

IN RE: **PETITION FOR SPECIAL
EXCEPTION**

SW/S Back River Neck Road, 800' N
of c/line Pottery Farm Road
(720 Back River Neck Road)
15th Election District
6th Council District

Patricia Shaneybrook & Susan Basso
Owners

Cellco Partnership, *Contract Lessee*
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-506-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owners of the subject property, Patricia Shaneybrook and Susan Basso and the Contract Lessee, Cellco Partnership d/b/a Verizon Wireless, through their attorney, David H. Karceski, Esquire. The Petitioners request a special exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a wireless telecommunications tower/facility on the property. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1A.

Appearing at the requisite public hearing in support of the request on behalf of the owners was Brian G. West, Esquire. Jay Schapiro, Verizon's Real Estate Site Acquisition Manager, and Scott Kass, its RF Engineer, appeared on behalf of Verizon Wireless along with David Karceski, Esquire and Christopher D. Mudd, attorneys for Cellco Partnership. Also appearing were Thomas E. Wolfe, registered landscape architect, and Brian E. Siverling, professional engineer, with Morris & Ritchie Associates, Inc., the firm responsible for the

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Date 8/14/07
By [Signature]

preparation of the site plan. There were no Protestants or other interested persons present, however, it is noted that a letter was received from the Back River Neck Peninsula Community Association supporting the proposed tower at this location which was accepted into evidence as Petitioners' Exhibit 5.

Testimony and evidence revealed that the subject property is an unimproved parcel located adjacent to and on the west side of Back River Neck Road just south of Turkey Point Road in Essex across from the Chesapeake High School and the site of the Turkey Point Middle School.¹ The property consists of a gross area of 9.76 acres, more or less, predominantly zoned R.C.20 with a small sliver of D.R.3.5 and B.L. in the southeastern corner of the site. Petitioners seek to install a new telecommunications tower and equipment shelter on the property, as illustrated on Petitioners' Exhibit 1B. The location proposed for this telecommunications compound is to the western or rear portion of the site. Specifically, Verizon Wireless proposes to install a 120-foot tall telecommunications monopole with antennas and related equipment shelters on the property. As confirmed by its representatives at the hearing, they conducted an extensive search for an appropriate site for either antennas or a new tower to address the service problems in the area. That search resulted in the identification of the subject property as a potential location for a new tower after other possibilities, such as existing buildings or structures or commercially zoned properties, were exhausted. A drive test confirmed the suitability of the site, and Verizon Wireless then worked with both the property owners and the surrounding community to come up with a tower proposal that satisfied everyone's needs and concerns.

¹ The history of this property indicates a Petition for Special Exception approving an adult day care center was granted in Case No. 00-139-X. B.C.Z.R. Section 502.3 requires a utilization of such a use take place within a two-year period. This time restriction having passed and no extensions granted, the Order is now void.

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Date 8-14-07
By [signature]

The proposed tower is in essence a replacement tower for an existing wireless communications facility located at 810 Back River Neck Road previously approved by the then Zoning Commissioner Lawrence E. Schmidt in Case No. 02-159-A. On appeal, however, certain setback relief necessary for that tower's existence was ultimately denied. The Office of Planning, in its July 26, 2007 Zoning Advisory Committee (ZAC) comment, recognized that the 810 Back River Neck Road tower is now operating illegally on that property. For this reason, and the reasons more fully set forth in the unreported Court of Special Appeals decision entitled *Sprint PCS, et al v. Baltimore County*, Md. Case No. 0047 (September term 2004), the Petitioner filed the instant Petition for Special Exception.

The Office of Planning issued an original comment, dated July 19, 2006. In its comment, Planning recommended approval of the requested relief provided that the Petitioner presented evidence that best efforts in minimizing the visual impact of the proposed tower was presented given the towers location in a resource conservation zone. Additionally, the July 19th comment requested that an approval for this tower be restricted to the removal of an existing monopole tower presently located at 810 Back River Neck Road. In its revised July 26, 2007 ZAC comment, the Office of Planning indicating that the Code Enforcement Office should take the necessary steps needed for the removal of the tower within 180 days from the date the subject replacement tower is constructed and determined to be operational. Jeffrey Long, Deputy Director for the Office of Planning, attended the hearing in this regard. During the presentation of the case, he reviewed Petitioners' photographs that revealed the limited visibility of the proposed tower (See Petitioner's Exhibit 9) and confirmed his office's satisfaction regarding the tower's location on the property. Additionally, Mr. Long confirmed his office's position regarding the 810 Back River Neck Road tower and its removal as contained in the July 26th

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ZAC comment. After reviewing the Courts opinion as articulate in *Sprint v. Baltimore County* (Petitioners' Exhibit 10), I concur with the Office of Planning's viewpoint regarding the removal of the existing tower following the installation and activation of Petitioners' tower.

The Department of Environmental Protection and Resource Management (DEPRM) submitted a ZAC comment following the public hearing in this case on August 2, 2007. DEPRM's comment indicated that the property was within the Resource Conservation Area of the Chesapeake Bay Critical Area. DEPRM's reviewer, Kevin Brittingham, outlined the required goals to be met. As a condition of approval, I will incorporate these comments and attach them to this Order.

As Verizon Wireless confirmed, a 120-foot tower is tall enough to serve its purposes and allow for potential co-location, yet low enough that the impacts on the residents of the surrounding neighborhood are minimized. The location of the tower on the property also helps minimize its appearance.

Having considered all of the evidence and testimony on these points, I am persuaded to grant the Petition for Special Exception. Verizon Wireless's efforts in trying to find an appropriate site and in working with the community to come up with an acceptable proposal are evidenced by the letter of support from the community written by Mr. Celmer and from the lack of any opposition at the hearing. I have examined the proposal in the context of B.C.Z.R. Sections 426 and 502.1, and find that Petitioners have produced strong and substantial evidence at the hearing that the proposed telecommunications tower/facility is appropriate at this site, meets the County's requirements for a new tower, and will have little or no impact, visual or otherwise, on the surrounding community. Petitioners are, therefore, entitled to the relief

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By [signature]

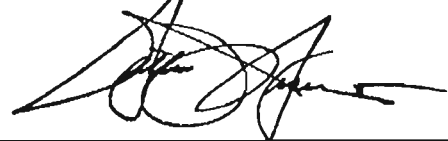
requested. It is clear that they have made every effort to identify a suitable location and have taken steps to minimize the impacts in its design, placement and construction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the Petition for Special Exception shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of August 2007, that the Petition for Special Exception for a wireless telecommunications tower/facility pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.D and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restriction:

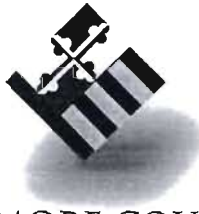
1. Petitioners may apply for building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the ZAC comment submitted by DEPRM relative to compliance with the Chesapeake Bay Critical Area regulations as contained in the Baltimore County Code as well as the Resource Conservation Area comments set forth in the revised remarks, dated August 2, 2007, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8-14-07
By BS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 14, 2007

David Karceski, Esquire
Christopher D. Mudd, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

IN RE: PETITION FOR SPECIAL EXCEPTION

SW/S Back River Neck Road, 800' N of c/line Pottery Farm Road
(720 Back River Neck Road)
15th Election District - 6th Council District
Patricia Shaneybrook & Susan Basso - *Owners*;
Cellco Partnership, *Contract Lessee* - *Petitioners*
Case No. 07-506-X

Dear Messrs. Karceski and Mudd:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted with restrictions, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Brian G. West, Esquire, 409 Washington Avenue, Suite 805, Towson, Md. 21204
Jay Schapiro & Matt Gilmore, 7380 Coca Cola Drive, Hanover, Md. 21076
Scott Kass, 9000 Junction Drive, Annapolis Junction, Md. 20701
Thomas E. Wolfe & Brian E. Siverling, Morris & Ritchie Associates, Inc.,
1220-C East Joppa Road, Towson, Md. 21286
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, Md. 21401
People's Counsel; DEPRM; Development Plans Review; Case File



CBCA Flodd

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 720 Back River Neck Road
which is presently zoned RC 20, BL, DR 3.5

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED SHEET

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

I, or we, agree to pay expenses of above Special Exception, 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:

SEE ATTACHED SHEET

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

David H. Karceski, Esquire
Name - Type or Print _____ City _____
Signature _____
Venable LLP
Company
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED SHEET

Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
State _____ Zip Code _____

Representative to be Contacted:

David H. Karceski, Esquire
Name
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 07-506-X

