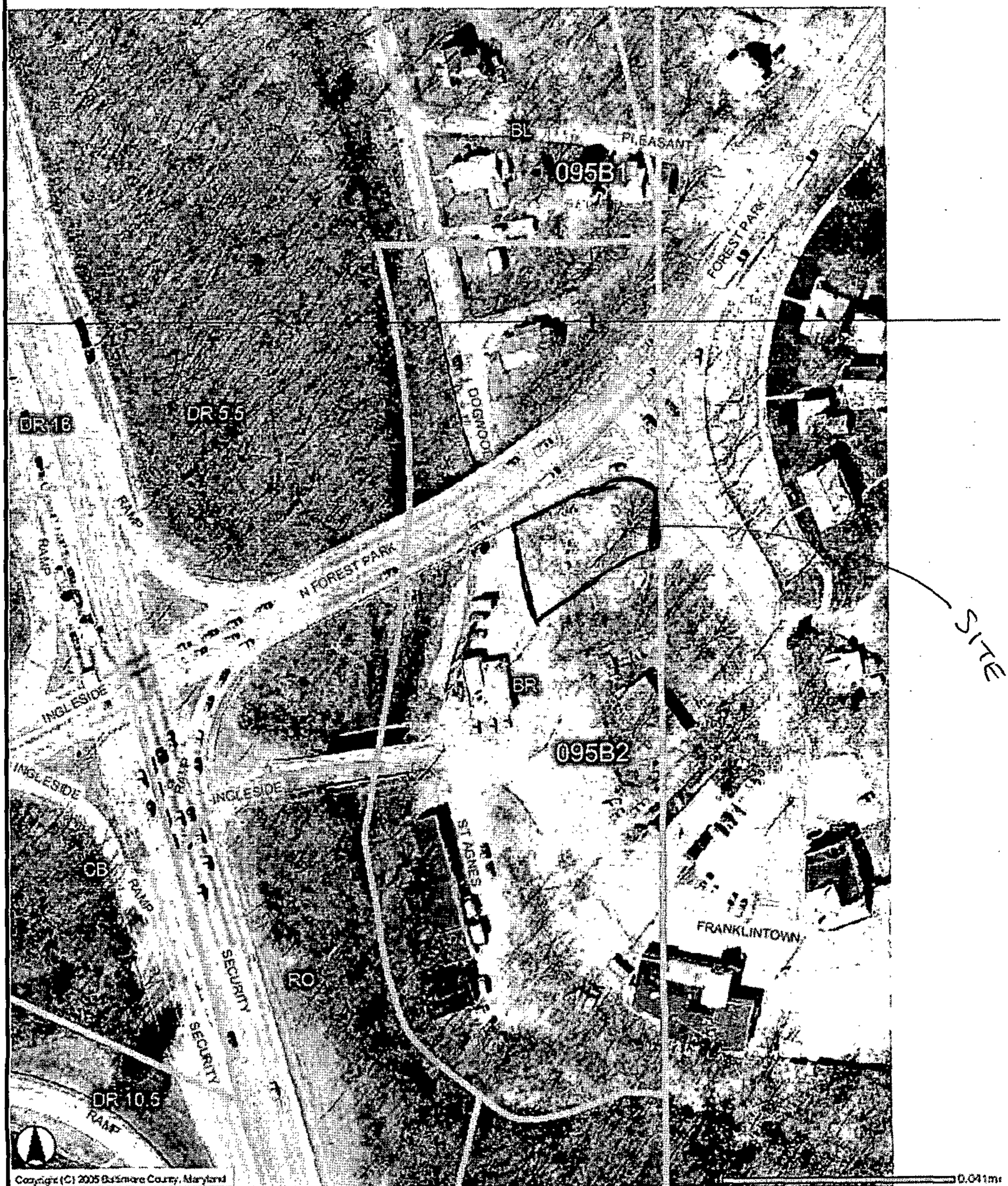
095B2



070

Baltimore County - My Neighborhood

>



From: Origin ID: (410)448-9944
William Eberhart
Eberharts Enterprises
1719 North Forest Park Avenue

Baltimore, MD 212076504

FedEx Express

CL5091488/13/23

Ship Date: 02OCT06
ActWgt: 1 LB
System#: 8170396/INET2500
Account#: S *********

REF: Section 106

Delivery Address Bar Code

SHIP TO: (410)887-4836 **BILL SENDER**

William J Wiseman, III
Baltimore County Zoning
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

STANDARD OVERNIGHT

TUE
Deliver By:
03OCT06

TRK# 7980 1111 3844

FORM 0201

BWI A2

21204 -MD-US

18 LTWA

Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of $100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of $100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is $500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

ZONING NOTICE

11/28/2006

CASE # :07-079-A

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

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

TIME & DATE : 2:00 pm Tuesday, December 5, 2006

Variance: to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

CLOTHE
SHOES
11/20/2006

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 26, 2006

CORRECTED NOTICE OF ZONING 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: 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District – 4th Councilmanic District
Legal Owners: Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.

Variance to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Tuesday, December 5, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Nicole Lacoste, 300 E. Lombard Street, 18th Floor, Baltimore 21202
Felix Palumbo, 119 Hollywood Drive, Glen Burnie 21060

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 20, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2006 Issue - Jeffersonian

Please forward billing to:
Nicole Lacoste
Ballard, Spahr, Andrews & Ingersoll
300 E. Lombard Street, 18th Floor
Baltimore, MD 21202

410-528-5546

NOTICE OF ZONING 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: 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
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Hearing: Tuesday, December 5, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

September 20, 2006

CORRECTED NOTICE OF ZONING 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: 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District – 4th Councilmanic District
Legal Owners: Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.

Variance to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Wednesday, October 18, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Nicole Lacoste, 300 E. Lombard Street, 18th Floor, Baltimore 21202
Felix Palumbo, 119 Hollywood Drive, Glen Burnie 21060

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 3, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2006 Issue - Jeffersonian

Please forward billing to:
Nicole Lacoste 410-528-5546
Ballard, Spahr, Andrews & Ingersoll
300 E. Lombard Street, 18th Floor
Baltimore, MD 21202

CORRECTED NOTICE OF ZONING HEARING

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CASE NUMBER: 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District – 4th Councilmanic District
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Hearing: Wednesday, October 18, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

September 11, 2006

NOTICE OF ZONING 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: 07-079-A
5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
1st Election District – 4th Councilmanic District
Legal Owners: Felix J. Palumbo
Contract Purchaser: Nextel Communications of the Mid-Atlantic, Inc.

Variance to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Wednesday, October 13, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Nicole Lacoste, 300 E. Lombard Street, 18th Floor, Baltimore 21202
Felix Palumbo, 119 Hollywood Drive, Glen Burnie 21060

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2006 Issue - Jeffersonian

Please forward billing to:
Nicole Lacoste 410-528-5546
Ballard, Spahr, Andrews & Ingersoll
300 E. Lombard Street, 18th Floor
Baltimore, MD 21202

NOTICE OF ZONING HEARING

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5208 Dogwood Road
East side of Dogwood Road at south side of Ingleside
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Variance to permit a proposed wireless telecommunications tower to have a setback as close as 141 feet to another owner's residential property line in lieu of the required 200 feet.

Hearing: Wednesday, October 13, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements The newspaper will bill the person listed below for the advertising This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 07-079-A

Petitioner NEXTEL / PALUMBO

Address or Location 5208 DOGWOOD RD

PLEASE FORWARD ADVERTISING BILL TO BALLARD, SPAHR, ANDREWS & INGERSOLL, L.L.P.

Name: ~~CLERICAL~~ c/o NICOLE M. LACOSTE

Address 300 E. LOMBARD ST, 18TH FLOOR
BALTIMORE MD 21202

Telephone Number

WILLIAM F. EBERHART, JR.

December 4, 2006

PROTESTANT'S
EXHIBIT NO. 2

Zoning Commissioner
Baltimore County
401 Bosley Avenue, Room 407
Towson, MD 21204

Re: Proposed Communications Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Sir:

I request that you deny the petition to grant the variances required for the construction of this proposed 150-foot communications tower.

I grew up in Franklintown, and I am a resident and property owner. My properties in the Franklintown Historic District are among those that will be most severely affected by the proposed tower, as most of them are on a hill with a direct view of the tower. The residential properties that I own in the historic district: 1711, 1717, 1719, and 1721 North Forest Park Avenue, 5124 and 5126 Crescent Street, NS Crescent Street, 1715 Hill Street, and Hill Street Circle are properties that were first purchased by my great-great-grandfather in the 1800's. I also have a 50% interest in commercial properties at 5201 North Franklintown Road and 5201-09 Windsor Mill Road.

I, together with other neighbors in Franklintown, was responsible for having Franklintown designated both a Baltimore City and a National Register Historic District in order to protect the community, to make it economically feasible to renovate the historic properties, and to attract additional development to the area.

In addition to the acquisition cost of my properties, I have already invested several hundred thousand dollars in renovation, resulting in a value of well over $2.5 million. If I had known there was to be a communications tower located in Franklintown, I would never have invested this money.

As you can see from the attached photographs from Nextel, the proposed tower will be a very prominent feature in the landscape of the residential properties, and will, in my opinion significantly reduce their value. In addition, the actual effect will be much worse than as shown in the photos, as the photos do not picture the three planned antenna arrays that will dominate the view.

My partners and I are currently working with a developer for the restoration and redevelopment of the commercial property at 5201 North Franklintown Road. This property has a direct view not only of the tower, but also of the industrial barbed wire topped fence and equipment enclosures at its base. Our development partner and we

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

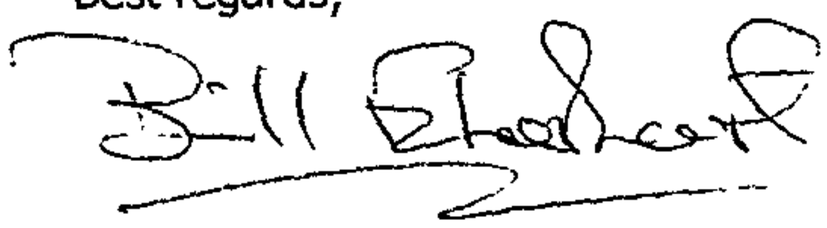
anticipate that it will be much more difficult to successfully redevelop this property if the tower is allowed to be constructed.

Baltimore County clearly believes that communications towers are undesirable uses, as they are not permitted to be located within 200 feet of adjacent residential property. I do not then understand why the County would be willing to grant variances for such a project and violate that limit. I am especially concerned as these variances, if granted, will enrich an absentee owner at the expense of all the residents and other commercial property owners in the area, and will make the Franklintown area less likely to be redeveloped and improved.

I realize that, under Maryland law, you are not required to consider the effect on adjacent jurisdictions in making your decision. However, as most of my property is in Baltimore City, I request that take the tower's effect on Baltimore City property into consideration. Although the tower will have an adverse effect on property in Baltimore County, it will have a much more significant effect on the historic residential and commercial properties in Baltimore City.

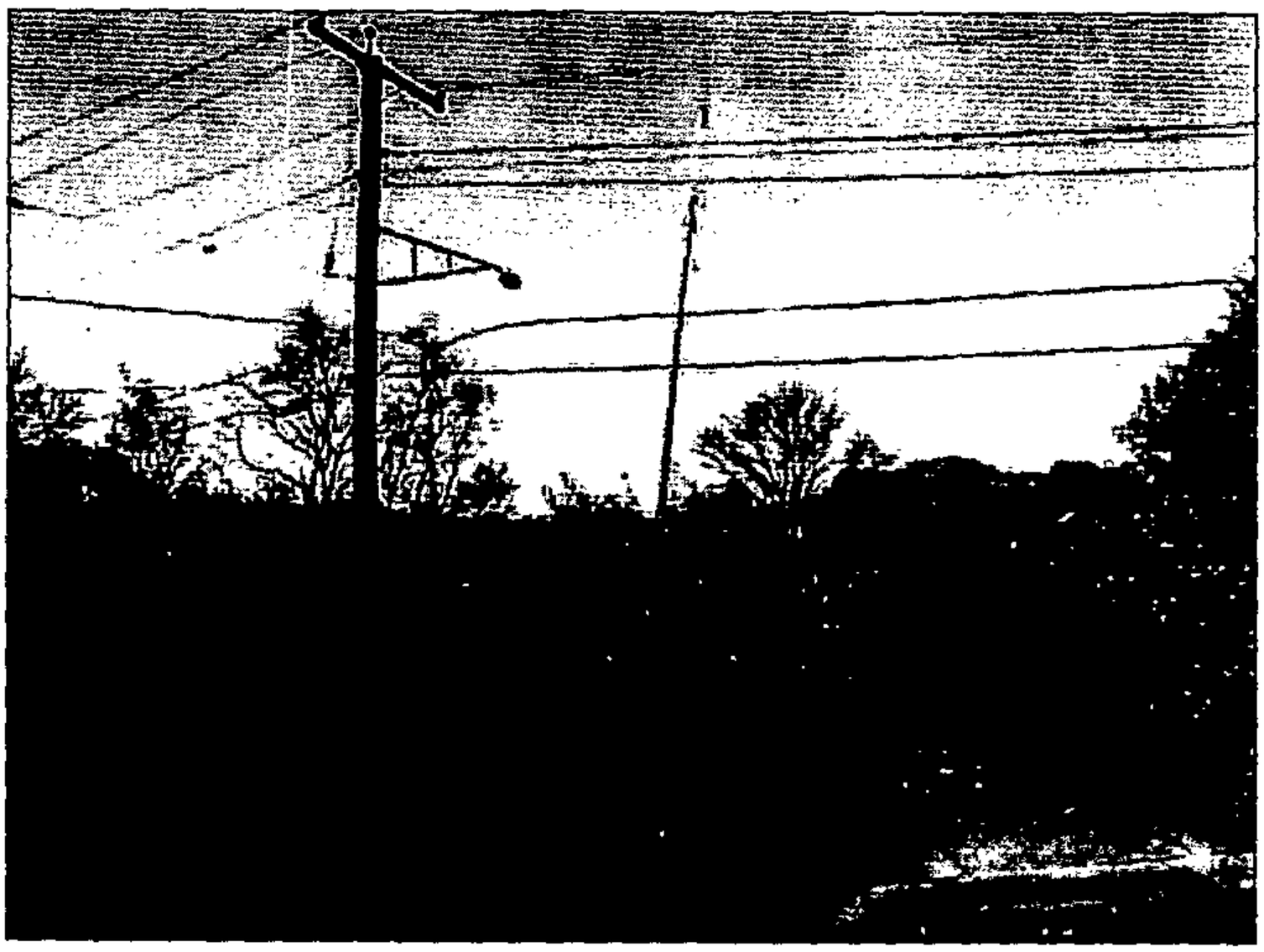
Thank you very much for your consideration. Again, I ask that you deny Nextel's petition for the variances necessary to construct this tower.

Best regards,



Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

17. View looking west from Crescent Avenue, between 1707 and 1711 North Forest Park Avenue, toward the Subject Property.



18. View looking west from 1711 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

19. View looking southwest from the lawn between 1717 and 1721 North Forest Park Avenue toward the Subject Property.

20. View looking southwest from the lawn between 1711 and1717 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

21. View looking southwest from the south side of 1721 North Forest Park Avenue toward the Subject Property.

22. View looking southwest from the west side of Washington Park (Freeman's Oval) toward 1711 (left) and 1719-1721 North Forest Park Avenue (center & right) and the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

25. *View looking* west from the south side of Hill Street toward the Subject Property.

26. View looking west at 5124 and 5126 Crescent Avenue and toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

27. View looking west from the intersection of Crescent Avenue and Hill Street toward the Subject Property.

28. View looking west from Hill Street behind 1711 North Forest Park Avenue toward the Subject Property.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

29. View looking west/southwest from Hill Street toward the Subject Property. 1711 North Forest Park Avenue is on the left and 1717 North Forest Park Avenue is on the right.

30. View looking northwest along Hill Street toward Rose Lane behind 1719-21 North Forest Park Avenue.

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

31. View looking northwest from 5124-26 Crescent Avenue toward the Subject Property.

32. View looking west from Crescent Avenue toward the Subject Property.

December 4, 2006

PROTESTANT'S
EXHIBIT NO. 3

Baltimore County Zoning Commission
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Dear Commissioners:

RE: Hearing for 5208 Dogwood Road (Nextel Communications Tower)
December 5, 2006 2:00 PM

We are 42-year residents of 5117 Franklintown Road, Baltimore, MD 21207. This is within one block of the proposed tower site. Note that 5117 Franklintown Road is in the Franklintown National Historic District. In addition to our principal residence we have invested extensively in five other properties (5112, 5118, 5120, 5130, and 5201 Franklintown Road) in the Historic District. Our investments in the purchase and renovation/restoration to these properties approaches $2-million.

The proposed communications tower at 5208 Dogwood Road is within sight of our properties. The dramatic visual impact of a 158' tower with a large antenna array will be devastating in an otherwise small scale residential neighborhood of primarily two story residences. The visual impact is acknowledged in the Nextel application. By their very nature, communications towers dominate their landscape and are structures typically located in industrial areas. The mere presence of a tower and its chain-link enclosed base facilities at this site will change the character of the entire neighborhood and, predictably, will have a negative effect on other property values.

At fundamental issue here is; will a variance (an exception to established law) be granted to profit one absentee landlord at the expense of all those who live in the historic area and other surrounding residential areas? The owner of 5208 Dogwood Road, Mr. Felix Palumbo, lives in Glen Burnie. He already has two billboards on his property that are only permitted by grandfathering. The request for a variance to erect an otherwise illegal tower only adds to the exploitation of the small commercially zoned area in an otherwise extensive residential neighborhood.

We respectfully request that the Zoning Commission deny this request.

Sincerely,

Fred E. Worthington/Anne R. Gossett
5117 Franklintown Road
Baltimore, MD 21207
410/448-3383

Maryland Department of Planning
Maryland Historical Trust

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence B. Burian
Deputy Secretary

December 14, 2006

Ms. Sarah L. Farley
EBI Consulting
6876 Susquehanna Trail South
York, PA 17403

Re: FCC Form 620 for Proposed New Communication Tower
Security Boulevard \ MD3077D; EBI Project 61065262
5208 Dogwood Road, Baltimore, MD

Dear Ms. Farley:

Thank you for providing the Maryland Historical Trust (Trust) with a revised copy of the FCC Form 620 for the above-referenced project. We have reviewed the provided information and are writing to continue consultation in accordance with Section 106 of the National Historic Preservation Act and the 2004 Nationwide Programmatic Agreement (NPA) covering the construction of most new communication towers.

The proposed project consists of the construction of a 150-foot monopole tower and supporting equipment on an approximately one-quarter acre lot at 5208 Dogwood Road in Baltimore County. The project site is immediately adjacent to the Franklintown Historic District (B-1316), which is listed in the National Register of Historic Places. As noted in the Form 620, the National Register nomination for the district describes it as a significant example of nineteenth century planning that retains its original and significant rural character. We agree that the proposed undertaking would diminish the qualities that make the district eligible for listing in the National Register and that the project would constitute an adverse effect on historic properties.

Nextel Communications should reevaluate plans for the project to determine if it is possible to avoid adverse effects to historic properties. If plans for the project proceed, Nextel should also continue consultation with all interested parties and develop and distribute the "plan designed to avoid, minimize, or mitigate" required by Provision VII.D of the NPA.

Thank you for providing us this opportunity to comment. We look forward to receiving the Provision VII.D report and working with all interested parties to successfully complete the Section 106 requirements for this undertaking. If you have questions or require further information, please contact Jonathan Sager at jsager@mdp.state.md.us or 410-514-7636.

Sincerely,

J. Rodney Little
Director / State Historic
Preservation Officer

PROTESTANT'S
EXHIBIT NO. 4

JRL / JES
CC: *Steven DelSordo (FCC)*
Bill Eberhart (Historic Franklintown Association)
Johns Hopkins (Baltimore Heritage)
Josh Phillips (Preservation Maryland)
Patricia Bentz (Baltimore County Historic Trust)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 11, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-079- Variance-** ***(revised comment)***

An inspection of the above referenced property revealed that the proposed variance request is located in a Community Conservation area. The proposed location of the tower could compromise the safety and character of the surrounding residential uses. After review of the subject request the Office of Planning recommends ***denial***.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-099revised.doc

RECEIVED
DEC 04 2006
ZONING COMMISSIONER

PROTESTANT'S
EXHIBIT NO. 5

THE FRANKLINTOWN COMMUNITY ASSOCIATION

OFFICERS
Cheryl Wilcox, Treasurer

BOARD OF DIRECTORS
Linda Aydlett
Mae Jacobs Conway
Steve Fleagle
Hope Godish
Michelle Johnson
Jack Lattimore
Beverly Lindsey
Diane Merkle
Shelly Moody
Ruffie London
Nancy Masters Long
Larry Shaw

P.O. Box 7537
Baltimore, MD 21207

December 5, 2006

William J. Wiseman, III, Zoning Commissioner
Baltimore County Office of Zoning

RE: Case 07156SPH

07-079A

Dear Mr. Wiseman,

My name is Jack Lattimore. I am the former President of the Franklintown Community Association and presided over the deliberations the Association had regarding the cell tower.

To the Commissioner I would like to make the following points in opposition to the tower request:

First - Location –

- In a service ring of 1 mile, why was this location, in fact the lowest in the vicinity, chosen?
  One can move less than a quarter of a mile in any direction to find locations at least 50' higher than the location in question. I would suggest that in the end it comes down to money – Nextel got a bargain when the made an offer to Mr. Palumbo.
- Its adjacency to a federal and municipal historic district is in direct opposition to the recommendations in both the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. In passing NEPA Congress unambiguously stated that Americans

PROTESTANT'S
EXHIBIT NO. 6A

should be assured of "safe, healthful, productive, and esthetically and culturally pleasing surroundings."

Visual impacts, especially those associated with tower structures have long been an element of NEPA compliance.
Contrary to arguments by communications industry lawyers, looks do matter. NEPA says so. The NHPA says so. A number of federal court cases say so: "The character of the environment affects the quality of life and the value of property in both residential and commercial areas,' wrote Justice Stevens for the United States Supreme Court in a 1984 case.

- Consider what we as a community will lose if this tower is permitted to be built where requested:
  - A blight on our historic district and its chances for further enhancement
  - A negative impact on housing values in a minority neighborhood that already faces many challenges to its continued vitality
  - The Gwynns Falls Trail, a nationally renowned nature trail, will complete its spur through Franklintown this coming spring. In the location requested the tower will be the dominant manmade feature hikers will see as they enter Historic Franklintown.

Second - Community Opposition –

- We invited Mr. Palumbo to come to our community's Board meeting in July and discussed the proposal with him.
- The Board discussed the matter again at our August meeting. Following those deliberations the Board voted unanimously to oppose the tower. It was not a difficult decision for any of the Board members.
- Further, the Board invited Nextel and its representatives to our September Board meeting. No minds were changed by that discussion and the Board felt it unnecessary to reopen the issue.

Finally, I would like to submit letters we sent to Mr. Palumbo, noting the Board's opposition to his proposal, and the letter we sent to our Councilman, the Honorable Ken Oliver, enumerating to him the community's opposition to the proposal.

Respectfully submitted,

Jack Lattimore, former President
Franklintown Community Association

THE FRANKLINTOWN COMMUNITY ASSOCIATION

OFFICERS
Jack Lattimore, President
Beverly Lindsey, Secretary
Linda Aydlett, Treasurer

BOARD OF DIRECTORS
Mae Jacobs Conway
Hope Godish
Creighton Higgins
Michelle Johnson
Cristina Kirkland
Diane Merkle
Shelly Moody
Ruffie London
Nancy Masters Long
Larry Shaw

P.O. Box 7537
Baltimore, MD 21207

September 10, 2006

RE: Proposed cell phone tower at 5208 Dogwood Road

Felix J. Palumbo
119 Hollywood Drive
Glen Burnie, MD 21060-6641

Dear Rocky,

The Board of Directors of the Franklintown Community Association met on August 10, 2006 to discuss the cell phone tower you have agreed to let Nextel construct on your property at 5208 Dogwood Road. We reviewed the presentation you made at our July Board meeting and various construction documents prepared by Nextel Communications.

After carefully deliberating the proposal, it was the unanimous decision of the Board of Directors of the Franklintown Community Association to oppose construction of the tower at the location specified. Board members had a variety of concerns regarding the proposal:

- Apparently the tower would require as many as 4 exemptions to Baltimore County zoning regulations.
- The tower will dominate the Franklintown landscape in a negative way.
- The site is adjacent to and in clear view of the National Register Historic District and the Baltimore City Historic District of Franklintown. The proposed tower will therefore have a negative visual impact to the sensitive historic properties of this historic district.
- It will be the first structure hikers will see when they enter Franklintown using the new trail spur that will cross the Old Ingleside Avenue bridge over Dead Run.

Protestants 6B

- Because of these concerns it is our belief that the tower will lower the property values of the neighboring residential and commercial properties in Franklintown.

If you have any questions or comments regarding the Board's decision, you may contact me at 410-944-1849 or 443-415-1103.

Sincerely,

Jack Lattimore, President
Franklintown Community Association

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Shelly Moody
Ruffie London
Nancy Masters Long
Larry Shaw

P.O. Box 7537
Baltimore, MD 21207

September 26, 2006

RE: Proposed cell phone tower at 5208 Dogwood Road

Ken Oliver, Councilman, 4th District
County Council of Baltimore County
400 Washington Ave.
Towson, Maryland 21204

Dear Councilman Oliver,

The Board of Directors of the Franklintown Community Association met on August 10, 2006 to discuss the construction of a cell phone tower at 5208 Dogwood Road. We discussed the installation with Mr. Rocky Palumbo, owner of the property, and reviewed various construction documents made available by your office and the County's Tower Review Committee.

After carefully deliberating the proposal, it was the **unanimous** decision of the Board of Directors of the Franklintown Community Association to oppose construction of the tower at the location specified. The Board had a variety of concerns regarding the proposal:

- The tower will dominate the Franklintown landscape in a negative way and therefore does not comply with one of the Tower Review Committee's primary guidelines, that a cell tower will be "designed to minimize its visibility from residential and transitional zones"
- Apparently the tower will require as many as 4 exemptions to Baltimore County zoning regulations, clearly indicating that the location does not comply with existing land use regulations and patterns.
- The site is adjacent to and in clear view of the National Register Historic District and the Baltimore City Historic District of Franklintown. The proposed tower will therefore have a negative

Protestants
6C

visual impact to the sensitive historic properties of this historic district.

- It will be the dominant structure hikers will see when they enter Franklintown using one of the main gateways to the nationally renowned Gwynns Fall Trail.
- It is the Board's belief that the appearance of such an unsightly structure in our scenic community will lower the property values of the neighboring residences and historic properties in Franklintown.

If you have any questions or comments regarding the Board's decision, you may contact me at 410-944-1849 or 443-415-1103.

Sincerely,

Jack Lattimore, President
Franklintown Community Association

My name is Jack Lattimore. I am the former President of the Franklintown Community Association and presided over the deliberations the Association had regarding the cell tower.

To the Commissioners I would like to make the following points in opposition to the tower request:

First - Location –

- In a ~~service~~ search ring of 1 mile, why was this location, in fact the lowest in the vicinity, chosen?

  One can move less than a quarter of a mile in any direction to find locations at least 50' higher than the location in question. ~~would suggest that in the end it comes down to money – Nextel got a bargain when the made an offer to Mr. Palumbo.~~

- Its adjacency to a federal and municipal historic district is in direct opposition to the recommendations in both the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. In passing NEPA Congress unambiguously stated that Americans should be assured of "safe, healthful, productive, and esthetically and culturally pleasing surroundings."

  Visual impacts, especially those associated with tower structures have long been an element of NEPA compliance. Contrary to arguments by communications industry lawyers, looks do matter. NEPA says so. The NHPA says so. A number of federal court cases say so: "The character of the environment affects the quality of life and the value of property in both residential and commercial areas,' wrote Justice Stevens for the United States Supreme Court in a 1984 case.

PROTESTANT'S EXHIBIT NO. #7

- Consider what we as a community will lose if this tower is permitted to be built where requested:
    - A blight on our historic district and its chances for further enhancement
    - A negative impact on housing values in a minority neighborhood that already faces many challenges to its continued vitality
    - The Gwynns Falls Trail, a nationally renowned nature trail, will complete its spur through Franklintown this coming spring. In the location requested the tower will be the dominant manmade feature hikers will see as they enter Historic Franklintown.

Second - Community Opposition –

- We invited Mr. Palumbo to come to our community's Board meeting in July and discussed the proposal with him.
- The Board discussed the matter again at our August meeting. Following those deliberations the Board voted unanimously to oppose the tower. It was not a difficult decision for any of the Board members.
- Further, the Board invited Nextel and its representatives to our September Board meeting. No minds were changed by that discussion and the Board felt it unnecessary to reopen the issue.

notarized!
↳ Billboards - a matter of ~~some~~ controversy not only between Mr. Palumbo and the community but Mr. Palumbo and the county regarding negotiations to remove the billboards because of the existing matter in Franklintown.

Very Lengthy

Nextel says that the issues the community brings up are not relevant to granting a variance. But at the same time, ***they*** ask the Commissioner to consider issues that ***the community*** could just as well claim are irrelevant. .

The point is that a variance should be granted only if ***NOT*** granting it "would result in practical difficulty and unreasonable hardship."

Nextel makes the case that the placement of the tower ~~along~~ Dogwood Road is absolutely essential from a ~~technical standpoint~~ and yet when inquiries are made to closely examine those claims what occurs:

- we are told that information is proprietary
- we see experts standing in front of the Commission making technical decisions on the fly
- they belittle other available sites within the search ring that would likely be less controversial.

Why would alternative sites be less controversial? Because ~~you~~ would not be asking a community that is attempting to protect and enhance its identity as a national and municipal historic location to co-exist with a metal monstrosity ~~for mobile media~~.

The regulations make it clear that a variance "is not permitted if it will cause substantial injury to public health, safety and general welfare or it the resulting development would not be in strict harmony with the spirit and intent of the regulation."

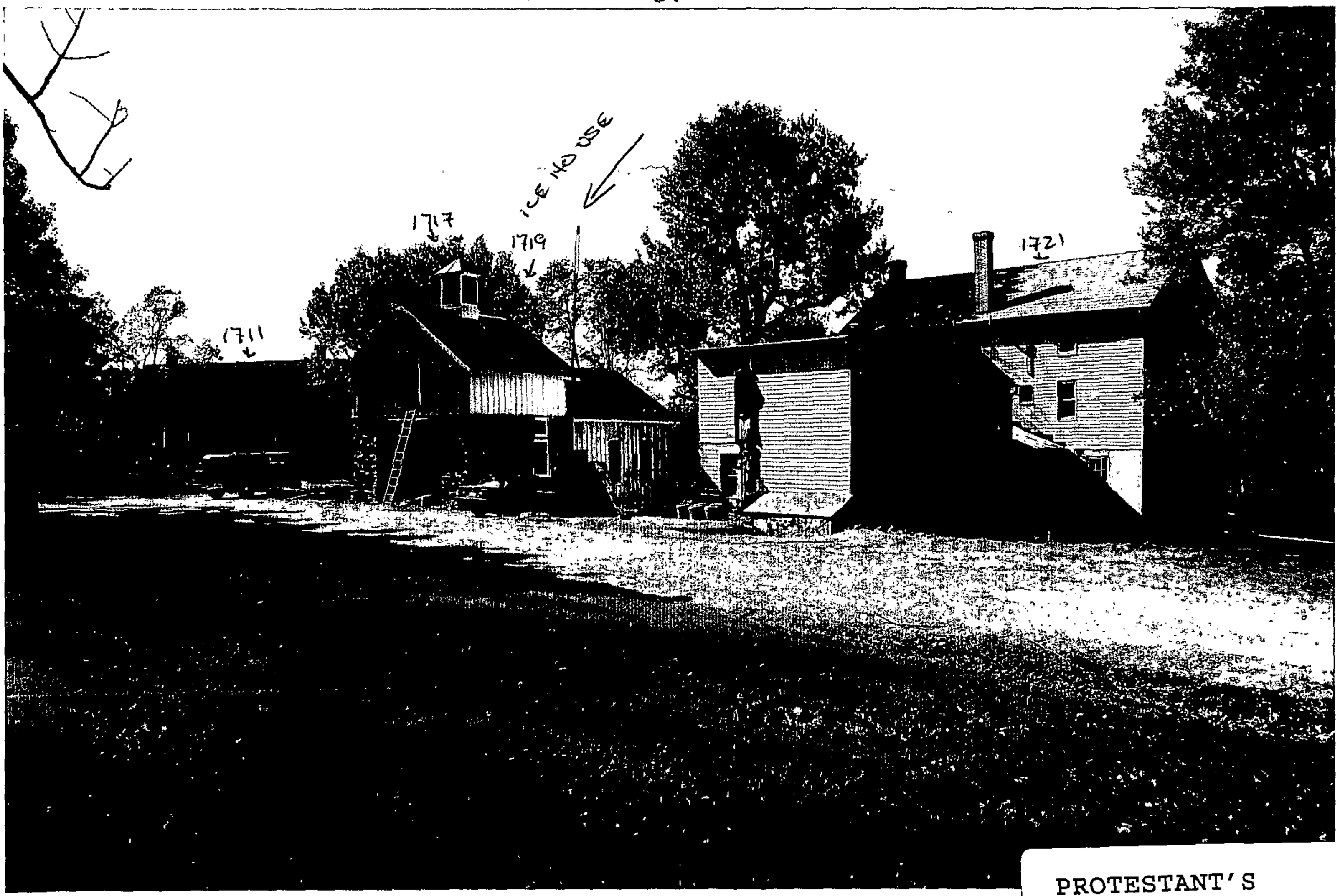
With the community's presence here today, and at the first session of this special hearing, we hope we have made it clear that what Nextel is proposing is way out of harmony with what this community desires in the way of development and actually quite destructive in terms of future economic development in this historic community.

Sir, this entire ~~the~~ hearing on 12/5/06 and today ~~and~~ the petition Nextel is making, the request for variance and ~~scope~~ of special note - the amount of variances required by Nextel to ~~request~~ make this petition should make it clear the amount of community opposition to this issue.

No one is claiming the Franklintown Historic District has reached its peak in terms of economic development or even picturesque beauty. But the designation was made because the area warrants protection and the ordinances to enhance its historic assets. The installation of

a tower directly adjacent to the house which would
just ~~almost~~ literally put a stake in the heart of
~~one of the occupants~~ the most significant

NORTH FOREST PARK AVENUE



PROTESTANT'S

EXHIBIT NO. 8

April 23, 1996

FEDERAL COMMUNICATIONS COMMISSIO

PROTESTANT'S
EXHIBIT NO. 9

FACT SHEET

Information provided by the Wireless Telecommunications Bureau

NEW NATIONAL WIRELESS TOWER SITING POLICIES

The Telecommunications Act of 1996 contains important provisions concerning the placement of towers and other facilities for use in providing personal wireless services. Most state and local communities have worked closely with cellular and other wireless service providers on such placement plans, but this new law establishes new responsibilities for communities and for the Federal Communications Commission (FCC). The rapid expansion in the wireless industry makes these issues even more important.

This fact sheet is intended to explain the new provisions and to help state and local governments as they deal with the complex issues of facilities siting in their local communities. At the end of this fact sheet, you will find names of contacts for additional information about this area and other issues before the FCC.

Section 704 of the Telecommunications Act of 1996 (the "1996 Act") governs federal, state and local government oversight of siting of "personal wireless service" facilities. The 1996 Act establishes a comprehensive framework for the exercise of jurisdiction by state and local zoning authorities over the construction, modification and placement of facilities such as towers for cellular, personal communications service (PCS), and specialized mobile radio (SMR) transmitters:

- The new law preserves local zoning authority, but clarifies when the exercise of local zoning authority may be preempted by the FCC.

- Section 704 prohibits any action that would discriminate between different providers of personal wireless services, such as cellular, wide-area SMR and broadband PCS. It also prohibits any action that would ban altogether the construction, modification or placement of these kinds of facilities in a particular area.

- The law also specifies procedures which must be followed for acting on a request to place these kinds of facilities, and provides for review in the courts or the FCC of any decision by a zoning authority that is inconsistent with Section 704.

- Finally, Section 704 requires the federal government to take steps to help licensees in spectrum-based services, such as PCS and cellular, get access to preferred sites for their facilities. Federal agencies and departments will work directly with licensees to make federal property available for this purpose, and the FCC is directed to work with the states to find ways for states to accommodate licensees who wish to erect towers on state property, or use state easements and rights-of-way.

The attachments to this fact sheet seek to provide information concerning tower siting for personal wireless communications services. They include a summary of the provisions of Section 704 of the 1996 Act, the actual text of Section 704, and a technical information summary that describes the cellular, wide-area SMR and broadband PCS technologies that underlie the majority of requests for new tower sites.

Questions about the Telecommunications Act of 1996 generally may be addressed to Sheryl Wilkerson in the FCC's Office of Legislative and Intergovernmental Affairs, 202-418-1902 (e-mail: swilkers@fcc.gov). Questions about tower siting, licensing issues or technical matters may be addressed to Steve Markendorff, Deputy Chief, Commercial Wireless Division in the Wireless Telecommunications Bureau, 202-418-0620, (e-mail: smarkend@fcc.gov).

This Fact Sheet is available on our fax-on-demand system. The telephone number for fax-on demand is 202-418-2830. The Fact Sheet may also be found on the World Wide Web at http://wireless.fcc.gov/.

SUMMARY OF SECTION 704 OF THE TELECOMMUNICATIONS ACT OF 1996

The following is a summary of key provisions. The text of Section 704 is reproduced in its entirety as an attachment to this summary.

1. Local Zoning Authority Preserved

Section 704(a) of the 1996 Act amends Section 332(c) of the Communications Act ("Mobile Services") by adding a new paragraph (7). It preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, except as provided in the new paragraph (7).

2. Exceptions

a. States and Localities May Not Take Discriminatory or Prohibiting Actions

Section 704(a) of the 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. §332(c)(7)(B)(i).

Review: Any person that is adversely affected by a state or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts. 47 U.S.C. §332(c)(7)(B)(v).

b. Procedures for Ruling on Requests to Place, Construct or Modify Personal Wireless Service Facilities

Section 704(a) also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable time. Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record. 47 U.S.C. §332(c)(7)(B)(ii), (iii).

c. Regulations Based On Environmental Effects of RF Emissions Preempted

Section 704(a) of the 1996 Act expressly preempts state and local government regulation of 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 FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

Review: Parties may seek relief from the FCC if they are adversely affected by a state or local government's final action or failure to act that is inconsistent with this provision. 47 U.S.C. § 332(c)(7)(B)(v).

3. Federal Guidelines Concerning RF Emissions

Section 704(b) requires the FCC to prescribe and make effective new rules regarding the environmental effects of radio frequency emissions, which are under consideration in ET Docket 93-62, within 180 days of enactment of the 1996 Act.

NOTE: The pendency of this proceeding before the FCC does not affect the rules which currently are in effect governing the environmental effects of radio frequency emissions. Section 704(b) gives preemptive effect to these existing rules. See related attachments to the Fact Sheet.

4. Use of Federal or State Government Property

a. Federal Property

Section 704(c) of the 1996 Act requires the President (or his designee) to prescribe procedures by which the federal government may make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way and easements under their control, for the placement of new spectrum-based telecommunications services.

b. State Property

With respect to facilities siting on state property, Section 704(c) of the 1996 Act requires the FCC to provide technical support to States to encourage them to make property, rights-of-way and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services.

NOTE: Information concerning technical support for tower siting which the FCC is making available to state and local governments is attached to the Fact Sheet.

5. Definitions

"Personal wireless services" include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C)(i).

"Commercial mobile services" are defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules. 47 C.F.R. §20.9.

"Unlicensed wireless services" are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition. 47 U.S.C. §332(c)(7)(C)(iii).

COMPLETE TEXT OF SEC. 704 OF THE TELECOMMUNICATIONS ACT OF 1996

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

`(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

`(B) LIMITATIONS-

`(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

`(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

`(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

`(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

`(iii) Any decision by a State or local government or place,
construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

`(iv) 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.

`(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

`(C) DEFINITIONS- For purposes of this paragraph--

`(i) the term `personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

`(ii) the term `personal wireless service facilities' means facilities for the provision of personal wireless services; and

'(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).'.

(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

TECHNICAL INFORMATION CONCERNING CELLULAR, SPECIALIZED MOBILE RADIO AND PERSONAL COMMUNICATIONS SERVICES

April 1996

Cellular Information

The FCC established rules and procedures for licensing cellular systems in the United States and its Possessions and Territories. These rules designated 306 Metropolitan Statistical Areas and 428 Rural Service Areas for a total of 734 cellular markets and spectrum was allocated to license 2 systems in each market. Cellular is allocated spectrum in the 824-849 and 869-894 MHz ranges. Cellular licensees are generally required to license only the tower locations that make up their outer service contour. Licensees desiring to add or modify any tower locations that are within an already approved and licensed service area do not have to submit an application for that location to be added to their cellular license, although they may need FCC approval if the antenna would constitute a major environmental action (See question 2, below) or would exceed the criteria specified in Part 17 of the FCC's Rules ("Construction, Marking and Lighting of Antenna Structures"). Part 17 includes criteria for determining when construction or placement of a tower would require prior notification to the Federal Aviation Administration (FAA). (See question 3, below.)

A cellular system operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells. This is known in the industry as frequency reuse. As a subscriber travels across the service area the call is transferred (handed-off) from one cell to another without noticeable interruption. All the cells in a cellular system are connected to a Mobile Telephone Switching Office (MTSO) by landline or microwave links. The

MTSO controls the switching between the Public Switched Telephone Network (PSTN) and the cell site for all wireline-to-mobile and mobile-to-wireline calls.