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 5/8/07

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 8-14-07

By BN

PETITION FOR SPECIAL EXCEPTION

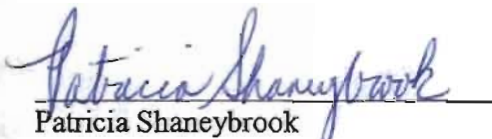
Back River/Shaneybrook Site
720 Back River Neck Road

Special Exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D, and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

**PETITION FOR SPECIAL EXCEPTION
SIGNATURE PAGE**

Back River/Shaneybrook Site
720 Back River Neck Road

Legal Owner(s):


Patricia Shaneybrook

153 Drummond Creek Lane
Edenton, North Carolina 27932
(252) 482-2171


Susan Basso

8613 Sassafras Court
Columbia, Maryland 21046
(443) 259-0039

PETITION FOR SPECIAL EXCEPTION
SIGNATURE PAGE

Back River/Shaneybrook Site
720 Back River Neck Road

Lessee:

Cellco Partnership
d/b/a Verizon Wireless
9000 Junction Drive
Annapolis Junction, MD 20701
(301) 512-2459

By: 

Name: Sandy Johnson

Title: Executive Director Network MD/DC/VA

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: 07-506-X
Petitioner: Cellco Partnership d/b/a Verizon Wireless
Address or Location: 9000 Junction Dr., Annapolis Junction, MD 20701

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTALL
Address: 210 ALLEGHENY AVE.
TOWSON, MD 21204
Telephone Number: 410-494-6200

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: # 07-506-X

720 Back River Neck Road

S/west side of Back River Neck Road, 800 feet north centerline of Pottery Farm Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Patricia Shaneybrook, Susan Basso

Lessee: Cellico Partnership d/b/a Verizon Wireless

Special Exception: pursuant to Sections 1A05.2.C.8, 1801.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

Hearing: Tuesday, July 24, 2007 at 9:00 a.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 7/640 July 10

141367

CERTIFICATE OF PUBLICATION

7/12/2007

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 7/10/2007.

- ☒ 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.: 07-506-X

Petitioner/Developer: CELLCO

PARTNERSHIP d/b/a VERIZON
WIRELESS

Date of Hearing/Closing: 7-24-07

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

720 BACK RIVER NECK ROAD

The sign(s) were posted on 7-9-07
(Month, Day, Year)

Sincerely,

Robert Black 7-11-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, June 6, 2007 Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-506-X

720 Back River Neck Road

S/west side of Back River Neck Road, 800 feet north centerline of Pottery Farm Road

15th Election District – 6th Councilmanic District

Legal Owners: Patricia Shaneybrook, Susan Basso

Lessee: Cellco Partnership d/b/a Verizon Wireless

Special Exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

Hearing: Tuesday, July 24, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

Patricia Shaneybrook, 153 Drummond Creek Lane, 8613 Sassafra Court, Columbia 21046

Sandy Johnson, 9000 Junction Drive, Annapolis Junction 20701

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 9, 2007.**
- (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, July 10, 2007 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

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: 07-506-X

720 Back River Neck Road

S/west side of Back River Neck Road, 800 feet north centerline of Pottery Farm Road

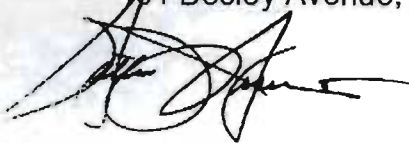
15th Election District – 6th Councilmanic District

Legal Owners: Patricia Shaneybrook, Susan Basso

Lessee: Cellco Partnership d/b/a Verizon Wireless

Special Exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

Hearing: Tuesday, July 24, 2007 at 9:00 a.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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 17, 2007

David H. Karceski, Esquire
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case Number: 07-506-X, 720 Back River Neck Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 8, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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
Patricia Shaneybrook 153 Drummond Creek Lane Edenton, North Carolina 27932
Susan Basso 8613 Sassafras Court Columbia 21046
Cellco Partnership d/b/a/ Verizon Wireless Sandy Johnson, Executive Director 9000
Junction Drive Annapolis Junction 20701

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 15, 2007

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

RE: Baltimore County
Item No. 7-506-A
720 BACK RIVER NECK RD
SHANEYBROOK/BASSO PROPERTY
SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-506-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey". The signature is written in a cursive style with a large, stylized "M" and "B".

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

May 18, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

506

Item Number: 500 through 511

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2007
Item Nos. 07-224, 500, 501, 501, 502, 503,
504, 505, 506, 507, 508, 509, 510, and 511

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 05212007.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2006

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

SUBJECT: 720 Back River Neck Road

INFORMATION:

Item Number: 07-506 (*AMENDED COMMENT*)

Petitioner: David Karceski, Venable LLC

Zoning: RC 20, BL, DR 3.5

Requested Action: 1) Special Exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the Court of Special Appeals order for the tower located at 810 Back River Neck Road. It is our understanding that this order denied setback variances needed for the tower and it is now operating illegally. This office requests that the Code Enforcement Office take the necessary steps for removal of this tower within 180 days from the date the proposed replacement tower is constructed and operating on the property.

Prepared by: 

Deputy Director: 

AFK/JL: CM

BW
7-24-07

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 19, 2006

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

RECEIVED
JUL 23 2007

SUBJECT: 720 Back River Neck Road

INFORMATION:

BY: _____

Item Number: 07-506 XA

Petitioner: David Karceski, Venable LLC

Zoning: RC 20. BL. DR 3.5

Requested Action: 1) Special Exception pursuant to Sections 1A05.2.C.8, 1B01.1.C.24, 426.5.D and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and recommends approval provided that the following conditions are adhered to:

- Since the proposed tower is located in a resource conservation zone, every effort should be made to minimize it's visual impact; and
- Approval of this request and application should be conditioned on the removal of the existing monopole on the adjacent property currently located at 810 Back River Neck Road.

Prepared by:

[Signature]

Division Chief:

[Signature]

AFK/LL: CM

Post-it® Fax Note		7671	Date	7-23	# of pages	1
To	David Karceski		From	Dennis Wiley		
Co./Dept.			Co.	for Bill Wilson		
Phone #	OP		Phone #	for Bill Wilson		
Fax #	Comments for 7/24 case		Fax #	07-506X		

BW
7-24-07

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 02 2007

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWC

DATE: August 2, 2007

SUBJECT: Zoning Item # 07-506-A
Address 720 Back River Neck Road
(Shaneybrook/Basso Property)

Zoning Advisory Committee Meeting of May 14, 2007

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The following findings describe how the proposed request would meet the required goals:

- A. The proposal must minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands.

ORDER RECEIVED FOR FILING
Date 8-14-07
By [signature]

The applicant's proposal will minimize water quality impacts by avoiding all impacts to the buffer of Muddy Gut Creek and associated tributary streams and wetlands. Road access to the site utilizes an existing drive and wetland crossing, which will minimize impacts to the wetlands and require minimal clearing of the buffer. Mitigation for these disturbances will be on a 3:1 basis, which will provide offsite improvements to water quality.

B. The proposal must conserve fish, wildlife and plant habitat.

The wetland and associated buffers proposed to be impacted are minimal. Additionally, over 7 acres of contiguous forest buffer will be retained and protected via dedication of a perpetual Critical Area Easement to Baltimore County.

C. The proposal must be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The applicant's development project must meet all other Chesapeake Bay Critical Area requirements and will, therefore, be consistent with established land use policies for development in this portion of the County. The applicant's proposal to provide permanent onsite Critical Area Easement markers will provide a clear separation between the developed area of the site and the protected natural resources on the site. As such, the proposal will reduce the number, movement, and activities of persons that can potentially create adverse environmental impacts.

Reviewer: Kevin Brittingham

Date: 7/19/07

ORDER RECEIVED FOR FILING
Date 8-14-07
By [signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *SNL*

DATE: July 10, 2007

SUBJECT: Zoning Item # 07-506-A
Address 720 Back River Neck Road
(Shaneybrook/ Basso Property)

RECEIVED
JUL 10 2007

BY:.....

Zoning Advisory Committee Meeting of May 14, 2007

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area (CBCA).

Reviewer: Kevin Brittingham

Date: 5/30/07

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

FAX TRANSMISSION

TO: DAVID KARCESKI Esp DATE: 8-3-07

FAX: 410-821-0147

FROM: William J. Wiseman, III PAGES: 3
(including cover)

RE: Cell Tower Case 07-506-A

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action based on the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents.