Specialized Mobile Radio (SMR) Information

Specialized Mobile Radio (SMR) service licensees provide land mobile communications on a commercial (*i.e.*, for profit) or private basis. A traditional SMR system consists of one or more base station transmitters, one or more antennas and end user radio equipment which often consists of a mobile radio unit either provided by the end user or obtained from the SMR operator. The base station receives either telephone transmissions from end users or low power signals from end user mobile radios.

SMR systems operate in two distinct frequency ranges: 806-821/851-866 MHz (800 MHz) and 896-901/935-940 MHz (900 MHz). 800 MHz SMR services have been licensed by the FCC on a site-by-site basis, so that the SMR provider must approach the FCC and receive a license for each and every tower/base site. In the future the FCC will license this band on a wide-area market approach. 900 MHz SMR was originally licensed in 46 Designated Filing Areas (DFAs) comprised of only the top 50 markets in the country. The Commission is in the process of auctioning the remainder of the United States and its Possessions and Territories in the Rand McNally defined 51 Major Trading Areas.

PCS Information

Broadband PCS systems are very similar to the cellular systems but operate in a higher frequency band, in the 1850-1990 MHz range. One other difference is that the FCC used different market areas for licensing purposes. The FCC used the Rand McNally definitions for 51 Major Trading Areas (MTAs) and 493 Basic Trading Areas (BTAs). PCS was allocated spectrum for six Broadband PCS systems and 26 Narrowband systems. The six Broadband PCS systems will be licensed as follows: two Broadband PCS licenses will be issued for each of the 51 MTAs and four for each of the 493 BTAs. The 26 Narrowband systems will be licensed as follows: eleven Narrowband PCS licenses will be issued for nationwide systems, six for each of five regional areas, seven for each of the 51 MTAs and two for each of the 493 BTAs.

PCS licensees are issued a blanket license for their entire market area and are not required to submit applications to license individual cell sites unless construction of the facility would be a major environmental action or would require FAA notification. Major environmental actions are defined by the National Environmental Policy Act of 1969 that is discussed in question 2, below. Therefore, the FCC has no technical information on file concerning PCS base stations.

Frequently asked questions concerning tower siting for personal wireless services.

1. Do local zoning authorities have any authority to deny a request for tower siting?

Answer: Yes. The Telecommunications Act of 1996 specifically leaves in place the authority that local zoning authorities have over the placement of personal wireless facilities. It does prohibit the denial of facilities siting based on RF emissions if the licensee has complied with the FCC's regulations concerning RF emissions. It also requires that denials be based on a reasoned approach, and prohibits discrimination and outright bans on construction, placement and modification of personal wireless facilities.

2. What requirements do personal wireless communications licensees have to determine whether a site is in a flood plain? A historical sites must also comply with the National Environmental Policy Act of 1969 (NEPA). as well as other mandatory federal environmental statutes. The FCC's rules that implement the federal environmental statutory provisions are contained in sections 1.1301-1.1319. The FCC's environmental rules place the responsibility on each applicant to investigate all the potential environmental effects, and disclose any significant effects on the environment in an Environmental Assessment (EA), as outlined in section 1.1311, prior to constructing a tower. The applicant is required to consult section 1.1307 to determine if its proposed antenna structure will fall under any of the listed categories that may significantly affect the environment. If it does, the applicant must provide an EA prior to proceeding with the tower construction and. under section 1.1312, must

await FCC approval before commencing any such construction even if FCC approval is not otherwise required for such construction. The FCC places all proposals that may significantly impact the environment on public notice for a period of 30 days, seeking any public comments on the proposed structures.

The categories set forth in section 1.1307 include:

Wilderness Area

Wildlife Preserve

Endangered Species

Historical Site

Indian Religious Site

Flood Plain

Wetlands

High Intensity White Lights in Residential Neighborhoods

Excessive Radiofrequency Radiation Exposure

3. Are there any FCC regulations that govern where towers can or cannot be placed?

Answer: The FCC mandates that personal wireless companies build out their systems so that adequate service is provided to the public. In addition, all antenna structures used for communications must be approved by the FCC in accordance with Part 17 of the FCC Rules. The FCC must determine if there is a reasonable possibility that the structure may constitute a menace to air navigation. The tower height and its proximity to an airport or flight path will be considered when making this determination. If such a determination is made the FCC will specify appropriate painting and lighting requirements. Thus, the FCC does not mandate where towers must be placed, but it may prohibit the placement of a tower in a particular location without adequate lighting and marking.

4. Does the FCC maintain any records on tower sites throughout the United States? How does the public get this information (if any)?

Answer: The FCC maintains a general tower database on the following structures: (1) any towers over 200 feet, (2) any towers over 20 feet on an existing structure (such as a building, water tower, etc.) and (3) towers that are close to airports that may cause potential hazards to air navigation. The FCC's licensing databases contain some base site information for Cellular and SMR systems. The general tower database and the Cellular and SMR data that may be on file with the FCC is available in three places:

> (1) Cellular licensing information is available in the Public Reference Room of the Wireless Telecommunications Bureau's Commercial Wireless Division. The Public Reference Room is located on the fifth floor of 2025 M Street, NW, Washington, DC 20554, telephone (202)418-1350. On-line database searches of cellular licensing information along with queries of the FCC's general tower database can also be accomplished at the Public Reference Room.
>
> (2) People who would like to obtain general tower information through an on-line public access database

should call or write Interactive Systems, Inc., 1601 North Kent St., Suite 1103, Arlington, VA 22209, telephone 703-812-8270.

(3) The FCC does not duplicate these records, but has contracted with International Transcription Service, Inc. to provide this service. Requests for copies of information should be addressed to International Transcription Service, Inc. (ITS, Inc.), 2100 M St., NW, Suite 140, Washington, DC 20037, telephone 202-857-3800.

5. Why do Cellular and PCS providers require so many tower sites?

Answer: Low powered transmitters are an inherent characteristic of Cellular Radio and Broadband PCS. As these systems mature and more subscribers are added, the effective radiated power of the cell site transmitters is reduced so frequencies can be reused at closer intervals thereby increasing subscriber capacity. There are over 30 million mobile/portable cellular units and more than 22 thousand cell sites operating within the United States and its Possessions and Territories. PCS is just beginning to be offered around the country. Due to the fact that Broadband PCS is located in a higher frequency range, PCS operators will require more tower sites as they build their systems to provide coverage in their service areas as compared to existing Cellular carriers. Therefore, due to the nature of frequency reuse and the consumer demand for services, Cellular and PCS providers must build numerous base sites.

6. Can Cellular, SMR and PCS providers share tower structures?

Answer: Yes, it is technologically possible for these entities to share tower structures. However, there are limits to how many base station transmitters a single tower can hold and different tower structures have different limits. Moreover, these providers are competitors in a more and more competitive marketplace and may not be willing to share tower space with each other. Local zoning authorities may wish to retain a consulting engineer to evaluate the proposals submitted by wireless communications licensees. The consulting engineer may be able to determine if there is some flexibility as to the geographic location of the tower.

7. Is the Federal government helping to find ways to accommodate multiple licensees of personal wireless services?

Answer: Yes. The FCC has designated Steve Markendorff, Chief, Broadband Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, FCC to as and respond to questions concerning tower siting issues. His telephone number is 202-418-0620. Also, President Clinton issued an Executive Memorandum on August 10, 1995 directing the Administrator of General Services (GSA), in coordination with other Government departments and agencies, to develop procedures to facilitate appropriate access to Federal property for the siting of mobile services antennas. GSA recently released "Government-Wide Procedures for Placing Commercial Antennas," 61 Fed Reg 14,100 (March 29, 1996). For further information contact James Herbert, Office of Property Acquisition and Realty Services, Public Building Service, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, telephone 202-501-0376.

8. Have any studies been completed on potential hazards of locating a tower/base site close to residential communities?

Answer: In connection with its responsibilities under NEPA, the FCC considers the potential effects of radiofrequency (RF) emissions from FCC-regulated transmitters on human health and safety. Since the FCC is not the expert agency in this area, it uses standards and guidelines developed by those with the appropriate expertise. For example, in the

absence of a uniform federal standard on RF exposure, the FCC has relied since 1985 on the RF exposure guidelines issued in 1982 by the American National Standards Institute (ANSI C95.1-1982). In 1991, the Institute of Electrical and Electronic Engineers (IEEE) issued guidelines designed to replace the RF ANSI exposure guidelines. These guidelines (ANSI/IEEE C95.1-1992) were adopted by ANSI. The Telecommunications Act of 1996 mandates that the FCC complete its proceeding in ET Docket 93-62, in which it is considering updating the RF exposure guidelines, no later than early August 1996. Copies of this proceeding can be obtained from the International Transcription Service, Inc. (ITS), telephone 202-857-3800. Presently, RF emission requirements are contained in Section 1.1307(b) of the FCC's rules , 47 C.F.R. §1.1307(b), for all services. PCS has service specific RF emission provisions in Section 24.52 of the FCC's rules, 47 C.F.R. § 24.52.

Additional information concerning RF emission hazards can be obtained through a variety of sources:

(1) Information concerning RF hazards can be obtained on the World Wide Web at http://www.fcc.gov/oet/faqs. RF safety questions are answered and further RF documents and information are contained under the Cellular Telephony Section.

(2) OET Bulletins 56 and 65 concerning effects and potential RF hazards can be requested through the Radiofrequency Safety Program at 202-418-2464. Additionally, any specific questions concerning RF hazards can be answered by contacting the FCC at this phone number.

The FCC maintains a Communications and Crisis Management Center which is staffed 24 hours a day, seven days a week. In the event of an emergency, such as a radiofrequency hazard threatening public safety or health, you may call 202-632-6975. The watch officer who answers at that number can contact our compliance personnel in your area and dispatch them within a matter of hours.

Cornell Law School

LII / Legal Information Institute

PROTESTANT'S

EXHIBIT NO. 10

U.S. Code collection

TITLE 47 > CHAPTER 5 > SUBCHAPTER III > Part I > § 332

§ 332. Mobile services

How Current is This?

(a) Factors which Commission must consider

In taking actions to manage the spectrum to be made available for use by the private mobile services, the Commission shall consider, consistent with section 151 of this title, whether such actions will—

(1) promote the safety of life and property;

(2) improve the efficiency of spectrum use and reduce the regulatory burden upon spectrum users, based upon sound engineering principles, user operational requirements, and marketplace demands;

(3) encourage competition and provide services to the largest feasible number of users; or

(4) increase interservice sharing opportunities between private mobile services and other services.

(b) Advisory coordinating committees

(1) The Commission, in coordinating the assignment of frequencies to stations in the private mobile services and in the fixed services (as defined by the Commission by rule), shall have authority to utilize assistance furnished by advisory coordinating committees consisting of individuals who are not officers or employees of the Federal Government.

(2) The authority of the Commission established in this subsection shall not be subject to or affected by the provisions of part III of title 5 or section 1342 of title 31.

(3) Any person who provides assistance to the Commission under this subsection shall not be considered, by reason of having provided such assistance, a Federal employee.

(4) Any advisory coordinating committee which furnishes assistance to the Commission under this subsection shall not be subject to the provisions of the Federal Advisory Committee Act.

(c) Regulatory treatment of mobile services

(1) Common carrier treatment of commercial mobile services

(A) A person engaged in the provision of a service that is a commercial mobile service shall, insofar as such person is so engaged, be treated as a common carrier for purposes of this chapter, except for such provisions of subchapter II of this chapter as the Commission may specify by regulation as inapplicable to that service or person. In prescribing or amending any such regulation, the Commission may not specify any provision of section 201, 202, or 208 of this title, and may specify any other provision only if the Commission determines that—

(i) enforcement of such provision is not necessary in order to ensure that the charges, practices, classifications, or regulations for or in connection with that service are just and reasonable and are not unjustly or unreasonably discriminatory;

(ii) enforcement of such provision is not necessary for the protection of consumers; and

Search this title:

Notes
Updates
Parallel authorities (CFR)
Your comments

(iii) specifying such provision is consistent with the public interest.

(B) Upon reasonable request of any person providing commercial mobile service, the Commission shall order a common carrier to establish physical connections with such service pursuant to the provisions of section 201 of this title. Except to the extent that the Commission is required to respond to such a request, this subparagraph shall not be construed as a limitation or expansion of the Commission's authority to order interconnection pursuant to this chapter.

(C) The Commission shall review competitive market conditions with respect to commercial mobile services and shall include in its annual report an analysis of those conditions. Such analysis shall include an identification of the number of competitors in various commercial mobile services, an analysis of whether or not there is effective competition, an analysis of whether any of such competitors have a dominant share of the market for such services, and a statement of whether additional providers or classes of providers in those services would be likely to enhance competition. As a part of making a determination with respect to the public interest under subparagraph (A)(iii), the Commission shall consider whether the proposed regulation (or amendment thereof) will promote competitive market conditions, including the extent to which such regulation (or amendment) will enhance competition among providers of commercial mobile services. If the Commission determines that such regulation (or amendment) will promote competition among providers of commercial mobile services, such determination may be the basis for a Commission finding that such regulation (or amendment) is in the public interest.

(D) The Commission shall, not later than 180 days after August 10, 1993, complete a rulemaking required to implement this paragraph with respect to the licensing of personal communications services, including making any determinations required by subparagraph (C).

(2) Non-common carrier treatment of private mobile services

A person engaged in the provision of a service that is a private mobile service shall not, insofar as such person is so engaged, be treated as a common carrier for any purpose under this chapter. A common carrier (other than a person that was treated as a provider of a private land mobile service prior to August 10, 1993) shall not provide any dispatch service on any frequency allocated for common carrier service, except to the extent such dispatch service is provided on stations licensed in the domestic public land mobile radio service before January 1, 1982. The Commission may by regulation terminate, in whole or in part, the prohibition contained in the preceding sentence if the Commission determines that such termination will serve the public interest.

(3) State preemption

(A) Notwithstanding sections 152 (b) and 221 (b) of this title, no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service, except that this paragraph shall not prohibit a State from regulating the other terms and conditions of commercial mobile services. Nothing in this subparagraph shall exempt providers of commercial mobile services (where such services are a substitute for land line telephone exchange service for a substantial portion of the communications within such State) from requirements imposed by a State commission on all providers of telecommunications services necessary to ensure the universal availability of telecommunications service at affordable rates. Notwithstanding the first sentence of this subparagraph, a State may petition the Commission for authority to regulate the rates for any commercial mobile service and the Commission shall grant such petition if such State demonstrates that—

(i) market conditions with respect to such services fail to protect subscribers adequately from unjust and unreasonable rates or rates that are unjustly or unreasonably discriminatory; or

(ii) such market conditions exist and such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service within such State.

The Commission shall provide reasonable opportunity for public comment in response to such petition, and shall, within 9 months after the date of its submission, grant or deny such petition. If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such periods of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory.

(B) If a State has in effect on June 1, 1993, any regulation concerning the rates for any commercial mobile service offered in such State on such date, such State may, no later than 1 year after August 10, 1993, petition the Commission requesting that the State be authorized to continue exercising authority over such rates. If a State files such a petition, the State's existing regulation shall, notwithstanding subparagraph (A), remain in effect until the Commission completes all action (including any reconsideration) on such petition. The Commission shall review such petition in accordance with the procedures established in such subparagraph, shall complete all action (including any reconsideration) within 12 months after such petition is filed, and shall grant such petition if the State satisfies the showing required under subparagraph (A)(i) or (A)(ii). If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such period of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory. After a reasonable period of time, as determined by the Commission, has elapsed from the issuance of an order under subparagraph (A) or this subparagraph, any interested party may petition the Commission for an order that the exercise of authority by a State pursuant to such subparagraph is no longer necessary to ensure that the rates for commercial mobile services are just and reasonable and not unjustly or unreasonably discriminatory. The Commission shall provide reasonable opportunity for public comment in response to such petition, and shall, within 9 months after the date of its submission, grant or deny such petition in whole or in part.

(4) Regulatory treatment of communications satellite corporation

Nothing in this subsection shall be construed to alter or affect the regulatory treatment required by title IV of the Communications Satellite Act of 1962 [47 U.S.C. 741 et seq.] of the corporation authorized by title III of such Act [47 U.S.C. 731 et seq.].

(5) Space segment capacity

Nothing in this section shall prohibit the Commission from continuing to determine whether the provision of space segment capacity by satellite systems to providers of commercial mobile services shall be treated as common carriage.

(6) Foreign ownership

The Commission, upon a petition for waiver filed within 6 months after August 10, 1993, may waive the application of section 310 (b) of this title to any foreign ownership that lawfully existed before May 24, 1993, of any provider of a private land mobile service that will be treated as a common carrier as a result of the enactment of the Omnibus Budget Reconciliation Act of 1993, but only upon the following conditions:

(A) The extent of foreign ownership interest shall not be increased above the extent which existed on May 24, 1993.

(B) Such waiver shall not permit the subsequent transfer of ownership to any other person in violation of section 310 (b) of this title.

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) 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.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) Definitions

For purposes of this paragraph—

(i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and

(iii) the term "unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303 (v) of this title).

(8) Mobile services access

A person engaged in the provision of commercial mobile services, insofar as such person is so engaged, shall not be required to provide equal access to common carriers for the provision of telephone toll services. If the Commission determines that subscribers to such services are denied access to the provider of telephone toll services of the subscribers' choice, and that such denial is contrary to the public interest, convenience, and necessity, then the Commission shall prescribe regulations to afford subscribers unblocked access to the provider of telephone toll services of the subscribers' choice through the use of a carrier identification code assigned to such provider or other mechanism. The requirements for unblocking shall not apply to mobile satellite services unless the Commission finds it to be in the public interest to apply such requirements to such services.

(d) Definitions

For purposes of this section—

(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available

(A) to the public or

(B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;

(2) the term "interconnected service" means service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission) or service for which a request for interconnection is pending pursuant to subsection (c)(1)(B) of this section; and

(3) the term "private mobile service" means any mobile service (as defined in section 153 of this title) that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by regulation by the Commission.

Prev | Next

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U.S. Code collection

Currency of a Title of the United States Code

1. How current is this?

   The information in the published US Code is a year or two old, having been subjected to extensive review and codification edits. It is not supposed to directly represent the news from Congress. There are other publications for the latest laws.

   The most recent edit of Title ***47*** of the US Code was released by the Law Revision Counsel.- LRC - (http://uscode.house.gov/) of the U.S. House of Representative on 2006-01-11

   ...and most recently processed by the Legal Information Institute on Thu May 18 12:03:08 2006

2. Yes, but how current is the information ***really***?

   The information in the US Code can be a year or two old; but this is the Code as would be published until the next "release."

   The page that has the most information about LRC versions (including which titles are "positive law") is *http://uscode.house.gov/about/info.shtml*

3. ***Why*** isn't it more current than that?

   To get the details on what happens before the LRC gets new law to codify, see http://thomas.loc.gov/home/lawsmade.toc.html

   (note that the goal of "United States Code" is at the end of a very long road)

4. So ***where*** can I find such-and-such, which was just signed into law?

   To look up the latest activity in legislation, see http://thomas.loc.gov/ (click on "committee reports" if you have a specific bill number)

   For a well-maintained cross-reference between the US Code and recent legislation, see the USC Classification Tables at http://uscode.house.gov/classification/tables.shtml

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January 25, 2007

Ms. Debbie Wiley
Office of the Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson. MD 21204

Re: Case 07-079-A
5208 Dogwood Road

Dear Ms. Wiley: PROTESTANTS

Please find enclosed exhibits 11A (map) and 11B (21 photographs).

Thank you.

Sincerely,

Fred E. Worthington

Fred E. Worthington
5117 Franklintown Road
Baltimore. MD 21207

410/ 448-3383 (H)

410/ 298-0390 (W)

Protestants
11A + 11B

PROTESTANT'S

EXHIBIT NO. 12

other consideration in excess of legitimate and prudent expenses in exchange for the withdrawal or dismissal of the application, except that this provision does not apply to dismissal or withdrawal of applications pursuant to *bona fide* merger agreements;

(2) The exact nature and amount of any consideration received or promised;

(3) An itemized accounting of the expenses for which it seeks reimbursement; and

(4) The terms of any oral agreement related to the withdrawal or dismissal of the application.

(b) In addition, within 5 days of the filing date of the applicant or petitioner's request for approval, each remaining party to any written or oral agreement must submit an affidavit setting forth:

(1) A certification that neither the applicant nor its principals has paid or will pay money or other consideration in excess of the legitimate and prudent expenses of the petitioner in exchange for withdrawing or dismissing the application; and

(2) The terms of any oral agreement relating to the withdrawal or dismissal of the application.

(c) For the purposes of this section:

(1) Affidavits filed pursuant to this section must be executed by the filing party, if an individual, a partner having personal knowledge of the facts, if a partnership, or an officer having personal knowledge of the facts, if a corporation or association.

(2) Applications are deemed to be pending before the FCC from the time the application is filed with the FCC until such time as an order of the FCC granting, denying or dismissing the application is no longer subject to reconsideration by the FCC or to review by any court.

(3) "Legitimate and prudent expenses" are those expenses reasonably incurred by a party in preparing to file, filing, prosecuting and/or settling its application for which reimbursement is sought.

(4) "Other consideration" consists of financial concessions, including, but not limited to, the transfer of assets or the provision of tangible pecuniary benefit, as well as non-financial concessions that confer any type of benefit on the recipient.

[59 FR 59507, Nov. 17, 1994, as amended at 63 FR 68951, Dec. 14, 1998]

§ 22.939 Site availability requirements for applications competing with cellular renewal applications.

In addition to the other requirements set forth in this part for initial cellular applications, any application competing against a cellular renewal application must contain, when initially filed, appropriate documentation demonstrating that its proposed antenna site(s) will be available. Competing applications that do not include such documentation will be dismissed. If the competing applicant does not own a particular site, it must, at a minimum demonstrate that the site is available to it by providing a letter from the owner of the proposed antenna site expressing the owner's intent to sell or lease the proposed site to the applicant. If any proposed antenna site is under U.S. Government control, the applicant must submit written confirmation of the site's availability from the appropriate Government agency. Applicants which file competing applications against incumbent cellular licensees may not rely on the assumption that an incumbent licensee's antenna sites are available for their use.

§ 22.940 Criteria for comparative cellular renewal proceedings.

This section sets forth criteria to be used in comparative cellular renewal proceedings. The ultimate issue in comparative renewal proceedings will be to determine, in light of the evidence adduced in the proceeding, what disposition of the applications would best serve the public interest, convenience and necessity.

(a) *Renewal expectancies.* The most important comparative factor to be considered in a comparative cellular renewal proceeding is a major preference, commonly referred to as a "renewal expectancy."

(1) The cellular renewal applicant involved in a comparative renewal proceeding will receive a renewal expectancy, if its past record for the relevant license period demonstrates that:

(i) The renewal applicant has provided "substantial" service during its past license term. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal; and

(ii) The renewal applicant has substantially compiled with applicable FCC rules, policies and the Communications Act of 1934, as amended.

(2) In order to establish its right to a renewal expectancy, a cellular renewal applicant involved in a comparative renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include.

(i) A description of its current service in terms of geographic coverage and population served, as well as the system's ability to accommodate the needs of roamers;

(ii) An explanation of its record of expansion, including a timetable of the construction of new cell sites to meet changes in demand for cellular service;

(iii) A description of its investments in its cellular system; and

(iv) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(3) In making its showing of entitlement to a renewal expectancy, a renewal applicant may claim credit for any system modification applications that were pending on the date it filed its renewal application. Such credit will not be allowed if the modification application is dismissed or denied.

(b) *Additional comparative issues.* The following additional comparative issues will be included in comparative cellular renewal proceedings, if a full comparative hearing is conducted pursuant to § 22.935(c).

(1) To determine on a comparative basis the geographic areas and population that each applicant proposes to serve; to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;

(2) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner in order to meet anticipated increasing demand for both local and roamer service;

(3) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); and

(4) To determine on a comparative basis each applicant's past performance in the cellular industry or another business of comparable type and size.

(c) *Additional showings for competing applications.* With respect to evidence introduced pursuant to paragraph (b)(3) of this section, any applicant filing a competing application against a cellular renewal application (competing applicant) who claims a preference for offering any service not currently offered by the incumbent licensee must demonstrate that there is demand for that new service and also present a business plan showing that the competing applicant can operate the system economically. Any competing applicant who proposes to replace analog technology with digital technology will receive no credit for its proposal unless it submits a business plan showing how it will operate its system economically and how it will provide more comprehensive service than does the incumbent licensee with existing and implemented cellular technology.

§ 22.942 Limitations on interests in licensees for both channel blocks in RSAs.

(a) *Controlling Interests.* A licensee, an individual or entity that owns a controlling or otherwise attributable interest in a licensee, or an individual or entity that actually controls a licensee for one channel block in a CGSA may not have a direct or indirect ownership interest of more than 5 percent in the licensee, an individual or entity that owns a controlling or otherwise attributable interest in a licensee, or an individual or entity that actually controls a licensee for the other channel block

ROBINSON
&
ASSOCIATES, INC.

THE MOORINGS
1909 Q STREET, N.W.
WASHINGTON, D.C. 20009
202 234 2333
FAX 202 234 5642

PROTESTANT'S

EXHIBIT NO. 13

M E M O R A N D U M

DATE: January 31, 2001

TO: Peter Kurtze
Maryland Historical Trust

FROM: Judith Robinson
Stephanie Foell

RE: Franklintown Historic District National Register of Historic Places Registration Form

CC: Bill Eberhart
Fred Worthington

On behalf of the Franklintown Community Association, we are pleased to submit the National Register of Historic Places Registration Form for the Franklintown Historic District. As we discussed, the photographs of the district and a key to photographs will follow shortly. As per your instructions, we will send a list of property owners at a later date since the list cannot be more than 90 days old at the time of the Governor's Consulting Committee meeting.

Robinson & Associates have found the Franklintown Historic District to be eligible for listing in the National Register under Criterion C as an example of an early planned village community. We have based the boundaries of the district on William Freeman's original plan for Franklintown but have not included peripheral areas that were built at later dates or suffer from a loss of integrity. The period of significance dates from Freeman's construction of the Franklin Hotel in 1826 until 1934, when the Franklin Mill ceased operations.

We appreciate your involvement throughout the course of this project. Please call us with any questions. Thank you.

Rev. 10-90)

nited States Department of the Interior
ational Park Service

ATIONAL REGISTER OF HISTORIC PLACES
EGISTRATION FORM

his form is for use in nominating or requesting determinations for individual roperties and districts. See instructions in How to Complete the National egister of Historic Places Registration Form (National Register Bulletin 16A). omplete each item by marking "x" in the appropriate box or by entering the nformation requested. If any item does not apply to the property being ocumented, enter "N/A" for "not applicable." For functions, architectural lassification, materials, and areas of significance, enter only categories and ubcategories from the instructions. Place additional entries and narrative tems on continuation sheets (NPS Form 10-900a). Use a typewriter, word rocessor, or computer, to complete all items.

==========

. Name of Property

==========

istoric name Franklintown Historic District
ther names/site number B-1316

==========

. Location

==========

treet & number 5100-5201 N. Franklintown Rd.; 1707-1809 N. Forest Park Ave.; 100 Hamilton Ave; 5110 Fredwall Ave. not for publication ___
ity or town Baltimore City vicinity ___
tate Maryland code ___ county Baltimore City
ode 510
ip code 21235

==========

. State/Federal Agency Certification

==========

s the designated authority under the National Historic Preservation Act of 986, as amended, I hereby certify that this ___ nomination ___ request for etermination of eligibility meets the documentation standards for registering roperties in the National Register of Historic Places and meets the procedural nd professional requirements set forth in 36 CFR Part 60. In my opinion, the roperty ___ meets ___ does not meet the National Register Criteria. I ecommend that this property be considered significant ___ nationally ___ tatewide ___ locally. (___ See continuation sheet for additional comments.)

_____ _____
ignature of certifying official Date

_____
tate or Federal agency and bureau

criteria. (___ See continuation sheet for additional comments.)

_____ _____
Signature of commenting or other official Date

_____
State or Federal agency and bureau

==========
. National Park Service Certification
==========
, hereby certify that this property is:

___ entered in the National Register _____ _____
___ See continuation sheet.
___ determined eligible for the _____ _____
National Register
___ See continuation sheet.
___ determined not eligible for the _____ _____
National Register
___ removed from the National Register _____ _____

___ other (explain): _____

_____ _____ _____
Signature of Keeper Date
of Action

==========
. Classification
==========
wnership of Property (Check as many boxes as apply)
_X_ private
___ public-local
___ public-State
___ public-Federal

ategory of Property (Check only one box)
___ building(s)
_X_ district
___ site
___ structure
___ object

umber of Resources within Property

Contributing	Noncontributing	
21	5	buildings
3		sites
		structures
		objects
24	5	Total

umber of contributing resources previously listed in the National
egister 0

ame of related multiple property listing (Enter "N/A" if property is not part
f a multiple property listing.)
N/A

. Function or Use

Historic Functions (Enter categories from instructions)

Cat:	Domestic	Sub:	Single Dwelling
	Domestic		Hotel
	Industry/Processing/Extraction		Manufacturing Facility
	Landscape		Plaza
	Transportation		Road-Related (Vehicular)

Current Functions (Enter categories from instructions)

Cat:	Domestic	Sub:	Single Dwelling
	Domestic		Hotel
	Landscape		Plaza
	Transportation		Road-Related (Vehicular)

. Description

rchitectural Classification (Enter categories from instructions)

Mid-19th Century

aterials (Enter categories from instructions)

foundation Stone
roof Asphalt
walls Wood
Stone
Asphalt
other

arrative Description (Describe the historic and current condition of the roperty on one or more continuation sheets.)

. Statement of Significance

pplicable National Register Criteria (Mark "x" in one or more boxes for the riteria qualifying the property for National Register listing)

____ A Property is associated with events that have made a significant contribution to the broad patterns of our history.

____ B Property is associated with the lives of persons significant in our past.

__X_ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

____ D Property has yielded, or is likely to yield information important in prehistory or history.

riteria Considerations (Mark "X" in all the boxes that apply.)

A owned by a religious institution or used for religious purposes

____ C a birthplace or a grave.

____ D a cemetery.

____ E a reconstructed building, object, or structure.

____ F a commemorative property.

____ G less than 50 years of age or achieved significance within the past 50 years.

reas of Significance (Enter categories from instructions)
Community Planning
Architecture
Transportation

eriod of Significance 1826-1934

ignificant Dates 1826
1832
1934

ignificant Person (Complete if Criterion B is marked above)

ultural Affiliation

rchitect/Builder William H. Freeman

arrative Statement of Significance (Explain the significance of the property
n one or more continuation sheets.)

==========
. Major Bibliographical References
==========
Cite the books, articles, and other sources used in preparing this form on one
r more continuation sheets.)

revious documentation on file (NPS)
__ preliminary determination of individual listing (36 CFR 67) has been requested.
__ previously listed in the National Register
__ previously determined eligible by the National Register
__ designated a National Historic Landmark
__ recorded by Historic American Buildings Survey # _____
__ recorded by Historic American Engineering Record # _____

rimary Location of Additional Data
__ State Historic Preservation Office
__ Other State agency
__ Federal agency

___ University
___ Other
Name of repository: _____

==========

.0. Geographical Data

==========

Acreage of Property __15.5_____

UTM References (Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	__	_____	_____	3	__	_____	_____
2	__	_____	_____	4	__	_____	_____

___ See continuation sheet.

Verbal Boundary Description (Describe the boundaries of the property on a continuation sheet.)

Boundary Justification (Explain why the boundaries were selected on a continuation sheet.)

==========

1. Form Prepared By

==========

Name/title _Judith H. Robinson and Stephanie S. Foell, Architectural Historians_____

Organization __Robinson & Associates, Inc._____

Date ___January 31, 2001__

Street & number _1909 Q Street NW Third Floor_____

Telephone _202/234.2333_____

City or town _Washington_____ state _DC___ zip code ___20009____

==========

Additional Documentation

==========

Submit the following items with the completed form:

Continuation Sheets

Maps

A USGS map (7.5 or 15 minute series) indicating the property's location.
A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items (Check with the SHPO or FPO for any additional items)

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Property Owner

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(Complete this item at the request of the SHPO or FPO.)

Name ___Multiple property owners within district; see attached list

Street & number_____ telephone_____

City or town_____ state_____ zip code_____

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

Description Summary

Franklintown, located on the western edge of Baltimore City, is a very early and interesting example of rural village planning and suburban/resort development that can best be understood within a variety of historic contexts–including rural suburban development and early town planning, resort communities, the tradition of grist milling, and the Picturesque Movement. While only certain aspects of Franklintown's planning can be fully understood at this time, the village is an early and unmatched example of the development of a rural village within the limits of Baltimore City.

Franklintown is the result of a plan developed by William H. Freeman (1790-1863), a local politician and entrepreneur, in 1832. Freeman's innovative plan evolved gradually over the course of several decades and the plan owes its success to his untiring promotion of the village. The central feature of Freeman's concept, which is discussed in detail below (see "The History of Franklintown") is its unique use of an oval plan with radiating lots around a central wooded park. Surrounding areas of equal importance include a historic commercial area and grist mill buildings set between the Franklin Turnpike and Dead Run. The unique combination and juxtaposition of elements controlled (at least to a great extent) by Freeman–the picturesque old stone mill, the innovative radiating oval plan, and the associated hotel and commercial area–is a strikingly early example of planning with few known precedents in this country. Whether Freeman's primary concept was a new type of rural enclave and experiment, or whether it was a rather bold attempt to create an early form of resort community (see "Resort Communities" below), it is a sophisticated concept. Freeman's plan itself is notable not only for its very early date but also for its use of a central oval rather than circle or crescent, both of which were more broadly used in the United States and Great Britain.

Franklintown substantially retains its original rural character despite its location within predominantly urban Baltimore City. Roads are curvilinear in nature and the area is heavily wooded in places, adding to its rural, scenic appeal. The picturesque Dead Run stream bed runs through portions of the proposed district, and the Franklin Turnpike (now Franklintown Road) leads to Franklintown from downtown Baltimore City and provides a bucolic transition from the

urban area to the village. The proposed Franklintown National Register Historic District is located within Baltimore City and the boundaries closely follow those for a local district established in 1999 by the Baltimore City Commission for Historic and Architectural Preservation (CHAP). There are 24 contributing resources and 5 noncontributing resources within the National Register District boundaries.

General Description

The Franklintown Historic District consists of three main components: the Franklintown Mill and its related buildings, Freeman's Oval, and the original Franklintown commercial area. (See the 1858 plan of Franklintown.) Each is distinct, yet the three components combine to form a unique historic district.

The mill and related buildings are constructed primarily of field stone. The construction date of the mill cannot be specifically documented, but appears to be sometime during the first half of the nineteenth century, but may be even earlier (see "Grist Mills" below). The two-story mill was renovated into a private home in the 1950s and the wheel is no longer present, yet it retains architectural characteristics that are common in grist mills in the Baltimore City and Baltimore County region. Set close to Franklintown Road, the mill is located on the banks of Dead Run, which provided its power source, and the building's position along the stream banks is a critical part of the integrity of this area of the proposed district. Located across Franklintown Road from the mill is a large, field-stone, mill warehouse. Originally used for various purposes (see "History of Franklintown" below), the warehouse shares an architectural character with the mill building. Other field-stone and frame residences are located along Franklintown Road. All have rectangular footprints and are two stories with side-gable roof forms. While some of these residences have additions, their overall integrity is not compromised. The wooded surroundings of the Gwynns Falls Park also add to the integrity of the site, which retains it original setting and feeling.

The mill and surroundings buildings continue to convey their original uses, and according to staff at CHAP, few grist mills with high degrees of integrity remain in Baltimore City. Unlike textile mills, for example, which require many workers, grist mills required few employees, depending heavily on the skilled miller himself. Therefore, there were not numerous associated workers' dwellings such as those found in the historic village of Woodberry, a former textile mill town in Baltimore City.

At the core of the plan of Franklintown is Freeman's Oval, part of the innovative plan developed by William H. Freeman in 1832 (see "Early Town Plans" below). Freeman's Oval and its associated buildings are the most notably situated complex within the proposed district. Upon entering Freeman's Oval via Rose Lane, the slight curve of the drive follows the oval and encircles a mature oak grove that served as a park at the center of the planned residential area. Although Freeman's plan and early maps indicate that the drive around the oval park used to be complete, only about half of the gravel roadway remains.

Located on a rise above Forest Park Drive, the oldest houses (1711 and 1719 N. Forest Park Drive) on the oval are the most prominent buildings when viewed from below. Both residences are of the I-house form and display steeply pitched, central cross gables. Although this is a common vernacular house form in much of Maryland, its presence is quite noticeable in this small collection of buildings. In addition to these two large houses, other smaller houses are located around the oval. Dating from ca. 1830-1950, the houses represent various periods of building and display varying degrees of integrity. Most are modest vernacular dwellings with few decorative features. The earliest houses lend credence to the theory that Freeman designed Franklintown to be a middle-class community, rather than homes for the wealthy. Most of the homes have been altered at least slightly since their construction. Asbestos shingles are the most common addition, and detract only slightly from the overall integrity of the buildings.

A small cottage located at 1707 N. Forest Park Avenue on the eastern edge of Freeman's Oval is a single-story dwelling with a simple rectangular footprint and gable roof. It dates from ca. 1855. Two other residences are located on the edge of the oval on the crest of a hill overlooking the mill buildings. These residences date from the early twentieth century and display elements of the bungalow form popular in Baltimore during that era. These bungalows fall within the period of significance established for the Franklintown Historic District (see "Significance" section below) and exhibit a simple style of architecture that is compatible with the earliest vernacular houses present in the district. Other contributing residences within the historic district boundaries are located outside of Freeman's Oval on portions of N. Forest Park Road, Fredwall Avenue, and William Street (see "List of Contributing/Noncontributing Features"). These residences were constructed within the period of significance and are located on areas within Freeman's plan or in

bordering areas that are visually connected to the collection of mill buildings. Like the bungalows, they contribute to the architectural and historic cohesiveness present in the Franklintown Historic District.

One of the most prominent buildings on Freeman's Oval is a large barn located to the south of 1719 N. Forest Park Avenue. It is a board and batten structure with a deep stone foundation and a new copper roof and cupola. Although the exact original use of the barn has yet to be determined, extensive archaeology has yielded several possibilities; including a shelter for animals, ice house, or abattoir.[1] Research indicates that a butcher named Horn had a slaughterhouse on Freeman's Oval during the Civil War and it possible that the barn was part of his operation.[2] The barn is currently undergoing a renovation to retrofit it for use as office space.

The oak grove located in the middle of Freeman's Oval was designed to be a wooded park for residents of the houses planned to encircle the oval. The oak grove displays a naturalistic collection of mature trees that continue to convey the picturesque qualities of life in Franklintown that William Freeman hoped to achieve through his design for the village.

The historic commercial area of Franklintown is located west of the mill area near the base of Freeman's Oval at the intersection of Franklintown Road and N. Forest Park Avenue.[3] The small collection of commercial establishments include original buildings (some of which appear on

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[1]Ongoing archaeological investigations of the barn are being conducted under the direction of its owner, William Eberhart, Jr., in conjunction with professional archaeologists.

[2]Untitled article in the Baltimore *Evening Sun*, November 13, 1940.

[3]Several establishments in the commercial area actually lie within Baltimore County and would be noncontributing elements to the Franklintown Historic District due to extensive alterations that have compromised the integrity of the buildings. Therefore, district boundaries have not been expanded to include only buildings that lie within Baltimore City.

William Freeman's plan) which retain high degrees of integrity and buildings which are noncontributing elements of the district, either because of recent construction dates or because they have been substantially altered and no longer convey their original uses. The most prominent building in the commercial area is the Franklintown Inn (formerly the Franklin Hotel). The large building conveys its importance within the confines of Franklintown through its large scale and massing. Three stories in height and finished in stucco, the building is simply executed. The entrance area of the facade has been altered and an addition extends to the rear of the building.

Similarly, the Mill Race Tavern still conveys its historic use as a tavern and meeting place in Franklintown. Its front-gable entrance with a side-gable ell extension is a typical form found in many historic commercial buildings in older suburban areas.

The small number of commercial buildings conveys Freeman's idea that Franklintown remain a small village that still relied on larger towns and on Baltimore for much of its needs. While providing basic amenities for visitors and residents, Freeman did not seem to plan Franklintown with the intention that it be a self-sustaining suburb or city.

Significance Summary

The Franklintown Historic District has been evaluated as according to criteria established by the National Register of Historic Places. The relevant criteria, as listed in the *National Register Bulletin 16* (United States Department of the Interior, National Park Service, Interagency Resources Division), read as follows:

> The quality of **significance** in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
>
> A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
>
> B. that are associated with the lives of persons significant in our past; or
>
> C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
>
> D. that has yielded, or is likely to yield, information important in prehistory or history.

The Franklintown Historic District meets National Register Criterion C. Under Criterion C, Franklintown's plan as a resort community or suburb appears to be unique. The1832 date appears to be a key factor in its significance, as few resorts or suburbs have been documented at this early date in this country's planning history, and William Freeman's design of an oval park with radiating, wedge-shaped lots cannot be shown to be influenced by or derived from any similar known plans.

Freeman's plan demonstrates an unusually high degree of skill and entrepreneurial spirit. Although not a landscape designer or planner by trade, Franklintown capitalizes on a combination of elements that made it a desirable place to live and visit in the early years of its inception and establishment. Its location outside of the industrial areas of Baltimore, its proximity to the Franklin Turnpike (which provided for easy and scenic transportation to and from Baltimore and was built by Freeman), and its use of elements of the Picturesque Movement all contribute to the high artistic value of Freeman's plan.