Now That the HEARING is OVER, I
Hasten to ADVISE DEPRM HAS HANDED
ME A "REVISED" ZAC COMMENT.

PLEASE GIVE ME THE BENEFIT
OF YOUR ADVICE ONCE YOU DISCUSS
WITH YOUR CONSULTANTS.

Thanks. Bill

BW
7-24-07

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 02 2007

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWC

DATE: August 2, 2007

SUBJECT: Zoning Item # 07-506-A
Address 720 Back River Neck Road
(Shaneybrook/Basso Property)

Zoning Advisory Committee Meeting of May 14, 2007

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The following findings describe how the proposed request would meet the required goals:

A. The proposal must minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands.

The applicant's proposal will minimize water quality impacts by avoiding all impacts to the buffer of Muddy Gut Creek and associated tributary streams and wetlands. Road access to the site utilizes an existing drive and wetland crossing, which will minimize impacts to the wetlands and require minimal clearing of the buffer. Mitigation for these disturbances will be on a 3:1 basis, which will provide offsite improvements to water quality.

B. The proposal must conserve fish, wildlife and plant habitat.

The wetland and associated buffers proposed to be impacted are minimal. Additionally, over 7 acres of contiguous forest buffer will be retained and protected via dedication of a perpetual Critical Area Easement to Baltimore County.

C. The proposal must be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The applicant's development project must meet all other Chesapeake Bay Critical Area requirements and will, therefore, be consistent with established land use policies for development in this portion of the County. The applicant's proposal to provide permanent onsite Critical Area Easement markers will provide a clear separation between the developed area of the site and the protected natural resources on the site. As such, the proposal will reduce the number, movement, and activities of persons that can potentially create adverse environmental impacts.

Reviewer: Kevin Brittingham

Date: 7/19/07

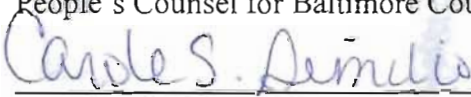
RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
720 Back River Neck Road; SW/S Back River
Neck Road, 800' N c/line Fottory Farm Road* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Patricia Shaneybrook * FOR
& Susan Basso
Lessee: Cellco Partnership d/b/a Verizon * BALTIMORE COUNTY
Wireless by Sandy Johnson Exec. Dir
Petitioner(s) * 07-506-X

* * * * *

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 documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 18th day of May, 2007, a copy of the foregoing Entry of Appearance was mailed David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 18 2007

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 07-506 X 720 BACK RIVER NECK RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - SITE PLAN 1B - VERIZON TOWER ELEVATION	
No. 2	Resume - JAY Schapiro	
No. 3	Resume - Thomas Wolfe	
No. 4	Resume - Brian Sverling	
No. 5	Letter of Support - BACK RIVER NECK PENINSULA	
No. 6	Aerial Map denoting Existing tower in violation of Zoning Regulations	
No. 7	SEARCH AREA RING FOR REPLACEMENT TOWER	
No. 8	Sheet 424, delineation of Potential Tower sites not in use or in need of Variances	
No. 9	Photo's of MR Potter depicting IMPACT OF PROPOSED TOWER FROM DIFFERENT LOCATIONS	
No. 10	SPRINT PCS V. BALTO. COUNTY APPELLATE CASE	
No. 11		
No. 12		

12 Ruby Field Court

jschapiro@nbdlc.com
443-622-9362

Jay Schapiro

Experience

2000-2007 Network Building & Consulting LLC Hanover, MD

Real Estate- Site Acquisition Manager

- Identified 300+ sites for the installation of communication antennas
- Oversaw the successful negotiations and leasing for 150+ sites in Maryland, Virginia, Delaware and the District of Columbia
- Coordinated zoning and permitting of communication sites in Maryland, Virginia Delaware and the District of Columbia

1997-2000 Texon Corporation Salt Lake City, UT

Development Manager

- Represented employer in project negotiations for real estate developments
- Coordinating documentation for submission of new public corporation filings
- Implemented standard criteria for project review

1995-1997 MCI Corporation Baltimore, MD

Regional Manager

- Oversaw the development of new retail locations (13) in Maryland, D.C and Delaware
- Orchestrated the staffing, review and promotion of employees at retail locations
- Set sales goals achieving a top 5% ranking nationwide

1992-1995 Petstuff. Baltimore MD

District Manager

- Oversaw the development of 4 large box retail pet stores in the greater Baltimore region.
- Coordinated staffing, inventory control and store layout/design

Education

1977-1981 University of Maryland College Park MD

- B.S., Business – Studies in Finance, Marketing and Statistics

**Post Graduate
Education**

Real Estate Licensing, Real Estate Appraisal, Land Development

THOMAS E. WOLFE, RLA
Landscape Architect

Project Assignment:

Landscape Architect

Years of Experience:

MRA: 3
Other Firms: 6

Education:

B.S.L.A., Landscape Architecture,
Ohio State University, 1999
FCA Program, Maryland
Department of Natural
Resources, Johns Hopkins
University

Active Registration:

Maryland, Landscape Architect,
2002, #3173

Professional Affiliations:

XXXX

Publications:

XXXXXXXXXX

Qualifications:

Mr. Wolfe, a Maryland registered landscape architect, works out of Morris & Ritchie Associates' Towson, Maryland office. His responsibilities include landscape architectural design, landscape and planting design, Master Planning, construction document detailing, recreation and park design, and commercial and residential planning. He also participates in public and client presentations. Mr. Wolfe is recognized by the Maryland Department of Natural Resources as a Qualified Professional for the purpose of developing Forest Stand Delineation and Forest Conservation Plans.

Projects designed by Mr. Wolfe include:



**MORRIS & RITCHIE
ASSOCIATES, INC.**

CATEGORIES (not all inclusive)

AIRPORTS

Baltimore/Washington International Airport, North Cargo Entrance, Anne Arundel County, Maryland - Designed main entry identification sign for entrance of cargo terminal. Interfaced with structural and electrical engineering divisions of URS to provide construction documents and details for sign installation. Finalized the siting of the sign and coordinated the associated grading and improvements within the construction zone. Prepared landscape plan for sign area.

BUSINESS / OFFICE PARKS

CENTERS / CHILD CARE / YOUTH / VISITORS

COMMERCIAL/ RETAIL CENTERS

7-11 Corporation, Wisconsin Avenue, Bethesda, Maryland - Prepared landscape plans and site development details for a proposed 7-11 Convenience Store on Wisconsin Avenue in the City of Bethesda. Coordinated planting design to fit the parameters set by the Maryland – National Capital Parks and Planning Commission's approved Bethesda Streetscape Guidelines, April 1992. Prepared landscape and grading plans used in the applications for permits. 1999/2002

Hunt Valley Town Centre, Hunt Valley, Maryland – Landscape designer for amenity package for mall renovation. Detailed walls, paving, and landscape areas for Town Center layout. Processed zoning request on individual store building permits, and researched vendors for outdoor sound system, fireplace structure, and paving suppliers. 2002/2005

Mondawmin Mall, Baltimore City, Maryland - Prepared landscape plans and site development details for mall renovation. Coordinated grading and landscape design with architect for Phase I grocery store improvements. Processed landscape approvals through Baltimore City. Participated in public meetings and UDARP hearings with Baltimore City. 2005/2006

EDUCATIONAL FACILITIES

Elementary - High School

Oldfields School Master Plan, Glencoe, Maryland - Team member involved with creating a Master Plan for the Oldfields School to develop an academic village. Coordinated with team architects to evaluate historic growth patterns of the campus, identify historic structures and areas steeped in the school's 138 years of traditions. Prepared alternatives that removed vehicular traffic from internal portion of the village and provided safer pedestrian access while respecting areas with sentimental uses. Preparing Master Plan report and supporting exhibits focusing on consolidating the equestrian program and the creation of a new indoor riding facility.. 2003/2004

Garrison Forest Middle School, Baltimore County, Maryland - Project Manager in charge of new middle school building. Coordinated with architect and general contractor from concept stage to final construction period services. Took project through Baltimore County development plan approval process. Sited building on campus to create a connection to existing school buildings. Created a connection into the overall pedestrian circulation network, created new drop-off and stacking areas, added additional parking lot and designed all landscape and hardscape amenities. Coordinated with riding

program coordinator to realign the fencing and paddock layouts to accommodate temporary and permanent construction activity. Coordinated LEED certification points as pertaining to Landscape and Civil Engineering for Silver LEED certification. 2003/2006

Garrison Forest Math/Science Building, Baltimore County, Maryland - Project Manager in charge of renovation and conversion of existing middle school building to a Math/Science laboratory. Coordinated with architect and general contractor for site improvements, ADA accessibility, and fire emergency access. Took project through Baltimore County Redline Development Plan approval process. Created a connection into the overall pedestrian circulation network, created new maintenance and fire access drive. Designed all landscape and hardscape amenities. Coordinated LEED certification points for Landscape and Civil Engineering categories. 2004/2006

College / University

FIRE STATIONS

GOVERNMENTAL FACILITIES

Federal

Federal Aviation Administration DASR Classroom Facility, Oklahoma City, Oklahoma - Designed landscape plan for a 2.5-acre site of a proposed classroom facility and radar tower location for the Federal Aviation Administration. Worked within the Oklahoma City Sightproof Screening and Landscaping Regulations to provide the required amount of parking facility screening and planting units. Specified native plantings to reduce irrigation reliance. 2000/2001

State

County

HEALTH CARE FACILITIES/HOSPITAL / NURSING HOME PROJECTS

St Joseph Hospital, Towson, MD - Team member designing landscape and hardscape amenities for new heart center and main entrance. Consulted with project manager to create a signature landscape design to compliment the new entrance and hospital expansion. Coordinated with irrigation contractor, detailed water features, and detailed planters and plant material for roof-top terraces. 2004/2005

Presbyterian Homes, Towson, MD - Project Manager in charge of new common area addition and room renovation for existing continuing care facility. Responsible for grading site and providing connection for stormwater management. Designed courtyard kitchen garden with emphasis on seasonal interest for resident's use. Design included detailing for water feature, overhead trellis, and path/walkway system. Design plantings for planters and coordinated with electrical engineers to provide opportunities for holiday decorating. 2005/2006

HOUSING FACILITIES

Residential

Jessop Property, Baltimore County, Maryland - Project Manager in charge of landscape architectural and civil engineering services for the layout and design of a 103 lot residential housing development with 39 single family and 64 semi-detached units. Represented clients at the Baltimore Hearing Officer's Hearing offering expert testimony in the related areas of expertise. June 2007

Apartment Buildings / Condo

Rodgers Forge Condominiums, Baltimore County, Maryland - Project Manager in charge of landscape architectural and civil engineering services for the conversion of an existing 508 unit apartment complex to condominiums. Services included coordination and siting of new clubhouse and pool addition; landscape amenities that included outdoor seating areas, grilling and picnicking areas, dog walk areas, and totlot. Created new and expanded existing parking, generated grading and utility relocation plans; and site work for rear additions. 2003/2006

Hotels/Motels

Retirement Communities

INDUSTRIAL / MANUFACTURING FACILITIES

LIBRARIES

MARINAS

MUSEUMS

OFFICE BUILDINGS

PARKING STRUCTURES

POLICE FACILITIES

RECREATIONAL FACILITIES / PARKS

Galesville Master Plan and Bike Lane Study, Anne Arundel County, Maryland - Provided Community Master Plan for the town of Galesville, Maryland. Participated in community involvement charrettes to establish growth guidelines, architectural review and zoning changes. Created design alternatives and supporting illustrative graphics for the final plan package. Combined work with the study of potential bike lanes along MD 255 (Main Street) that connects Galesville with MD 468 for the Maryland State Highway Administration. Directed the preparation of illustration boards for public and community involvement meetings. Completed Master Plan report and plans. 2000/2000

Recreation Facility at Blake's Venture Park, Harford County, Maryland - Designed and prepared construction documentation for 6.5-acre recreation facility that included two soccer fields and 128 space parking facility for Harford County Department of Parks and Recreation. Responsible for project from Conceptual Plans to Construction Documents and Cost Estimation. Coordinated efforts with Harford County Department of Public Works for the raising of an existing sanitary sewer manhole located within one of the proposed soccer fields. Performed Forest Stand Delineation on the 40+-acre parcel. Prepared all plans used and approved at the Harford County Development Advisory Committee (DAC) review public meeting. 2000/2001

Broadneck Peninsula Trail, Anne Arundel County, Maryland - Preparing for Anne Arundel County the design and construction documentation for Phase One of an 8-mile multi-use trail connecting the Baltimore & Annapolis Trail (B&A Trail) to Sandy Point State Park. Prepared Simplified Forest Stand Delineation Plan. Assisted Wetland Scientist in identifying and flagging wetland and stream systems. Used Global Positioning System (GPS) technology to locate flagged environmental features for base mapping purposes. Coordinated with County Archeologist to locate historic property boundary stones and developed ways to highlight them along the trail. Created a plan outlining all the open space and recreation facilities within the study area and suggested ways to provide access and linkage to the trail. 2001/2002

RELIGIOUS FACILITIES

Bethel AME Church, Baltimore County, Maryland - Prepared a schematic landscape plan for the proposed site. Worked within the zoning regulations of Baltimore County regarding Landscape Tabulations, reforestation and minimum planting unit requirements. Prepared presentation graphics for county review and public involvement meetings. 2002/2003

New Life International Church, Baltimore County, Maryland - Site feasibility study to determine opportunities for the construction of a new building complex in western Baltimore County. Assessed zoning, utility (both public and private), traffic, and environmental constraints to create a building envelop. Coordinated with Utah based architect findings and assisted in possible building locations and parking layouts. Included options for Green Building and alternative paving (porous paving) solutions to lessen impact on site. 2006/2006

RESEARCH & DEVELOPMENT FACILITIES

RESTAURANTS

ROADWAY / BRIDGES / TRANSPORTATION FACILITIES, ETC.

Annapolis Transit Study, City of Annapolis, Maryland - Prepared site design alternatives for three potential transit center locations within the city. Provided six alternatives designs that allowed easy pedestrian access and ample mobility for buses. Prepared presentation documents and display boards for Study Group and City Representatives. 1999/2001

Bedford Square Trolley Station, Baltimore, Maryland - Participated in a team effort to give recommendations to Maryland Transit Administration for architectural restoration, historic preservation and landscape enhancement to the Bedford Square Trolley Shelter in the historic neighborhood of Guilford, within Baltimore City. Prepared site analysis.

Used historic photos and conducted research to replicate landscape of that time period. Prepared summary of existing trees determining those to remain and those slated for removal. Prepared historic landscape plan for the station. 2001/2001

Halethorpe Marc Station Expansion, Baltimore, Maryland - Prepared roadway realignment alternative to provide a landscape strip between the proposed expanded parking area and Southwestern Boulevard. Created presentation documents for Study Group and Mass Transit Administration representatives illustrating design concept and feasibility. 2002/2002

Woodrow Wilson Bridge Replacement Project, Maryland, Virginia, and Washington, DC - Member of the research team responsible for the collection of data pertaining to the existing conditions associated with the bridge and the surrounding connecting roadways; including noise monitoring and traffic surveys within the proposed construction zone. Responsible for accurate reporting of collected data and identifying extenuating conditions that could alter the typical results indicative to day to day usage. 1999/2000

Woodrow Wilson Bridge Replacement Project, Maryland, Virginia, and Washington, DC - Provided on-site environmental construction monitoring for compliance with federal and state laws for erosion and sedimentation control devices and permitted environmental impacts. Responsibilities included daily inspection of control devices and contractor's activities. Performed water quality tests at pile driving sites and monitored fish kills associated with that activity. Provided on-site reporting of any hazardous material spills and supervised cleanup. Provided daily and weekly reports of all construction activities and their compliance to environmental regulations and permitted impacts. 2000/2001

US Route 1, College Park, Maryland - Team member for the preparation of Streetscape designs for roadway improvements for the College Park Corridor along US Route 1. Studies included travel lane realignments, hardscape features and median treatments to enhance pedestrian safety. Participated in study team workshops and public meetings. 1999/2000

US Route 1, College Park, Maryland - Participated in the preparation of presentation documents in the form of perspective sketches and sections that illustrated roadway improvement alternatives for proposed streetscaping. Created illustration boards for use by the study team in workshops and public meetings. 2001/2001

SR 222 Breinig Historic Property, Lehigh County, Pennsylvania - Evaluated impacts for historic property at the proposed overpass of SR 100 at SR 222 for the Pennsylvania Department of Transportation (Penn-DOT). Historic house, barns and other out-buildings were evaluated for criteria of eligibility for the Pennsylvania Historic Places list and The Nation Trust for Historic Places. Created a plan to provide screening of the property from the impacts associated with the new overpass proposed by Penn-DOT and the Federal Highway Administration. 2002/2002