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development as per *National Register Bulletin 16 A*. The architectural elements of Franklintown qualify as a significant and distinguishable entity whose components lack individual distinction. The majority of the modest vernacular buildings which comprise Franklintown as a collection convey the intent of Freeman's plan and the era of Franklintown's establishment as a rural village. The key residential buildings are excellent examples of the I-house form and display steeply pitched cross gables found in vernacular rural buildings throughout much of Maryland. The pivotal commercial buildings such as the Franklintown Inn continue to display Freeman's intent of providing amenities to the residents of Franklintown. The collection of mill buildings is also impressive for the high degree of integrity they display. They continue to articulate their original purpose and appear to be a rare group of buildings within the present-day boundaries of Baltimore City.

Strongly contributing to the National Register eligibility of Franklintown is the district's overall integrity. Franklintown retains its integrity of location, design, setting, feeling, and association primarily because it retains its rural, picturesque character and central planning focus. The degree of integrity of materials and workmanship is also high. Few intrusions into the original district are present and new buildings or additions are generally compatible to the historic buildings. The period of significance for Franklintown begins in 1826 when Freeman began laying the groundwork for Franklintown by building the Franklin House and extends to 1934 when the Franklin Mill stopped grinding.

During the course of historic research, no evidence has been located that the district has a strong enough association with events, activities, or patterns of history to meet National Register Criterion A primarily because there are several aspects about Franklintown's plan and its role in the overall history of resort community and suburban planning that are unknown. Association with important persons under Criterion B was also considered, but much about William Freeman also remains unknown, and while he appears to be a colorful local personality and notable political and business player, at this time it does not appear that Franklintown would meet Criterion B based on its association with Freeman. Since Franklintown was planned and continues to function as a district, it is important to note that properties were not evaluated for individual listing in the National Register nor were they evaluated under Criterion D for their archaeological potential.

The boundaries of the Franklintown Historic District were evaluated based on several factors: The first and most important of these was Freeman's plan. The boundaries of the district are based on William Freeman's original plan for Franklintown but do not include peripheral areas that were built at later dates or suffer from a loss of integrity. Areas outside of Freeman's plan were also evaluated for inclusion, but were found to have many visual intrusions due to noncontributing buildings or to contain substantial construction and architectural styles from later periods. After the initial building of Franklintown in the 1850s, scattered housing gradually appeared in surrounding areas. Most notably, turn-of-the century bungalows and World War II-era minimal traditional style housing was constructed to the west of Freeman's Oval. While evaluating the area for defensible historic district boundaries, Robinson & Associates consulted with staff at the Maryland Historical Trust and the Baltimore City Commission for Historic and Architectural Preservation. After discussing several possibilities, Robinson & Associates determined that the historic district should follow the boundaries of Freeman's plan as closely as possible.

Resource History and Historic Context

Franklintown (alternately known as Franklin, Franklin Towne, Franklinville, and Mr. William H. Freeman's Village) is the result of an 1832 design by William H. Freeman (1790-1863), a local politician and financier who was involved in various business enterprises in the area surrounding Franklintown, and essentially set the stage for the community to function as a fashionable resort and/or early rural community. Freeman's involvement in the nearby Central Racecourse, the Franklin Turnpike, the Franklintown Mill, and the residential area of Freeman's Oval was critical to the area's success. Despite its ambitious plan, several financial setbacks affected the building and growth of Franklintown. The 1834 Maryland State Bank panic, which closed the bank that was to provide financing for the village had the most impact. Freeman was closely associated with Reverdy Johnson, a prominent manager of the bank. During the panic, riots broke out in Baltimore because depositors suspected that the bank's directors had stolen funds and Johnson's house was ransacked. Fearful of a similar fate, Freeman had waiting horses saddled in woods near his estate, Arlington, located several miles west of Franklintown, in case a quick escape was necessary. In the early 1850s, Freeman unsuccessfully attempted to get the Baltimore County seat (at the time Franklintown was located within the county limits) moved to a location along Edmondson Avenue, about two miles from Franklintown in an endeavor to bring visitors and commerce to Franklintown.[4] Despite these setbacks, Freeman tirelessly promoted Franklintown until his death in 1863. The present-day village of Franklintown retains a remarkable degree of integrity, closely following Freeman's plan, although several aspects of the plan were never constructed.

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[4]Neal A. Brooks and Eric G. Rockel, *A History of Baltimore County*, Friends of the Towson Library, Towson, Maryland, 1979. In 1854, Towson was selected as the new Baltimore County Seat.

Evaluating the significance of Franklintown requires evaluating several historic contexts to determine the importance of the various components that combine to make the current community. Themes explored to assist in the evaluation of Franklintown include suburban planning, resort communities, early planning efforts, the Picturesque Movement, turnpikes, and grist mills.

Suburbanization in America

Early suburbs in America were not the well-tended respites from city life that they are today. The earliest suburbs were zones outside of the city limits that often contained undesirable but necessary features of urban life: dumps, noxious manufacturing establishments, and homes for the poorest residents. Prior to the transportation revolutions of railroads and horse-drawn streetcars of the mid-nineteenth century, suburban areas housed those that were on the physical and social outskirts of society.[5] It was not until the 1820s that this vision of suburbia first began to change–redefining suburbia to mean a collection of separate communities, often with independent governments, that housed many city-employed workers who commuted to the main metropolis, perhaps not on a daily basis. Early suburbs were not appendages or outgrowths from the city, but instead were freestanding, thinly settled, semirural communities.[6]

While each city and each suburb was unique, it is possible to draw some correlations, and to place Franklintown into the greater American suburban context. Although some questions exist as to William Freeman's intention for Franklintown at the time Freeman planned Franklintown in 1832,

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[5] J. John Palen. *Suburbia.* McGraw-Hill, Inc. New York, 1995, p. 22.

[6] *Two Centuries of American Planning.* Ed. Daniel Shaffer. "The Early Nineteenth-Century Suburb: Creating a Suburban Ethos in Somerville and Cambridge, Massachusetts, 1820-1860." by Henry C. Binford. Johns Hopkins University Press, Baltimore, 1988, p. 41.

few grand suburban designs existed. Instead, planning was often a collective activity resulting not from a conscious design of experts, but rather from a "vaguely stated core of shared values."[7] Creators of the first suburbs In America were small entrepreneurs, local politicians, or workers wishing to escape the ills of cities. Residential property was promoted, and often through a trial-and-error process, the first suburbs were created, breaking new ground in American planning and influencing future suburban planning and growth.[8]

Although not consciously planned at the time of their designs, early suburbs are the result of an evolving sense of community self-consciousness. Suburbs strove to be distinct places, not only from large cities and country towns, but also from neighboring suburban communities. Although residential development was often the most important goal of new suburbanites and suburban promoters, a general promotion of the peripheral economy–including agriculture and industry–was also seen as a complementary part of a viable suburb.[9]

It is during this early era of American suburbanization during the first half of the eighteenth century that Freeman planned Franklintown. His plan has been dated to 1832. As in other American suburbs, land was part of speculative dealings for residential development. However, because of a bank failure in Baltimore in 1834, Franklintown was not built out until the early 1850s. By this time, suburbs in other parts of American and in other areas around Baltimore had

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[7]Ibid., p. 42.

[8]Norbert Schoenauer. *6,000 Years of Housing*. New York: WW. Norton, 2000. Suburban development in England appears to be roughly parallel to events in the United States, but American examples appear to be more relevant to Franklintown's history and are explored more fully here. Examples of plans from England were investigated for a prototype for Freeman's Oval, but none was located.

[9]Shaffer, p. 46.

developed more fully. Between 1840 and 1860, suburbs grew rapidly. Distinct villages proliferated and were often separated by empty land, rather than the general outward sprawl and infill from a city center that would characterize later periods and was due in large part to changes in transportation, particularly the streetcar, which was singlehandedly responsible for suburban development outside of many urban centers. It is important to note that Franklintown is not a streetcar suburb.[10]

Suburbs often had a political history that was distinct from their larger city centers. Economic and social development on the local level often brought suburban leaders to a high level of recognition and responsibility previously unknown in large cities. This strong sense of a distinct suburban identity often led these leaders to promote and/or defend their enclaves with fervor.

During the period from 1840-1860, suburbs saw an increase in prosperity and a refinement of objectives. Changes in transportation mixed with heavy commuting forced suburbanites to address questions of land use and compatible growth. Both industrial and commercial pursuits began to weigh heavily into the success of suburbs. Many pioneers of American suburban life were prosperous merchants and professionals who brought prestige and financial success to their villages. They also sought to bring amenities and public institutions and services usually reserved for large cities out to the suburbs. In time, paved streets, fire departments, and school buildings appeared, and in newer suburbs, these improvements were often made in advance of their actual need in order to make the villages more appealing as a place of residence for potential owners.

> *This will not only add to the value of property in and about our villages, but will tend to the healthy increase of population among us, by giving us constant accessions of citizens*

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[10]Ibid., pp. 43-44.

from a class of people who will not only add to our respectability, but give is accessions of wealth, and thus diminish our public burdens.[11]

As suburbs grew and became viable, self-supporting entities with discrete economies, many residents were able to secure employment within the suburb rather than commuting into the city center. However, commuting was still a reality for many residents, and in general, the number of commuters actually increased over time.[12] By the time the Civil War broke out, suburbs were often suited to fit the needs of those who commuted into cities, with local business supporting middle-class domesticity. That is, businesses were geared toward the leisure hours of the male provider and to support services such as markets and shops patronized by housewives.

Resort Communities

Due in large part to its proximity to the Central Racecourse, which was built on land donated by William Freeman, it may be surmised that Franklintown was conceived not only as a residential village, but also as a resort town for those wishing to escape the city and attend the races. While not a resort community in the vein of seaside or ski towns, Franklintown was a 5-mile, picturesque drive from Baltimore on the Franklin Turnpike (alternately referred to as the Franklin Road). Freeman's plan included the Franklin Hotel (which he built), which was the "favorite summer resort of Baltimore society," according to an article in the *Baltimore County Union* in February, 1895. The hotel was built in 1826, prior to Freeman's larger plan for Franklintown. According to the same article, "It was Mr. Freeman's intention to make Franklintown a fashionable summer resort. Wide avenues were surveyed, and a tract of land marked out for a park, market, and racecourse." Because the lots were rather small, with houses placed

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[11]Ibid., p. 51.

[12]Ibid., p. 53.

reasonably close to each other, it does not appear as if Freeman intended Franklintown to be a collection of large country estates (which were proliferating in roughly the same era as aresult of the writing of landscape architect A.J. Downing), but rather moderately sized houses sited so as to take advantage of the many picturesque aspects of the area--including the mill and its associated buildings, Dead Run, and the scenic wooded areas surrounding the Franklin Turnpike. The Franklintown Inn provided refined social opportunities and "became a gathering place for all the fine ladies and gentlemen to meet for a ball after attending the races..."[13] The inn was also a meeting place where Freeman and his associates (who included Reverdy Johnson, Ross Winans, and possibly other notable national figures) discussed the political climate of the times. Combined with the proximity to Baltimore, the recreational pursuits available at the Central Racecourse, and the social opportunities available at the Franklin Hotel, the village of Franklintown offered conveniences of city dwelling combined with refined country life.

Intended to be the main draw for those visiting Franklintown, the racecourse, like the hotel, did a prosperous business. Located on land donated by Freeman near the intersection of present-day Ingleside Avenue and Johnnycake Road, the Central Racecourse opened amid much fanfare in October 1831.[14] Early racecourses were generally considered to be genteel places, and descriptions of the Central Racecourse indicate that it was operated under the highest standards. Country gentleman of the day often owned racing horses, and brought them to race at local tracks. The Central Racecourse was described as:

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[13]Unknown source quoted in the Baltimore City Commission for Historic and Architectural Preservation staff report for local district designation for Franklintown.

[14]*American Turf Register and Sporting Magazine*, Volume 3, Number 3, November 1831, p. 136.

situated about four miles from Baltimore; and the Franklin turnpike, which leads to it, is one of the most pleasant and romantic roads out of the city. The village of Franklin, erected among the hills, with its mill, hotel, and cottages ornées, within a mile of the Course is alone worth a much longer ride to visit.

The Race Course is supported by the Maryland Jockey Club, a very large association of gentlemen, composed chiefly of inhabitants of Baltimore. . . By the rules of the association, gaming of every kind is excluded from the Course; nor are professed gamesters permitted to become members: in fact, every care is taken to exclude wholly all those usual accompaniments of racing which alone make it objectionable to the most fastidious.[15]

The Central Racecourse continued to serve as a focal point of the social calendar until the 1860s, when it was abandoned for a track in Timonium.[16]

Early Town Plans

No papers relating to William Freeman are known to exist. Therefore, it is impossible to state with certainty what his influences were for his plan of Franklintown. However, determining what other innovations were occurring in the realm of planning contemporary with Freeman's time–with or without his knowledge–can place Freeman's Oval in perspective. In addition to evaluating Franklintown in the context of early suburbs and resorts, it is necessary to evaluate it as part of a general planning trends in America during the same era.

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[15]Uncited copy from the files of the Franklintown Community Association.

[16]Timeline created by the Baltimore City Commission for Architectural and Historic Preservation.

One of the earliest documented circular plans in America is that of Circleville, Ohio. Designed in 1810 by Daniel Driesbach, Circleville was planned around centuries-old, Native American earthworks which retained a circular center. The central, circular portion of Circleville was designed to contain open space, similar to the center of Freeman's Oval, but was soon occupied by a courthouse. Larger in scale than Franklintown, Circleville occupied over 200 acres and was inhabited by 40 families within its first year of existence. Over the course of time, Circleville was redeveloped into a grid pattern and nothing of the original circular plan remains.[17]

After Circleville, other circular plans, referred to as pinwheels and cobwebs, were laid out. While it is possible that Circleville influenced these later plans, it seems more likely that the founders of the later towns were looking to create something more unique than the ubiquitous grid. Octagons, double octagons, and hexagons, also appeared, although none were particularly lasting or influential.

It is important to note that no other radial plans with a central oval were located. Circles and general radial patterns are featured, and almost always the focal point is the site of an important civic or public building, such as a church or town hall. Freeman's use of his central oval as an oak-studded park appears to be unique. While certain village buildings were necessary for the day-to-day comfort of the residents (whether seasonal or permanent), Freeman's plan does not include civic buildings, so it seems likely that he did not intend Franklintown to be a self-supporting town, but rather one with amenities to make life pleasant, while relying on larger neighboring villages or Baltimore for most purchases.

Another unique aspect of Freeman's plan is its size. Approximately 30 lots surround the oval. When compared with other contemporary radial and circular plans, Franklintown is quite small.

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[17] *The Making of Urban America: A History of City Planning in the United States*. John W. Reps. Princeton University Press, Princeton, NJ, 1965, pp. 484-490.

Its size would support the theory that Freeman intended Franklintown to be a small resort community, rather than an independent suburb.

The Picturesque Movement

The aesthetics of the mid-nineteenth century Picturesque Movement combined natural beauty with man's ability to manipulate the environment to create ideal "natural" settings.[18] It seems likely that Freeman chose the location of the Oval for its overlook down onto the mill, its associated buildings, and scenic Dead Run. Other elements that emphasized the Picturesque qualities of the area included a small lake and a covered bridge (no longer extant). Such a vista would have been a respite from the typical industrial scenes of the urban areas of Baltimore City. Communal outdoor areas were also typical features in Picturesque plans. In some cities, large parks or public cemeteries served this purpose, and it seems likely that Washington Park at the center of Freeman's Oval was designed along a similar, albeit small-scale vein. To accommodate the premises of Picturesque designs, streets and paths were usually curvilinear, and residential areas avoided grid patterns found in cities. Although the extent of Freeman's knowledge of the Picturesque Movement are unknown, it seems likely that he had some exposure to the design tenets, as the influence of the movement is evident in Franklintown. The Franklin Turnpike is a key element of Freeman's Picturesque plan, allowing for a bucolic transition from Baltimore City's urban environment to the pastoral setting of Franklintown.

The vernacular building types located in Franklintown add to the Picturesque appeal of the area. Buildings with steeply pitched gable roofs situated near wooded areas are hallmarks of the movement. An early account of Franklintown refers to cottages *ornées*, and a 1923 Baltimore

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[18]All of the principles discussed in this section are derived from *Gardens and the Picturesque: Studies in the History of Landscape Architecture* by John Dixon Hunt (Massachusetts Institute of Technology Press, Cambridge Massachusetts, 1992).

Sun article states that three of these cottages originally located in Franklintown were moved "a long time ago" to nearby Hillsdale.[19]

Franklin Turnpike

During the Colonial era in Maryland, most settlers lived by water, which provided an efficient means of transportation. After the Revolutionary War, the population began moving westward, and often away from waterways. The need for good roads which would accommodate farm wagons became apparent. Baltimore and other cities needed these roads to promote trade and growth, and people living in outlying areas needed access to major cities. Rarely did governments respond to this need, so private companies were incorporated under state charters to construct roads or improve existing roads. In return for their services, the companies were permitted to charge tolls to pay maintenance costs and dividends to stockholders.[20]

The major turnpikes in Baltimore were constructed in the first three decades of the nineteenth century. This period coincided with the rise of Baltimore as the third largest city in the nation and one of the most commercially important urban areas. Turnpikes allowed farmers from the north and west to bring wagons of produce and livestock to the city. However, by the 1830s, the rise of canals and steam engines as means of transporting both goods and passengers began to threaten Baltimore's turnpike system. Turnpikes were used less and less as means of traveling long distances and became primarily local in nature. Farmers of surrounding counties used the roads to get their products to the larger markets in the city, and city residents used the turnpikes to escape the industrial areas of Baltimore for rural landscapes in the outlying areas.

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[19]"Franklintown: A Suburb of the City's Past." Baltimore *Sun*. September 9, 1923.

[20]William Hollifield. *Difficulties Made Easy: History of the Turnpikes of Baltimore City and County*, Cockeysville, Maryland: Baltimore County Historical Society, 1978, p. 1.

Increasing pressure from citizens who found the conditions of the turnpikes substandard and pressed for the elimination of tollgates eventually forced the end of the turnpike system. Between 1910 and 1915, most of the turnpikes were taken over by the State Roads Commission. The last turnpike in the Baltimore area continued to function until 1918.[21]

The Franklin Turnpike Road Company was incorporated in 1827. Its act of incorporation described the need for the road:

> *[T]he inhabitants of Baltimore County, who reside upon Gwynn's falls, Dead run and the country adjacent thereto . . . suffer great inconvenience from the want of a good and direct road leading to the city of Baltimore; that the said inhabitants are extensively engaged in agriculture and manufactures, the former of which require an occasional, the latter an almost daily intercourse with the city; but that, owing to the rough and uneven country in which they are located, and the wretched and almost impassable condition of the roads over which they are obliged to travel, they are deprived of the many benefits which a ready intercourse with the city would afford them, and are denied the usual advantages of a market for their productions and fabrics, but at great trouble, expense and delay. . . .*[22]

The new turnpike was planned to run from Franklin Street in the city, through the valley of the Gwynns Falls and Dead Run, past the newly cut Windsor Mill Road, to Liberty Road. The company's organizer's were William Freeman, Beale Randall, Philip E. Thomas, William Gwynn,

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[21]Ibid.

[22]From the act of incorporation of the Franklin Turnpike Road Company, quoted in *Difficulties Made Easy*, p. 25.

Robert Dorsey, James Swan, and James William McCullough. The capital stock was to be $50,000 in shares of $20 each.

The turnpike was completed in mid-1831, and was described by John H. B. Latrobe in his 1932 book *Picture of Baltimore*.

> *This road . . . opens a communication with the district of country between the Frederick and Reisterstown roads. At the distance of four miles from Baltimore, it passes through the village of Franklin and is the main access to the Central Race Course. The scenery along it is romantic and picturesque, and well repays the drive which the stranger may take to visit it. The Franklin Road is Macadamised, and is, of course, decidedly the best turnpike out of Baltimore.*[23]

The tollgate on the Franklin Turnpike was originally located in the area that is now Gwynns Falls Park in what was then Baltimore County. By 1880, unfavorable descriptions of the Franklin Turnpike began to surface, and residents circulated a petition asking the legislature to reduce the

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[23]John H. B. Latrobe, *Picture of Baltimore*, Baltimore: Fielding Lucas, Jr., 1832, pp.. 214-215. Latrobe's mention of the surface of the turnpike being macadamized is particularly interesting. Construction methods of all other turnpike companies in the Baltimore area are unknown. Company charters specified only the width of the roads and that they were to be made of stone or another durable material. Roads built using the method devised by British engineer John Loudon Macadam in the early nineteenth century were constructed on an arched roadbed. Stones measuring approximately three inches in diameter were laid to a depth of eight inches, followed by a two-inch layer of stones measuring one inch in diameter. Workmen pounded the stones down with rammers, and wheel traffic was expected to further grind particles of stone that would then sift to fill in spaces between the rocks. This would create a binder that would render the roadbed waterproof.

tolls. The city was expanded in 1888, and the turnpike was located within both the city and county jurisdictions. In July 1905, the county prohibited toll collection at the Franklin Turnpike due to its poor condition. The tollgate was then moved to the northwest of Morris Road in the city limits so tolls could continue to be collected. Bridges along the turnpike were deemed to be unsafe and in 1908, Baltimore City conducted an inquest into the condition of the road. Findings indicate that the company failed to maintain the road of the width and with the material required by its charter and that in many places the road was impassable for ordinary vehicles. The court ordered the forfeiture of the company's right to collect tolls within the city until the road was properly repaired. Because the turnpike had not been profitable for several years prior to the court action, there were no funds with which to make improvements. After six months passed with no repairs being made, the court forfeited the company's charter and the road became the property of the City of Baltimore.[24]

Grist Mills

In areas that are now parts of both Baltimore City and Baltimore County, mills that ground wheat, corn, and other grains were ubiquitous.[25] These mills were essential to the agricultural economy that provided a livelihood for those living in areas outside of the industrial city centers. At first the mills provided a service to farmers, with the farmers paying the miller with a percent of ground grain. Later, as the millers became more enterprising, the mill became the farmers' closest contact with the city, and they were able to sell their grain crop to the miller for fair market price rather

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[24]Hollifield, p. 26.

[25]As many as 50 mills once ground grain within the present limits of Baltimore City.

than hauling it to Baltimore themselves. Grist mills were therefore an indicator of a highly developed rural community with a sophisticated economy.[26]

During the Colonial era, Maryland's economy was based on tobacco, so mills were not a part of village life. Although corn was eaten by settlers, it was consumed as hominy that was ground with crude imitations of the mortar and pestle, and home industry provided for other needs. Livestock was generally allowed to forage freely, so feed grains were nonexistent.

As settlers moved away from their established villages along waterways, and agriculture became more diversified, water-powered mills began to appear. Mills are excellent indicators of mixed agriculture within a community large enough to support their owners. Crops were likely to have been so large that individual farms were not capable of pulverizing the grain with hand-powered mills and pestles, even with the use of slave labor. Millers were generally paid one-eighth of the value of the ground grain as a commission.[27]

Millwrights were responsible for the construction of the mills, and for choosing optimal sites for the buildings. They knew how to locate natural ravines where dams could be built to feed water to a mill as far as a mile away. They laid out millraces, or canals, at a constant elevation, following the contours of hillsides to bring the water to the mill at a point downstream where there would be a drop of at least eight feet, or a "fall." The water then had to fall on the water wheel and then drain downstream as efficiently as possible to avoid forming a puddle under the wheel that would slow its rotation and diminish its power.

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[26]John W. McGrain. *Grist Mills in Baltimore County, Maryland.* Towson, Maryland: Baltimore County Public Library, 1980, p. 1.

[27]Ibid., pp. 1-2.

Other than the millwright, the miller had one of the most advanced technical backgrounds of any citizen in the colonies. He needed to be familiar with controlling wheels, shafts, gear trains, and adjusting the massive millstones that ground the grain. At least two large millstones (which had to be imported into Maryland until 1813 when a local supply of appropriate stone was located) with holes in the center were necessary to grind grain. The stones were laid flat on top of each other, with the bottom stone (known as the "nether" or "bedder") fastened to the floor. The upper stone (or "runner") was supported and balanced on a wooden axle that passes through the center of the nether. Both stones were scored with ridges on the grinding faces. The miller made fine adjustments to the space between the wheels using a wooden lever; the process of adjusting the wheels is called tentering. This was a difficult task, as the wheels had to be close enough to grind the small bits of grain, but the wheels could not touch, lest the grain be adulterated with dust from the rock of the wheels.[28]

The miller would open the floodgate, the water wheel would begin turning, and the nether would begin to turn. The miller would pour the grain into the center of the top millstone through a hopper. The grain would fall between the two stones, and centrifugal force carried across the millstones from the center to the edge, and by that time it has become flour or meal. Grain that was milled in the earliest grist mills retained all of its nutritional value. However, later mills used sifting methods to remove husks and bran, which yielded a whiter flour. Byproducts of this process were fed to chickens and hogs.

Water wheels which powered the mill were classified into three categories: Undershots, overshots, and breast wheels, with the terms reflecting the point at which the water entered the wheel's mechanisms. Undershot wheels were equipped with paddles and the water passing underneath the wheel drove it by the force of its own flow. These wheels were used in areas where there was not much of an elevation from which to drop water. Mills within Baltimore City and Baltimore County

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[28]Ibid., p. 4.

did not use these wheels, as there are numerous sites in upland areas that provided adequate elevations. Overshot and breast wheels were equipped with buckets that filled with water. The weight of the water pulled the wheel downward and generated power. Water entered the overshot wheels at the highest point of the wheel's revolution, and entered the breast wheels below the highest point.

Grist mills played an important role in rural communities. Most mill-centered villages contained several stores, and an inn or tavern. Warehouses and other tradesmen's shops were also common. In many instances, even the smallest mills spawned the growth of the rural economy in an area. Homes, churches, blacksmith shops, and schools were often found in these small villages.[29]

The date of construction of the Franklin Mill is ambiguous. Local tradition indicates that an earlier mill was constructed on the site in 1761, but that the present mill was constructed by Freeman in the 1830s as part of his plan of Franklintown. Deed research indicates that Freeman acquired the property in 1832 and retained ownership until 1859. Regardless of exact construction date, the mill was present during the early years of Franklintown and was integral to the village. As a picturesque element, the mill was vital, and it also provided an important service to the rural area and allowed for yearlong economic activity in Franklintown. At various times in its history the mill has been labeled as the oldest intact mill in the United States and the oldest mill in actual operation. While superlatives such as these are difficult to prove, the Franklintown Grist Mill did operate until 1934.[30] By 1950, it had been renovated for use as a residence.

The large stone warehouse building across from the mill served as a combination dwelling, grocery store, tavern, hotel, and banquet hall. Although the date 1862 is painted on a wall of the building,

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[29]Brooks and Rockel, p. 187.

[30]"173-Year-Old Mill Has Wheels Stilled," Baltimore *Sun*, October 19, 1934.

an evaluation by a preservation architect indicated that construction methods point to a construction date as early as the first quarter of the nineteenth century.[31]

The History of Franklintown

Franklintown is primarily the result of William Freeman's innovative design and his tireless efforts promoting the community. The initial design of Franklintown appears to date to 1832, when various written accounts discuss Freeman's plan for the village, although the original plan has not yet been located. A copy of Freeman's design with the notation "Plan of the Town of Franklin as laid out by William H. Freeman, Esq." appears in the Baltimore County records in 1858. Dating the early buildings located around Freeman's Oval has proven difficult. The earliest maps of the area do not depict individual residences, but the Franklin House, the mill, and three buildings (likely two residences at 1711 and 1719 N. Forest Park Avenue and the barn) are present on the 1850 J.C. Sidney map of the City and County of Baltimore.

A 1923 newspaper article provides an eloquent description of the Freeman plan:

> *A study of the old plat reveals a most remarkable design, perhaps unique in suburb-planning.*
>
> *The heart of Franklin Town was a great oval* [with a] *tropical oak grove on a hill. On the hillside toward Franklin Road, hung like medallions, four paved circular places. Diagonally down the hillside, and through the places, ran broad avenues while the approach along the Franklin Road from the city presented to the visitors great winglike parks, enfolding the oval grove.*

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[31]Woodlawn History Committee. *Woodlawn, Franklintown, and Hebbville*. Published by the Woodlawn Recreation and Parks Council, 1977, p. 17.

The grove itself was 500 feet long by 300 feet wide and at its very center was planted a white marble stone with the letter C cut in it. Close at its edges all around ran a narrow street, farther down the hillside circled a broader avenue and between these lay a band of cottage lots, completely circling the towering oak grove.

Along the Franklin Road for half a mile or more the town extended, the cottage lots climbing the gentler slopes of the hill and stretching away across levels by the run. . . . [A]t the extreme south [of the town is] the grist mill. A little north of the grist mill was the hotel, fronting on the Franklin macadamised turnpike, here about 100 feet wide and running back 150 feet to the winged parks.[32]

The 1858 plan shows Freeman's Oval surrounded by approximately 30 wedge-shaped parcels of land. The oak grove in the center of the oval is called Washington Park and was intended to be public open space. The four small circles mentioned are reminiscent of roundabouts and never appeared on maps. No evidence of their construction remains today. During the Civil War era, Washington Park became known as Horn's Park after a butcher whose slaughterhouse was located on Freeman's Oval. A 1940 Baltimore *Sun* article indicates that the park "had gone to seed" and that Union troops camped in the oak grove during the Civil War.[33] Local tradition states that the troops chose the park as a camp to avert Confederate activity along the Franklin Turnpike and to inhibit the activities of Confederate sympathizers, including William Freeman (who lived on an estate located just west of Franklintown) and his longtime business associate Ross Winans.

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[32]"Franklintown: A Suburb of the City's Past." Baltimore *Sun*, September 9, 1923.

[33]Untitled article in the Baltimore *Evening Sun*, November 13, 1940.

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MARYLAND COMPREHENSIVE HISTORIC PRESERVATION PLAN DATA

Geographic Organization:

Piedmont

Chronological/Developmental Period(s):

Agricultural-Industrial Transition

Industrial/Urban Dominance

Modern Period

Prehistoric/Historic Period Theme(s):

Architecture, Landscape Architecture, Community Planning

Economic

Transportation

Resource Type:

Category: District

Historic Environment: Village

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Historic Function(s) and Use(s):

Domestic/Single Dwelling

Domestic/Hotel

Industry/Processing/Extraction/Manufacturing Facility

Landscape/Plaza

Transportation/Road-Related (Vehicular)

Known Design Source: Planner, William H. Freeman

Bibliography

Archives and Files

Files of the Baltimore City Archives, Baltimore, Maryland.

Files of the Baltimore City Commission for Architectural and Historic Preservation, Baltimore, Maryland.

Files of the Baltimore County Historical Society, Cockeysville, Maryland.

Files of the Baltimore County Planning and Zoning Office, Towson, Maryland.

Files of the Franklintown Community Association, Baltimore, Maryland.

Vertical files for "Franklintown." Maryland Department, Enoch Pratt Free Library, Baltimore, Maryland.

Maps

Note: An extensive survey of over 50 maps was made at the George Peabody Library in Baltimore. Maps providing detailed information relating to Franklintown are individually listed below.

1850 *Map of the City and County of Baltimore, Maryland, from Original Surveys*, J.C. Sidney.

1853 *Map of the City and Suburbs of Baltimore*, Isaac Simmons.

1855-56 *Baltimore City Directory Map*, R.J. Matchett, Publisher.

1857 *City of Baltimore*, J.H. Colton.

1857 *Map of the City and County of Baltimore, Maryland*, Robert Taylor.

1876 *Atlas of Baltimore County*. G.M. Hopkins

1887 *Baltimore and Its Neighborhoods*, Lewis Neil.

1892 *Geological Map of Baltimore and Vicinity*. U.S. Geological Survey.

1910 *Baltimore City Directory Map*, R.L. Polk & Company, Publisher.

1926 *A Map of the City of Baltimore*, A. Hoen.

Newspaper and Magazine Articles

"173-Year-Old Mill Has Wheels Stilled." Baltimore *Sun*, October 19, 1934.

American Turf Register and Sporting Magazine, Volume 3, Number 3, November 1831, p. 136.

"An Ancient Hostelry." *Maryland Journal*, n.d.

Franklintown: A Suburb of the City's Past." Baltimore *Sun*, September 9, 1923.

Untitled article in the *Baltimore County Union*, February 2, 1895.

Untitled article in the Baltimore *Evening Sun*, November 13, 1940.

Books

Brooks, Neal A., and Eric G. Rockel. *A History of Baltimore County*, Friends of the Towson

Library, Towson, Maryland, 1979.

Hollifield, William. *Difficulties Made Easy: History of the Turnpikes of Baltimore City and County*. Cockeysville, Maryland: Baltimore County Historical Society, 1978.

Hunt, John Dixon. *Gardens and the Picturesque: Studies in the History of Landscape Architecture*. Cambridge, Massachusetts: Massachusetts Institute of Technology Press, 1992.

Latrobe, John H. B. *Picture of Baltimore*. Baltimore: Fielding Lucas, Jr., 1832.

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Palen, J. John. *Suburbia*. New York: McGraw-Hill Inc., 1995.

Reps, John W. *The Making of Urban America: A History of City Planning in the United States*. John W. Reps. Princeton, New Jersey, Princeton University Press, 1965.

Schoenauer, Norbert. *6,000 Years of Housing*. New York: WW. Norton,'2000.

Binford, Henry C. "The Early Nineteenth-Century Suburb: Creating a Suburban Ethos in Somerville and Cambridge, Massachusetts, 1820-1860." in Daniel Shaffer, ed. *Two Centuries of American Planning*. Ed. . by Henry C. Binford. Johns Hopkins University Press, Baltimore, 1988, p. 41.

Woodlawn History Committee. *Woodlawn, Franklintown, and Hebbville*. Published by the Woodlawn Recreation and Parks Council, 1977.

Verbal Boundary Description

Beginning at the intersection of N. Forest Park Avenue and Path Lane, travel southwest along N. Forest Park Avenue (including properties on the northwest side of N. Forest Park Avenue) to the intersection with the Baltimore City legal boundary and travel south to the intersection with Dead Run. Follow the southern shoreline of Dead Run in an easterly direction until opposite William Street. Travel north on William Street. At the intersection of William and Division Streets, travel northwest, following parcel lines to Path Lane and continue traveling northwesterly to the intersection of Path Lane and N. Forest Park Avenue.

Boundary Justification

The boundaries of the Franklintown Historic District were evaluated and determined based on several factors: The first and most important of these was Freeman's plan. The boundaries of the district are based on William Freeman's original plan for Franklintown but do not include peripheral areas that were built at later dates or suffer from a loss of integrity. Areas outside of Freeman's plan were also evaluated for inclusion, but were found to have many visual intrusions due to noncontributing buildings or to contain substantial construction and architectural styles from later periods. After the initial building of Franklintown in the 1850s, scattered housing gradually appeared in surrounding areas. Most notably, turn-of-the century bungalows and World War II-era minimal traditional style housing was constructed to the west of Freeman's Oval. While evaluating the area for defensible historic district boundaries, Robinson & Associates consulted with staff at the Maryland Historical Trust and the Baltimore City Commission for Historic and Architectural Preservation. After discussing several possibilities, Robinson & Associates determined that the historic district should follow the boundaries of Freeman's plan as closely as possible while factoring in the integrity of resources within the planned areas.

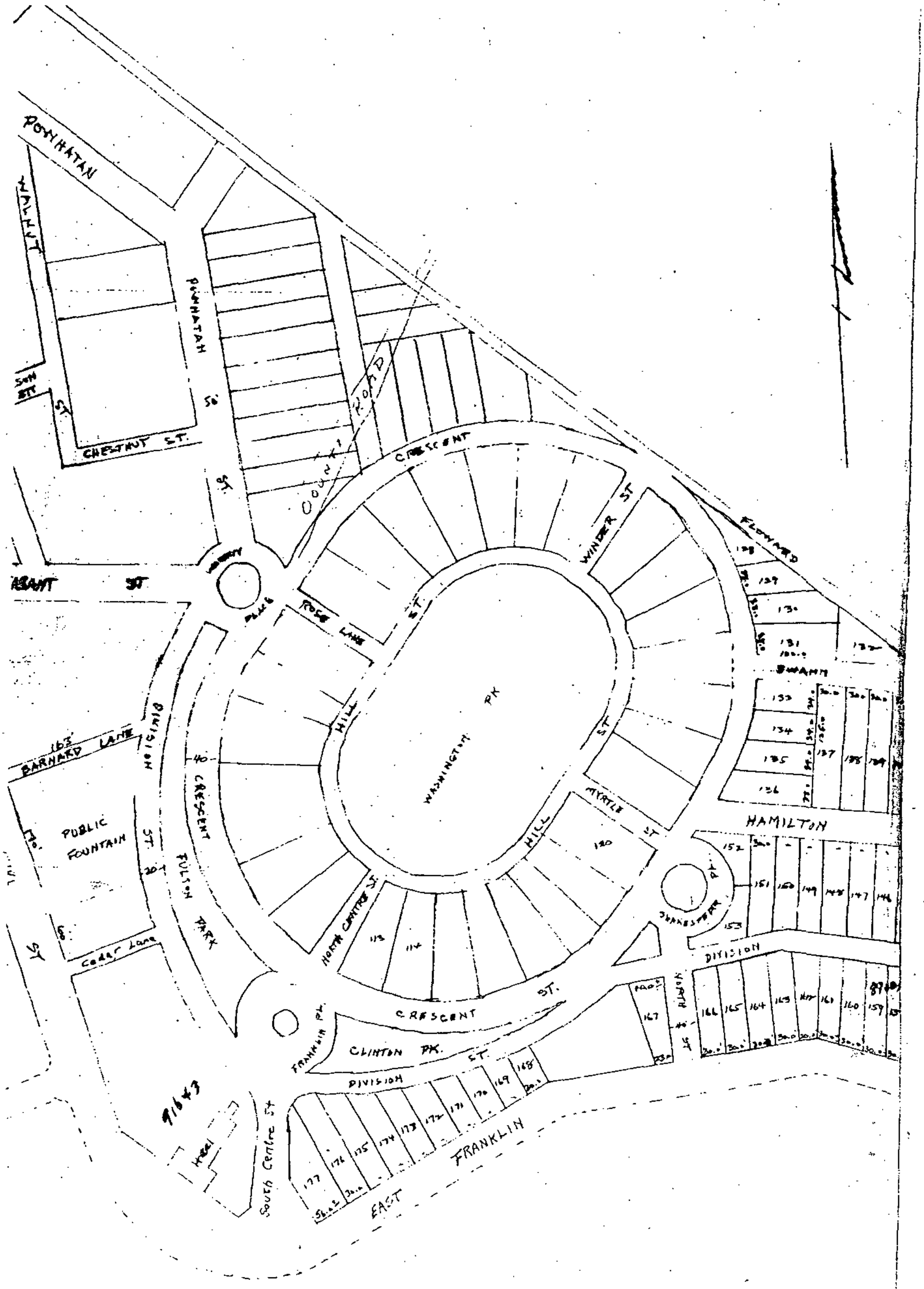
Appendix 1
List of Contributing/Noncontributing Resources

Contributing Resources

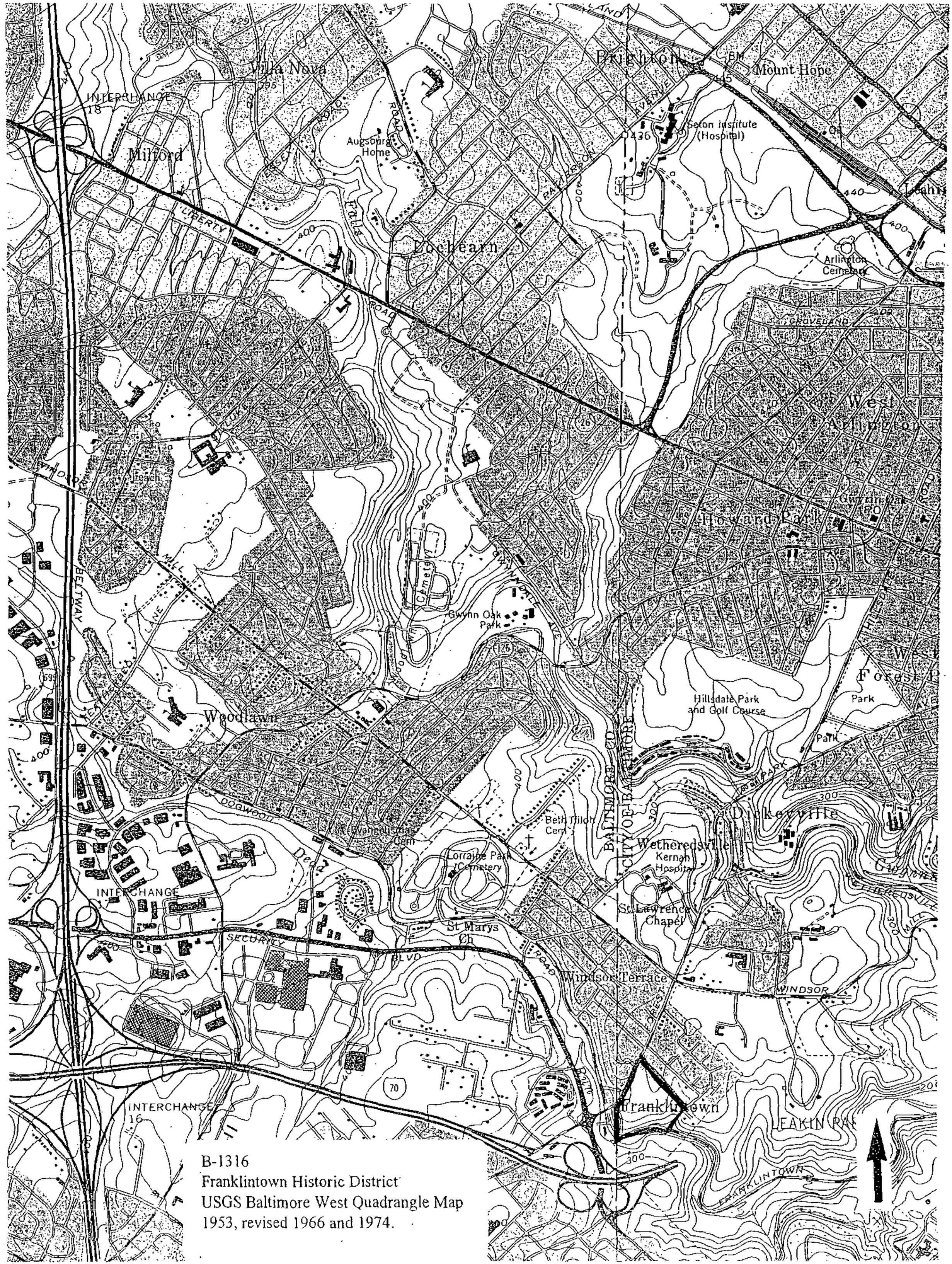
5100 N. Franklintown Road
5102 N. Franklintown Road
5104 N. Franklintown Road
5106 N. Franklintown Road
5108 N. Franklintown Road
5112-18 N. Franklintown Road (Mill Warehouse)
5115 N. Franklintown Road
5117 N. Franklintown Road (The Franklintown Mill)
5122-30 N. Franklintown Road
5200 N. Franklintown Road (The Franklin Hotel)
5201 N. Franklintown Road (Millrace Tavern)
1707 N. Forest Park Avenue
1711 N. Forest Park Avenue
1719 N. Forest Park Avenue (Barn)
1721 N. Forest Park Avenue (formerly 1719)
1800 N. Forest Park Avenue
1801 N. Forest Park Avenue
1804 N. Forest Park Avenue
1809 N. Forest Park Avenue
5110 Fredwall Avenue
5100 Hamilton Avenue
Washington Park
Dead Run
Franklintown Road

Noncontributing Resources

1715 Hill Street
1717 N. Forest Park Avenue
1805 N. Forest Park Avenue
5106 Fredwall Avenue
5104 Hamilton Avenue



1858 Copy of William H. Freeman's 1832 Plan of Franklintown.
Records of the Baltimore County Planning Office.


Villa Nova
Brighton
Mount Hope
INTERCHANGE 18
Milford
Augsburg Home
Seton Institute (Hospital)
LIBERTY
Falls
Dolfield
Arlington Cemetery
Loch Raven
Woodlawn
Gwynn Oak Park
Hillsdale Park and Golf Course
Forest Park
Dogwood
Beth Tfiloh Cem
Evangelismos Cem
Lorraine Park Cemetery
Dead
Dickeyville
Wetheredsville
Kernan Hospital
INTERCHANGE
SECURITY BLVD
St Marys Ch
St Lawrence Chapel
Windsor Terrace
INTERCHANGE 16
Franklintown
FRANKLINTOWN
B-1316
Franklintown Historic District
USGS Baltimore West Quadrangle Map
1953, revised 1966 and 1974.