MD 355/MD 124, Montgomery County, Maryland - Directed the team effort to study streetscape alternatives and median improvements at MD 355 and MD 124 the Maryland State Highway Administration (SHA). Interfaced with civil and transportation divisions of SHA to create specifications and detailing of brick paving patterns associated with the medians and crossing areas. Provided a Planting Plan and related detail documents for the roadway improvement area. 1999/2002

SR 6220, Centre County, Pennsylvania - Finalized planting plans for sound barrier and median for Penn-DOT's new I-99 addition, including a 200-foot wildlife crossing tunnel. Prepared construction documents and provided CAD support to URS Project Manager. 2000/2000

SR 202 - 405, Montgomery County, Pennsylvania - Prepared planting design and construction documents for the ramp additions to SR 202 and SR 76 interchange by Penn-DOT. Coordinated with URS King of Prussia Project Manager and URS Hunt Valley electrical engineering divisions to interface Landscape Design with lighting and construction improvements. Provided Bid Tabulation and related documents associated with the expansion project. 2001/2001

STORMWATER MANAGEMENT

Storm Water Management Retro-Fit Program, Howard County, Maryland - Performed Site Analysis for designated Storm Water Management Facilities throughout Howard County to determine candidates for reconditioning to increase Water Quality pursuant to *Phase II* Storm Water Management Regulations. Prepared exhibits for county planning and community involvement meetings. Prepared grading and landscape plans for construction documents on selected facilities. 2000/2001

URBAN PLANNING AND DESIGN

UTILITY FACILITIES

Verizon Cell Tower Site, Phoenix, Maryland - Project Manager in charge of landscape architectural and zoning plan preparation for adding a sixty foot mono-pole cell tower on the existing Hunt Valley Country Club maintenance facility lot. Represented clients at the Baltimore County Zoning Hearing offering expert testimony in these areas of expertise. July 2007

WAREHOUSE / SELF-STORAGE FACILITIES

WETLAND MITIGATION

Jacob's Property Wetland Mitigation, St. Mary's County, Maryland - Prepared design and construction documents for a 3-acre wetland creation site as mitigation for impacts associate with Maryland State Highway's Route 5 roadway improvements in St. Mary's County. The project consists of 1.1 acres of Tidal Wetlands and 1.9 acres of Forested and Scrub-Shrub Non-tidal Wetlands created from a previous agricultural field. Designed Interpretive Signs for each wetland type and incorporated them as site amenities. The plans include 1.5 acres of reforestation that will be banked for future use. 2000/2002

MD 4/MD 260 Wetland Mitigation, Maryland - Prepared design and construction documentation for 1.1-acre wetland mitigation associated with the addition and improvements of ramps at MD 4 and MD 260 interchange for the Maryland State Highway Administration. Provided new wetland area and nearly one-acre of reforestation. Included habitat features in the form of logs and brush piles within the wetland mitigation and provided opportunity for the salvaging and transplanting of existing vegetation within the wetland mitigation area for reestablishment. 1999/2002

Route 3 North Transportation Improvements Project, Boston, Massachusetts - Participated in the site selection for wetland mitigation sites associated with Massachusetts Highway Department's Route 3 North roadway improvements. Prepared layout, grading, detail, and landscape plans for 2 sites totaling 5 acres of Non-Tidal Wetland Mitigation. Prepared responses to the Army Corp of Engineers and Massachusetts Highway Department's review comments. Continue to provide support as new wetland mitigation needs arise in this Design/Build Project. 2002/2002

WIRELESS COMMUNICATION

BRIAN E. SIVERLING, P.E.
Principal

Project Assignment:

Structural Project Manager

Years of Experience:

MRA: 9
Other Firms: 10

Education:

M.S., Structural Engineering, Penn State University, 1988
B.S., Civil Engineering, Penn State University, 1986

Active Registration:

Maryland, Professional Engineer, 1998, #23303
Virginia, Professional Engineer, 1993, #023938
District of Columbia, Professional Engineer, 2004, #PE901245
North Carolina, Professional Engineer, 1994, #19644
Delaware, Professional Engineer, 2003, #12972
New Jersey, Professional Engineer, 2003, #24GE04457200
Georgia, Professional Engineer, 2004, #PE029884
West Virginia, Professional Engineer, 2005, #16545
Pennsylvania, Professional Engineer, 2006, #PE072982

Professional Affiliations:

American Society of Civil Engineers (ASCE), Member
American Concrete Institute, Member
Post-Tensioning Institute, Member
American Institute of Steel Construction, Member
National Council of Examiners for Engineering and Surveying, Member



MORRIS & RITCHIE ASSOCIATES, INC.

Qualifications:

As Principal-In-Charge of the Building Structures Department, Siverling has complete responsibility for the design of a wide variety of building projects with which the firm is engaged. With more than 19 years experience, Mr. Siverling's project background includes design of post-tensioned concrete, structural steel, reinforced concrete, masonry, and timber structures. He has provided analysis, design, and construction services for hundreds of wireless communication projects, including steel antenna towers and antenna supporting structures, existing monopoles, freestanding lattice towers and guyed truss towers, and evaluating existing building sites for wireless roof top installations.

Mr. Siverling's wireless communication experience includes the following:

Various Projects for Sprint PCS in Maryland and Delaware - Services included surveying, lease exhibits, zoning drawings and construction documents for both Civil and Structural disciplines for all types of telecommunication sites such as raw-land, roof-top and co-location sites. Performed load studies for cellular sites and antenna installations. Prepared structural evaluations for existing monopole, lattice and guyed towers and provided structural modifications, as required. All evaluations were prepared in accordance with TIA/EIA-222-F and the AISC Manual of Steel Construction, Allowable Stress Design.

Various Projects for Verizon Wireless in Maryland, Virginia, and Washington, D.C. - Provided Civil and Structural Engineering Services for all types of telecommunication sites such as raw-land, roof-top and co-location sites. Performed load studies for cellular sites and antenna installations. Prepared structural evaluations for existing monopole, lattice and guyed towers and provided structural modifications if required. All evaluations were prepared in accordance with TIA/EIA-222-F and the AISC Manual of Steel Construction, Allowable Stress Design.

Various Projects for Cingular Wireless in Maryland, Virginia, and Washington, D.C. - Provided Structural Engineering Services for all types of telecommunication sites such as raw-land, roof-top and co-location sites. Performed load studies for cellular sites and antenna installations. Prepared structural evaluations for existing monopole, lattice and guyed towers and provided structural modifications if required. All evaluations were prepared in accordance with TIA/EIA-222-F and the AISC Manual of Steel Construction, Allowable Stress Design.

Various Projects for Crown Castle International, Inc. in Maryland, Virginia, Washington, D.C. and North Carolina - Prepared structural evaluations for existing monopole, lattice and guyed towers and provided structural modifications, if required. All evaluations were prepared in accordance with TIA/EIA-222-F and the AISC Manual of Steel Construction, Allowable Stress Design.

Various Projects for Insite Services in Maryland and Virginia - Structural evaluation for monopole, guyed, and lattice towers, and construction documents for tower modifications.

Various Projects for Nextel Communications throughout Maryland Prepared structural drawings for new cellular sites.

Comment: 6/1/98



Re: Verizon Cell Tower

5-7-2007

Dear Sirs.

In the last 12 months Verizon Mobile phones contacted Back River Neck Peninsula Community Association concerning the preferred location for a cell tower on Lower Back River Neck. After listening to their cell tower presentation and taking into consideration the needs of the community. We have recommended the Shaneybrook Property at the intersection of Back River Neck Road and Md. Rt. 702.

Respectfully Signed

Douglas Celmer
President BRNPCA

PETITIONER'S

EXHIBIT NO. 5

M01BKR SEARCH AREA

SYSTEM_NAME: BALTIMORE

MTSO: BALT

DATE_ISSUED: 12/20/2001

ISSUED_BY: TG

SITE_NAME: BACK RIVER

MAPS:

ALPHA: M01BKR

CITY: ESSEX

COUNTY: BALTIMORE

STATE: MD

TYPE: MOD

YEAR_PROJ: 2003

NUMBER_ANT: 12

AMSL: 15-25

STRUCTURE_HEIGHT: 150-220

REQUIREMENTS: COVERAGE

RF_ENG: TIGEST GOREMS

STATUS: NEW ISSUE

PCS_SEARCH_AREA:

COVERAGE_NEED: BACKRIVER NECK RD AND SU

TRAFFIC_NEED:

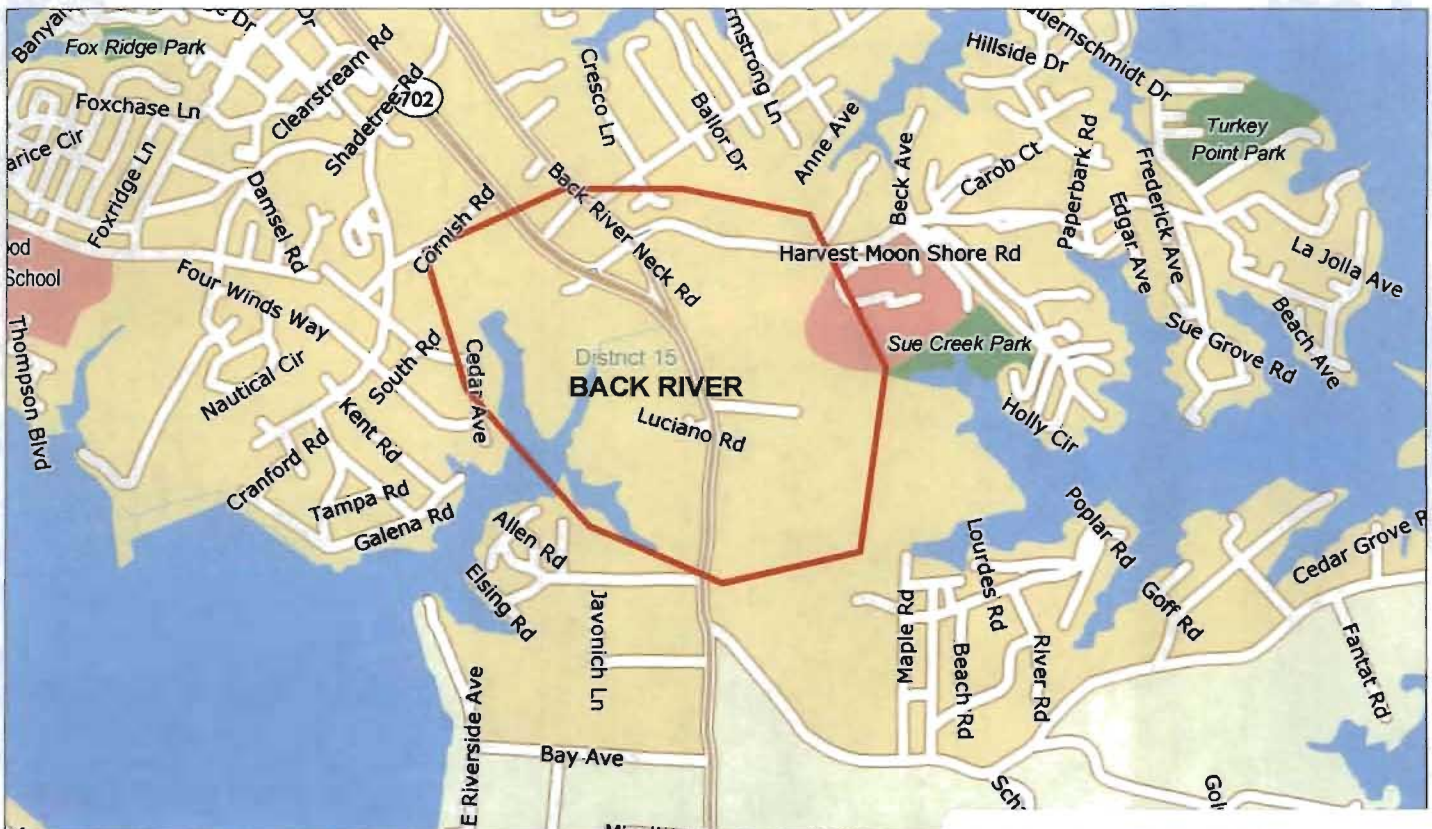
ZIP_CODE: 21222



ACCOUNTING CODE

APPROVED BY

DATE



NO AM RECORDS WITHIN

LAT: N 39-17-21.38 LONG: W

PETITIONER'S

EXHIBIT NO.