B-1316
Franklintown Historic District
ADC Street Map, Baltimore City & County, Maryland.

PROTESTANT'S

EXHIBIT NO. 14

Preserving America's Heritage

December 19, 2006

Ms. Sarah L. Farley
Architectural Historian
Mid-Atlantic Regional Office
EBI Consulting
6876 Susquehanna Trail South
York, PA 17403

RE: *Proposed Tower Construction MD3077D/Security Boulevard at 5208 Dogwood Road*
Baltimore County, Maryland
FCC Reference Number: *TBD*

Dear Ms. Farley:

Recently the Advisory Council on Historic Preservation (ACHP) received your notification and complete documentation pursuant to the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (NPA) regarding the adverse effects of the above-referenced undertaking on historic properties. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases,* of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is warranted. However, should circumstances change and you or the other consulting parties determine that our participation is required, please notify us.

Through the documentation you provided and additional discussions with the Maryland State Historic Preservation Office (SHPO) and the Historic Franklintown Association, a consulting party, we are aware that alternatives that may avoid or minimize adverse effects on historic properties have been proposed for consideration by the Applicant. We request that the Applicant evaluate the merits of various alternatives in a manner consistent with our regulations and the NPA. We trust that FCC will ensure that viable alternatives presented by the consulting parties to the Applicant are documented and addressed as part of the record of the Section 106 consultation process. If this consideration and consultation process does not continue to progress, the Applicant, FCC, SHPO, or consulting parties are welcome to notify us and request our assistance, which may include our participation in consultation.

Pursuant to the NPA (stipulation VII.D.4), you shall negotiate a Memorandum of Agreement (MOA) with the Maryland SHPO and other consulting parties and send the MOA to the Federal Communications Commission (FCC) for review and execution.

Thank you for providing us with your notification of adverse effect. If you have any questions or require the further assistance, please contact me by phone at (202) 606-8520 or by e-mail at kharris@achp.gov.

Sincerely,

Katry Harris

Katry Harris
Historic Preservation Specialist
Office of Federal Agency Programs

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

Attachment 10. Effects on Identified Properties

For each property identified as a Historic Property in Attachments 8 and 9:

a. Indicate whether the Applicant believes the proposed undertaking would have a) no effect; b) no adverse effect; or, c) an adverse effect. Explain how each such assessment was made. Provide supporting documentation where necessary.

Historic Properties identified within the APE and the effects of the project on each property are outlined as follows.

Historic Property Name	Effect Determination	Reason for the Effect Determination
Franklintown Historic District (B-1316)	Adverse Effect	See attachment.
Bridge B 0096 (BA-2853)	No Adverse Effect	The proposed tower will be visible from this bridge; however, the setting and viewshed are not character-defining features of this resource, which was determined eligible for the National Register as "a significant example of an early-twentieth century concrete arch bridge" that retains integrity of design and materials.

b. Provide copies of any correspondence and summaries of any oral communications with the SHPO/THPO.

See Attached

c. Describe any alternatives that have been considered that might avoid, minimize, or mitigate any adverse effects. Explain the Applicant's conclusion regarding the feasibility of each alternative.

Potential effects on nearby historic properties have been considered, and Nextel Communications is willing to discuss alternative design options with MHT and the identified consulting parties in order to minimize the visual impact of the project on historic properties.

PROTESTANT'S

EXHIBIT NO. 15

Approved by OMB
3060-1039
Estimated Time Per Response:
.5 to 10 hours

Attachment 10. Effects on Identified Properties cont.

Historic Property Name	Effect Determination	Reason for the Effect Determination
Franklintown Historic District (B-1316)	Adverse Effect	See below.

Pursuant to Section VI.E.3 of the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA)*,

> "An Undertaking will have a visual adverse effect on a Historic Property if the visual effect from the Facility will noticeably diminish the integrity of one or more of the characteristics qualifying the property for inclusion in or eligibility for the National Register. Construction of a Facility will not cause a visual adverse effect except where visual setting or visual elements are character-defining features of eligibility of a Historic Property located within the APE."

The National Register of Historic Places Registration Form for the Franklintown Historic District (Site No. B-1316) (Robinson & Associates, Inc., 2001) states that "The Franklintown Historic District is significant under National Register Criterion C as an example of an early nineteenth century planned resort community or suburb" (Section 8, p.1). The Form describes Franklintown as "an early and unmatched example of the development of a rural village within the limits of Baltimore City" that "substantially retains its original rural character despite its location within predominantly urban Baltimore City" (Section 7, page 1). Additionally, "Franklintown retains a high degree of integrity of location, design, setting, feeling, and association primarily because it retains its rural, picturesque character and central planning focus" (Section 8, p.1). In their *Resource History and Historic Context* discussion, the authors assert that planner William H. Freeman "intended Franklintown to be a collection of...moderately sized houses sited so as to take advantage of the many picturesque aspects of the area- including the mill and its associated buildings, Dead Run, and the scenic wooded areas surrounding the Franklin Turnpike" (Section 8, p.5).

Because Franklintown's rural character, in conjunction with its "elements of the Picturesque Movement," are identified as character-defining features of the District, and because the construction of the proposed monopole adjacent to the District will introduce a visual element that noticeably diminishes the integrity of the District's rural, picturesque setting, the proposed monopole will have a visual adverse effect on the Franklintown Historic District.

Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

James T. Smith, Jr., County Executive
David A.C. Carroll, Director

Baltimore County

One of the Best-Managed Counties in America

PROTESTANT'S

EXHIBIT NO. 16

April 18, 2003

Mr. William Everhart
1719 N. Forest Park Avenue
Baltimore, Maryland 21207

Dear Mr. Everhart:

In celebration of Earth Month 2003, Baltimore County Executive James Smith is joining the Franklintown and Woodlawn communities in a series of environmental activities in the Gywnns Falls Watershed. I would like to take this opportunity to personally extend an invitation to you to join the County Executive in the festivities. Three events are planned for Monday April 28th: Franklintown Community Gateway Buffer Enhancement, Dogwoods for Dogwood Road Community Planting, and a reforestation project at Woodlawn High School.

The festivities will begin at noon at the southeast corner of Security Boulevard and North Forest Park Avenue/Ingleside Avenue. Parking is available at the corner of Franklintown Road and the Old Ingleside Avenue Bridge. Please note that the Old Ingleside Avenue Bridge and the access ramp from Security Boulevard will be closed for the event. Please enter Franklintown from North Forest Park Avenue and proceed to the parking at Franklintown Road. Transportation between the sites will be provided. It is anticipated that the activities will conclude by 2:00 p.m. Enclosed are directions to the activities, a copy of the informational flyer for the three planned events, and a copy of the Gywnns Falls Watershed – Environmental Restoration Initiative informational sheet.

In order to plan for the transportation, please RSVP prior to April 24, 2003. Please contact Ms. Nikki Roros at 410-887-3776.

I hope you will be able to join us in this celebration of Baltimore County's environmental partnership with its residents. I look forward to seeing you at the events.

Sincerely,

David A.C. Carroll
Director

DACC/rps
Enclosures

Baltimore County Department of Environmental Protection & Resource Management

Baltimore County Earth Month – April 2003
April 28, 2003 Gwynns Falls Watershed Events

Franklintown Green Gateway (A)

Planting of trees and shrubs to enhance the Dead Run Stream Buffer and to provide an attractive landscape feature for the gateway into the historic Franklintown Community. This gateway project also includes a Franklintown Community sign. The project complements the continuing community conservation efforts taking place by the Franklintown residents and Baltimore County.

Dogwoods for Dogwood Road Community Planting (B)

Planting of native trees and shrubs in the stream buffer along Dogwood Road from Kernan Drive to the Baltimore City Line. The Franklintown Community Association is the recipient of a Baltimore County Community Conservation grant to beautify and enhance the land adjacent to the Dead Run stream along Dogwood Road by planting native species of trees and shrubs. This planting will enhance scenic beauty along the thoroughfare and improve natural habitat for wildlife.

Woodlawn High School Reforestation (C)

Students and teachers from Woodlawn High School will be planting native trees and shrubs at the entranceway to the school in conjunction with the Baltimore County Forestry Board. The students have developed the plan and are planting in accordance with the design. This activity is part of a broader environmental initiative, with future projects planned including planting of stream buffers, installation of a bio-retention facility, monitoring, and classroom activities. The Baltimore County Department of Environmental Protection and Resource Management and The Living Classrooms Foundation are also working with the high school and providing support to this environmental initiative.

County Courts Building
401 Bosley Avenue, Room 416
Towson, Maryland 21204
410-887-3776
Fax: 410-887-4804
Email: deprm@co.ba.md.us
Website: http://www.co.ba.md.us/deprm

BALTIMORE COUNTY EARTH MONTH – APRIL 2003
April 28, 2003 Gwynns Falls Watershed Events

Directions

To the "Franklintown Green Gateway" Site:

From I-695 take Exit 17-Security Boulevard east towards the city, past Social Security
Turn Left onto North Forest Park Avenue
Turn Right onto Franklintown Road
Parking will be on the SW corner of Franklintown Road and Old Ingelside Avenue
Look for event parking sign

From the City take Franklintown Road west until you see the event parking signs.

Please note: The Old Ingleside Avenue Bridge and access ramp from Security Boulevard will be CLOSED to traffic.

To the "Dogwoods on Dogwood Road" Site:

Follow Dogwood Road North towards Kernan Drive. Look for signs.

To the "Woodlawn High School Reforestation" Site:

Continue on Dogwood Road
Turn left onto Woodlawn Drive
Parking will be on the lower lot of Woodlawn High School. Look for signs.

Baltimore County Department of Environmental Protection & Resource Management

Gywnns Falls Watershed
Security Boulevard/Woodlawn Area
Environmental Restoration Initiative

Baltimore County has developed an environmental restoration initiative for the Security Boulevard/Woodlawn area to improve water quality in the Dead Run, create wetland habitat, and aesthetically enhance stream buffer areas. Planned are the following projects:

(1) Northeast Corner of Security Boulevard and Woodlawn Drive – Removal of undesirable invasive vines, weeds, and briars, selective tree removal, debris cleanup, and replanting with attractive, native trees and shrubs. This effort will promote water quality through a healthy stream buffer and provide an attractive landscape feature for this highly visible intersection in the business community. **COMPLETE.**

(2) Southwest Corner of Security Boulevard and Woodlawn Drive – Restoration of 1,000 feet of the severely degraded Dead Run stream and a landscape enhancement of the stream buffer adjacent to Woodlawn Drive and Fox Chevrolet. **FALL 2003.**

(3) Northside of Whitehead Road from Woodlawn Drive to a Point East of Whitestone Road - Removal of undesirable invasive vines, weeds, and briars, stunted tree removal, debris cleanup, and replanting with attractive, native trees and shrubs. This effort will promote water quality through a healthy stream buffer and provide an attractive streetside landscape feature. Development of a bio-retention filtering area or a storm drain device that improves water quality is also planned. **UNDERWAY—COMPLETION SUMMER 2003.**

(4) Dogwood Road from the Church to Englewood Avenue - Removal of undesirable invasive vines and weeds, selective tree removal, debris cleanup, replanting with attractive, native trees and shrubs, and construction of an earthen berm intended to prevent roadside dumping. This effort will promote water quality through a healthy stream buffer and provide attractive boulevard-like landscaping along a major thoroughfare in the community. **FALL 2003.**

(5) Southeast Corner of Security Boulevard and Ingleside Avenue - Removal of undesirable invasive vines and weeds, selective tree removal, debris cleanup and replanting with native trees and shrubs. This effort will promote water quality through a healthy stream buffer, stabilize steep slopes with erodible soils, and provide an attractive landscape feature for the gateway to the Franklintown community and travelers on Security Boulevard. **APRIL 2003.**

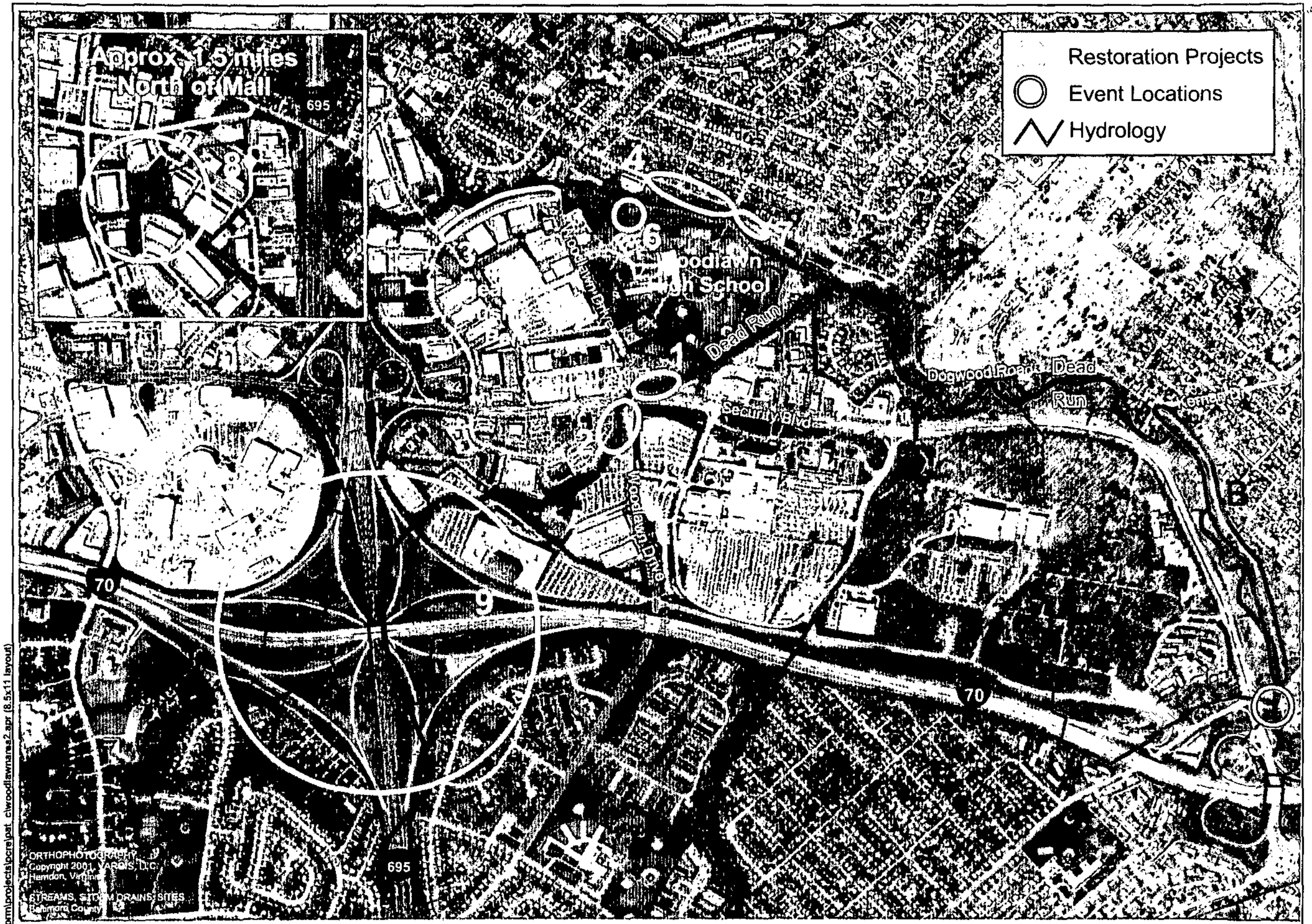
(6) Woodlawn High School Water Quality Retrofit - Creation of a stormwater management wetland system behind Woodlawn High School including a bio-retention filtering area. This system is designed to treat stormwater runoff and improve water quality. Woodlawn High School students will be provided a rare opportunity to learn about wetland functions in a unique on campus setting. **SUMMER 2003.**

(7) Dead Run Stream Bank Stabilization in the vicinity of Englewood Avenue – Removal of a collapsed streambank retaining wall, and restoration and revegetation of the streambank to its natural state. **FALL 2003.**

(8) Rutherford Pond Water Quality Retrofit – Conversion of an existing dry stormwater management pond to an extended detention wetland pond facility to improve water quality. **SUMMER 2003.**

(9) I-70/I-695 Interchange Water Quality Retrofit – Feasibility study to identify opportunities and areas within the highway interchange to improve water quality by providing stormwater treatment of more than 1,000 unmanaged acres of urban development.

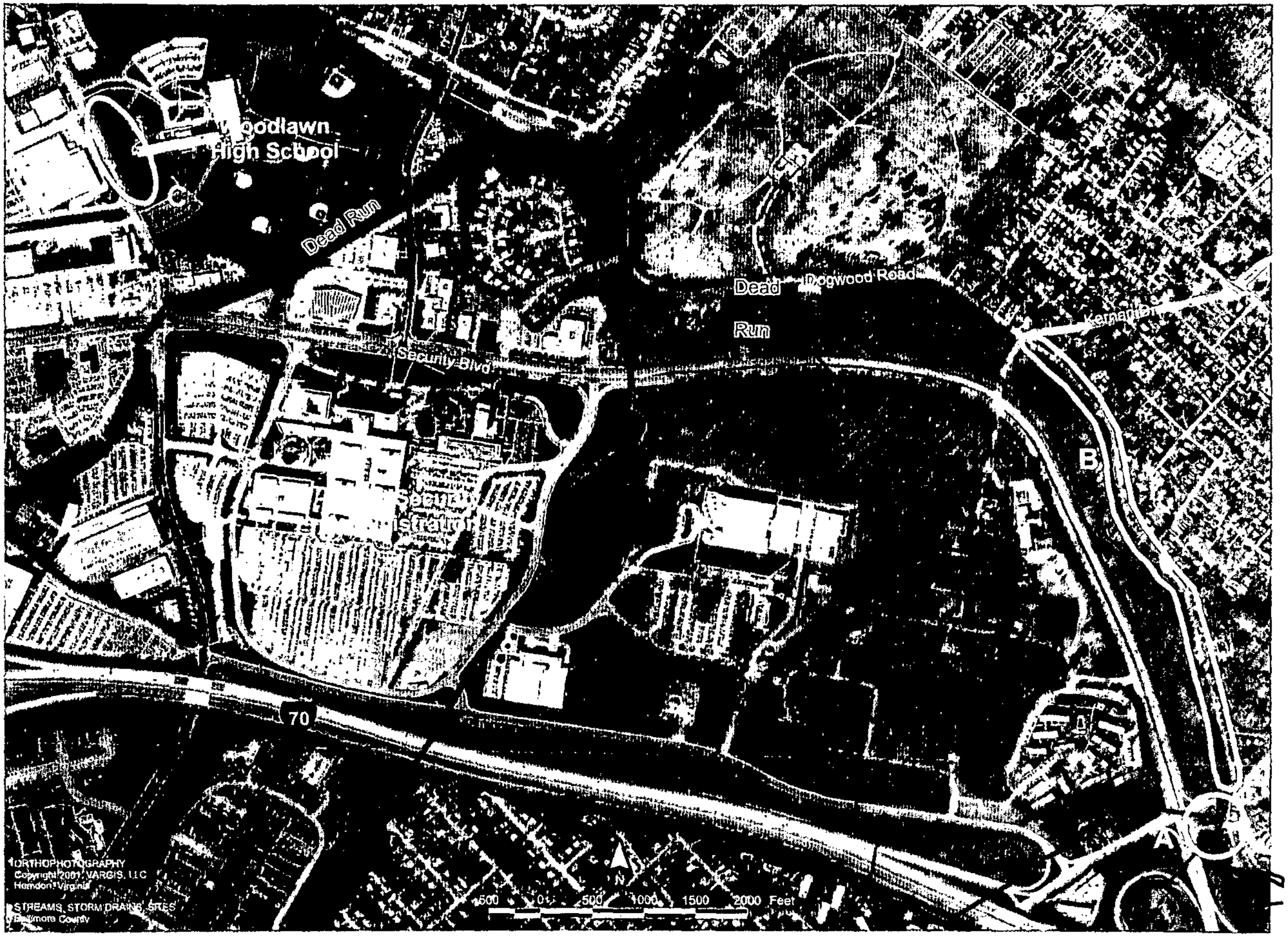
County Courts Building
401 Bosley Avenue, Room 416
Towson, Maryland 21204
410-887-3776
Fax: 410-887-4804
Email: deprm@co.ba.md.us
Website: http://www.co.ba.md.us/deprm



Gwynns Falls Watershed Environmental Restoration Initiative

Dead Run Enhancement Projects

I:\wrk\grnt\vdepm\projects\pcrel\pat_clwoodlawnarea2.apr (8.5x11 layout)



Earth Month 2003

April 28, 2003 Events in the Gwynns Falls Watershed

Streams and Ponds

Event Locations

Prepared by Geographic Information Systems
Baltimore County Department of Environmental Protection and Resource Management

j:\wrkgrps\deparm\projects\pcnx\pat_ctwoodlawnarea2.apr (8.5x11 layout)

OFFICE OF
THE BALTIMORE COUNTY EXECUTIVE

James T. Smith, Jr.
County Executive

May 1, 2003

Mr. William Eberhart
1719 N. Forest Park Avenue
Baltimore, MD 21207

Dear Mr. Eberhart:

It was good to see you at the Earth Day tree planting festivities earlier this week.

Your involvement in this program is truly appreciated.

Sincerely,

James T. Smith, Jr.
County Executive

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

January 12, 2007

To: William Wiseman, Zoning Commissioner, Baltimore County

Re: Case 07-079-A, Request for denial of petition for a zoning variance by Nextel Communications to erect a 150-foot telecommunications tower and supporting equipment at 5208 Dogwood Road, Baltimore, MD 21207.

I. We respectfully request that the above referenced petition be denied for the following reasons:

1. The petition does not meet the meet the requirements for granting a zoning variance as set forth in the case of *651 A.2d 424, Cromwell v. Ward, No. 617, Sept. Term, 1994,* decided by the Court of Special Appeals of Maryland on January 4, 1995.
    a. The case restates the general rule of zoning that the "authority to grant a variance should be exercised sparingly and only under exceptional circumstances." It further states that Section 307.1 of the Baltimore County Zoning code "requires that variances only be granted in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request."
    b. The tests that must be met are:
        i. "Under law on variances in Maryland and under Baltimore County's charter and ordinance, property's peculiar characteristics or unusual circumstances relating only and uniquely to that property must exist."
        ii. The uniqueness must exist in "conjunction with [the] ordinance's more severe impact on specific property because of property's uniqueness."
        iii. The first two conditions above must be met "before any consideration will be given to whether requisite practical difficulty or unnecessary hardship exists."
    c. The ruling further states:
        i. "However, as is clear from the Baltimore County zoning ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist."

PROTESTANT'S
EXHIBIT NO. 17

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ii. "It is only when that uniqueness is first established that we then concern ourselves with the practical difficulties (or unnecessary hardships in use cases)."

d. An important aspect of the variance process is that it "is at least a two-step process" and that the uniqueness or unusualness of the property must be demonstrated before there can be a finding of requisite hardship that must be a result of the exceptional or extraordinary characteristics of the land itself. "Unless there is a finding that the property is unique, unusual or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

e. There is nothing unique about the subject property, as it possesses the same geography, subsurface condition, environmental factors, and topographical features as other properties in the area, including those directly adjacent to it.

f. It also has the same relationship to Dead Run and Dogwood Road as other properties along Dogwood Road.

g. "Evidence of hardship or difficulty that will support a variance must relate to the land itself and not to the owner-applicant. The fact that a lot is substandard is not a unique circumstance."

h. "Hardship is not demonstrated by economic loss alone. It must be tied to the special circumstances, none of which have been proven here."

i. "Practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self inflicted."

j. Even if it were not a requirement of the zoning ordinance to first define uniqueness, the property owner does not incur hardship, as he is not denied the use of his property.

k. The property owner suffers no hardship if this variance to erect a tower is denied. It is no different from any other similarly zoned property in Baltimore County, all of which would be subject to the same 200-foot setback requirement for the construction of a tower. It can be used for any other use allowed in a BR district for which it meets the requisite setback and other zoning requirements.

l. There is clearly no hardship in this case, and the property owner is not denied the economic use of his property. He has used the property for various purposes such as parking and outdoor seating ever since he purchased it.

2. Based on the findings in Cromwell v. Ward, and the Baltimore County Zoning Code the property owner is not entitled to a setback variance for the purpose of constructing a telecommunications tower. (*All material quoted above is from Cromwell v. Ward.*)

II. Furthermore the Federal Communications Act of 1996 does not in any way prevent Baltimore County from denying this variance, and, in fact, it preserves the County's right to do so.

1. As outlined in the Federal Communications Commission Fact (FCC) Sheet, dated April 23, 1996 Section 704 of the Telecommunications Act of 1996 specifically preserves local zoning authority, but clarifies when the exercise of local zoning authority may be preempted by the FCC.
2. Section 704(a) amends Section 332(c) of the Communications Act (*Title 47 USC Section 332*) by adding a new paragraph (7).
    a. Sub-paragraph (7)(A) states that, "Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."
        i. "By this language, Congress intended to prevent the FCC from preempting state and local land use decisions and to preserve the authority of state and local governments over zoning and land use matters." *H.R. Conf. Rep. No. 104-458, 104th Congress, 2nd Session 208 (1996).*
        ii. "The Act's preservation of local zoning authority over the placement of wireless facilities, while imposing some limitations on that authority, reflects Congress' desire to assure the introduction of competitive wireless services while at the same time preserving local control over the physical facilities themselves." *AT&T Wireless PCS, Inc. v. City Council of City of Virginia Beach, 155 F.3d 423 (4th Cir. 1998).*
        iii. Moreover, "mandating approval of all wireless facilities would act as a disincentive for wireless service providers to develop and deploy new technology that will provide better transmission and repetition with less intrusive towers, effectively undermining the [Act's] goal of increased innovation." *Sprint Spectrum, L.P. v. Willoth, 176 F.3d 630 (2nd Cir 1999).*
    b. Sub-paragraph (7)(B) sets the following limitations on the regulation of personal wireless services:
        i. Shall not unreasonably discriminate among providers.
        ii. Shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
        iii. The State or local authority shall act on any request within a reasonable time after the request is duly filed.

iv. Any decision shall be in writing and supported by substantial evidence supported by a written record.
v. The State or local authority may not regulate personal wireless services based on the environmental effects of radio frequency emissions.
vi. A person adversely affected by an action inconsistent with this sub-paragraph may appeals the decision within 30 days to a court of competent jurisdiction.

3. Section 704 further requires that the federal government take steps to help licensees to make federal property available for the location of their telecommunication facilities. The FCC is directed to work with the states to find ways for states to accommodate licensees who wish to erect towers on state property, or use state easements and rights-of-way.
4. Re-banding as alleged by the petitioner as a reason for needing the variance is not an issue to be considered. Re-banding is the result of a consent agreement reached between the FCC and Nextel to exchange spectrum in the 800 MHZ range for spectrum in the 1900 MHZ in order to free spectrum for use by public safety agencies. The process must be completed within 36 months of its being begun. According to the previous testimony Nextel has begun and in less than 36 months is required to be finished and will have their spectrum back. In any event, re-banding does not speak to the requirements for granting a variance contained in the Baltimore County Zoning Code and affirmed in Cromwell v. Ward.
5. Petitioner has also cited an FCC requirement for 'seamless coverage' (which they have been unable to adequately define) as a justification for needing the variance. Queries to employees of the FCC discovered no such requirement in Title 47 of the USC or CFR. However, the FCC has a standard of "substantial coverage" (47 CFR 1 22.940). Substantial coverage is defined as "service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal." This tower is not required in order for petitioner to meet that burden, and even if it were, "substantial service" has nothing to do with the requirements for granting a zoning variance as contained in the Baltimore County Zoning Code and affirmed in *Cromwell v. Ward*.

III. This petition should be denied because it is detrimental to the Franklintown National Register District and Baltimore County's Community Conservation District, which includes the Franklintown Green Gateway that was landscaped and planted in April 2003, costing approximately $85,000. Baltimore County agreed to pay to remove the billboards located on the Bullwinkle's property; however, the property owner signed a new lease without notifying the County.

1. The Baltimore County Office of Planning and the Baltimore City Department of Planning have both presented testimony that the proposed tower will be detrimental to the Franklintown Historic District (FHD) and the Franklintown Community Conservation District and that it the variance petition should be denied.
2. Even though the FHD is in Baltimore City and the State code does not require that Baltimore County consider anything on the other side of the jurisdictional boundary, good planning requires that anything in such close proximity that will be so adversely affected should be taken into consideration.
3. The Petitioner's revised Section 106 review reverses their original contention that the tower would have no adverse effect on the FHD, and now admits that the tower will have an adverse effect on the FHD.
4. The FHD National Register of Historic Places Registration Form clearly defines the visual character of Franklintown as one of the principal reasons for designation and its author Judith Robinson concurs that the tower would be extremely detrimental to the FHD.

In summary:

1. 5208 Dogwood Road does not meet the requirements for the granting of a zoning variance as contained in the Baltimore County Zoning Code and underlying case law.
2. There is no hardship to the property owner if this zoning variance request is denied.
3. Section 704 of the Telecommunications Act of 1996 supports state and local control of zoning and does not preempt Baltimore County Zoning Code's authority to regulate zoning for PCS communications towers.
4. The FCC and other federal agencies are charged with helping communications companies site towers on federal and state owned land, of which there is ample in the vicinity of this site.
5. The granting of a zoning variance for this project is contrary to the precepts of good planning practice and has an adverse effect on the adjacent Franklintown Historic District.

Respectfully submitted,

William F. Eberhart, Jr.
President

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

RE: # 07-079-A

NEXTEL COMMUNICATIONS TOWER 5208 DOGWOOD ROAD

HEARING DECEMBER 5, 2006

PROTESTANT'S

EXHIBIT NO. 1

LIST OF LETTERS & PHOTOS IN BINDER P1

HEA LTR 12/4/06

MHT LTR 12/12/06

DOLORES KELLER LTR 11/27/06

PULLIAM LTR 12/12/06

HOUTON LTR 12/16/06

KOTRBA LTR 12/16/06

BH LTR 12/18/06

LO LTR 9/14/06

FCA LTR 9/26/06

DCA LTR 7/16/06

HBCA LTR 12/16/06

FOGELP LTR 11/3/06

GFT LTR 12/2/06

ZEIGLER LTR 12/7/06

DOWNING LTR 12/8/06

CERRONE LTR 10/17/06

PEREL LTR 12/17/06

MEETING LTR

FREY LTR 10/16/06

BOEKE LTR 12/01/06

COOKE LTR 12/14/06

KEMO 12/4/06

LTR TO MHT 10/3/06

LTR TO FCC 10/2/06

LTR TO MHT 10/2/06

LTR TO NEXTEL	9/30/06
LTR TO OLIVER	6/26/06
AGENDA	10/12/06
SIMULATION PHOTOS	1-8
NEIGHBORHOOD PHOTOS	1-10
PLANNING MEMO	10/11/06
FCA LTR	11/1/07
GRANDVIEW LTR	11/2/07

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

December 4, 2006

Zoning Commissioner
Baltimore County
401 Bosley Avenue, Room 407
Towson, MD 21204

Re: Proposed communications tower at 5208 Dogwood Road, Baltimore, MD 21207

Dear Sir:

The executive board of the Association met and voted to oppose the installation of a 150' wireless communications tower by Nextel at 5208 Dogwood Road, Baltimore, MD 21207. The board subsequently polled members of the community all of whom are opposed to the construction of the tower. As a result, we respectfully request that you refuse the request for zoning variances for this project.

Baltimore County has clearly recognized communications towers as an undesirable use in residential neighborhoods, as the zoning ordinance requires a 200-foot setback from adjacent residential properties. We also understand, that towers and/or antennas are not permitted on school property.

Although the property proposed for the erection of the tower is zoned for a tower, it does not meet the 200-foot setback required from adjacent residential property. According to the site plan provided by Nextel, there are three residential properties within the 200-foot limit – the closest of which at 145 feet requires a 28% variance from the requirement.

In addition to requiring variances from the Baltimore County zoning requirements, the tower is (according to the same Nextel site plan) within 68 feet (less than half the 200-foot requirement) of the Baltimore City Line. All of the property on the other side of this line, within the 200-foot perimeter is residential and within the Franklintown National Register Historic District. We understand that Maryland law does not require that Baltimore County respect the zoning of adjacent jurisdictions. However, we request that you take the devastating effect that this tower will have on the adjacent residential property when you make your decision.

In recent years Baltimore County has made significant improvements to the Franklintown community by installing the period streetlights on the Old Ingleside Avenue Bridge and by planting trees and installing a new community sign at the intersection of Old Ingleside Avenue and Security Boulevard. The County Administration had an agreement to pay to remove two billboards at the intersection; however, the property owner (the same one who proposes to erect the tower) reneged on the agreement without notifying the County.

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In Nextel's original Section 106 submission, their consultant maintained that there was no adverse effect on the Franklintown Historic District. However, after community input, Maryland Historical Trust (MHT) reopened the process and Nextel used more experienced consultants to perform a new more comprehensive Section 106 Review. The new review acknowledges that the tower will have an adverse visual effect on the Franklintown Historic District.

We sincerely believe that this tower is not in the best interest of the Franklintown Community, Baltimore County, or Baltimore City, and request that you refuse the request for zoning variances. We do not understand why Baltimore County would grant a variance of its zoning laws to enrich one property owner at the expense of and to the detriment of other commercial and residential property owners in the area.

We have attached copies of our correspondence to the FCC, MHT, and others regarding this project. We have also attached the letter from MHT that reopened the Section 106 process along with individual letters from community members and others.

Thank you for your consideration.

Sincerely,

William F. Eberhart, Jr.
President

COMMUNITY LETTERS

Maryland Department of Planning
Maryland Historical Trust

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence B. Burian
Deputy Secretary

October 12, 2006

Mr. Stephen G. Del Sordo
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Review for Effects on Historic Properties
Proposed Wireless Communications Tower – MD3077-D
5208 Dogwood Road, Baltimore, MD 21207

Dear Mr. Del Sordo:

The Maryland Historical Trust (MHT), the State's Historic Preservation Office, has received additional information related to the proposed wireless communications tower to be located at 5208 Dogwood Road in Baltimore County. The project is an Undertaking of the Federal Communications Commission (FCC) and is subject to review for effects on historic properties pursuant to Section 106 of the National Historic Preservation Act and the 2004 Nationwide Programmatic Agreement (NPA) covering the construction of most new communication towers.

MHT first received notice of the project from EBI Consulting, working on behalf of Nextel Communications (Applicant). In September of 2005, MHT commented on the undertaking based on the information included in the Applicant's FCC Form 620. Since that time, both MHT and the Applicant have received a considerable amount of correspondence related to effects the project may have on historic properties, particularly the National Register-listed Franklintown Historic District (B-1316). As a result of the proposed site being immediately adjacent to municipal boundaries, the Applicant's efforts to identify and consult with potentially interested parties were delayed and are still under way.

In response to public comments and inquires, MHT requested that the Applicant host a meeting at the project site for all interested parties to observe the current conditions and provide their comments to the Applicant and FCC. We appreciate the work of the Applicant and the Historic Franklintown Association to organize and host the meeting that was held this morning, October 12, 2006. Attendees were provided with information related to the purpose and nature of the project as well as an opportunity to tour the site and comment on the proposal.

At the October 12 meeting, MHT was made aware of additional information, not previously available, that has potential to impact our assessment of the undertaking's effect on historic properties. We are writing, pursuant to provision VII.A.4. and other relevant sections of the NPA, to inform the FCC that we intend to reconsider our

prior assessment in light of more complete information. The additional information we have recently received and anticipate receiving in the near future includes:

- Images documenting the balloon test previously performed at the site by the Applicant.
- Site photographs and simulated views of the tower prepared by the Historic Franklintown Association.
- Additional analysis, if any, from the Applicant that may have been generated by ideas exchanged during the October 12, 2006 site visit.
- The comments and assessment of the FCC.
- Any additional comments, directly from members of the public or through the Applicant, provided pursuant to provision V.E. of the NPA and prompted by the site visit.
- Any comments, design changes, or other relevant information generated by Baltimore County's October 18, 2006 zoning hearing.

Thank you for providing us this opportunity to comment. We look forward to receiving the additional information above and working with you and all interested parties to successfully complete the historic preservation consultation for this undertaking. If you have questions or require further information, please contact Jonathan Sager at jsager@mdp.state.md.us or 410-514-7636.

Sincerely,

J. Rodney Little
Director / State Historic
Preservation Officer

JRL / JES
CC: Laura Mancuso (EBI Consulting)
Bill Eberhart (Historic Franklintown Association)
Johns Hopkins (Baltimore Heritage)
Josh Phillips (Preservation Maryland)
Patricia Bentz (Baltimore County Historic Trust)

SENATOR DELORES G. KELLEY
10th Legislative District

Senate Finance Committee

Vice Chair
Committee on Executive Nominations

Vice Chair
Joint Committee on Health
Care Delivery and Financing

State Commission on
Criminal Sentencing Policy

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

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Vice Chair
Baltimore County
Senate Delegation

Maryland Commissioner
Education Commission of
the States

Financial Services Committee
National Association of
State Legislatures

RECEIVED
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ZONING COMMISSIONER

November 27, 2006

Baltimore County Zoning Commissioner
Office of Planning
Courts Building, Mailstop 3402
401 Bosley Ave., Room 407
Towson, MD 21204

Re: 150 Foot Nextel tower proposed at 5208 Dogwood Road

Dear Zoning Commissioner:

I am writing to oppose granting the variances for the construction of the 150-foot Nextel tower in the Historic Franklintown District which I represent. The tower would not only adversely affect Franklintown proper, but surrounding communities as well. Moreover, property values would be significantly devalued as a result of having an unsightly tower in the midst of the area.

I am confident that Nextel could find more suitable alternatives that would not infringe on the historic nature of Franklintown. I urge you to support the concerns of the citizens and reconsider granting a variance for the proposal. Thank you in advance for your consideration.

Sincerely,

Delores G. Kelley

Delores G. Kelley

Cc: Bill Eberhart

October 12, 2006

W. Carl Richards, Jr., Chief
Office of the Zoning Commissioner
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

I am writing to oppose the zoning variance sought by Nextel Corporation for a proposed wireless communications tower at 5208 Dogwood Road. There three primary reasons for my opposition.