7

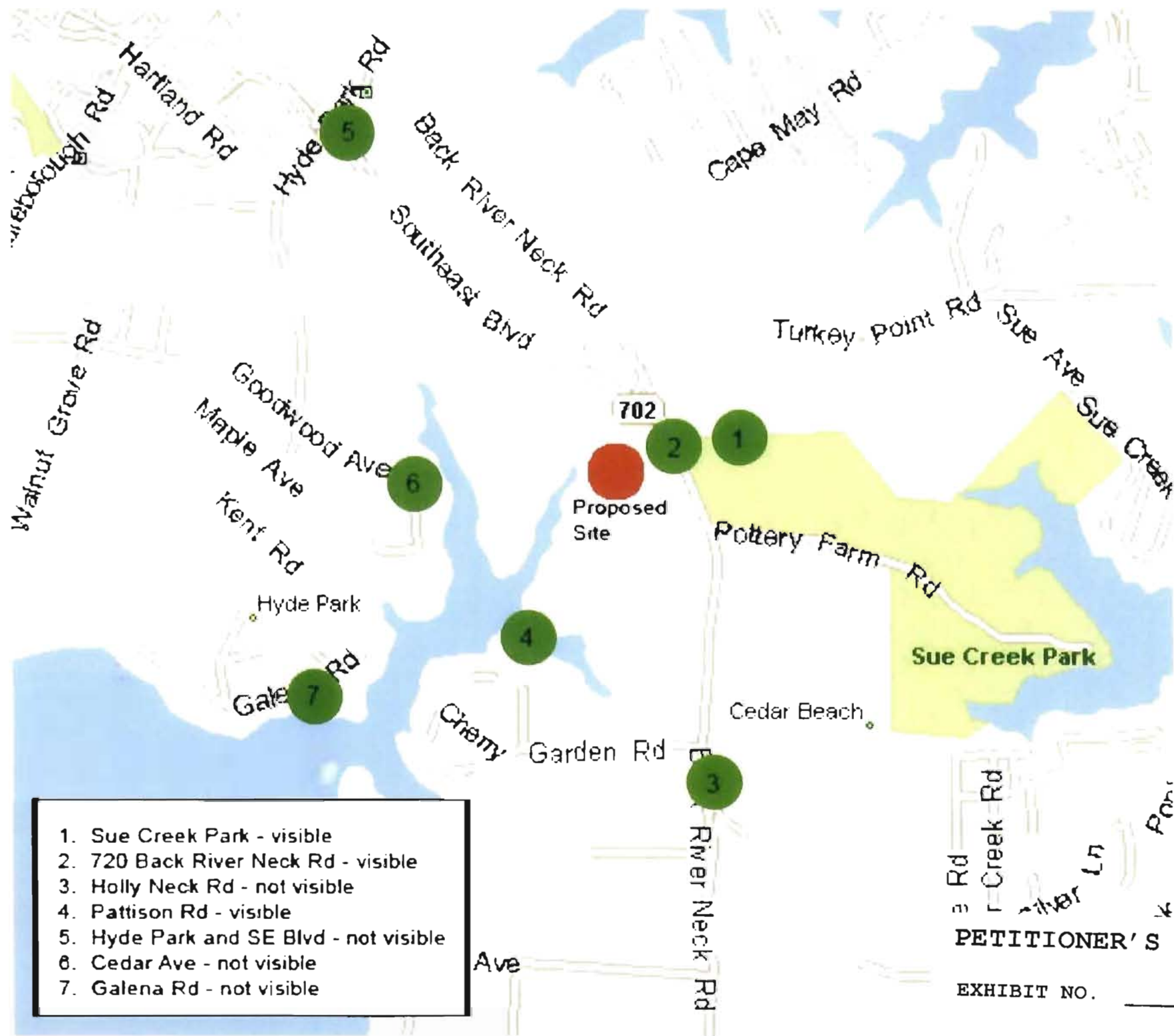


Photo 1
Back River Neck
Proposed 120' Monopole
Photo from Sue Creek Park

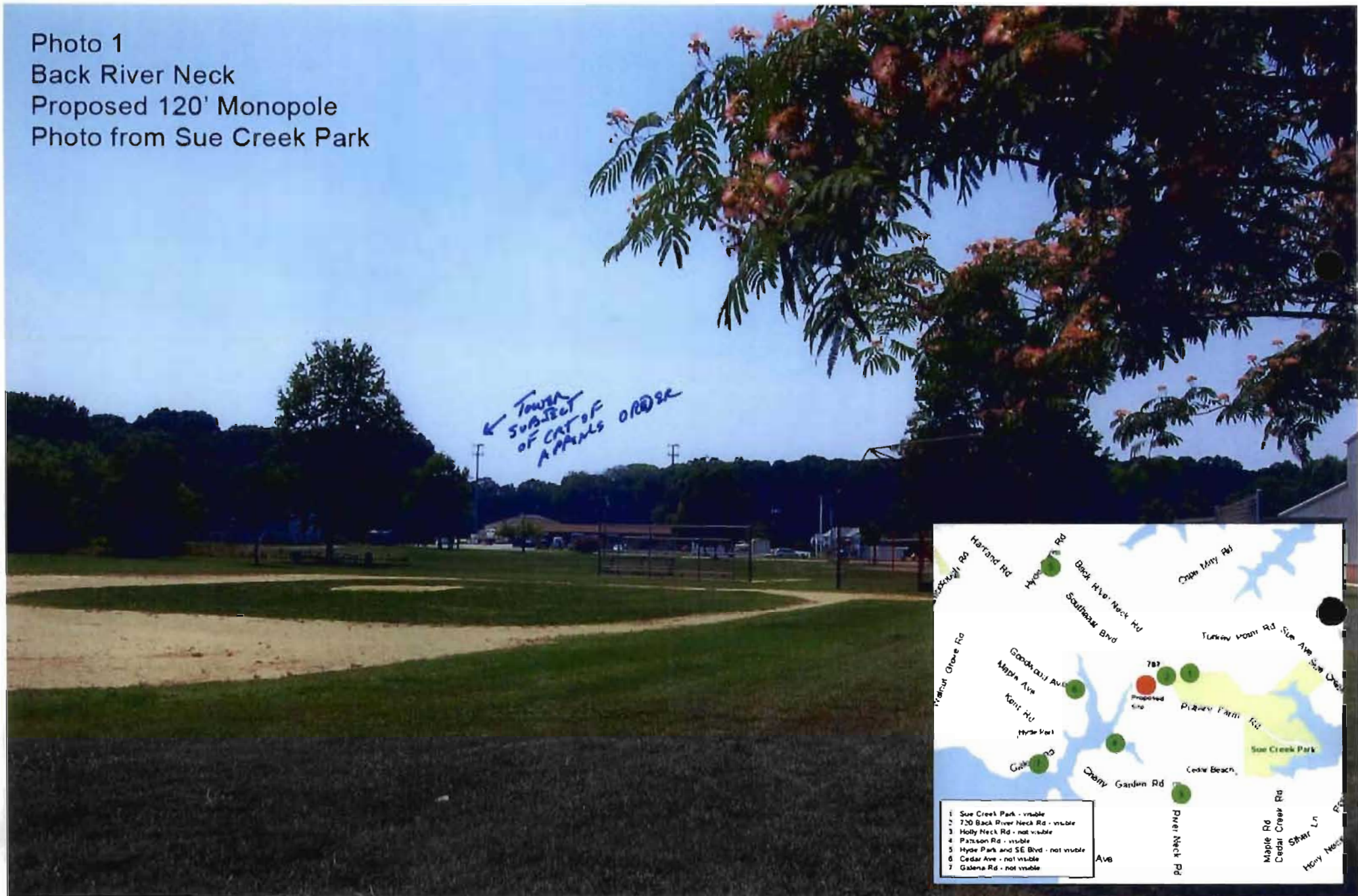


Photo 4
1601 Pattison Rd - visible
Proposed 120' monopole

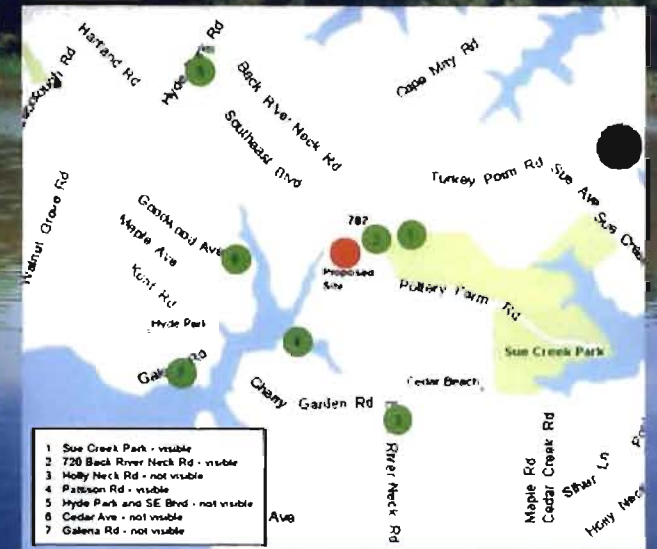
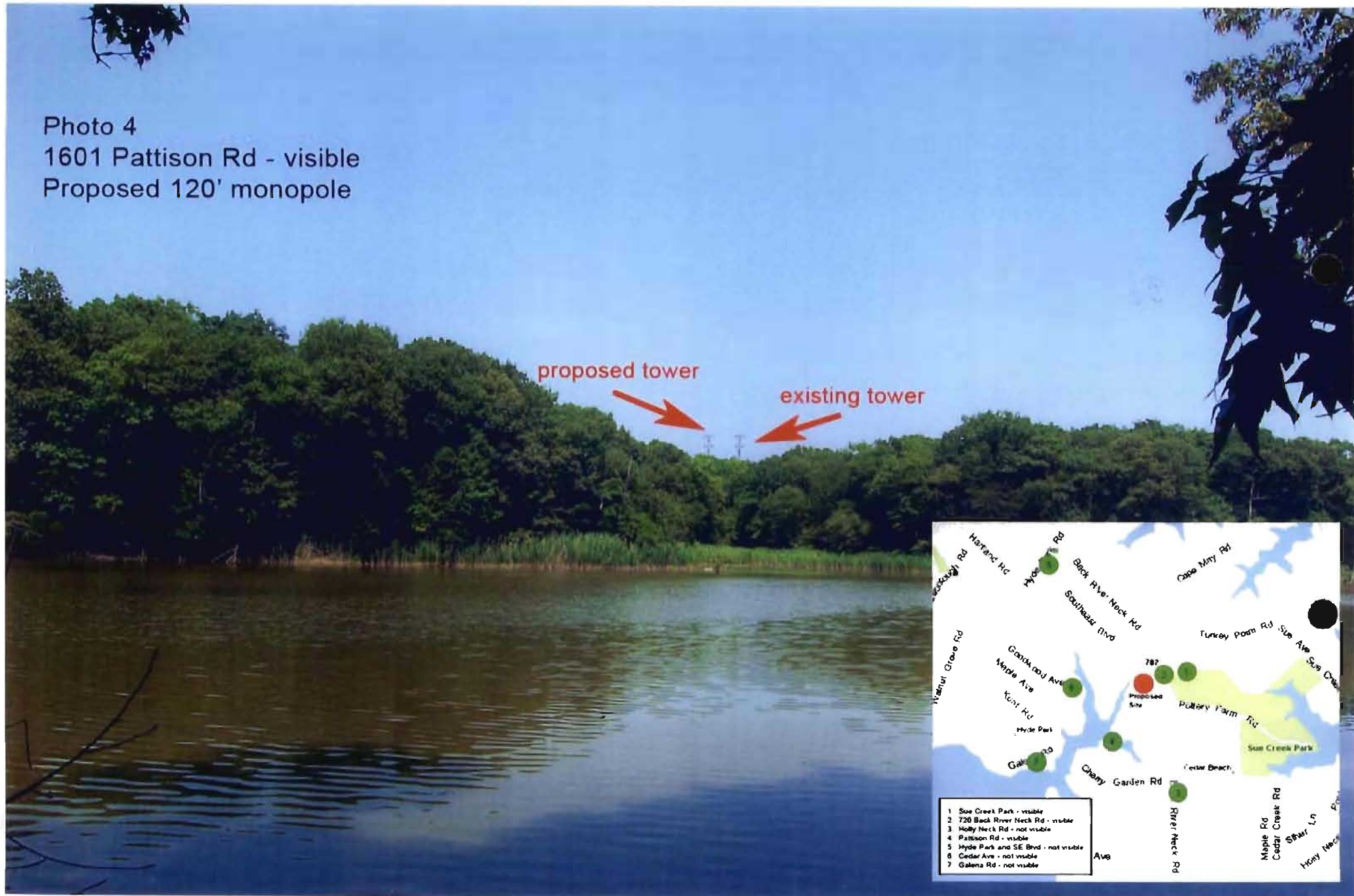