First, the tower is proposed to be located in the Franklintown neighborhood and would adversely impact at least five residential properties that are within 200 feet of the proposed site. The 150-foot tower would be a significant visual intrusion for these immediate property owners, and the Franklintown Community Association opposes the proposal.

Second, Baltimore County spent $85,000 in April 2003 to beautify the intersection of *Old Ingleside Avenue and Security Boulevard, immediately near the proposed tower location.* The beautification included plantings and community sign that have improved the character of the neighborhood and supported the many residents who have invested in maintaining their homes there. The proposed tower would undermine the County's recent investment and the homeowners who are helping revitalize the neighborhood.

Finally, the Franklintown National Register Historic District lies within 75 feet of the *proposed tower. The district is part of the Franklintown neighborhood and is inside the* Baltimore City line. Although State law does not obligate the County to follow Baltimore City zoning requirements, I ask that you strongly consider the City's residential zoning for the historic district and Baltimore City's opposition to the proposed site. The Historic Franklintown Association, as well as at least three other historic neighborhoods in the immediate area would be significantly impacted by the proposal: Dickeyville, Hunting Ridge, and Ten Hills. These neighborhoods also oppose the proposed location.

Thank you, and please let me know if you have any questions.

Sincerely,

Shirley Nathan-Pulliam
Maryland House of Delegates, 10th District

cc: Arnold F. 'Pat' Keller III, Director

BALTIMORE CITY COUNCIL

HELEN L. HOLTON — Eighth District

ROOM 518, CITY HALL
100 N. HOLLIDAY STREET, BALTIMORE, MARYLAND 21202
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EMAIL: hholton@baltimorecitycouncil.com
WEBSITE: www.helenholton.org

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SUBCOMMITTEE:
ECONOMIC DEVELOPMENT
& PUBLIC FINANCING

— VICE CHAIR —
TAXATION & FINANCING
COMMITTEE

— MEMBER —
BUDGET & APPROPRIATIONS
COMMITTEE

LABOR SUBCOMMITTEE

October 16, 2006

Baltimore County Zoning Commissioner
Office of Planning
Courts Building, Mailstop 3402
401 Bosley Avenue, Room 407
Towson, Maryland 21204

RE: 150-foot Nextel tower proposed at 5208 Dogwood Road

Dear Zoning Commissioner:

I am writing in response to numerous calls and conversations with residents of Baltimore City that live in communities surrounding the proposed 150-foot Nextel tower at 5208 Dogwood Road. I attended a site visit of the proposed location on Thursday, October 12, 2006 to experience firsthand what these citizens would be forced to live with should this zoning request be approved.

Living along jurisdictional lines often makes decisions such as this not so cut and dry and warrant further review and input. I am not a historic district expert but I can share with you that those residents who choose to live in historic districts take on additional expense by their very actions. This in Baltimore City is above the high property taxes that they willingly pay as residents of the City. If you have not had the opportunity to physically visit the site I strongly urge you to take time and do just that in order to gain a better perspective to what's at stake.

I am a pro-business person and have supported the interest of business when business makes sense for the greater good. In so doing I have learned that in weighing the interests of the greater good it is important to give more weight to those who will be impacted the most. During the hearing you will be presented with photos taken with the proposed tower inserted to scale to give an idea of what people will have to live with from various views in the surrounding areas. There are very view businesses and the area proposed is more residential than industrial and business.

I am confident that Nextel could find alternative sites in the area that would not infringe upon the three historic residential districts that are located in close proximity to the proposed site. I would strongly urge you to support the concerns of taxpaying owner-occupied citizens that enrich the tax base of the state in numbers that are significantly greater than the revenue to be gained by this one tower at this one site.

Sincerely,

Helen L. Holton

cc: Historic Franklintown Community Association

Bill Ebenhack

MARTIN O'MALLEY
Mayor

CITY of BALTIMORE · DEPARTMENT of PLANNING

OTIS ROLLEY III
Director

October 16, 2006

Zoning Commissioner
Baltimore County
Room 407, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Zoning Hearing-5208 Dogwood Road

Dear Commissioner of Zoning:

It has come to the Commission's attention that Baltimore County will convene a Zoning hearing to consider variances necessary to the construction of a 150-foot Nextel tower at 5208 Dogwood Road. We respectfully request consideration of the following in the decision making process.

Please be advised that the proposed tower will adversely affect Franklintown, a premiere historic district. This community's character has been recognized by its National Register and Baltimore City historic district designations. The Franklintown property owners have made a substantial investment in the community's preservation and enhancement. We urge Baltimore County to respect the integrity of the historic district and disapprove the installation of the tower.

Please do not hesitate to contact me at (410) 396-4866 if I may answer any questions about historic Franklintown.

Sincerely,

Kathleen G. Kotarba
Executive Director

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Monica Wharton Szollos
Wanda Watts
Barbara K. Weeks

Johns W. Hopkins
Executive Director

October 18, 2006

Mr. Stephen DelSordo
Wireless Communications Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Proposed Wireless Communications Tower, Dogwood Road, Baltimore

Dear Mr. DelSordo:

On behalf of Baltimore Heritage, Inc., Baltimore's citywide historic preservation non-profit organization, I am writing to oppose the proposed wireless communications tower at 5208 Dogwood Road in Baltimore.

We have conferred with the National Trust for Historic Preservation and Preservation Maryland, our national and state preservation partners, and they join us in our concerns and opposition. **The National Trust, Preservation Maryland, and Baltimore Heritage would like to be included as consulting parties in this matter as the historic preservation review continues.**

We believe that the proposed tower will have a significant adverse effect on the historic character of the Franklintown National Register historic district. The district is a very early planned rural community, and historic houses and mill buildings that date to the 1830s remain intact. The historic character of Franklintown also remains intact and is a critical reason that residents have committed to maintaining and improving the village.

The proposed 150 foot tower would dominate the two and three story buildings in the village. The proposed site is less than 150 feet from the nearest historic building in Franklintown, and the tower would be clearly visible from almost all of the properties in the village, both in the winter when the leaves are off the trees and in the spring and summer with full foliage out. Additionally, the base of the tower, the ancillary shed building, and imposing

barbed-wire fence would be clearly visible from at least one historic property, the Millrace Tavern, which is located close to the proposed tower location.

Thank you for your consideration and for including us in the ongoing historic preservation review. Please let me know if you have any questions.

Sincerely,

Johns Hopkins
Executive Director

cc: Nicole Lacoste, attorney for Nextel
Laura Mancuso, consultant for Nextel
Delegate Shirley Nathan-Pulliam, Maryland General Assembly
Delegate Samuel Rosenberg, Maryland General Assembly
Councilwoman Helen Holton, Baltimore City Council
Rodney Little, Maryland Historical Trust
Kathleen Kotarba, CHAP
Richard Moe, National Trust for Historic Preservation
Tyler Gearhart, Preservation Maryland
Bill Eberhart, Historic Franklintown Association
Heide Grundmann, Gwynns Falls Trail Council
Seth Rosenberg, Friends of Gwynns Falls Leakin Park

THE LAURENCE ORGANIZATION, INC.
6999 Reisterstown Road
Suite 1
Baltimore, Maryland 21215

Tel: 410-764-7100
Fax: 410-764-7714

September 14, 2006

The Honorable Kenneth N. Oliver
Councilman
Fourth District Baltimore County
400 Washington Avenue
Towson, MD 21204

Via FedEx

Re: Nextel Pole Construction
5028 Dogwood Road
Franklintown

Dear Councilman Oliver,

My firm is constructing a new subdivision of 10 homes in the Historic Franklintown neighborhood of Baltimore, just 3 blocks from the site of the proposed Nextel pole at 5028 Dogwood Road. Please find a site plan and elevations enclosed.

The proposed pole would be ugly and make the gateway to both Franklintown, Baltimore County as well as Franklintown, Baltimore City look like a warzone. As a developer, I certainly understand the need for improvements to infrastructure, but this pole will have a huge, NEGATIVE impact on the neighborhood because of its highly visible location.

Please note our strong objection to its construction and take our concerns into account during the variance process. Please do not hesitate to contact me with questions or concerns on my direct line 443.255.0697 or by email at dmeltzer@laurenceorganization.com.

Thank you very much for your consideration.

Very truly yours,

David Meltzer
President

CC: Samuel Sperling, Esq., Bill Eberhart, Historic Franklintown Assoc.

THE FRANKLINTOWN COMMUNITY ASSOCIATION

OFFICERS
Jack Lattimore, President
Beverly Lindsey, Secretary
Linda Aydlett, Treasurer

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Nancy Masters Long
Larry Shaw

P.O. Box 7537
Baltimore, MD 21207

September 26, 2006

RE: Proposed cell phone tower at 5208 Dogwood Road

Ken Oliver, Councilman, 4th District
County Council of Baltimore County
400 Washington Ave.
Towson, Maryland 21204

Dear Councilman Oliver,

The Board of Directors of the Franklintown Community Association met on August 10, 2006 to discuss the construction of a cell phone tower at 5208 Dogwood Road. We discussed the installation with Mr. Rocky Palumbo, owner of the property, and reviewed various construction documents made available by your office and the County's Tower Review Committee.

After carefully deliberating the proposal, it was the **unanimous** decision of the Board of Directors of the Franklintown Community Association to oppose construction of the tower at the location specified. The Board had a variety of concerns regarding the proposal:

- The tower will *dominate* the Franklintown landscape in a negative way and therefore does not comply with one of the Tower Review Committee's primary guidelines, that a cell tower will be "designed to minimize its visibility from residential and transitional zones"
- Apparently the tower will require as many as 4 exemptions to Baltimore County zoning regulations, clearly indicating that the location does not comply with existing land use regulations and patterns.

- The site is adjacent to and in clear view of the National Register Historic District and the Baltimore City Historic District of Franklintown. The proposed tower will therefore have a negative visual impact to the sensitive historic properties of this historic district.
- It will be the dominant structure hikers will see when they enter Franklintown using one of the main gateways to the nationally renowned Gwynns Fall Trail.
- It is the Board's belief that the appearance of such an unsightly structure in our scenic community will lower the property values of the neighboring residences and historic properties in Franklintown.

This proposal pits one person, Mr. Rocky Palumbo, who owns a business in our community but does not live here, against virtually all the community members who have become aware of the proposed tower. In other words, those who will have to live with this eyesore in their midst, **your constituents**, oppose it. Mr. Palumbo does not share our concern for the historical nature of the village of Franklintown and in any case, will not be looking at it from his home.

As our Councilman, the Franklintown Community Association is expecting your support of our opposition to this proposed tower. We are coordinating our oppostion with the Historic Franklintown Association, whose members live in the immediate vicinity of the proposed tower and who have worked so hard to preserve the bucolic nature of Franklintown. I spoke with Cynthia Pollack last week and shared with her our opposition to the tower. I also requested that she ask you to call me regarding this issue. Please do so at your earliest convenience. My contact numbers are: 410-944-1849 or 443-415-1103.

Sincerely,

Jack Lattimore, President
Franklintown Community Association

s: Tony Baysmore, NW Sector Coordinator, Office of Community Conservation
Bill Eberhart, President, Historic Franklintown Association
David Green, 4th District Planner, Department of Planning
Harold Reid, Office of the County Executive

Dickeyville Community Association, Inc.

Baltimore, Maryland 21207

November 16, 2006

William J. Wiseman, III, Zoning Commissioner
County Courts Building, Room 406
401 Bosley Ave
Towson, MD 21204

Re: Variance for 5208 Dogwood Road for Nextel Tower

Dear Commissioner Wiseman:

I am writing on behalf of the Board of Directors of the Dickeyville Community Association to express our solidarity with the Historic Franklintown Association, Inc. in opposition to the request of Nextel to construct a tower at 5208 Dogwood Road.

Like Franklintown, Dickeyville is listed on the National Register of Historic Places. As a community association of homeowners of historic properties, we have a responsibility and commitment to the continuing preservation of our restored community, which holds a significant place in American history and culture. We believe that the location of the proposed cell tower will be detrimental to both Franklintown and Dickeyville and may contribute to decreased property values over time.

Although we appreciate the need for cell phone coverage, we urge Nextel to search for a location that will not be visible from these or other historic districts so as to not negatively impact communities that have been preserved for their historic architectural contributions to Baltimore.

Sincerely

Patricia R. Hawthorne

Dickeyville Community Association
Board of Directors
Ms. Patricia R. Hawthorne, President
Mr. Timothy O'Neil, Vice President
Dr. Steven Stafford, Treasurer
Ms. Barbara Powell, Secretary

Hunting Ridge Community Assembly, Inc.

P.O. Box 11622 ❖ Baltimore, Maryland 21229

October 16, 2006

TO: Baltimore County Zoning Commission

Dear Commissioners:

I am writing to express opposition to granting a zoning variance for a proposed cellular tower at 5208 Dogwood Road. It is our belief a tower at this location would be incompatible with the historical nature of the surrounding communities. The proposed tower would have a direct negative impact on Historic Franklintown--a local and national historic district. Additionally, it would be out of place and character and in direct line-of-site from nearby Gwynns Falls/Leakin Park, conflicting with the park's rich history and historic sites—some dating back to the time of the American Civil War.

Our community Historic Hunting Ridge, a Baltimore City local historic district sits just adjacent to Gwynns Falls/Leakin Park and Franklintown. A tower in this location would be visible to residents/visitors to our community utilizing two significant points of entry into the neighborhood—Cooks Lane/Security Blvd. and Franklintown Road/Leakin Park. We ask that you take these issues into consideration when denying this requested zoning variance.

Regards,

Christopher Schisler
Past President, Hunting Ridge Community Assembly
Chair, Historic Hunting Ridge Architectural Review Committee

707 Hunting Place
Baltimore, MD 21229

Bill Eberhart

From: "Michele@TheRosenbergFamilies.Net" <michel.rosenberg@gmail.com>
To: <Bill@eberhart.com>
Sent: Friday, November 03, 2006 2:47 PM
Subject: tower

To: Bill@eberhart.com

FRIENDS OF GWYNNS FALLS/LEAKIN PARK
1920 EAGLE DRIVE
BALTIMORE, MARYLAND 21207
president@leakinpark.com

Everyone will agree that in the 21st century communication is important. However, when the communication technology has adverse effects on neighborhoods and parks, one must weigh factors more carefully.

The Friends of Gwynns Falls/Leakin Park, a nonprofit park advocacy group joins with the Historic Franklintown Association in opposing Nextel's construction of a monopole cell phone communications tower on the lot at 5208 Dogwood Road in Baltimore County.

The tower will clearly overshadow portions of the Gwynns Falls Trail located within our park and will have a negative impact on people enjoying the pristine view from portions of the trail.

The Gwynns Falls/Dead Run valleys were a major location of some of the mills. The Department of the Interior has recognized this in placing Franklintown on the National Register of Historic Places. A 150 foot steel tower will clearly impact Historic Franklintown. We know the construction will have an adverse impact on Historic Franklintown..

We hope you will reconsider your plans and locate the tower elsewhere. Other towers in the area have been successfully sited to have little or no impact and we know that other suitable locations exist which would be appropriate both to the surrounding communities and the needs of the carrier.

Thank you.

Michele Rosenberg
President
Friends of Gwynns Falls/Leakin Park

12/4/2006

GWYNNS FALLS TRAIL Council

A Project of The Parks & People Foundation

October 2, 2006

Zoning Commissioner
Baltimore County
401 Bosley Avenue, Room 407
Towson, MD 21204

Re: Nextel Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Sir:

The board of directors of the Trail Council at its September board meeting voted unanimously to oppose the construction of this proposed tower. We request that you deny Nextel's petition for the variances necessary to construct the tower.

The new extension of the Gwynns Falls Trail to the I-70 Park & Ride crosses the Old Ingleside Avenue Bridge and passes directly opposite the proposed tower and its base structure. The Gwynns Falls Trail will be both a heritage tourism attraction and a gateway for bikers and hikers coming into Baltimore County and Baltimore City. For many visitors the Trail will provide their first impression of this region. We firmly believe that that impression should not be one of a dominating, unattractive tower with an industrial base structure surrounded by a barbed wire topped chain link fence.

Both Baltimore County and Baltimore City have already invested and still continue to invest a significant amount of money improving and beautifying the Franklintown area – lights on the historic Old Ingleside Avenue Bridge, a Franklintown Community Sign, extensive landscaping, and the construction of the Gwynns Falls Trail. The construction of this tower will have a negative effect on those improvements and will provide a totally different impression to visitors to the area and the adjacent parkland.

We truly hope that you will not grant variances for a project that will damage the Franklintown area and the Gwynns Falls Trail and enrich a single business at the expense of the area residents, property owners, tourists and other visitors.

Thank you for your consideration.

Best regards,

William F. Eberhart, Jr.
Chair

The Gwynns Falls Trail Council is a membership-based organization composed of community and government partners who, promote, support, and improve the Trail. The Council organizes programs and volunteer activities, sponsors events, and conducts fundraisers. The goal of the Council is to insure that the Trail is a premier attraction in Baltimore City.

800 Wyman Park Drive, Suite 010 • Baltimore, MD 21211-2821• USA
Phone: 410.448.5663/ext 135 • Fax: 410.448.5895 • Email: info@gwynnsfallstrail.org

Ray H. Zeigler

5115 N Franklintown Rd., Baltimore, MD 21207
Phone: 410-448-6189
E-Mail: ray.zeigler@verizon.net

October 7, 2006

Baltimore County Zoning Commissioner
Room 407, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Nextel Tower Zoning Variance Application
5208 Dogwood Road
Hearing 10/18/06

Dear Sir,

In the summer of 2000, after completing a long search for a home in the Baltimore area, I purchased my home at 5115 N. Franklintown Road for several reasons. I moved here from the Eastern Shore of Maryland and previously lived in a home built in approximately 1820 by a Revolutionary War officer. The property is on the National Register of Historic Places. I wanted a new home that also was unique and had some American history connected to it. I found it. Not only is the home of historic interest, it is located in one of the most beautiful sections in the Baltimore area.

I was shocked, surprised, and incensed to learn recently that a 150-foot communications tower had been approved for the Franklintown Historic District. I realize that Franklintown is partially in the City and partly in the County, but I see it as a contiguous district worthy of historic preservation. Had this proposed tower been in place when I was home shopping, I would be living elsewhere. From my standpoint its approval not only will affect property values, it shows a complete lack of understanding of the importance of preserving historic districts.

Property owners in Baltimore historic areas need to go through a series of processes in order to make improvements on our properties. This is as it should be in order to preserve the historic integrity of the property and ensure that the historic qualities of the region are not compromised. The approval of this tower would show a complete lack of vision and understanding of the nature of historic preservation.

Unfortunately, I will be out of town for the next two weeks. Otherwise I would be present to protest in person. I urge strongly that this matter be examined with extreme care and an eye to preserving our history. If this project is approved, what next? It could open the door to all sorts of strange requests for variances, perhaps even more bizarre than this one.

Sincerely,

Ray H. Zeigler

Ray H. Zeigler

October 8, 2006

Michele Downing
5104 N. Franklintown Road
Baltimore, MD 21207

To Whom It May Concern:

I am unable to make it to the meetings that are taking place regarding the installation of a cell phone tower on Dogwood Road (across from Bullwinkle's). I would like to have it be known that I am against the installation of this tower as it would reside at the edge of a Historic District (both National and Baltimore City). We, as a community, have worked hard to keep our neighborhood a pleasant place to reside. The installation of a cell phone tower is not in keeping with the historical nature of this area and, therefore, I am against it.

Sincerely,

Michele M. Downing

Michele M. Downing

Tuesday, October 17, 2006

To whom it may concern,

I am Garry F. Cerrone , residing at 5108 Franklintown Rd. Baltimore, MD 21207. As a long term resident of Baltimore's Historic Franklintown I wish to register my disapproval and opposition to the intentions of Nextel to force a microwave/radio tower on this community in the vicinity of the 5200 block of Dogwood Rd. The installation of such a device would be highly detrimental to the surrounding residents and the community values which I and they hold dear.

Sincerely,

Garry F. Cerrone

Tuesday, October 17, 2006

To whom it may concern,

I am Myra S. Perel , residing at 5108 Franklintown Rd. Baltimore, MD 21207.
As a long term resident of Baltimore's Historic Franklintown I wish to register my disapproval and opposition to the intentions of Nextel to force a microwave/radio tower on this community in the vicinity of the 5200 block of Dogwood Rd. The installation of such a device would be highly detrimental to the surrounding residents and the community values which they hold dear.

Sincerely,

Myra S. Perel

Dear Sirs:

Franklintown has always been a quiet and peaceful neighborhood in which to live. The idea of erecting an 150 foot pole that will detract from the surrounding area. This makes me wonder about the necessity of such a project. To me it will detrimental to the neighborhood decreasing the value of the property.

Sincerely Yours,

Estelle Mekris

1800 Forest Park Ave

Balto 21207, Md.

October 16 / o6

TO; BALTIMORE COUNTY ZONING COMMISSION

Dear Commissioners,

For decades the residents of Franklintown, along with the contiguous neighborhoods of Dickeyville ,Hunting Ridge and Ten Hills have dedicated themselves in supporting historical preservation efforts. Franklintowners are members of two civic associations, Historic Franklintown Association, Inc,and the Franklintown Community Association. We are also proud to be recognized as a C.H.A.P.S. Affiliate as well as listed as a National Register District. Our involvment with these organizations represents our concern and dedication in preserving our past .

The proposal to construct a communication tower in the heart of our community will discourage proper future development in our business district ,which is also the gateway to our area. The conspicuous height and footprint of the tower is completely out of character for this location, as it superimposes itself directly on historical buildings and homes.

This type of structure is not the kind of thing that any community embraces as welcome.,. let alone one such as ours.

To allow building of this tower perverts our past efforts and certainly lessens potentialities

for proper development of the entire Franklintown vicinity. I am opposed to this tower and its adverse effect upon the historical significance ot our community , which ultimately impacts the values of our homes and businesses.

Resspectfully submitted,

Carroll A. Frey

5102 Hamilton Street
Baltimore, Maryland 21207

12/01/06

BALTIMORE COUNTY ZONING COMMISSIONER

RE; TOWER INSTALLATION
MD 3077D SECURITY BOULEVARD
5208 DOGWOOD ROAD, BALTIMORE, MD.
EBI PROJECT # 61065262

DEAR COMMISSIONER,

I AM OPPOSED TO THE CONSTRUCTION OF A TELECOMMUNICATION TOWER LOCATED AT THE ABOVE REFERENCED ADDRESS. I HAVE RECENTLY MOVED FROM COLUMBIA, MARYLAND AND INVESTED A LARGE AMOUNT OF MONEY INTO MY HOME . WHEN I DISCOVERED FRANKLINTOWN,. I AND MY WIFE WERE IMPRESSED BY THE VERDANT SETTING ,HISTORICAL BUILDINGS, AND PRESERVATION MINDED RESIDENTS.
WE WERE INFORMED THAT MANY PARTS OF THE COMMUNITY WERE BEING DEVELOPED FOLLOWING RESTORATION AND PRESERVATION GUIDELINES. AS THIS LOCATION FOR THE TOWER IS IMMEDIATELY ADJACENT TO OUR HISTORICAL VILLAGE WE ARE OPPOSED TO IT.

WITH SO MANY RESIDENTS CONCERNED ABOUT THE NEGATIVE

VISUAL IMPACT THIS TOWER WOULD HAVE UPON OUR AREA , WE ASK THAT THE COMMISSION REJECT THE PROPOSAL. I WOULD ASK THAT YOU APPRECIATE THE SUPPORT OF OUR AFFILIATIONS WITH ALL OF THE HISTORICAL AGENCIES ., AS IT HAS BEEN LONGSTANDING AND HAS SERVED OUR COMMUNITY WELL IN PROTECTING OUR NEIGHBORHOOD.

RESPECTFULLY SUBMITTED,

MR AND MRS. SEAN C. BURKE
5000 DIVISION STREET,
BALTIMORE, MD. 21207

Sean C. Burke

December 4, 2006

To Whom It May Concern:

I am writing to express my opposition to the proposed cellular tower that is planned for the Franklintown area located on Dogwood Road in Baltimore County.

Franklintown is an historic residential community and the placement of this large structure would compromise the neighborhood. This structure might be better suited in an industrial or commercial area such as Security Blvd, but it has no place where it is presently being planned.

Our community works hard both individually and collectively to maintain a beautiful neighborhood and the addition of cellular towers present an obvious eyesore.

I respectfully request that the deciding parties involved consider other alternative sites and refrain from cluttering a residential community with this type of structure. I am sorry that I cannot express my views in person today. However, my work does not allow me to join my neighbors at this hearing.

Thank you for your kind consideration of this important matter.

Sincerely,

Diane Cooke

Diane Cooke
5106 Franklintown Road
Baltimore, MD 21207

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

December 4, 2006

Zoning Commissioner
Baltimore County
401 Bosley Avenue, Room 407
Towson, MD 21204

Re: Proposed Nextel Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Sir:

The Association received a letter from the following long-term resident of Franklintown expressing opposition to the proposed tower; however, the letter has been mislaid:

Ms. Laverne Gawel
1801 North Forest Park Avenue
Baltimore, MD 21207.

We will forward the letter as soon as it is located.

The Association also received a phone call from the following long-term resident of Franklintown, who stated that he has been unable to write a letter, but wished to express his opposition to the tower:

William G. Williamson
5200 Powhatan Avenue
Baltimore, MD 21207.

Thank you for your consideration.

Sincerely,

William F. Eberhart, Jr.
President

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 3, 2006

Ms. Maureen Kavanagh
Chief, Office of Archeology
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Re: Proposed Nextel Communications Tower, MD 3077-D, 5208 Dogwood Road, Baltimore, MD 21207

Dear Ms. Kavanagh:

We request that you review the referenced Form 620 to determine if archeological resources exist on the site, which is on the edge of the Franklintown Historic District (FHD). We request that an archeological survey of the site be performed. The site is part of the Freeman Plan of 1830, which is one of the main bases for the inclusion of Franklintown on the National Register of Historic Places.

The proposed site was the location of an ice delivery operation (see enclosed photo) and still has extant steps and stone walls, which are proposed to be removed to make room for the tower and its supporting equipment. These elements appear to be from the previous structures that were on the site.

I have attached our comments to the Wireless Communications Bureau of the FCC in pursuant to Section XI of the Nationwide Programmatic Agreement. I am also submitting this letter and photograph to them as an addendum.

Thank you very much for your cooperation.

Best regards,

William F. Eberhart, Jr.
President

CC:
J. Rodney Little

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 2, 2006

Mr. Stephen DelSordo
Preservation Officer
Wireless Communications Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Proposed Nextel Wireless Communications Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Mr. DelSordo:

Pursuant to Section XI of the Nationwide Programmatic Agreement, we challenge the conclusions of EBI Consulting as stated in the FCC Form 620 submitted by EBI on behalf of Nextel Communications.

We contend that the report does not correctly portray the effects of the communications tower on the Franklintown Historic District (FHD). We offer the following in support of our position:

1. Ms. Mancuso, although apparently certified by the Department of the Interior, does not appear to have sufficient experience to have determined the effects of this tower on the FHD, as most of her work prior to this assessment was as a student, an intern, or a research assistant.
2. The report contains the following factual errors:
    a. Geographical directions of the photographs are incorrect.
    b. Some of the referenced street names are incorrect.
3. The report failed to include the following organizations as consulting parties
    a. The Baltimore City Department of Planning.
    b. The Baltimore City Commission on Historical and Architectural Preservation.
    c. Baltimore Heritage Area.
    d. The Baltimore County Landmark Commission.
    e. Baltimore Heritage.
    f. Preservation Maryland.
    g. Historic Franklintown, Inc.
    h. Franklintown Community Association.
4. We believe that the conclusions concerning the APE for visual effects, as stated in Attachment 7, will be greater than the suggested ½ mile, due to its location and the terrain.

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

5. The conclusions in Attachment 10 are incorrect for the following reasons:
   a. The proposed tower and its lightening rod are approximately 3.5 times the height of the Franklintown Inn, the tallest building in the FHD, and the building immediately adjacent to the proposed site.
   b. The tower is approximately 4-5 times the height of the other buildings in the district (mostly two or three story residential structures). It will be the tallest structure for several miles and will dominate and overwhelm the modest nature of the FHD and the surrounding landscape.
   c. The tower will be visible from the majority (we estimate 23) of the properties in the FHD in all seasons and from several of the others (we estimate 7 or 8) in the fall and winter.
   d. Although the Ingleside Avenue overpass is located adjacent to the site it is of modest scale (22 feet above the roadway – 1/7 the height of the proposed tower) and was constructed prior to the awarding of National Register status so that it was not subject to review. The bridge is of such a scale that it could be softened with landscaping, and in fact part of it was with landscaping installed Baltimore County several years ago. There is no amount of landscaping that can screen a 150-foot tower in this location.
   e. The surrounding forestation consists mostly of deciduous trees of an average height of not more than 60 feet. The tower and its antenna at a height of 158 feet will be 68 feet taller than these trees so that its view will not be "inhibited" by them. In the fall and winter, the trees will provide little or no screening and will make the tower visible from additional properties that do not have a view of it in the summer.
   f. The properties in the North Forest Park Avenue corridor of the district will have the most adverse visual impact as they are 90-100 feet higher in elevation than the base of the tower and will have an unobstructed view of the tower above the trees.
   g. The Millrace Tavern and the Franklintown Inn will not only have a direct view of the tower, but will also have direct view of the 20 by 45 foot chain link and barbed wire industrial structure at its base that will house the electrical and mechanical equipment.
   h. There are additional properties in Baltimore County, west of the tower in the APE for visual effects. These properties are part of the original Freeman plan that was the main basis for the National Register application and could be included in it if the district were expanded into Baltimore County. There are also properties in the 5100 block of Maple Park Avenue that are in the local historic district that would be eligible for designation under a separate National Register application.
   i. Attachment 11 does not have the required photographs taken from the properties visible from the proposed tower site. The date and focal length of the lens used to take the photographs are not listed.
   j. The photograph that is purported to have been taken from the central portion of the FHD is actually take from the eastern edge at an elevation

that makes it one of the few places from which the tower might not be visible.

We request that the FCC prohibit the construction of this tower under the provisions of the Nationwide Programmatic Agreement and Section 106 of the NHPA.

Thank you for your prompt response and cooperation.

Best regards,

William F. Eberhart, Jr.
President

CC:
J. Rodney Little, MHT
Kathleen Kotarba, CHAP
Katry Harris, ACHP
Honorable Kenneth Oliver, Baltimore County Council
Honorable Helen Holton, Baltimore City Council
Honorable James Kraft, Baltimore City Council
Arnold F. Keller, Baltimore County Planning Director
William J. Wiseman, III, Baltimore County Zoning Commissioner
David A. C. Carroll, Baltimore County DEPROM Director
Patricia Bentz, BCHT
Johns Hopkins, Baltimore Heritage
Tyler Gearhart, Preservation Maryland
William Pencek, Baltimore Heritage Area
Robert Nieweg, NTHP
Robert Watkinson, Nextel
Nicole Lacoste, Ballard Spahr Andrews & Ingersoll

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 2, 2006

Mr. J. Rodney Little
Director DHCP
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

Re: Proposed Nextel Communications Tower, 5208 Dogwood Road, Baltimore, MD 21207

Dear Director Little:

We request that you rescind your letter of approval for construction of the proposed tower. Your letter concurs with the conclusion of EBI Consulting that the tower will have no adverse effect on the Franklintown Historic District in Baltimore City.

We understand how, from the information contained in the Form 620, your staff might have come to the conclusion that the tower will have no effect on the historic district. However, we contend that the report contains factual errors and has omitted information that would lead to the opposite determination – that the tower will, in fact, adversely affect the Franklintown Historic District. The Baltimore City Commission for Historical and Architectural Preservation (CHAP), Baltimore Heritage, Preservation Maryland, and the consultant who prepared the National Register application also agree that the tower will have an adverse effect on the historic district.

In addition to the problems with the report, we believe that the consultants did not exercise sufficient due diligence when selecting consulting parties, as CHAP, Baltimore Heritage, Preservation Maryland, and the affected community associations were not included as consulting parties.

I have attached our comments to the FCC in pursuant to Section XI of the Nationwide Programmatic Agreement.

Thank you very much for your cooperation.

Best regards,

William F. Eberhart, Jr.
President

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

September 30, 2006

Mr. Robert Watkinson
Nextel Communications
7055 Samuel Morse Drive
Columbia, MD 21046-3401

Dear Mr. Watkinson:

In accordance with the Nationwide Programmatic Agreement Stipulation V. F., we request to be included as a consulting party for the Section 106 Review of the communications tower proposed to be constructed at 5208 Dogwood Road, Baltimore, MD 21207.

We are the community association in the Franklintown National Register District, and were responsible for having Franklintown designated as both a Baltimore City Historic District and National Register Historic District.

We contend that the proposed tower will have an adverse effect on the Franklintown Historic District and wish to provide information that was not presented as part of your application.

Sincerely,

William F. Eberhart, Jr.
President

CC:
Nicole Lacoste, Ballard Spahr Andrews & Ingersoll
Jonathan Sager, MHT
Stephen DelSordo, FCC
Kathleen Kotarba, CHAP
Katry Harris, ACHP
Honorable Kenneth Oliver, Baltimore County Council
Honorable Helen Holton, Baltimore City Council
Patricia Bentz, BCHT
Johns Hopkins, Baltimore Heritage
Tyler Gearhart, Preservation Maryland

1719 NORTH FOREST PARK AVENUE • BALTIMORE, MD • 21207-6504 • USA
PHONE: 410.448.9944 • FAX: 410.448.9946 • EMAIL: BILL@EBERHART.COM

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

June 26, 2006

The Honorable Kenneth N. Oliver
Councilman
Fourth District Baltimore County
400 Washington Avenue
Towson, MD 21204

Dear Councilman Oliver,

Members of our organization attended today's meeting of the DRC to learn about the proposed construction of a cellular communications tower at 5208 Dogwood Road. In order to be built, the tower will require four zoning exemptions, as it does not meet Baltimore County setback requirements from roads and adjacent properties.

Although we have not yet had time to study the plans and assess all of the potential problems with the tower proposal, we believe that the construction of this tower will negatively impact the Franklintown area of Baltimore County and Baltimore City, as this site is on the County/City boundary line. We seek your support in defeating this request.

Some of the reasons we believe that this tower proposal should not be approved:

1. The tower requires zoning exemptions in order to be built, so that it does not meet the basic Baltimore County requirements for construction.
2. The BR zoning classification of the site dates from the time that Dogwood Road and Old Ingleside Avenue were major thoroughfares in the western part of the County, and does not reflect their current status as secondary roads.
3. The site is adjacent to Dead Run, a major tributary to the Gwynns Falls, and construction of the tower could cause significant environmental damage.
4. Although we are not certain, we believe that the site is also in the 100-year floodplain.
5. The site proposed is also very steeply graded, and could cause stabilization problems to the adjacent hillside.
6. The site is adjacent to several Baltimore County residential properties. A small portion of the proposed site is in Baltimore City.
7. The site is adjacent to and in clear view of the National Register Historic District and the Baltimore City Historic District of Franklintown.
8. Despite what was said in the TRC document, the tower will be the largest element in the Franklintown landscape and will be potentially visible from Catonsville Manor to Windsor Mill Road.
9. The tower will lower the property values of all of the neighboring residential and commercial properties.

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10. Because of its location near the terminus of I-70, Franklintown is a gateway to both Baltimore County and Baltimore City. The construction of this tower will reduce its potential for future quality development.
11. The extension of the Gwynns Falls Trail is being constructed through Franklintown to the terminus of I-70. The tower will present a negative image for bikers and hikers visiting western Baltimore County and Baltimore City.

We sill be happy to discuss our positions with you and will provide additional information and discussion points after we have had more time to review the proposal. As we just recently learned of this proposal, we have not had the opportunity to discuss it with many other residents. All who learned of it were opposed, and we believe that there will be significant opposition once it is widely publicized.

Thank you for you consideration and assistance.

Best regards,

William F. Eberhart, Jr.
President

HISTORIC FRANKLINTOWN ASSOCIATION, INC.

October 11, 2006

Agenda
Meeting with Nextel and MHT
5208 Dogwood Road
11:00 AM, Thursday, October 12, 2006

1. Introduction of attendees and roles.
2. Description of the proposed project and the need for it at this location.
3. Description of the evaluation process.
4. Tour of the project site and potentially affected resources.
5. Comments from attendees and discussion of additional issues.
6. Description by Nextel as to how they will address outstanding Section 106 issues.

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Attendees:

Bill Eberhart, Historic Franklintown Association

Fred Worthington, Historic Franklintown Association

Jack Lattimore, Franklintown Community Association

Rodney Little, MHT

Helen Holton, Baltimore City Council

Johns Hopkins, Baltimore Heritage

Brigitte Fessenden, Baltimore City CHAP

Jonathan Sager, MHT

Andrew Lewis, MHT

Nicole Lacoste, Ballard Spahr

Chris Blackwell, General Dynamics

Laura Mancuso, EBI

Patricia Bentz, Baltimore County Historic Trust

Josh Phillips, Preservation Maryland

Seth Rosenberg, Friends of Gwynns Falls Leakin Park

Heide Grundmann, Gwynns Falls Trail Council

Jean O'Donnell, Historic Franklintown Association

PROTESTANT'S

EXHIBIT NO. 1

THE FRANKLINTOWN COMMUNITY ASSOCIATION

OFFICERS
Jean O'Donnell, President
Beverly Lindsey, Secretary
Tonya Johnson, Secretary
Cheryl Wilcox, Treasurer

BOARD OF DIRECTORS
Linda Aydlett
Mae Jacobs Conway
Hope Godish
Cristina Kirkland
Jack Lattimore
Diane Merkle
Shelly Moody
Nancy Masters Long
Larry Shaw

P.O. Box 7537
Baltimore, MD 21207

~~September 26, 2006~~
January 11, 2007

RE: Case No. 07-079-A
Proposed cell phone tower at 5208 Dogwood Road

William Wiseman III, Zoning Commissioner of Baltimore County
County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

Dear Commissioner Wiseman,

The Board of Directors of the Franklintown Community Association met on January 10, 2007 and revisited the issue of the construction of a cell phone tower at 5208 Dogwood Road. We did so because the Association has elected new officers since the issue was last discussed at the board level and to share information regarding the first part of the cell tower hearing, held on December 5, 2006.

It is important to note that the Franklintown Community Association represents both City and County residents and our officers and board are representative of that joint status.

After reviewing the issue again, the new officers and board of the Franklintown Community Association once again **unanimously** voted to oppose the construction of a cell phone tower in the location proposed by Nextel at 5208 Dogwood Road:

- To be built where proposed the tower will require a variance to the County Zoning Code and we do not believe a variance warranted in this case.

Heide Grundmann
522 Overdale Rd
Baltimore, Ms 21229
410-945-0586

1-12-2007

Opposition to

Communication Tower Franklintown Road

I have been a resident of Baltimore and Ten Hills for 40 years a community which is only one mile away from the proposed cell tower location. I almost was forced to become a steward for Leakin Park the minute we arrived here. It began with fending off I-70, which would have destroyed the breathing lung for this region and paid no respect to the residents in the area. The effort to fight the intrusion of I-70 was a 20 year battle for the community. Among many other potential intrusions we felt obliged to fend off for the protection of the Park we could have almost a forest of cell towers in and around the park , had we had so called progress have it's course.

I pass the proposed site 2 to 6 times a day on the way to work and mostly on the way to self-assigned volunteer projects in the park. Even without a cell tower at the proposed location I have difficulty to comprehend why we have to tolerate at least 4 of the biggest and ugliest billboards interfering with the rural and historic environment there.

In Tell Hills, although we might not see cell towers every minute we look out of the window we have already 2 towers in less than a mile from us, which I pass daily and a third one we were able to defeat a proposed sight at the edge of the community.

I am a Sprint customer, and granted I get inconsistant coverage in the park and elsewhere around Baltimore. I will have no guarantee that this tower will improve reception significantly. But I reálly don't care about this so called "inconvenience", since I believe it is important to prevent the often neglected west side of Baltimore City and County from further defacing obstructions.

I am convinced that the process in finding a suitable, least obstructive site was impacted as soon as a willing seller was found. A seller who apparently has little or no stake in being a considered neigbor. Therefor I can not understand why adjusting regulations, allowing variances to a not fully compliant site should be granted to one person and impact so many others negatively.

I will continue to try to protect us and our valuable unique urban wilderness park from being closely surrounded by "artificial trees" of cell towers.

Heidi Grundmann

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 11, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-079- Variance-** ***(revised comment)***

An inspection of the above referenced property revealed that the proposed variance request is located in a Community Conservation area. The proposed location of the tower could compromise the safety and character of the surrounding residential uses. After review of the subject request the Office of Planning recommends **denial**.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lanham

CM/LL

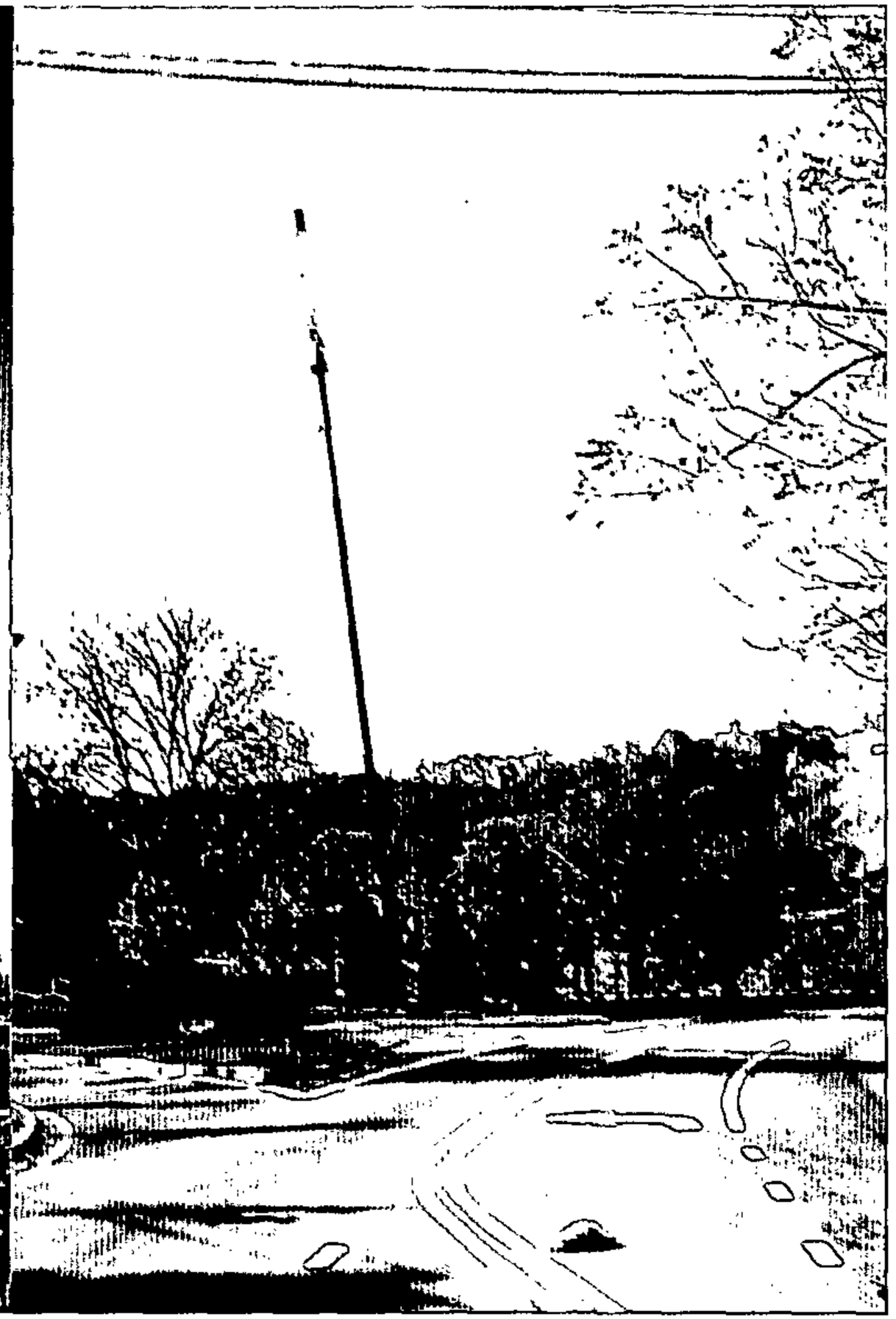
DEC 0 4 2006

PROTESTANT'S

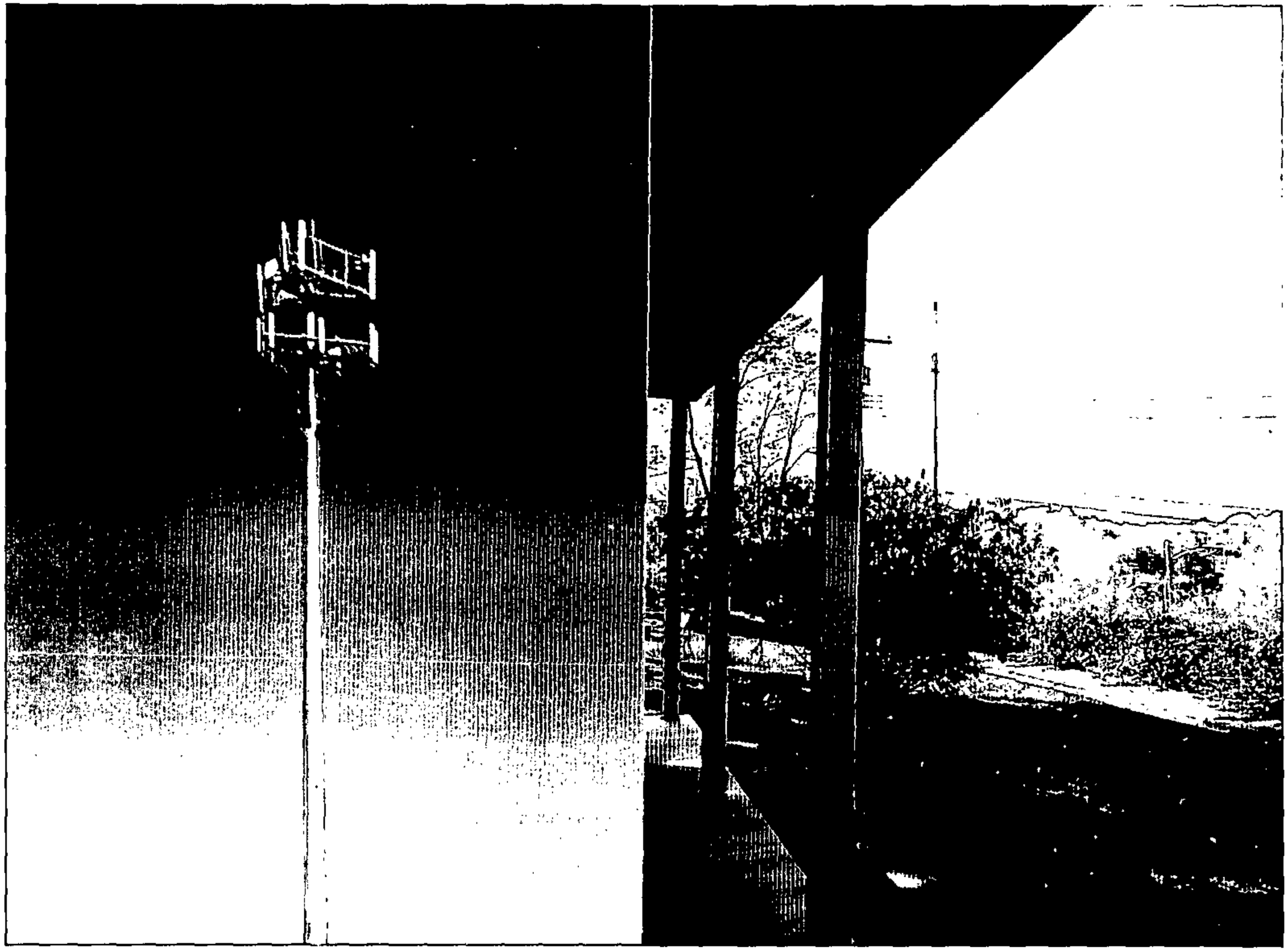
EXHIBIT NO. 5

TOWER PHOTOS

TYPICAL TOWER

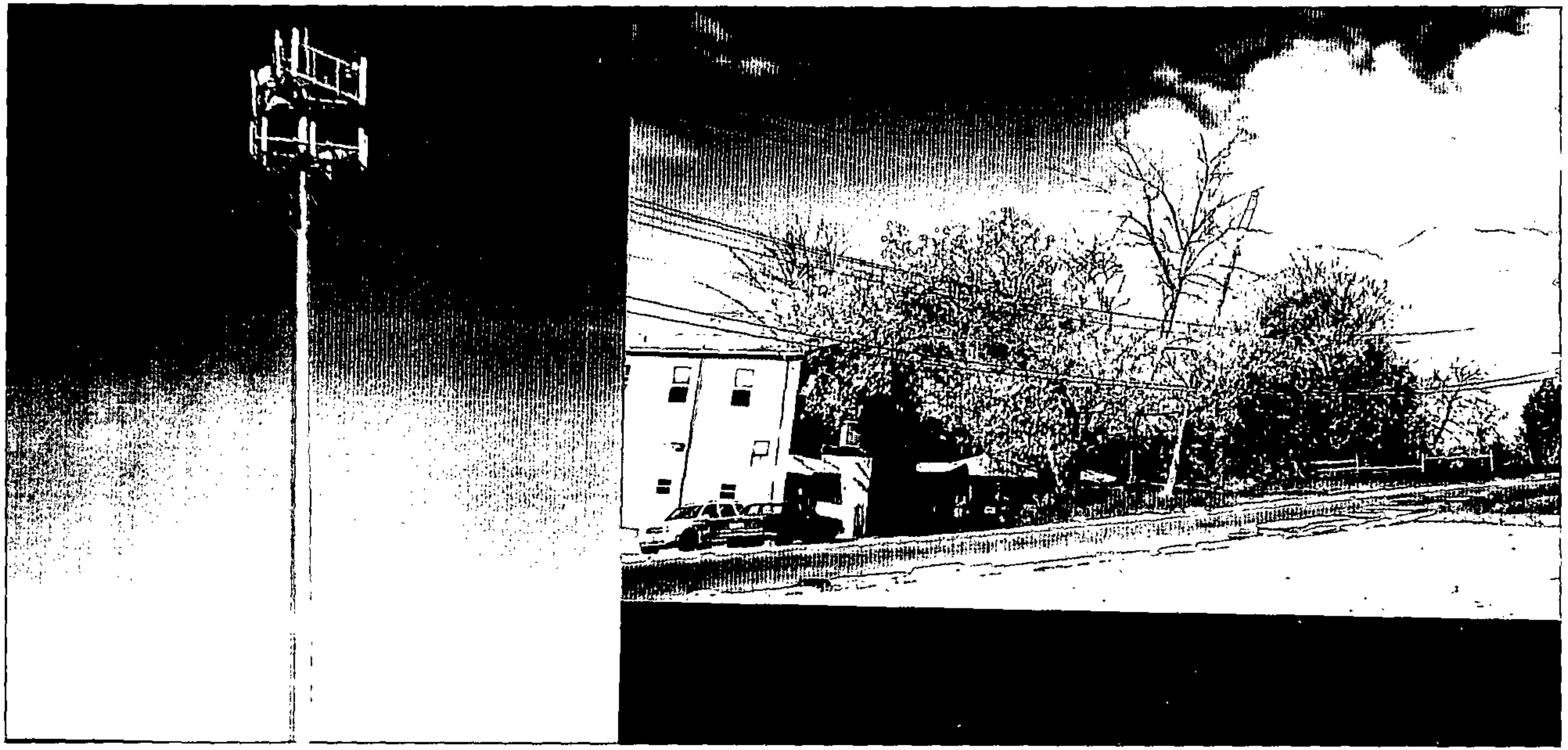


SOUTH ON N. FOREST PARK AVE.



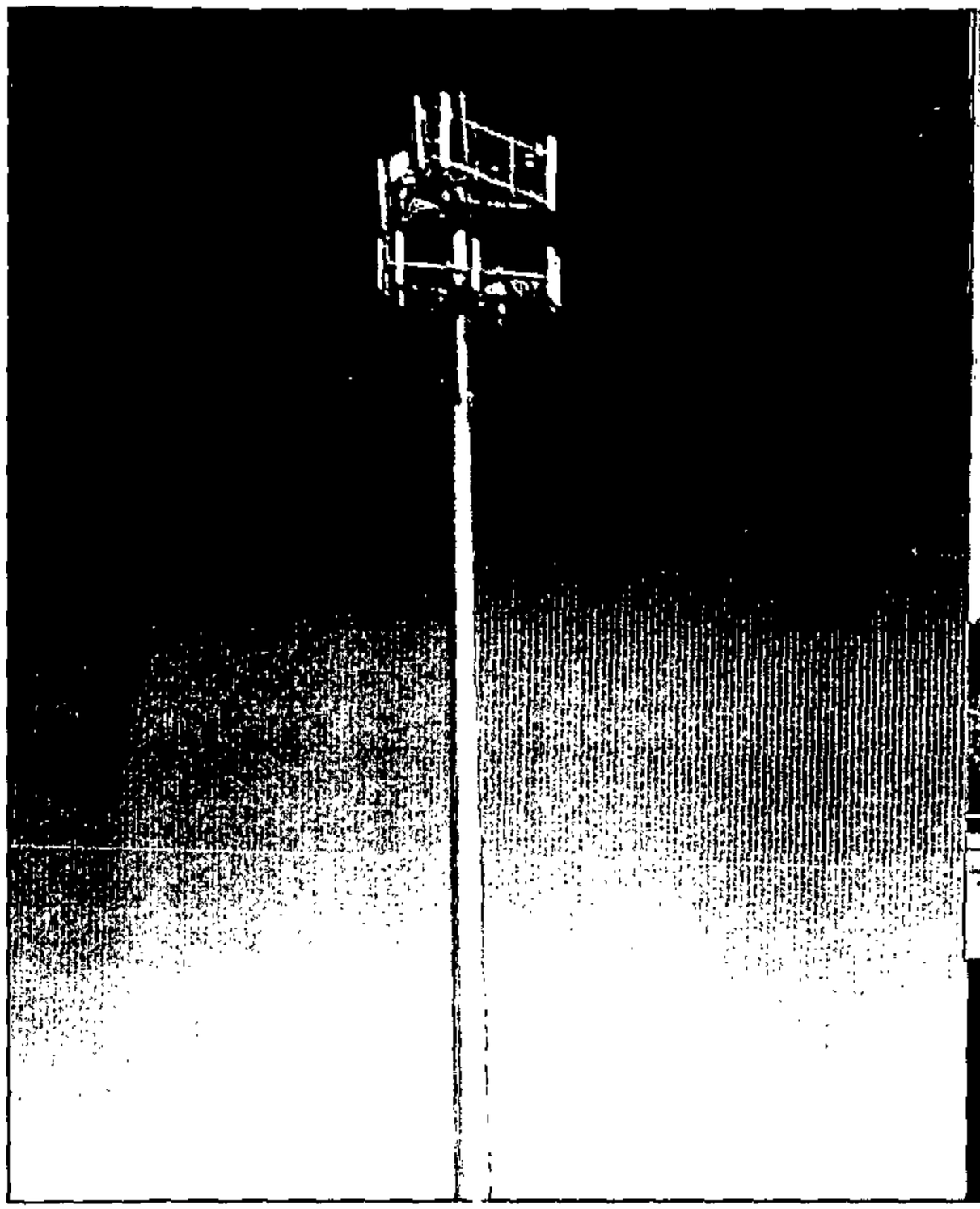
TYPICAL TOWER

1721 N. FOREST PARK AVE.

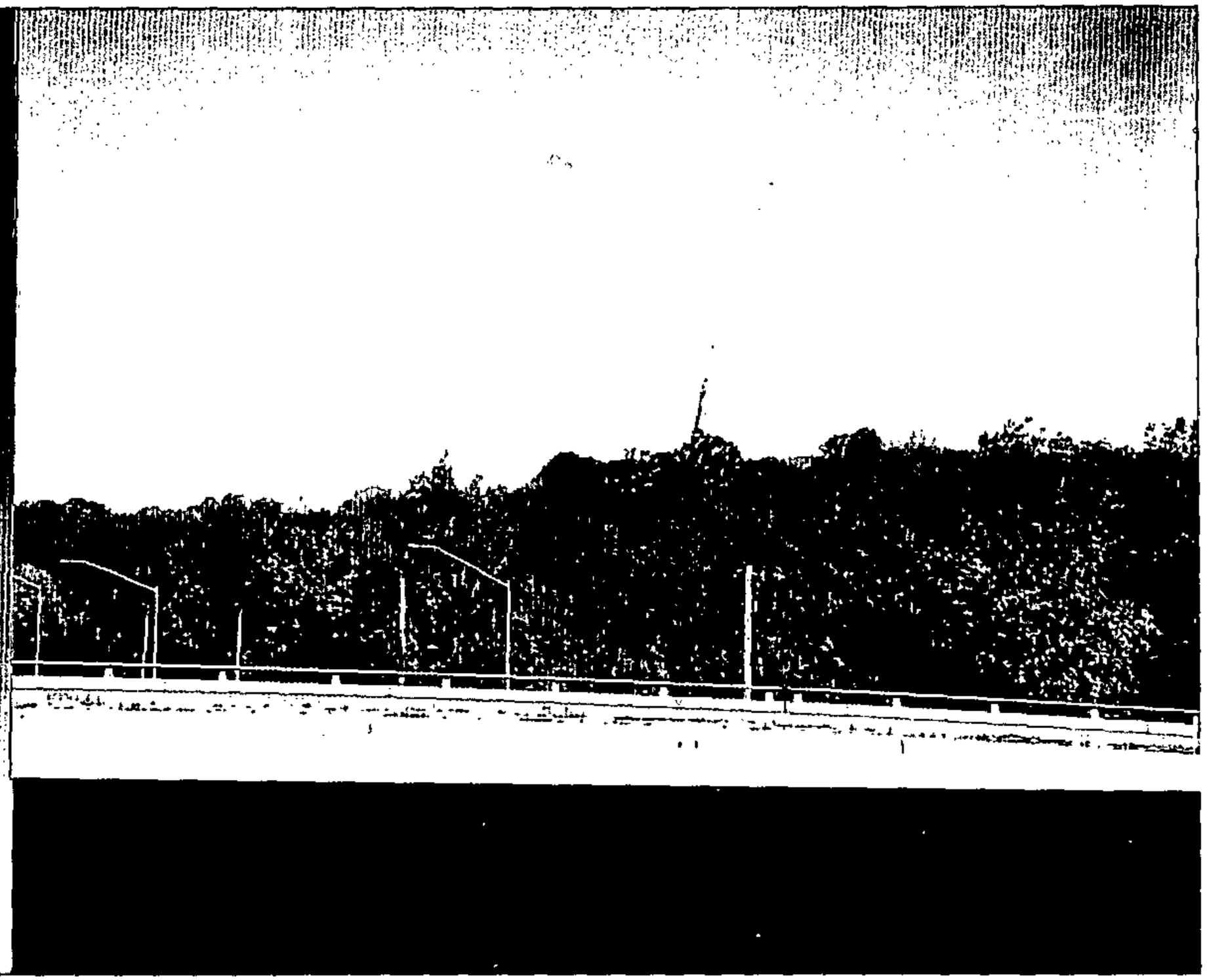


TYPICAL TOWER

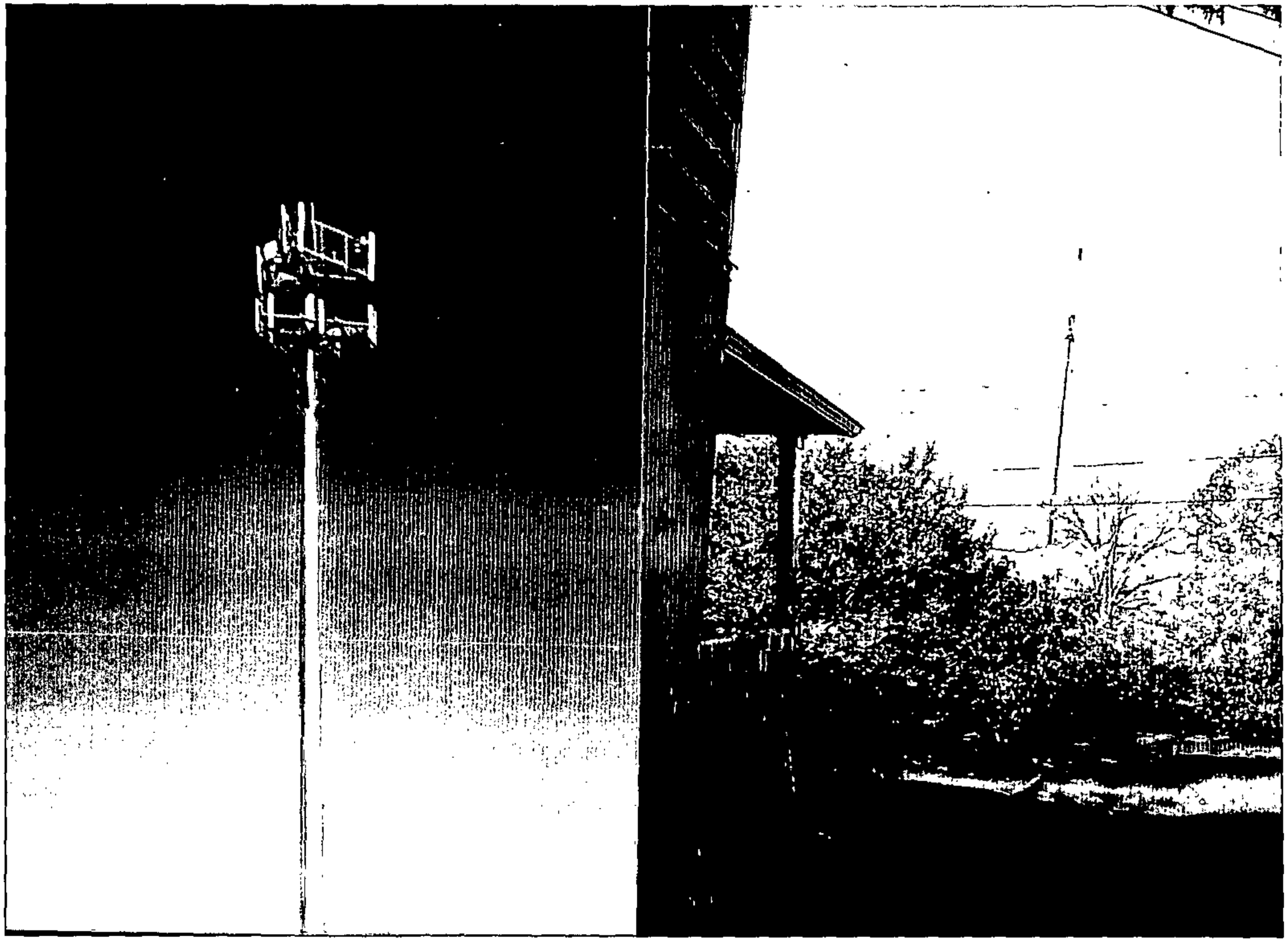
FROM 5130 FRANKLINTOWN ROAD



TYPICAL TOWER

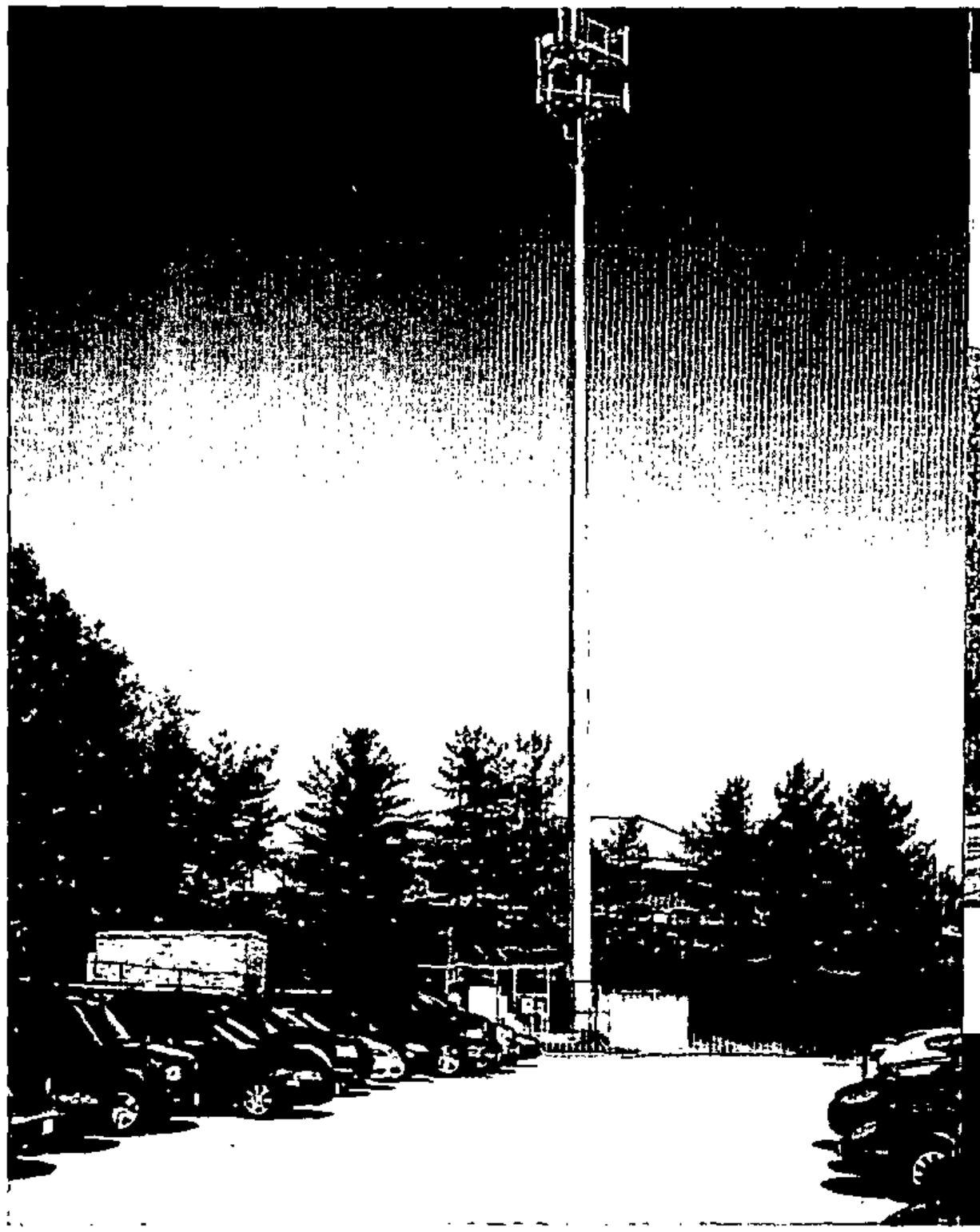


FROM I-70 AND PARK AND RIDE

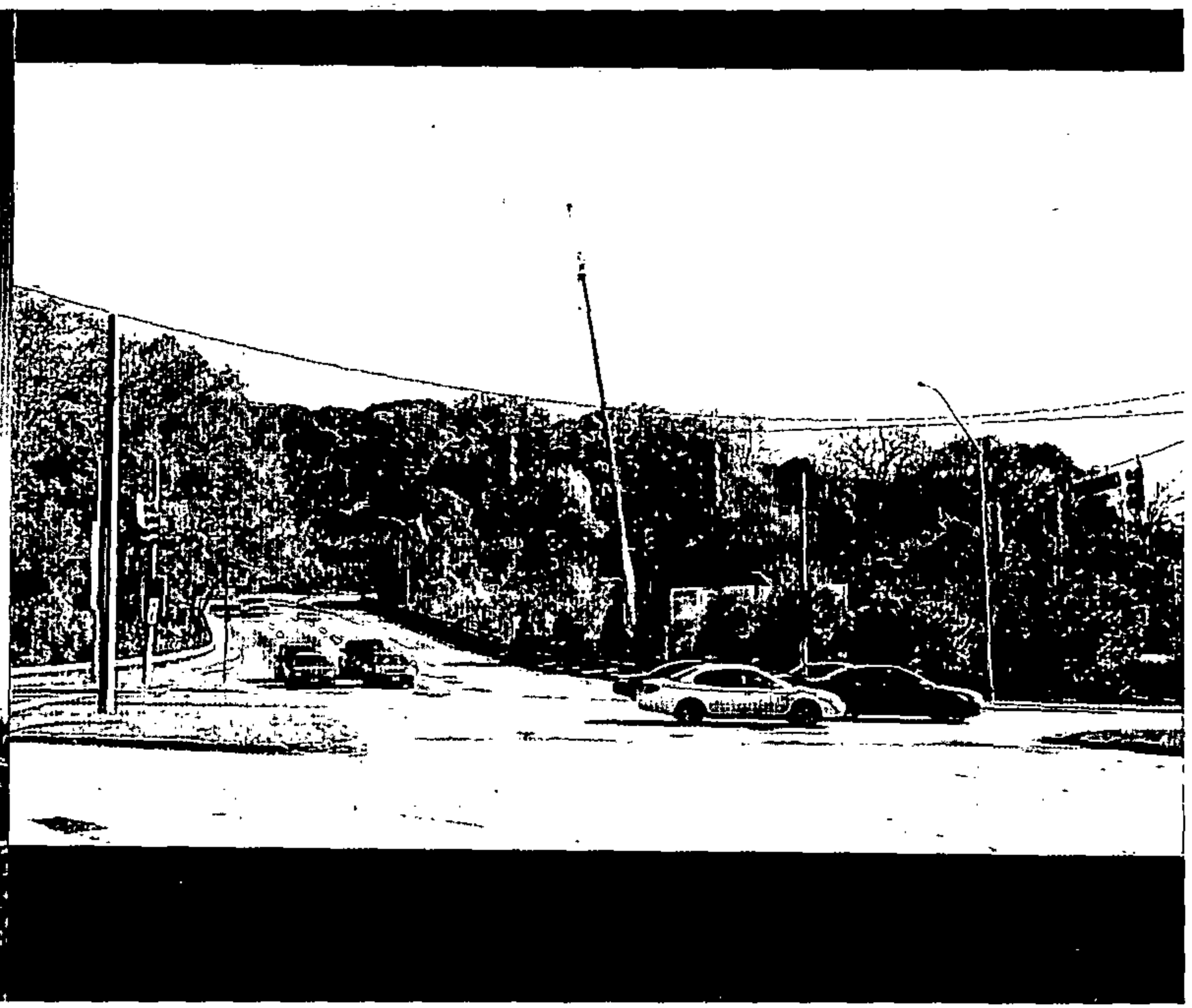


TYPICAL TOWER

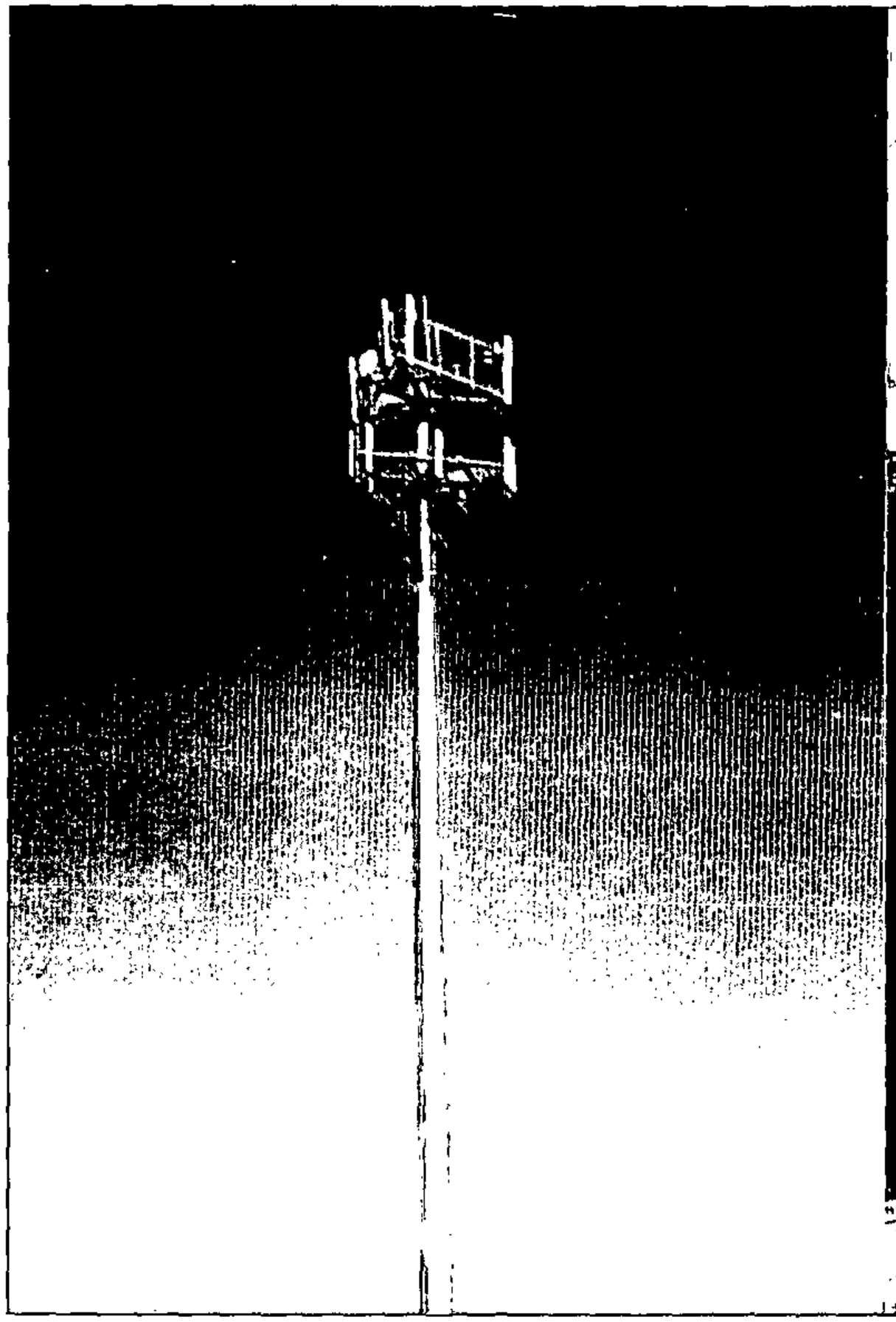
1711 FOREST PARK AVE.



TYPICAL TOWER



FROM INGLESIDE AVE. AT SECURITY BLVD.



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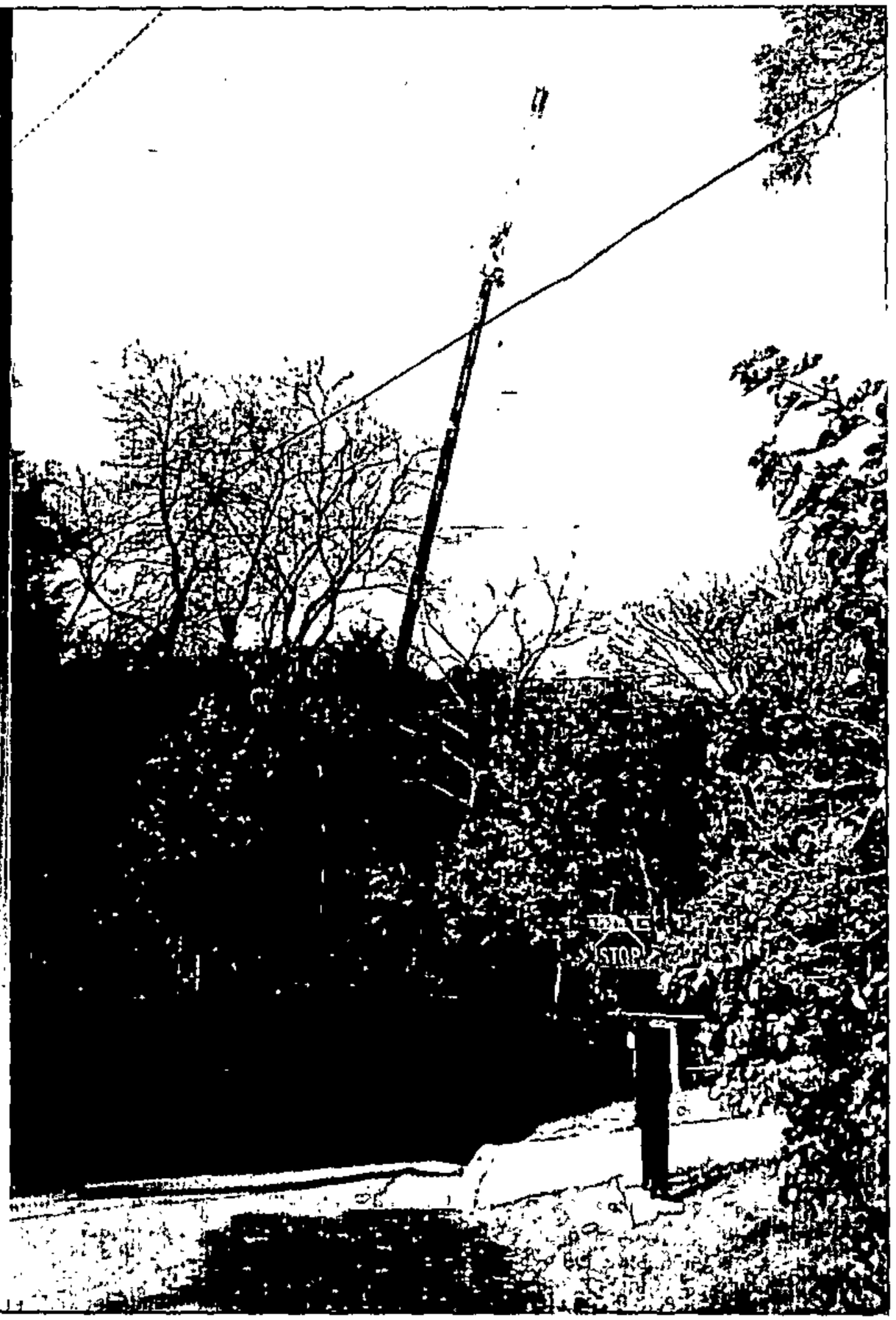
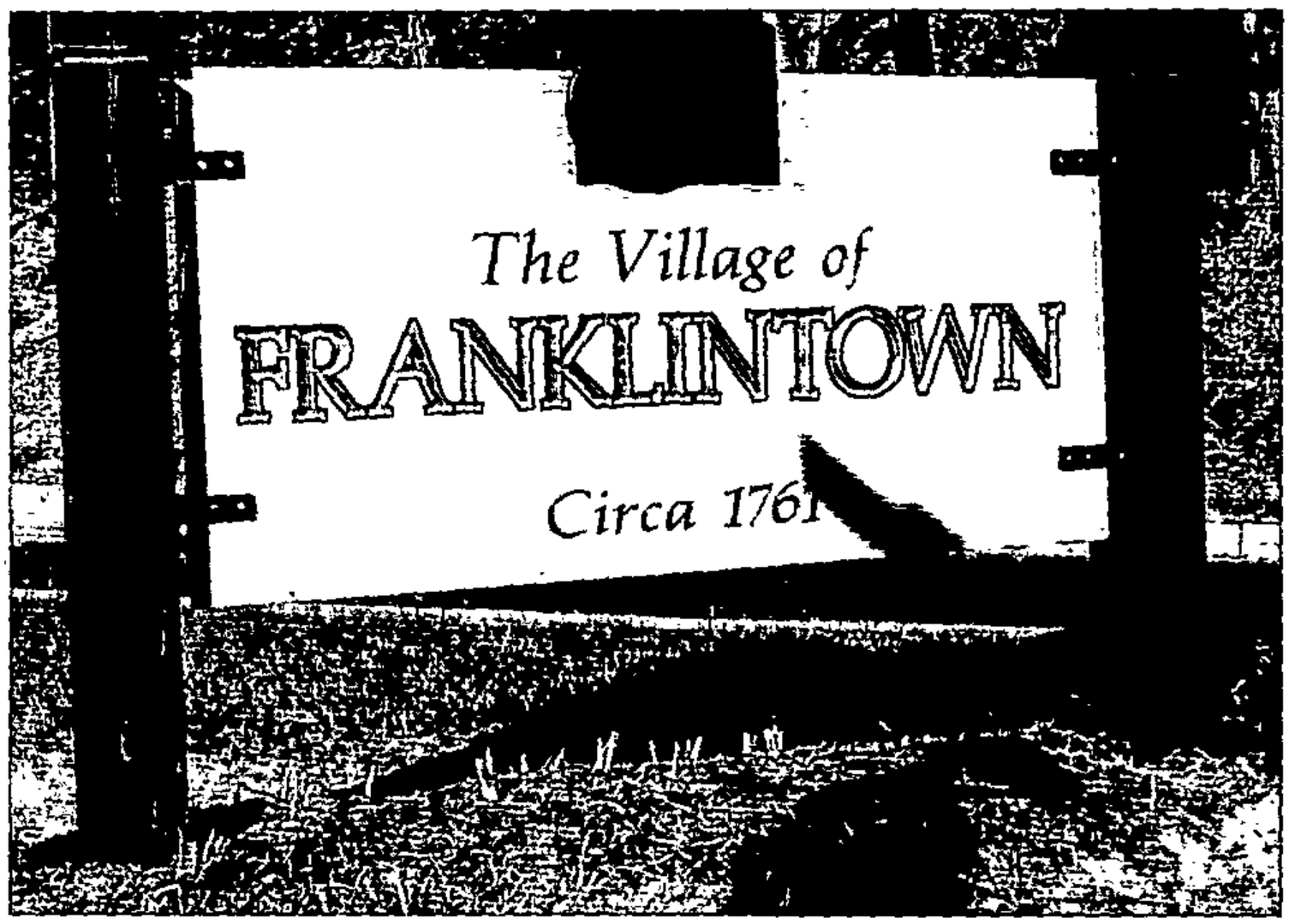
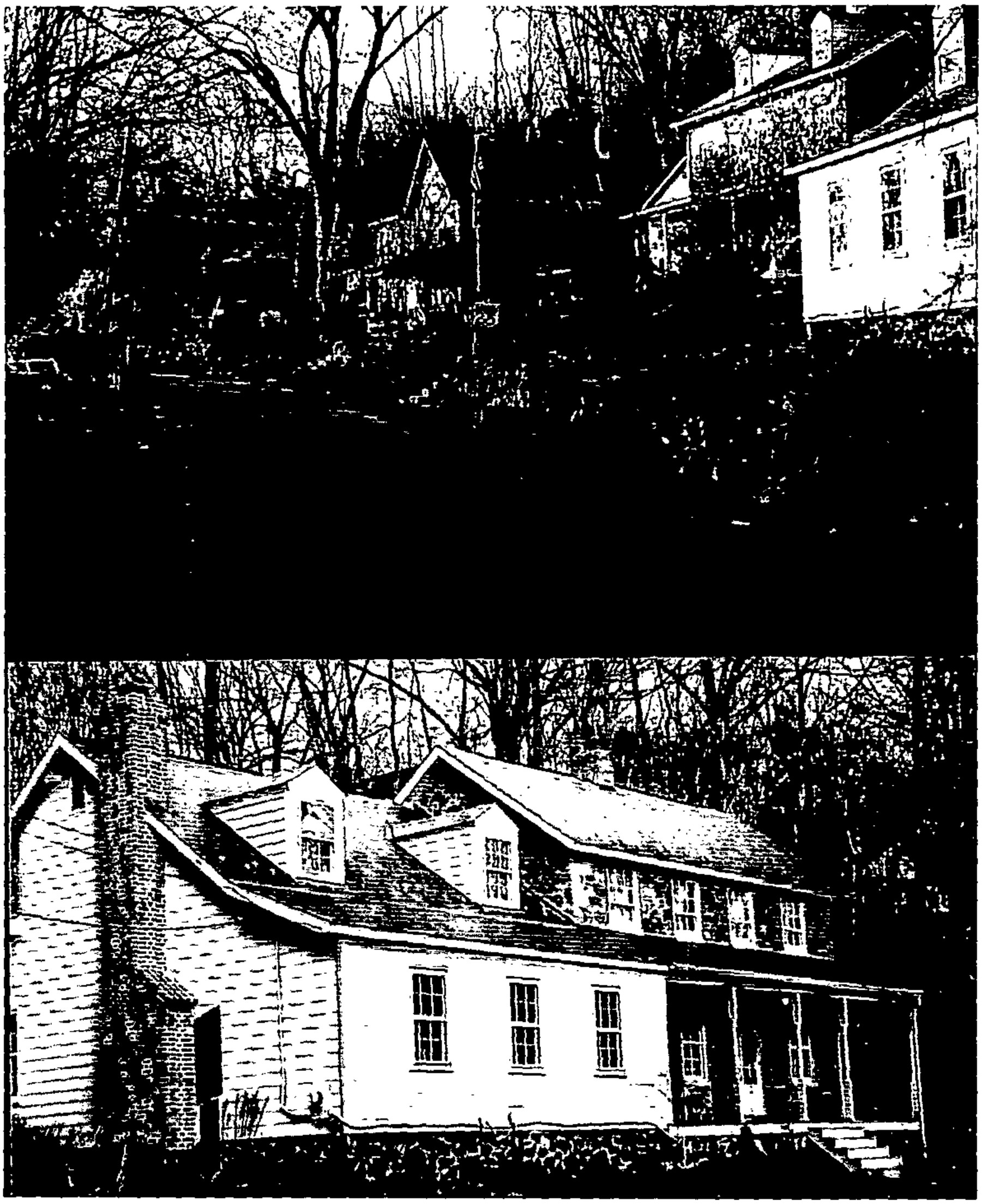


FROM 5126 CRESENT ST.

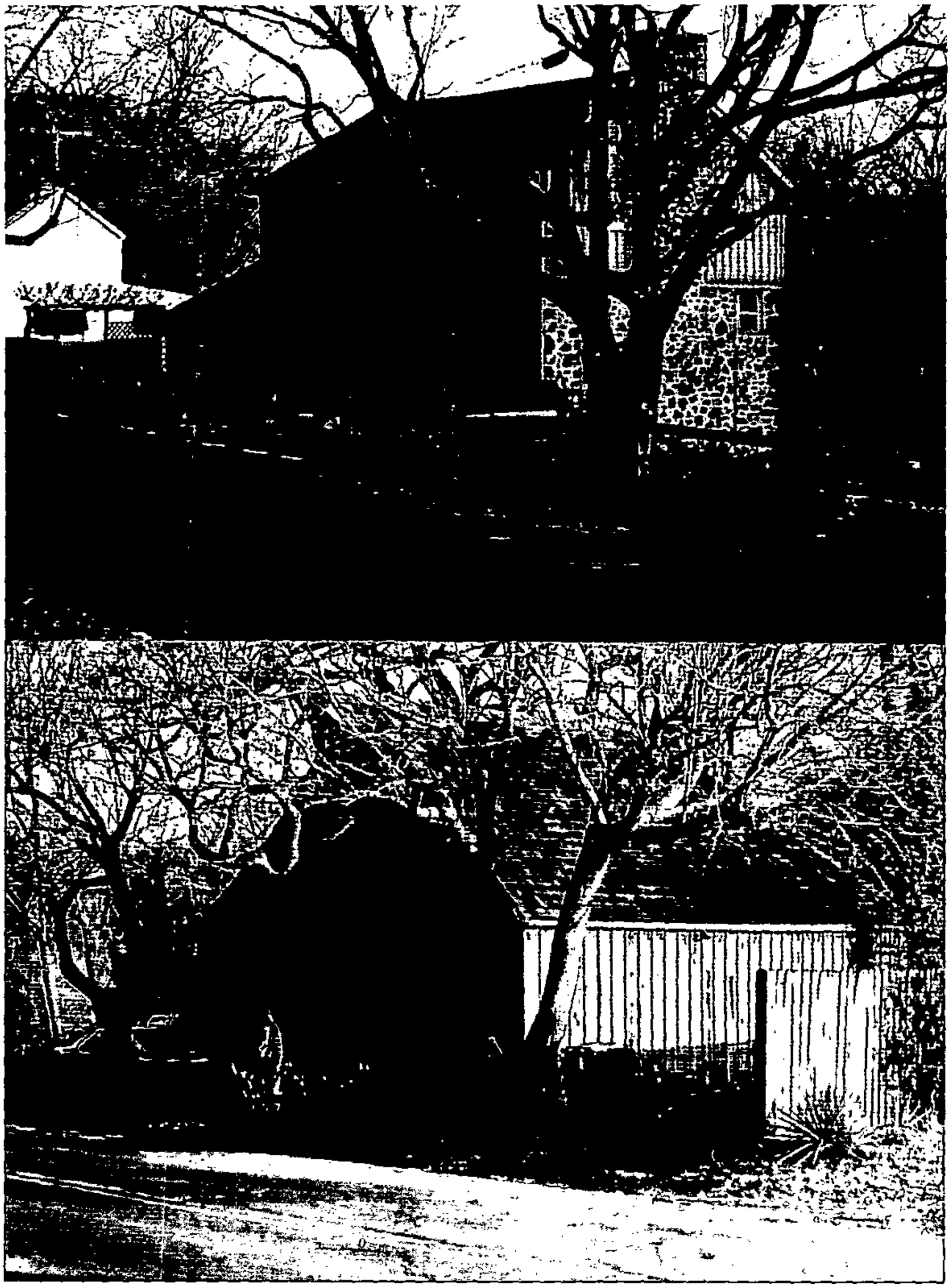
TYPICAL TOWER

FROM OLD INGLESIDE AVE. AT DOGWOOD RD.


The Village of
FRANKLINTOWN
Circa 1761



5100 BLOCK FRANKLINTOWN ROAD



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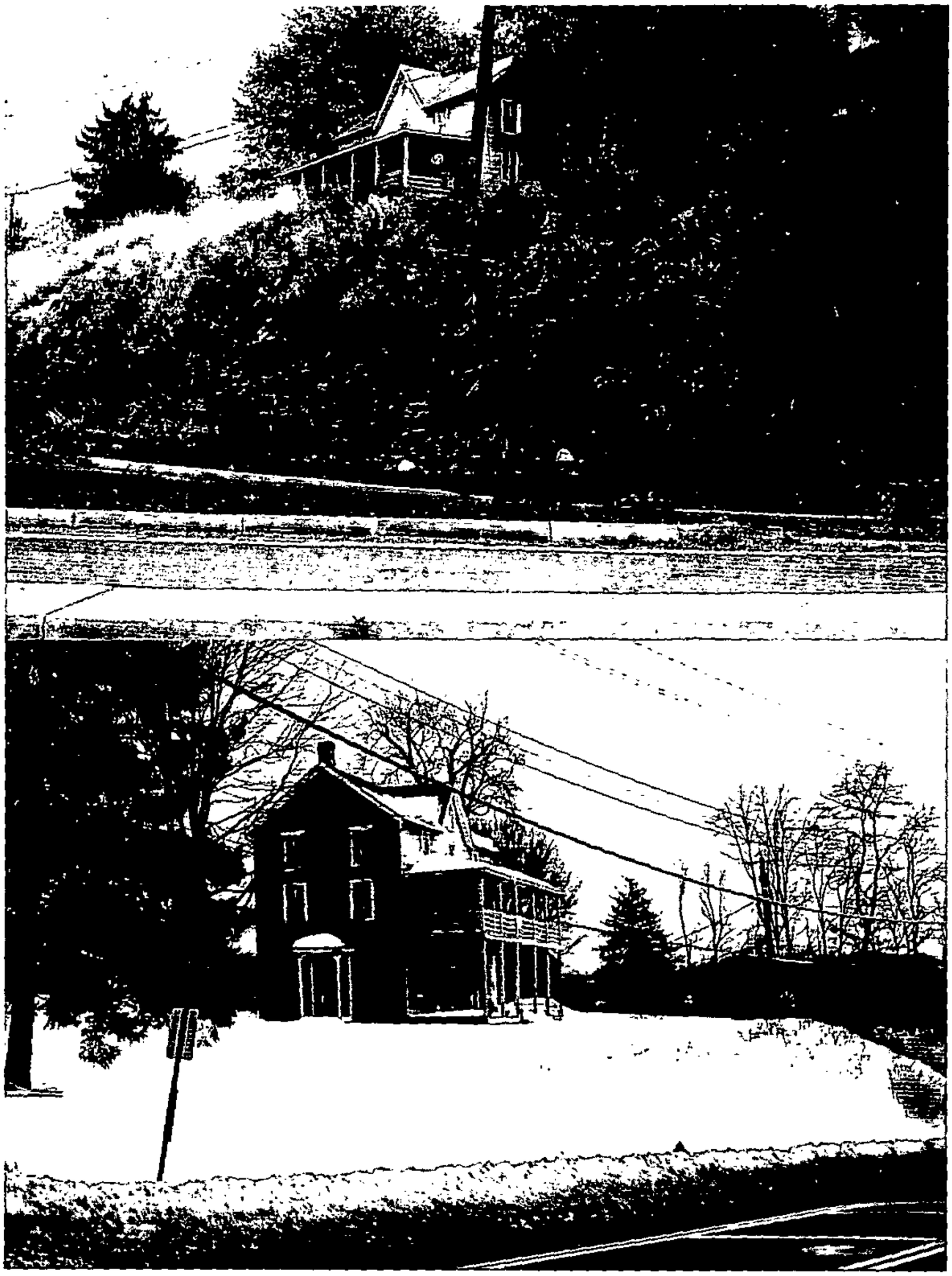
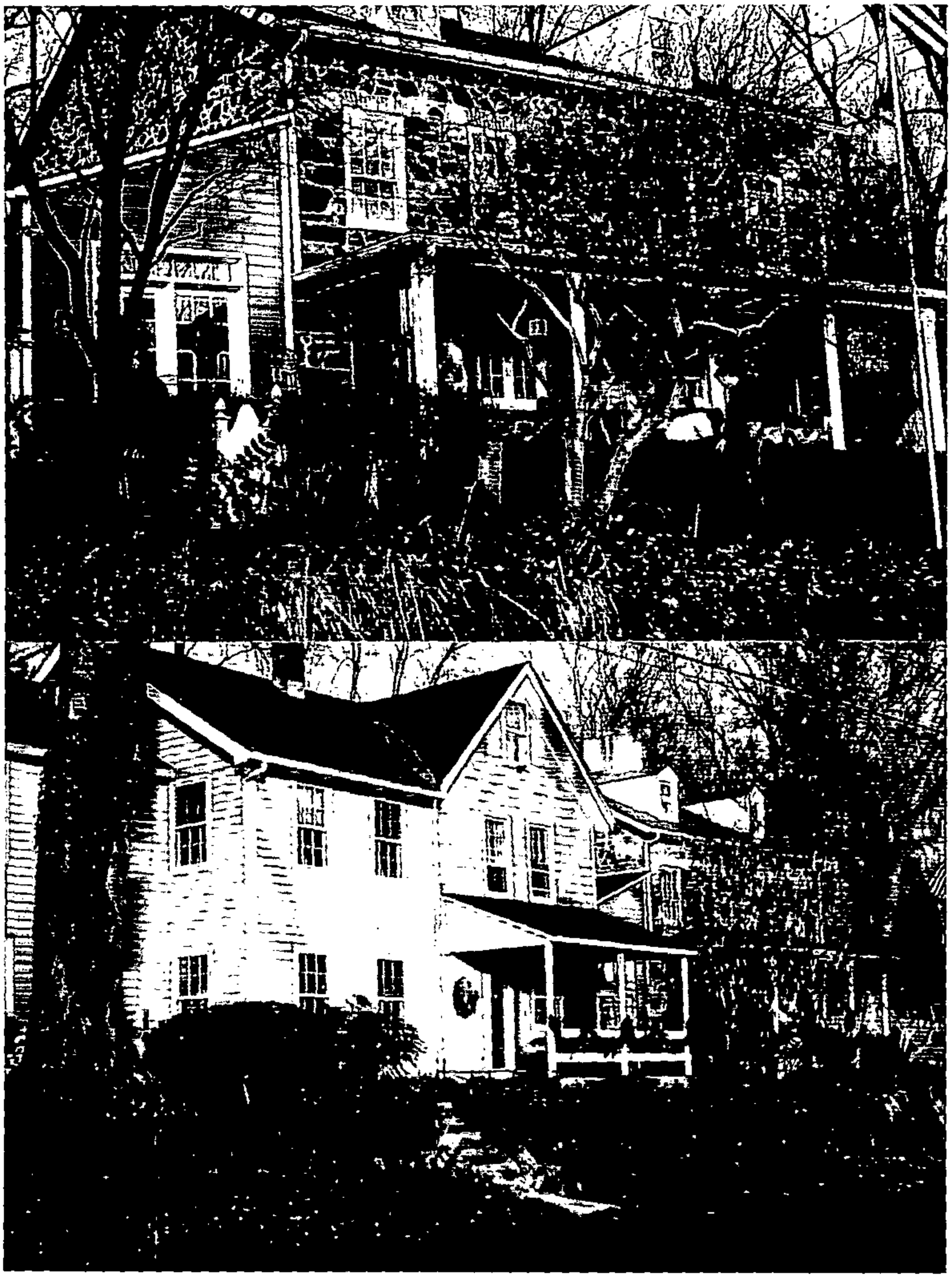
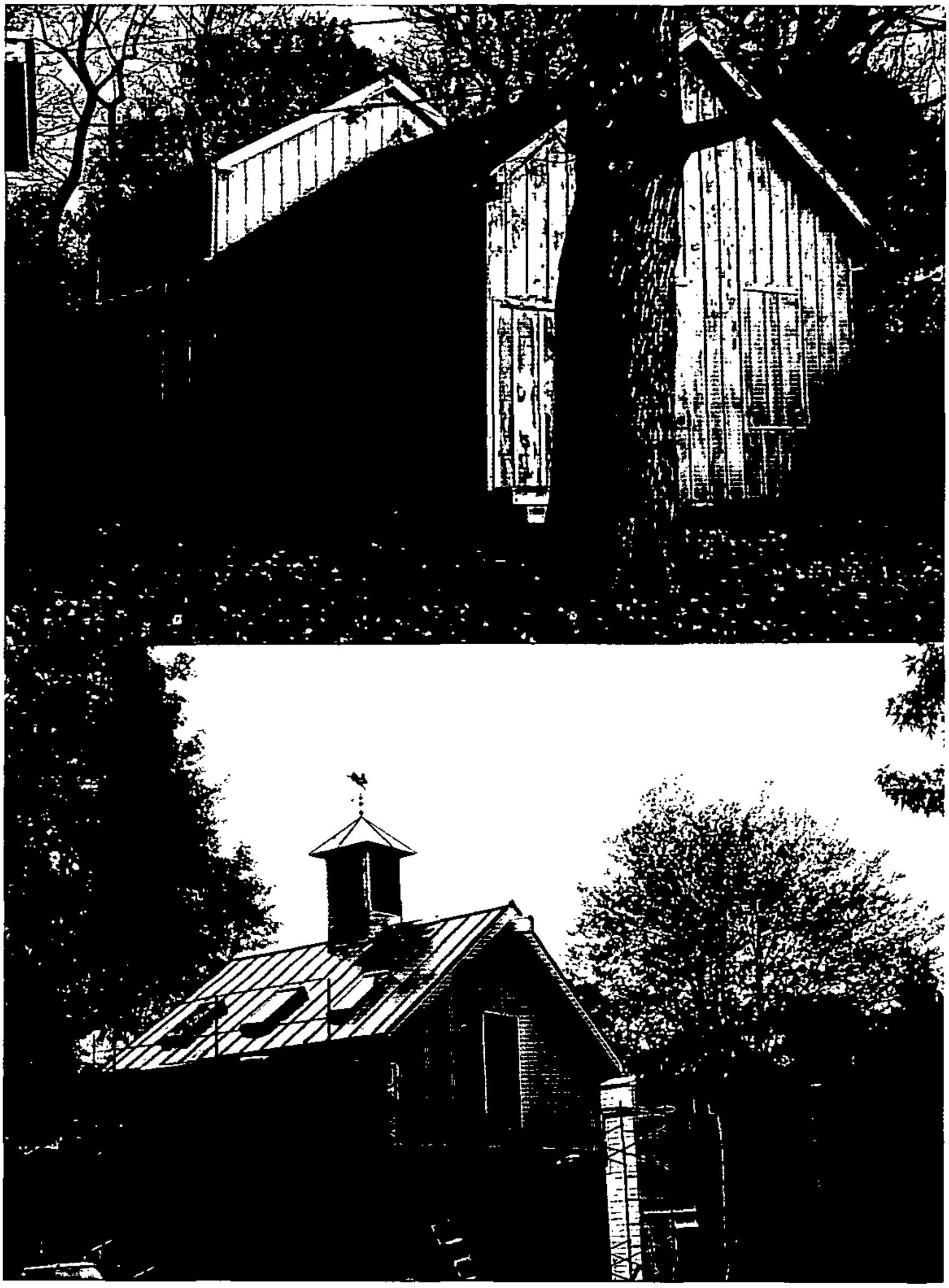


1700 BLOCK N. FOREST PARK AVE.



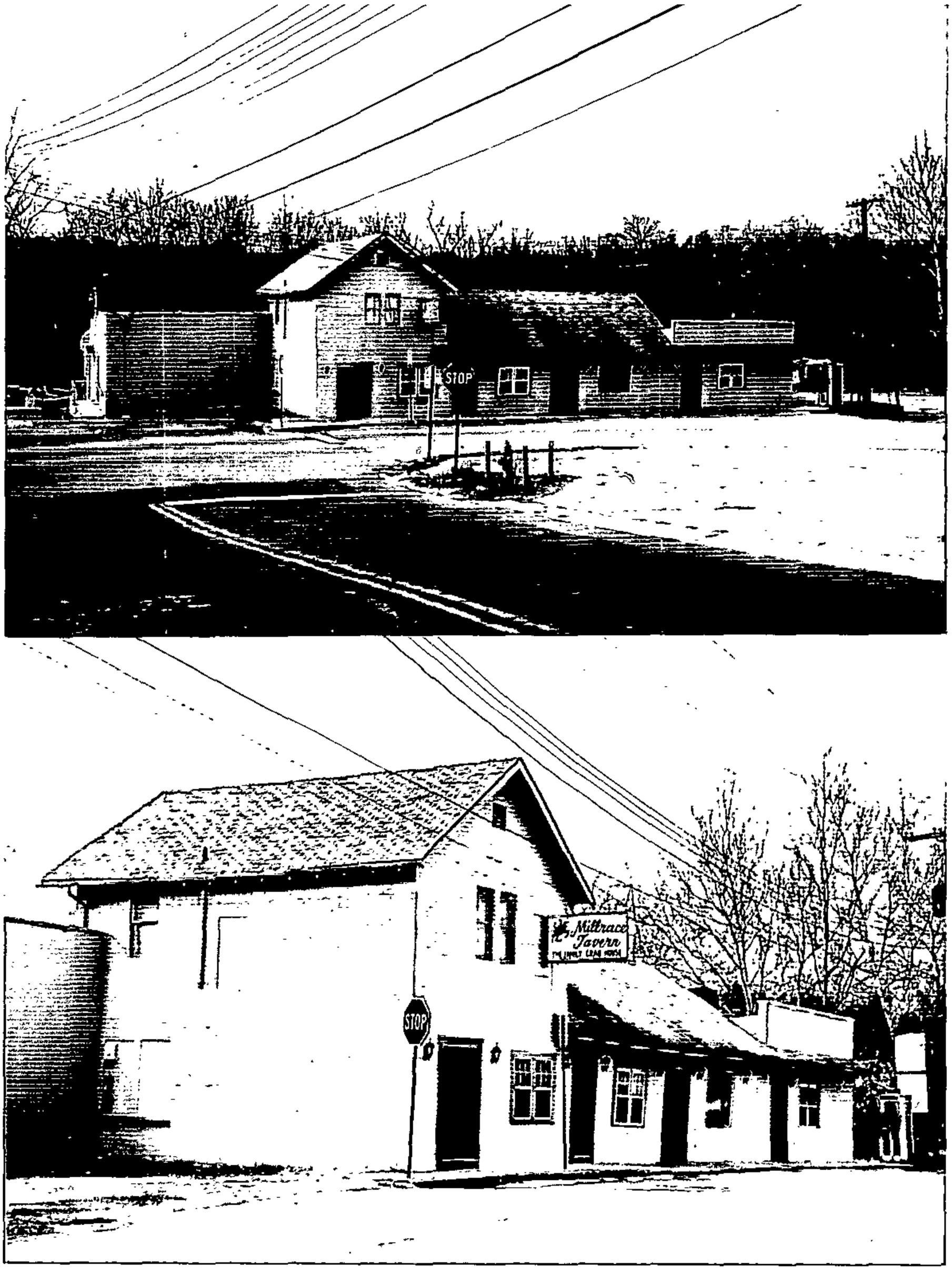
5100 BLOCK FRANKLINTOWN ROAD

5100 BLOCK FRANKLINTOWN ROAD

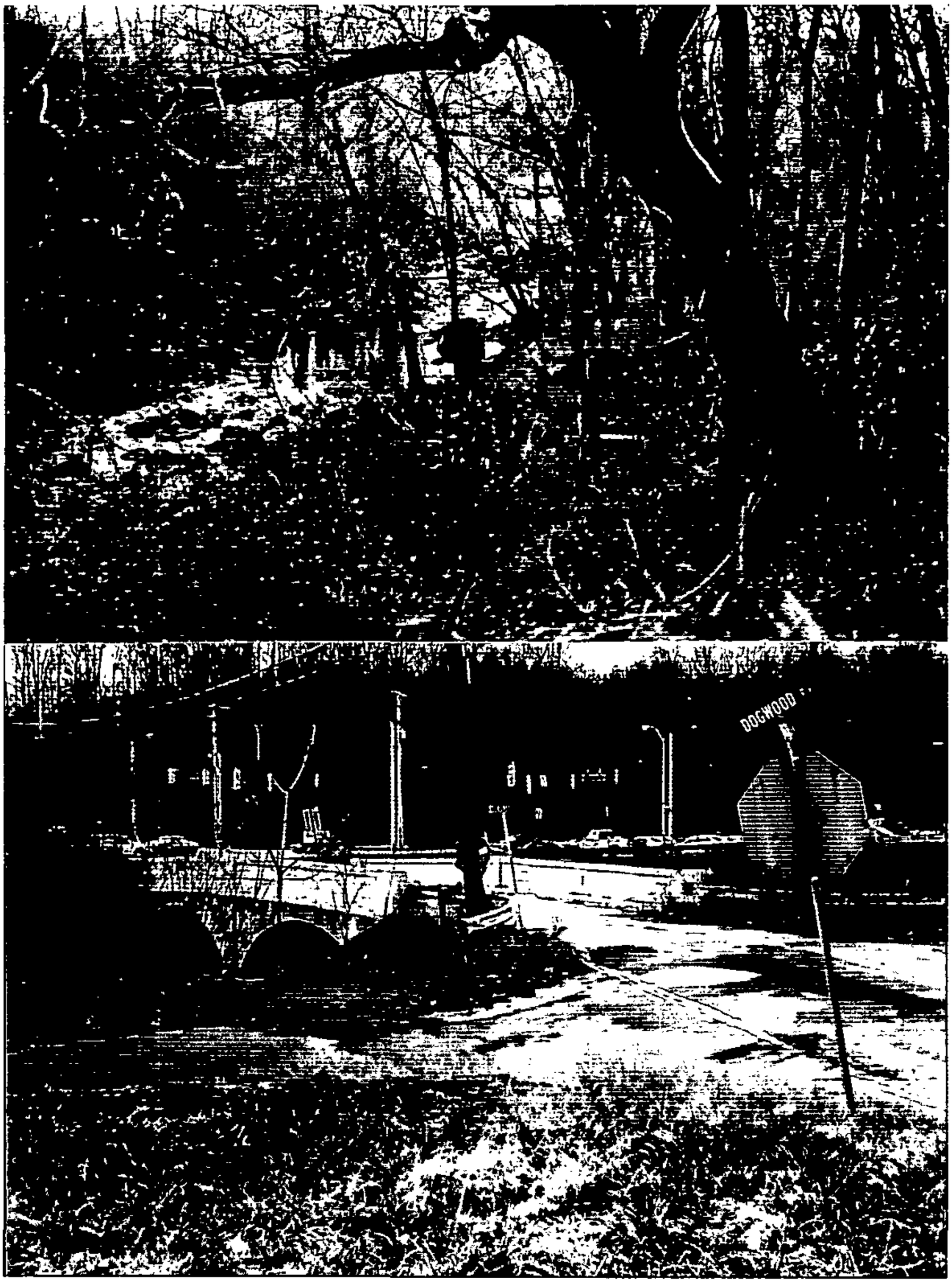


1700 BLOCK N. FOREST PARK AVE.

(TOP) 5700 BLOCK FRANKLINTOWN ROAD
(BOTTOM) 5200 BLOCK FRANKLINTOWN ROAD



5200 BLOCK FRANKLINTOWN ROAD



(TOP) BALTIMORE COUNTY DEAD RUN PARK ACROSS DOGWOOD ROAD FROM TOWER SITE
(BOTTOM) OLD INGLESIDE AVE. BRIDGE AT DOGWOOD ROAD GWYNNS FALLS BIKE TRAIL STREAM CROSSING (UNDER CONSTRUCTION)

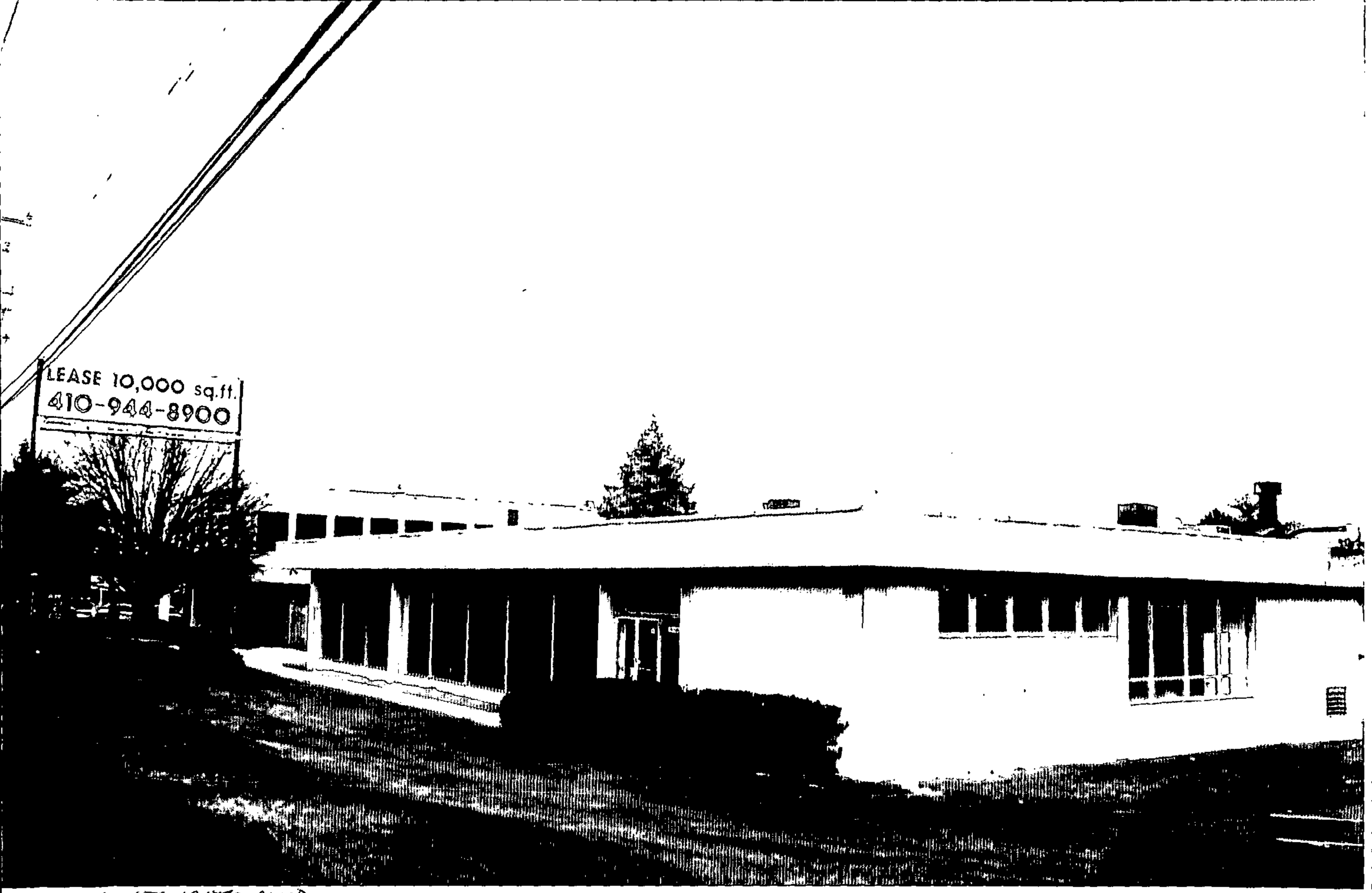
EXHIBIT 11 B (21 PHOTOGRAPHS)

PARALLEL DRIVE AT SOCIAL SECURITY/I-70 (MULTIPLE SITES)

5602 BALTO.-NAT. PIKE

MEADOWS BUSINESS PARK

MEADOWS BUSINESS PARK



6336 SECURITY BLVD

6336 SECURITY BLVD

LORRAINE PARK CEMETERY

LORRAINE PARK CEMETARY

LORAINE PARK CEMETARY

LORLAINE PARK CEMETARY

LORRAINE PARK CEMETARY

LORRAINE PARK CEMETERY

HOLY KOREAN MARYTERS CHURCH SECURITY BLVD AND KERNAN DRIVE

HOLY KOREAN MARYTERS CHURCH - SECURITY BLVD AND KERNAN DRIVE

BGE SUB-STATION (AIRX 6000 SECURITY BLVD)

COLONIAL DRIVE AT SECURITY BLVD.

INGLESIDE AVE. AT JOHNNYCAKE RD

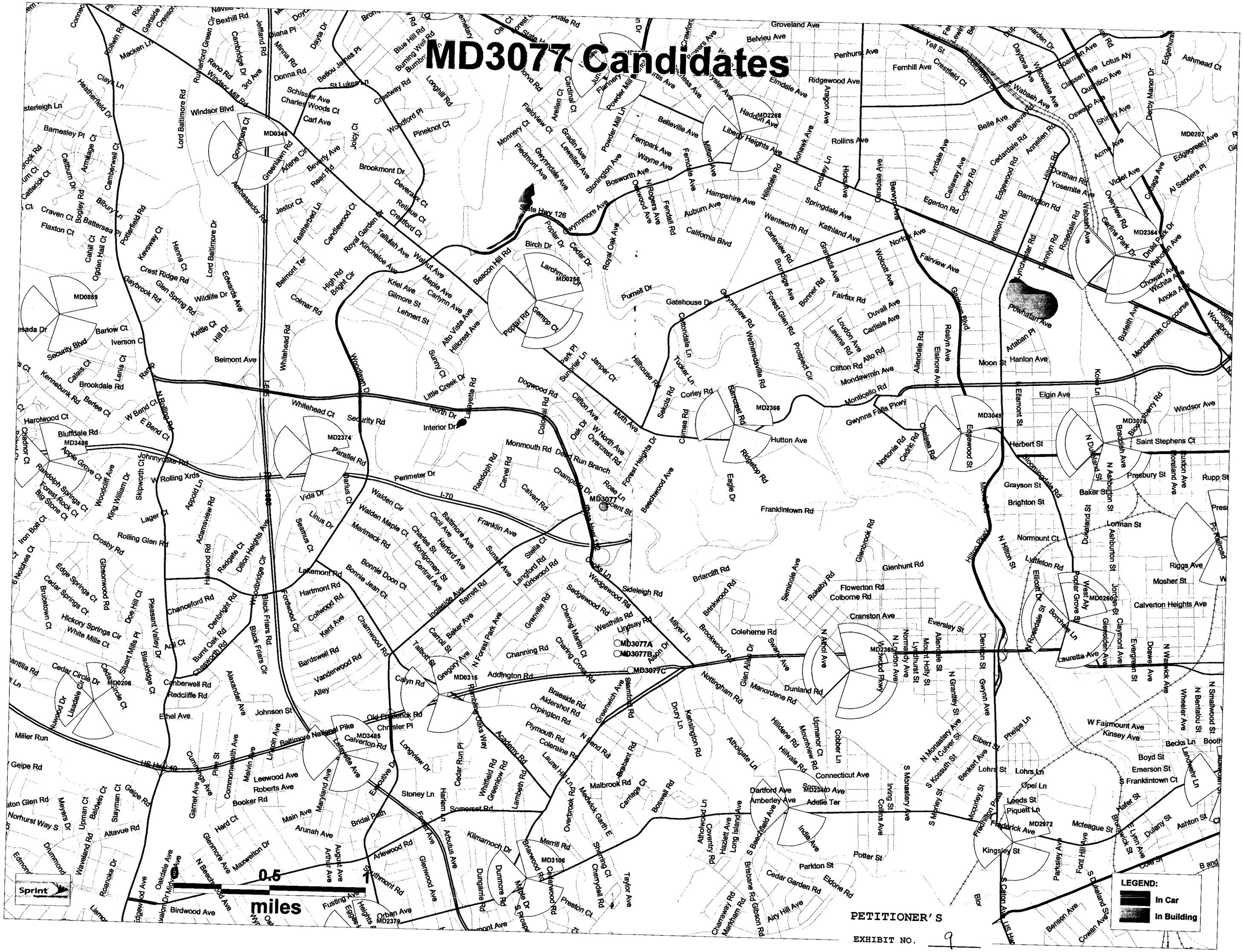
WESLEY METHODIST CHURCH JOHNNYCAKE AND BALTO. NAT. PIKE

5900 JOHNNYCAKE ROAD

MEADOWS BUSINESS PARK

SAMUAL READY SCHOOL

MD3077 Candidates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MD3077B
MD3077C
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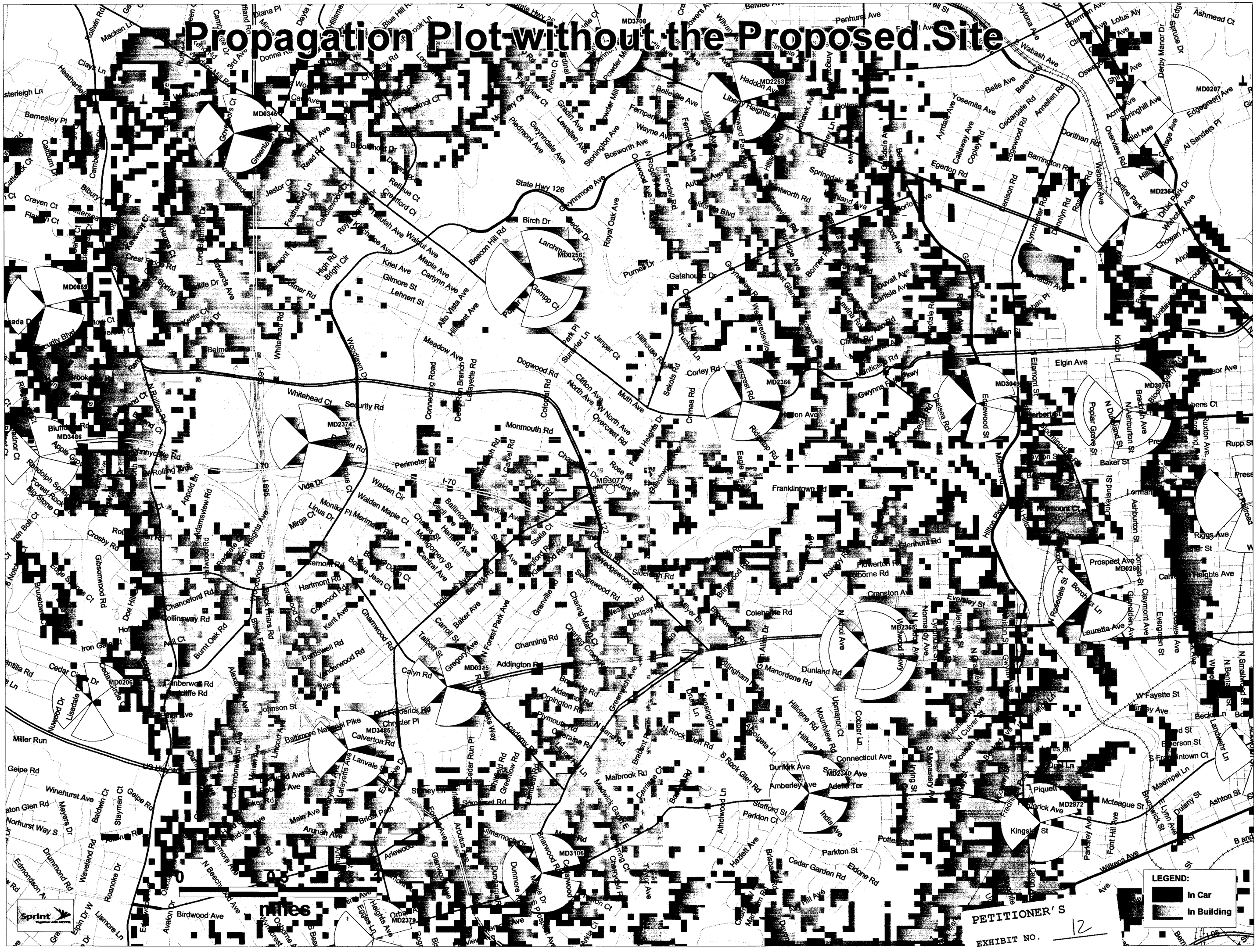
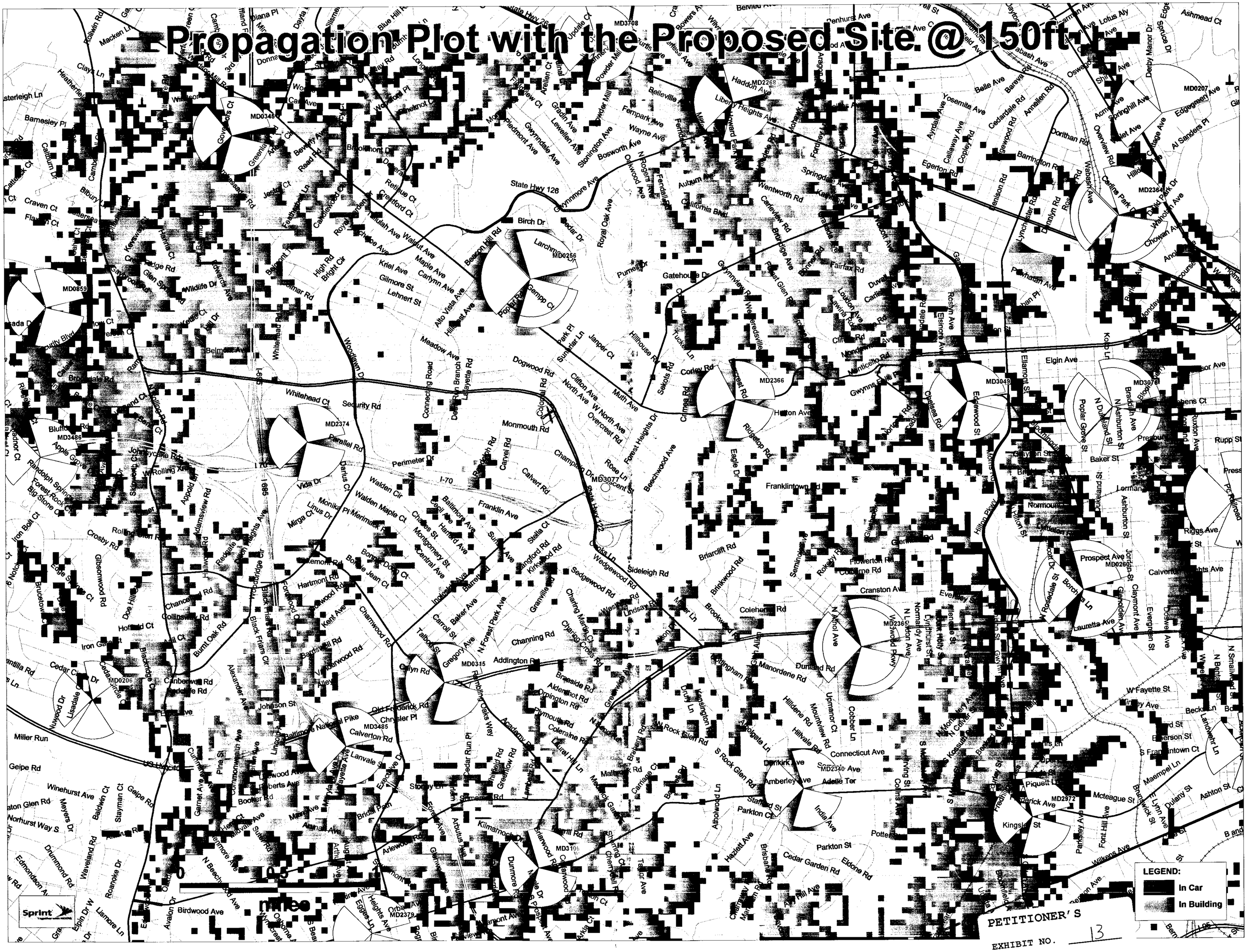
MD0206
MD3485
MD2379
MD3106
MD2340
MD2972
MD0260
MD2365
Liberty Heights Ave
Belvieu Ave
Groveland Ave
Penhurst Ave
Fernhill Ave
Ridgewood Ave
Elmdale Ave
Belle Ave
Rollins Ave
Fairview Ave
Norfolk Ave
Wentworth Rd
Springdale Ave
Kathland Ave
Hampshire Ave
Auburn Ave
California Blvd
Wynnmore Ave
State Hwy 126
Birch Dr
Cedar Dr
Purnell Dr
Gatehouse Dr
Gwynnview Rd
Wetheredsville Rd
Forest Glen Rd
Prospect Cir
Bonner Rd
Fairfax Rd
Duvall Ave
Carlisle Ave
Alto Rd
Monticello Rd
Gwynns Falls Pkwy
Moon St
Hanlon Ave
Powhatan Ave
Artaban Pl
Gardiner Blvd
Lynchester Rd
Dumnyn Rd
Rosedale Rd
Wabash Ave
Yosemite Ave
Barrington Rd
Edgewood Rd
Cedardale Rd
Copley Rd
Callaway Ave
Ayrdale Ave
Overview Rd
Carline Park Dr
Druid Park Dr
Wahroon Ave
Chowan Ave
Wichita Ave
Anoka Ave
Mondawmin Coll course
Violet Ave
Edgegreen Ave
Al Sanders Pl
Derby Manor Dr
Edgehurst Ave
Ashmead Ct
Quantico Ave
Lotus Aly
Oswego Ave
Shirley Ave
Acme Ave
Dorithan Rd
Belleville Ave
Mohawk Ave
Aragon Ave
Fordley Ln
Hicks Ave
Hillsdale Rd
Milford Ave
Fendall Rd
Fendale Ave
Fernpark Ave
Wayne Ave
Bosworth Ave
Stonington Ave
Gwynndale Ave
Piedmont Ave
Monnery Ct
Fieldview Ct
Arellen Ct
Gardinal Ct
Gradin Ave
Lewellen Ave
Powder Mill Ln
Flannery Ln
Crawford Ave
Powers Ave
Chrysler Ave
Curtis Ave
Theresa Ave
Jumonville Rd
Longhill Rd
Woodford Pl
Pineknot Ct
Crestway Rd
Bellow James Pl
St Lukes Ln
Schisler Ave
Charles Woods Ct
Carl Ave
Donna Rd
Mirna Rd
Diana Pl
Dayta Dr
Blue Hill Rd
Burning Well Rd
Bexhill Rd
Cambridge Dr
3rd Ave
Jeffland Rd
Reno Rd
Rutherford Green Cir
Windsor Mill Rd
Windsor Blvd
Lord Baltimore Rd
Macken Ln
Clays Ln
Heatherfield Dr
Barnesley Pl
Armitage Ct
Camberwell Ct
Caltburn Dr
Catterick Ct
Bogley Rd
Bibury Ln
Craven Ct
Flaxton Ct
Battersea Pl
Potterfield Rd
Cahill Ct
Ogden Hall Ct
Kevsway Ct
Hama Ct
Crest Ridge Rd
Glen Spring Rd
Gaybrook Rd
Wildlife Dr
Edwards Ave
Kettle Ct
Hill Dr
Belmont Ter
Colmar Rd
High Rd
Bright Cir
Whitehead Rd
Belmont Ave
Barlow Ct
Iverson Ct
Security Blvd
Calais Ct
Lenis Ct
Kennebunk Rd
Brookdale Rd
Berlee Ct
W Bend Ct
E Bend Ct
Harolwood Ct
Bluffdale Rd
Apple Grove Ct
Randolph Springs Ct
Forest Rock Ct
Big Stone Ct
Johnnycake Rd
Skipworth Ct
Woodcliff Ave
King William Dr
Iron Bolt Ct
Crosby Rd
Rolling Glen Rd
Lager Ct
Bolt Ct
Edge Springe Ct
Cedar Springs Ct
Brucetown Ct
Hickory Springs Cir
White Mills Ct
Gibsonwood Rd
Doe Hill Ct
Stuart Mills Pl
Blackridge Ct
Pleasant Valley Dr
Burnt Oak Rd
Denbright Rd
Chesworth Rd
Adil Ct
Canberwell Rd
Redcliffe Rd
Cedar Circle Dr
Cedarcircle Ct
Lisadale Dr
Luwood Dr
Ethel Ave
Johnson St
Alexander Ave
Black Friars Rd
Black Friars Cir
Hollywood Rd
Redgate Ct
Dillon Heights Ave
Woodbridge Cir
Chanceford Rd
Hartmont Rd
Lakemont Rd
Collwood Rd
Kent Ave
Bardswell Rd
Vanderwood Rd
Alley
Charnwood Rd
Cordwood Cir
Bonnie Doon Ct
Bonnie Jean Ct
Merrimack Rd
Walden Maple Ct
Walden Cir
Seamus Ct
Linus Dr
Franklin Ave
Sunset Ave
Stella Ct
Langford Rd
Kirkwood Rd
Barrett Rd
Indiside Ave
Cooks Ln
Wedgewood Rd
Sideleigh Rd
Sedgewood Rd
Granville Rd
Westhills Rd
Lindsay Rd
Millyer Ln
Briarcliff Rd
Brinkwood Rd
Brookwood Rd
Coleherne Rd
Semoran Ave
Rokeby Rd
Flowerton Rd
Colborne Rd
Glenhurst Rd
Cranston Ave
Eversley St
Glenbrook Rd
Hilton Pkwy
N Hilton St
Normount Ct
Lyttleton Rd
Ellicott Dr
W Rosedale St
Borchers Ln
Lauretta Ave
Poplar Grove St
West Aly
Jonquil St
Claymont Ave
Glenelden Ave
Evergreen St
Deswell Ave
N Warwick Ave
Wheeler Ave
N Smallwood St
N Bentalou St
Calverton Heights Ave
Mosher St
Riggs Ave
Rupp St
Presbury St
Grayson St
Brighton St
Baker St
Lorman St
Duke land St
N Ashburton St
N Dukeland St
Bloomingdale Rd
Moreland Ave
Ruxton Ave
Saint Stephens Ct
Bloomberry Rd
Bradbrish Ave
Windsor Ave
Elgin Ave
Herbert St
Ellamont St
Edgewood St
Chelsea Rd
Cedric Rd
Nortonia Rd
Hutton Ave
Ridgetop Rd
Eagle Dr
Beechwood Ave
Forest Heights Dr
Rose Ln
Champion Dr
Dead Run Branch
Overcrest Rd
W North Ave
Oak Dr
Clifton Ave
Muth Ave
Corley Rd
Barroll Rd
Elmora Rd
Sekois Rd
Tucker Ln
Hillhouse Rd
Janper Ct
Sumpter Ln
Park Pl
Poplar Rd
Gempp Ct
Larchmont Dr
Royal Oak Ave
Deverack Ct
Retinue Ct
Crestford Ct
Talltah Ave
Kinchelloe Ave
Royal Garden Ct
Candlewood Ct
Featherbed Ln
Jestor Ct
Read Rd
Beverly Ave
Greenlawn Rd
Governors Ct
Ambassador Rd
Joicy Ct
Ariene Cir
Brookmont Dr
Woodford Pl
Pineknot Ct
Longhill Rd
Crestway Rd
Fieldview Ct
Monnery Ct
Piedmont Ave
Gwynndale Ave
Gradin Ave
Lewellen Ave
Stonington Ave
Powder Mill Ln
Belleville Ave
Fernpark Ave
Wayne Ave
Bosworth Ave
Fendale Ave
Fendall Rd
Hillsdale Rd
Mohawk Ave
Fordley Ln
Hicks Ave
Rollins Ave
Belle Ave
Barevale Rd
Annellen Rd
Cedardale Rd
Edgewood Rd
Copley Rd
Callaway Ave
Ayrdale Ave
Overview Rd
Carline Park Dr
Druid Park Dr
Wahroon Ave
Chowan Ave
Wichita Ave
Anoka Ave
Violet Ave
Edgegreen Ave
Al Sanders Pl
Derby Manor Dr
Edgehurst Ave
Ashmead Ct
Quantico Ave
Lotus Aly
Oswego Ave
Shirley Ave
Acme Ave
Dorithan Rd
Barrington Rd
Yosemite Ave
Lillton Rd
Denison Rd
Lynchester Rd
Dumnyn Rd
Rosedale Rd
Wabash Ave
Gardiner Blvd
Powhatan Ave
Artaban Pl
Fairview Ave
Norfolk Ave
Berwyn Ave
Oakdale Ave
Callaway Ave
Copley Rd
Edgewood Rd
Cedardale Rd
Annellen Rd
Belle Ave
Rollins

Propagation Plot without the Proposed Site



Propagation Plot with the Proposed Site @150ft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MD2268
MD0345
MD0207
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MD2366
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MD3076
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MD3077
MD2369
MD0206
MD3485
MD3105
MD2379
MD2340
MD2972
State Hwy 126
Birch Dr
Gatehouse Dr
Whitehead Ct
Security Rd
Parallel Rd
Perimeter Dr
Monmouth Rd
Dogwood Rd
Meadow Ave
Whitehead Rd
Woodlawn Dr
Connecting Road
Deer Run Branch
Lafayette Rd
Park Pl
Sunridge Ln
Janper Ct
Hillhouse Rd
Tuckie Ln
Sekots Rd
Corley Rd
Crimea Rd
Forest Rd
Hutton Ave
Ridgetop Rd
Eagle Dr
Forest Heights Dr
Muth Ave
Clifton Ave
North Ave
W North Ave
Overcrest Rd
Colonial Rd
Carvel Rd
Calvert Rd
Champion Dr
Rose Ln
Beechwood Ave
Franklintown Rd
Elgin Ave
Edgewood St
Chelsea Rd
Poplar Grove St
N Duke and St
N Ashburton St
Baker St
Prospect Ave
Riggs Ave
Rupp St
Ruxton Ave
Queens Ct
Hillton Pkwy
Briarcliff Rd
Brinkwood Rd
Sideleigh Rd
Wedgewood Rd
Sedgewood Rd
Cranston Rd
Coleherne Rd
Dunland Rd
Manordene Rd
Cranbrook Rd
Lauretta Ave
Evergreen St
Claymont Ave
Glenholden Ave
Dogwood Ave
Wabash Ave
Overview Rd
Springhill Ave
Acme Ave
Cottage Ave
Al Sanders Pl
Edgegreen Ave
Spruce Dr
Denby Manor Dr
Ashmead Ct
Dorithan Rd
Barrington Rd
Egerton Rd
Callaway Ave
Copley Rd
Cedardale Rd
Gewood Rd
Annellen Rd
Belle Ave
Yosemite Ave
Aydelle Ave
Lynchester Rd
Dennylyn Rd
Rosalyn Ave
Carina Park Dr
Daniel Park Dr
Wanoah Ave
Chowan Ave
Anoka Ave
Pawhatan Ave
Ran Pl
Duvall Ave
Carlisle Ave
Louton Ave
Gwynns Falls Pkwy
Monticello Rd
Cliftmont Rd
Elsinore Ave
Rosslyn Ave
Roslindale Rd
Kopp Ln
Ellamont St
Ridgeview Ct
Gwynnview Rd
Forest Glen Rd
Pioneer Rd
Fairfax Rd
Lynchester Rd
Gwynnmore Ave
Royal Oak Ave
Cedar Dr
Larchmont Rd
Beacon Hill Rd
Maple Ave
Carlynn Ave
Kriel Ave
Gilmore St
Lehnert St
Alto Vista Ave
Hillcrest Ave
Poplar Rd
Gempo Ct
Whitehead Rd
Belmont Ave
Belmar Rd
Wildlife Dr
Glen St
Ridge Rd
High Rd
Bright Cir
Hill Dr
Heather Ct
Craven Ct
Flaxton Ct
Caltrum Dr
Barnesley Pl
Clayton Ln
Macken Ln
Ashwin Rd
Heatherfield Ln
Sterleigh Ln
Diana Pl
Donna Ct
Blue Hill Rd
Updale Ct
Powder Mill Rd
Belleville Rd
Fernpark Ave
Wayne Ave
Bosworth Ave
Stonington Ave
Gwynndale Ave
Lewellen Ave
Gradin Ave
Piedmont Ave
Arellen Ct
Liberty Heights Ave
Howard Park Ave
Mohawk Ave
Fordham Rd
Millbrook Rd
Springdale Ave
Autumn Ln
California Blvd
Wentworth Rd
Carleview Rd
Fendell Ave
N Rogers Ave
Oakwood Ave
Greenmount Ave
Bedford Rd
Read Rd
Brookfield Dr
Retreat Ct
Crestford Ct
Jessup Ct
Cameo Ct
Cameo Dr
Kenwick Ct
Royal Garden Ct
Midvale Ave
Walnut Ave
Chelsea Ave
Cedarwood Dr
Featherbrook Ln
Bevanly Ave
Greenleaf Ct
Goya Ct
Mill Ridge Rd
Mill Ridge Ct
Cambridge Rd
Caltrum Ct
Cattesk Ct
Bibury Ct
Teresina Ct
Craven Ct
Flaxton Ct
Kenwick Ct
Harris Ct
Glen Stone Ct
Ridge Rd
Wildlife Dr
Glen St
Belmont Ct
Belmar Rd
Whitehead Rd
Belmont Ave
Hill Dr
Heather Ct
Security Blvd
Rolling Rd
Johnnycake Rd
Apple Grove Ave
Randolph Spring Ct
Forest Rock Ct
Big Stone Ct
Iron Bolt Ct
Crosby Rd
Gibsonwood Rd
Edge Stone Ct
Doe Hill Ct
Brucetown Rd
Rolling Knolls Rd
Hillwood Rd
Rockdale Ct
Iron Heights Ave
Woodridge Cir
Black Friars Rd
Black Friars Cir
Burnt Oak Rd
Hatfield Ct
Iron Gate Ct
Cedar Creek Dr
Cedarwood Rd
Blackridge Ct
Canterbury Rd
Ridge Rd
Lisadale Dr
Nuwood Dr
Johnson St
Old Frederick Rd
Chrysler Pl
Baltimore National Pike
Calverton Rd
Lanvale St
Lanvale Ave
Fayette Ave
Execute Dr
Miller Run
Geipe Rd
Winehurst Ave
Baldwin Ct
Stayman Ct
Meyers Dr
Northurst Way S
Drummond Rd
Waveland Rd
Roanoke Dr
Edmondson Ave
Lismore Ln
Avalon Dr
Birdwood Ave
Garnet Ave
Roberts Ave
Booker Rd
Pine St
Commonwealth Ave
Linwood Ave
Lincoln Ave
Cumberland Ave
Millvale Ave
Sunset Rd
Bridal Path
Arlington Ave
Arlington Rd
Arlewood Rd
Glenmore Ave
Beechwood Ave
N Beechwood Ave
Stockholm St
Glenwood Ave
Arthurton Ave
Sunset Ave
Sonora Ave
Stoopy Ln
Shirley Rd
Greenlow Rd
Whitefield Rd
Cedar Run Pl
Academy Rd
Rumbling Oaks Way
Gaelyn Rd
Gregory Ave
N Forest Park Ave
Talbot St
Carroll St
Baker Ave
Ingleside Ave
Barrett Rd
Granville Rd
Kingford Rd
Kirkwood Rd
Stella Ct
Sunset Ave
Franklin Ave
Baltimore Ave
Cecil Ave
Harold Ave
Chases St
Montgomery St
Central Ave
Bonnie Doone Ct
Bonnie Jean Ct
Belmont Rd
Hartmont Rd
Kent Ave
Chamwood Rd
Channing Rd
Addington Rd
Braeside Rd
Aldershot Rd
Orpington Rd
Plymouth Rd
Coleraine Rd
Rural Hill Ln
Mallard Rd
Brehem Rd
Carriage Ct
Bonnie Ln
Meadow Gate Ln
Kilmarnock Rd
Arlington Rd
Shirley Ct
Cherrywell Rd
Taylor Ave
Dunmore Rd
Chatsworth Rd
Marlyn Rd
Hillendale Rd
Mountview Rd
Upmanor Ct
Cobber Ln
Connecticut Ave
Adelle Ter
Dunkirk Ave
Amberley Ave
Stafford St
Parkton Ct
Parkton St
Cedar Garden Rd
Eldone Rd
Hillvale Rd
Hillendale Rd
Mountview Rd
Upmanor Ct
Cobber Ln
Connecticut Ave
Irving St
Colin St
Potter St
Hazlett Ave
Briarwood Rd
Brisbane Rd
Phill Ave
India Ave
Kingsley St
Piquett Ln
Frederick Ave
Mcteague St
Brunswick St
Lynn Ave
Dulany St
Ashton St
Font Hill Ave
Parkside Ave
Wilkens Ave
Maempel Ln
Franklintown Ct
Ellerson St
Beckett Ln
Landwehr Ln
W Fayette St
Tilney Ave
Bentalou St
Smallwood St
Bentalou St
Monroe St
Fulton Ave
Monroe Ave
Cumberland St
Ashburton St
Dukeland St
Lorman St
Normour St
Hilton St
Wilson St
Woodbourne Ave
Rosedale St
Roche Dr
Bonchurch Ln
Lauretta Ave
Claymont Ave
Glenholden Ave
Evergreen St

Joins Map 25

Joins Map 26

EXHIBIT 11A

21228

21227

21222

21220

21208

BALTIMORE COUNTY
CITY OF BALTIMORE

BALTIMORE

PIMLICO

ARLINGTON

WOODMOOR

WOODLAWN

CATONSVILLE

ARBUTUS

HALETHORPE

GWYNNS FALLS PARK

DRUID HILL PARK

LOUDON PARK CEMETERY

Lake Ashburton

Lake Wash Water

Druid Lake

Falls Road

Northern Parkway

Liberty Road

Baltimore Beltway

Harbor Tunnel Thruway

Fort McHenry Tunnel

Patapsco River

Patapsco Valley State Park

Gwynns Falls Trail

Jones Falls Trail

Baltimore Light Rail

Baltimore Metro Subway

Interstate 95

Interstate 83

Interstate 695

Interstate 895

Interstate 195

Interstate 1-20500

Interstate 1-28500

Interstate 1-21220

Maryland 26

Maryland 140

Maryland 129

Maryland 25

Maryland 126

Maryland 144

Maryland 372

Maryland 40

Maryland 1

Maryland 166

Maryland 466

Maryland 648

Maryland 295

Maryland 170

Maryland 168

Maryland 3

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Maryland 100

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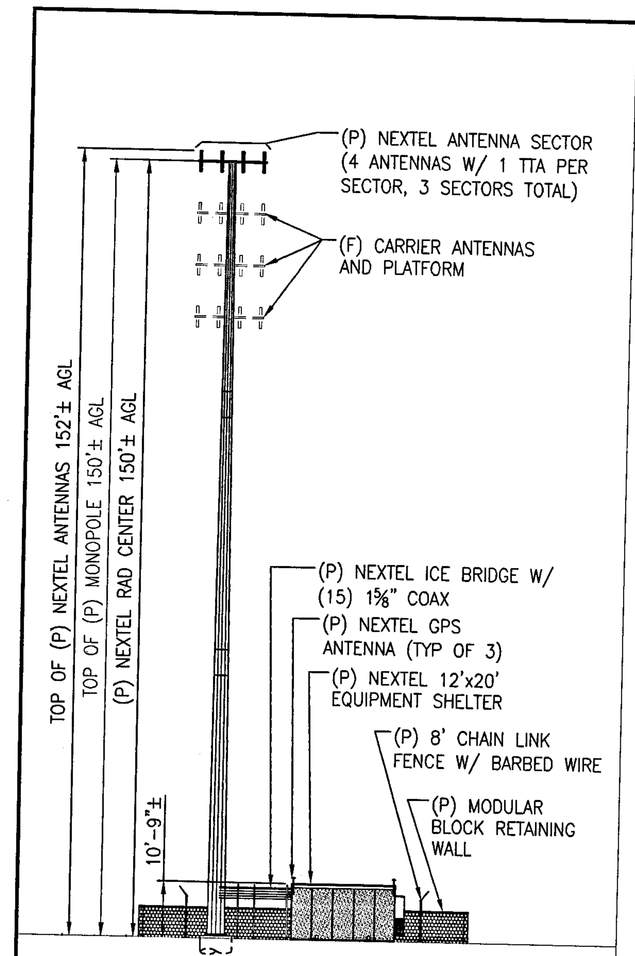
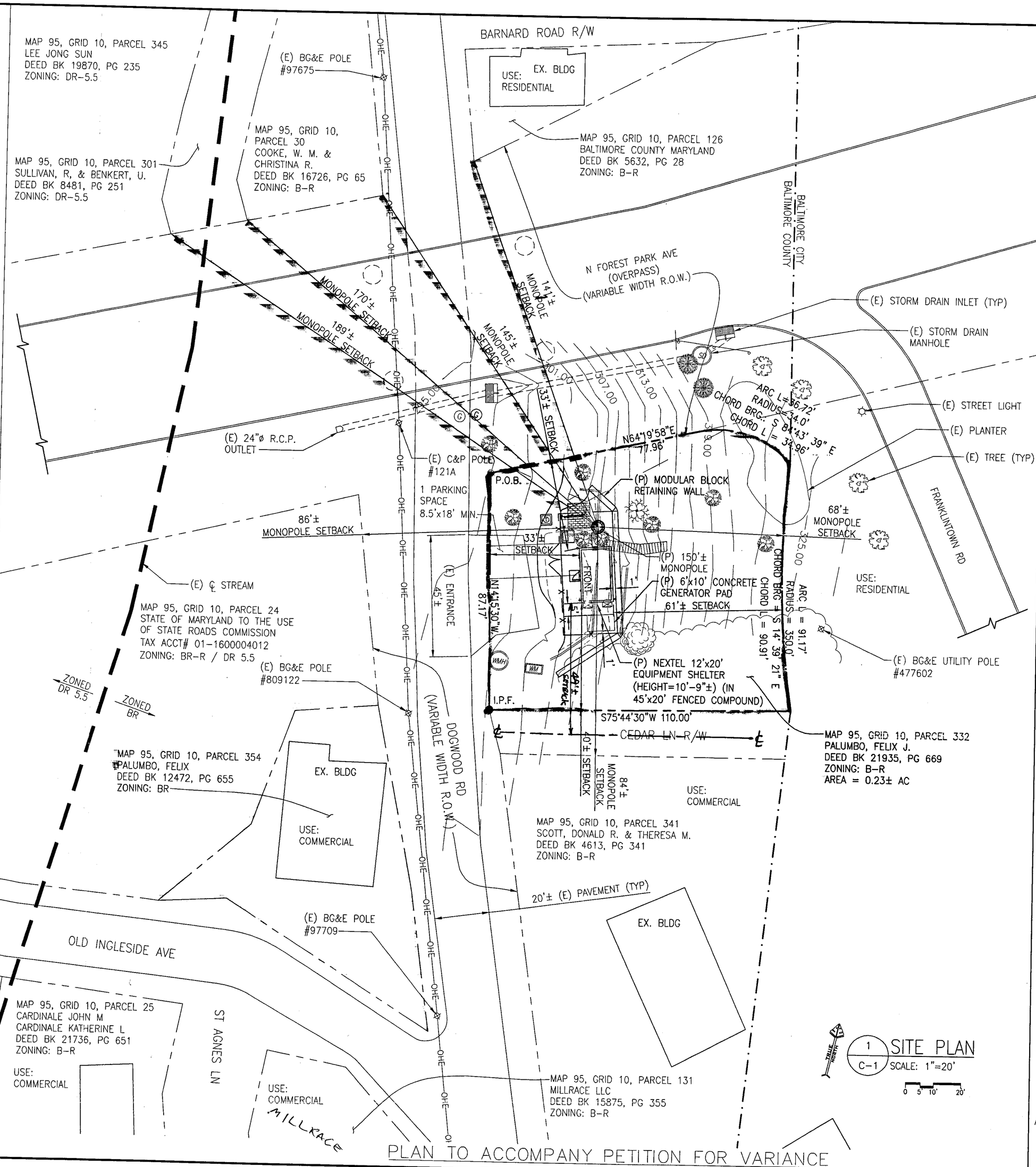
Maryland 59

Maryland 60

Maryland



2 / C-2 WEST ELEVATION
SCALE: 1"=20'-0"
0 5' 10' 20'



1 / C-1 SITE PLAN
SCALE: 1"=20'
0 5' 10' 20'

SETBACK REQUIREMENTS

	REQ'D	PROVIDED
TOWER FROM OTHER OWNER'S RESIDENTIAL:	200'	68' (BALT. CITY LINE)
		141' (BALT. CO.)
EQUIPMENT SHELTER:		
-FRONT	25'	33'
-SIDE (N)	30'	33'
-SIDE(S)	30'	40'
-REAR	30'	61'
-CEDAR LANE CENTERLINE	50'	49'

SITE LEGEND

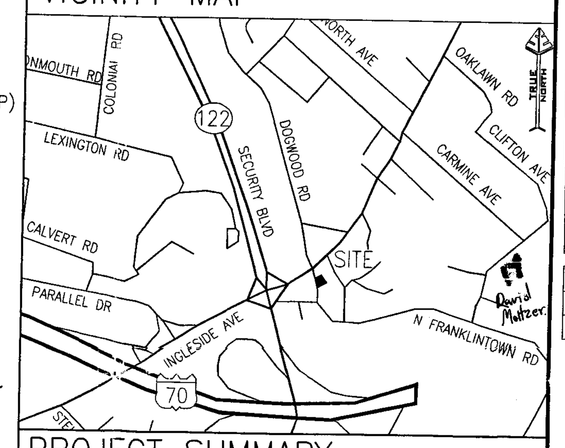
- SITE PROPERTY LINE
- STREET OR ROAD
- TOPOGRAPHY
- FENCE
- TREES & SHRUBS
- UTILITY POLE
- (E) EXISTING
- (N) NEW
- (P) PROPOSED
- WATER MANHOLE
- WATER METER
- TRANSFORMER
- GAS METER

DMB 12/5/06

GENERAL SITE NOTES:

1. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE SIGNS OF ADVERTISING.
2. TRC RECOMMENDATION DATE OF 05/30/06.
3. DRC HEARING DATE OF 06/26/06.
4. SUBJECT PARCEL IS LOCATED IN FLOOD ZONE C (PANEL 240010 0390 B)
5. SUBJECT PARCEL IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. SUBJECT PARCEL HAS NO HISTORIC SIGNIFICANCE.
7. F.A.R. = 240/10403=0.023
FAR ALLOWED = 2.0
8. OPEN SPACE: SUBJECT PARCEL MEETS REQUIREMENTS.

VICINITY MAP



PROJECT SUMMARY

SITE NUMBER:	MD 3077D
SITE NAME:	SECURITY BLVD
SITE ADDRESS:	5208 DOGWOOD ROAD BALTIMORE, MD 21207
PROPOSED DISTURBED AREA:	900 S.F.
LAT./LONG.(NAD83):	N39°18'15.2" / W76°42'41.0"
USGS MAP INFO:	BALTIMORE WEST QUAD
GROUND ELEVATION:	301'± AMSL
TAX MAP:	95
GRID:	10
PARCEL:	332
DEED BOOK / PAGE:	21935 / 669
CURRENT ZONING:	B-R
JURISDICTION:	BALTIMORE COUNTY
PROPERTY CLASS:	04 RESIDENTIAL
COUNCILMANIC DISTRICT:	1-1
ELECTION DIST.:	01
CONSTRUCTION TYPE:	NEW MONOPOLE
ZONING MAP#:	095B2
ZONING HISTORY:	NO PRIOR ZONING ON FILE
TAX ID NUMBER:	04010113207720
TOWER OWNER:	FELIX J PALUMBO 119 HOLLYWOOD DRIVE GLEN BURNIE, MD 21060
LEGAL DESCRIPTION:	LT ES DOGWOOD RD 5208 DOGWOOD ROAD SE COR INGLESIDE AVE
APPLICANT:	NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC. 7055 SAMUEL MORSE DRIVE SUITE 100 COLUMBIA, MD 21046 410-953-7400
PROJECT MANAGER	NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC. 7055 SAMUEL MORSE DRIVE SUITE 100 COLUMBIA, MD 21046 410-953-7400
ARCHITECT/ENGINEER:	DAVID BOURQUIN SUPPORT ENGINEERING, LLC 7 OLD SOLOMONS ISLAND ROAD SUITE 205 ANNAPOLIS, MD 21401 410-571-9870

NEXTEL
NEXTEL Communications of the Mid-Atlantic, Inc.
7055 Samuel Morse Drive, Suite 100
Columbia, MD 21046
PHONE: (410) 953-7400

SUPPORT ENGINEERING, LLC
7 OLD SOLOMONS ISLAND ROAD
ANNAPOLIS, MARYLAND 21401
410.571.9870

SUBMITTALS

DATE		REV
1/18/06	PRELIMINARY ZONING:	0
03/21/06	PRELIMINARY ZONING:	1
07/13/06	PRELIMINARY ZONING:	1
07/21/06	PRELIMINARY ZONING:	2
08/01/06	ZONING	3
08/10/06	ZONING	4
08/14/06	ZONING	5

APPROVALS

OWNER	DATE
NEXTEL R.F. ENGINEER	DATE
NEXTEL CONSTRUCTION	DATE
NEXTEL SITE ACQUISITION	DATE
NEXTEL FIELD OPERATIONS	DATE
GENERAL DYNAMICS	DATE

PROJECT NO:	NX0270-04
DRAWN BY:	ML
CHECKED BY:	DB

STATE OF MARYLAND — DAVID MICHAEL BOURQUIN — NO. 20037G — PROFESSIONAL ENGINEER

PROFESSIONAL SEAL

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NOTE: IF DRAWING IS 11"x17", USE GRAPHICAL SCALE AND/OR 1/2 OF THE NOTED SCALE.

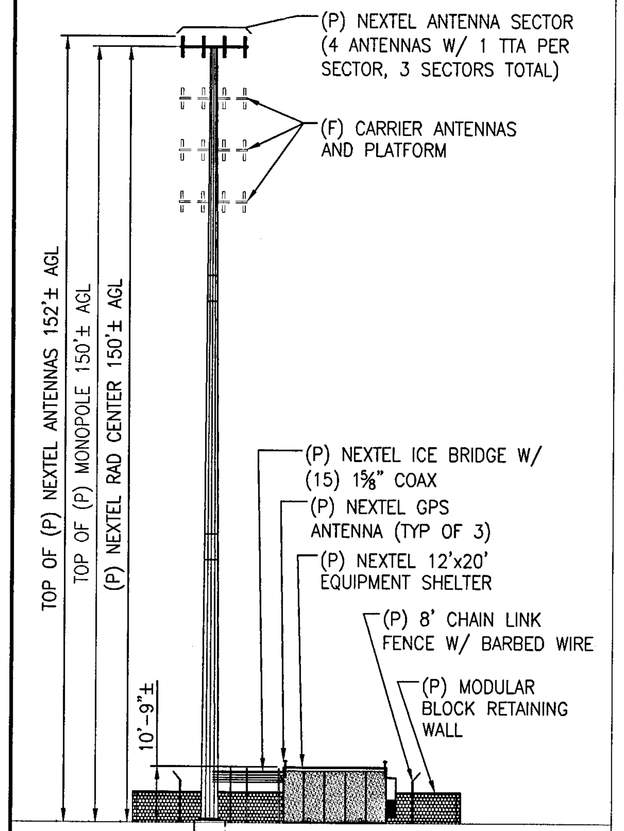
SITE NAME
MD3077D
SECURITY BLVD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
BALTIMORE COUNTY

SHEET TITLE
SITE PLAN
TO ACCOMPANY PETITION FOR VARIANCE

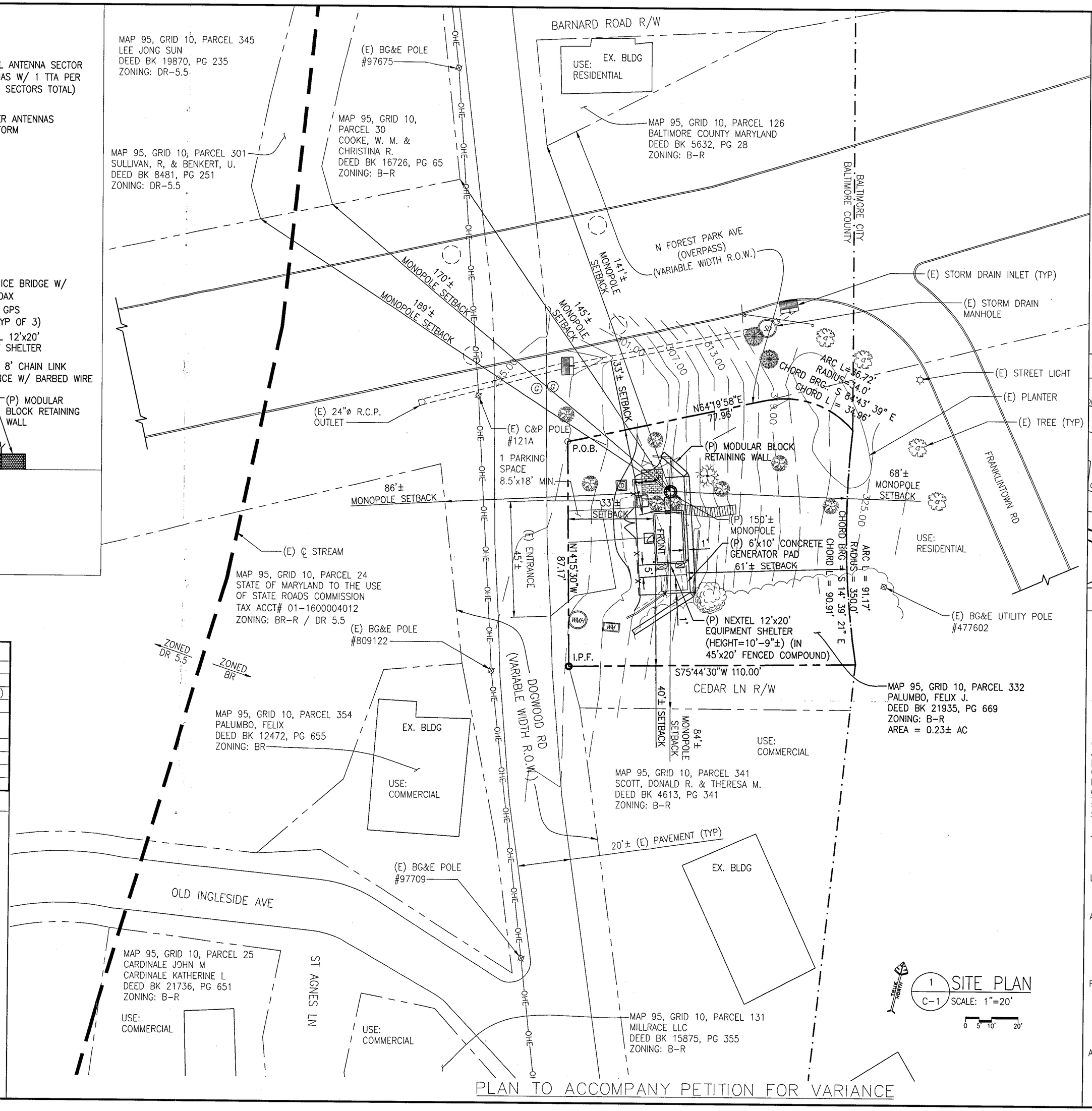
SHEET NUMBER
C-1
SHEET 1 OF 1 SHEETS

PLAN TO ACCOMPANY PETITION FOR VARIANCE

PETITIONER'S EXHIBIT NO. 3



2 / C-2 WEST ELEVATION
SCALE: 1"=20'-0"
0 5' 10' 20'



1 / C-1 SITE PLAN
SCALE: 1"=20'
0 5' 10' 20'

PLAN TO ACCOMPANY PETITION FOR VARIANCE

SETBACK REQUIREMENTS		
	REQ'D	PROVIDED
TOWER FROM OTHER OWNER'S RESIDENTIAL:	200'	68' (BALT. CITY LINE) 141' (BALT. CO.)
EQUIPMENT SHELTER:		
-FRONT	25'	33'
-SIDE (N)	30'	33'
-SIDE(S)	30'	40'
-REAR	30'	61'

SITE LEGEND

- SITE PROPERTY LINE
- STREET OR ROAD
- TOPOGRAPHY
- FENCE
- TREES & SHRUBS
- UTILITY POLE
- (E) EXISTING
- (N) NEW
- (P) PROPOSED
- WATER MANHOLE
- WATER METER
- TRANSFORMER
- GAS METER

GENERAL SITE NOTES:

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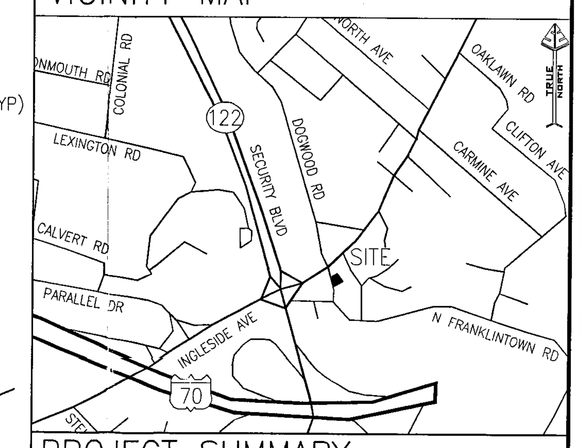
7. F.A.R. = 240/10403=0.023
FAR ALLOWED = 2.0
8. OPEN SPACE: SUBJECT PARCEL MEETS REQUIREMENTS.

VICINITY MAP



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LAT./LONG.(NAD83):	N39°18'15.2" / W76°42'41.0"
USGS MAP INFO:	BALTIMORE WEST QUAD
GROUND ELEVATION:	301'± AMSL
TAX MAP:	95
GRID:	10
PARCEL:	332
DEED BOOK / PAGE:	21935 / 669
CURRENT ZONING:	B-R
JURISDICTION:	BALTIMORE COUNTY
PROPERTY CLASS:	04 RESIDENTIAL
COUNCILMANIC DISTRICT:	4
ELECTION DIST.:	01
CONSTRUCTION TYPE:	NEW MONOPOLE
ZONING MAP#:	095B2
ZONING HISTORY:	NO PRIOR ZONING ON FILE
TAX ID NUMBER:	04010113207720
TOWER OWNER:	FELIX J PALUMBO 119 HOLLYWOOD DRIVE GLEN BURNIE, MD 21060
LEGAL DESCRIPTION:	LT ES DOGWOOD RD 5208 DOGWOOD ROAD SE COR INGLESIDE AVE
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PROJECT MANAGER	NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC. 7055 SAMUEL MORSE DRIVE SUITE 100 COLUMBIA, MD 21046 410-953-7400
ARCHITECT/ENGINEER:	DAVID BOURQUIN SUPPORT ENGINEERING, LLC 7 OLD SOLOMONS ISLAND ROAD SUITE 205 ANNAPOLIS, MD 21401 410-571-9870

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PHONE: (410) 953-7400

SUPPORT ENGINEERING, LLC
7 OLD SOLOMONS ISLAND ROAD
ANNAPOLIS, MARYLAND 21401
410.571.9870

SUBMITTALS		
DATE		REV
1/16/06	PRELIMINARY ZONING:	0
03/21/06	PRELIMINARY ZONING:	1
07/13/06	PRELIMINARY ZONING:	1
07/21/06	PRELIMINARY ZONING:	2
08/01/06	ZONING	3
08/10/06	ZONING	4
08/14/06	ZONING	5

APPROVALS	
OWNER	DATE
NEXTEL R.F. ENGINEER	DATE
NEXTEL CONSTRUCTION	DATE
NEXTEL SITE ACQUISITION	DATE
NEXTEL FIELD OPERATIONS	DATE
GENERAL DYNAMICS	DATE

PROJECT NO:	NX0270-04
DRAWN BY:	ML
CHECKED BY:	DB

STATE OF MARYLAND
DAVID MICHAEL BOURQUIN
No. 20007E
PROFESSIONAL ENGINEER

PROFESSIONAL SEAL

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SITE NAME
MD3077D
SECURITY BLVD
5208 DOGWOOD ROAD
BALTIMORE, MD 21207
BALTIMORE COUNTY

SHEET TITLE
SITE PLAN
TO ACCOMPANY PETITION FOR VARIANCE

SHEET NUMBER
C-1
SHEET 1 OF 1 SHEETS

079