Photo 5
Hyde Rd and Southeast Blvd - not visible
Proposed 120' monopole

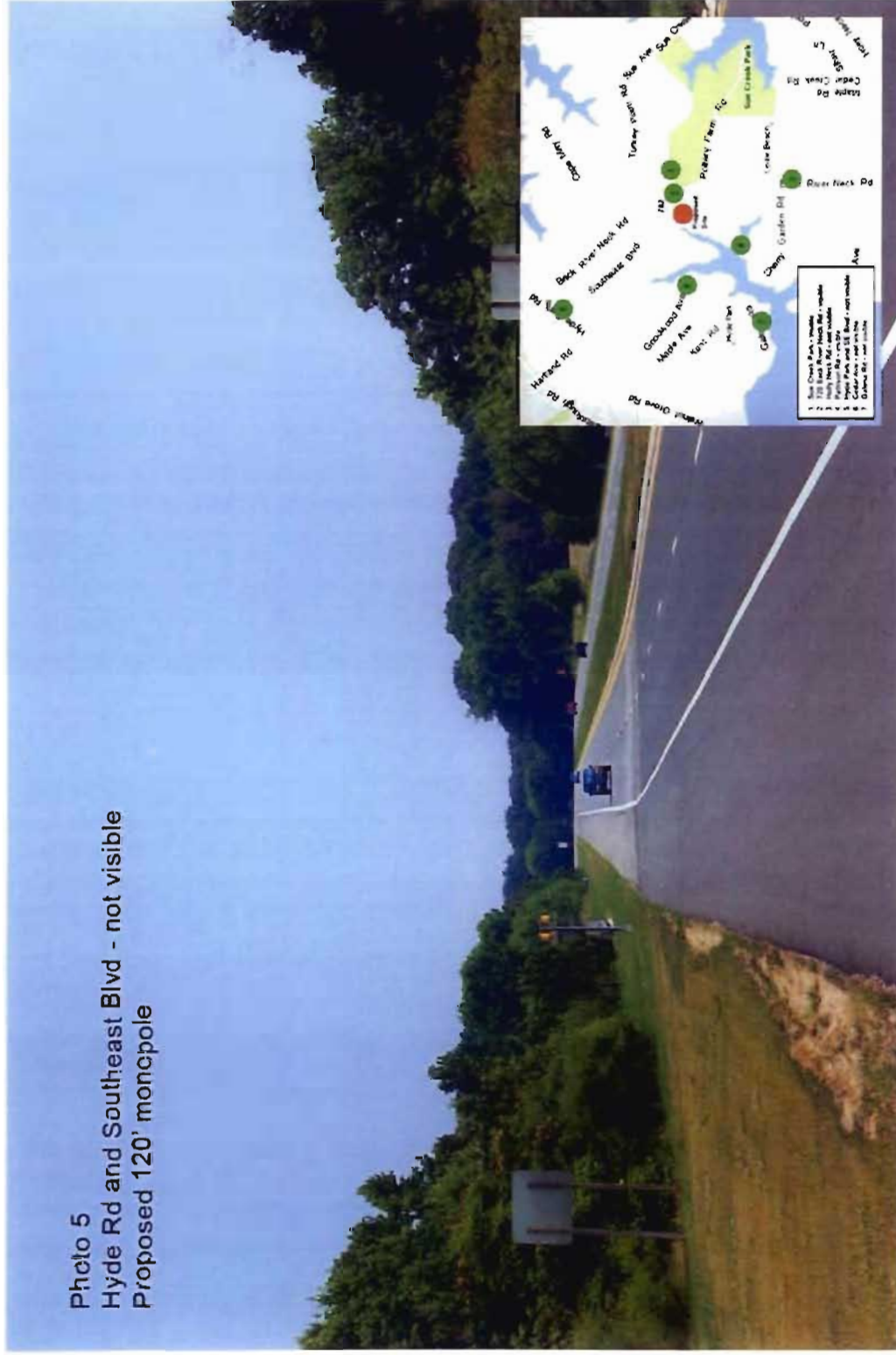


Photo 6
 839 Cedar Ave - not visible
 Proposed 120' monopole



Photo 7
Galena Rd - not visible
Proposed 120' monopole



UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0047

September Term, 2004

SPRINT PCS, ET AL.

v.

BALTIMORE COUNTY, MARYLAND

Eyler, James R.,
Adkins,
Barbera,

JJ.

Opinion by Adkins, J.

Filed: August 3, 2005

RECEIVED
JUL 24 2007

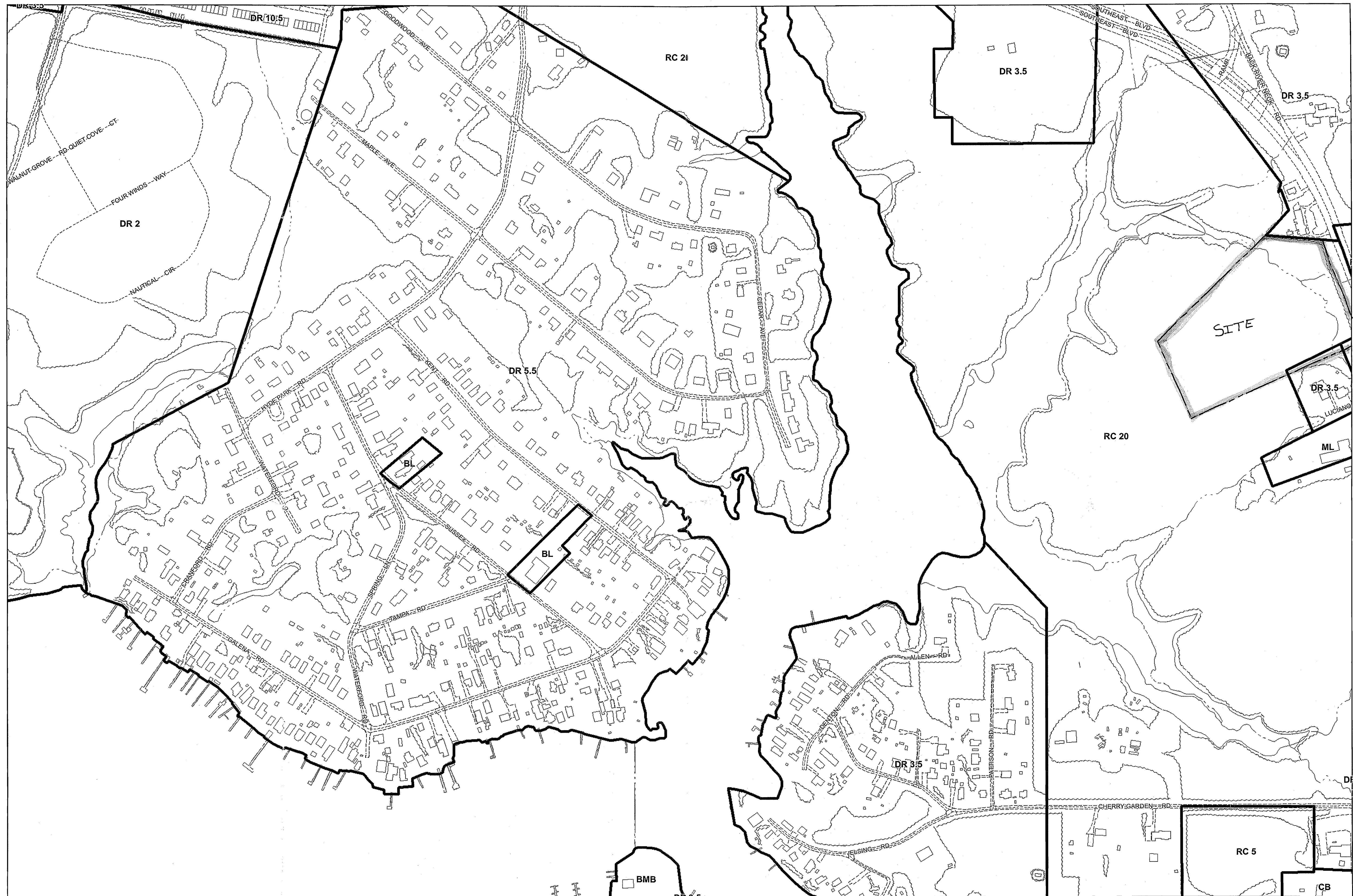
PETITIONER'S

BY:.....

3C03005849

EXHIBIT NO.

10



Plan Sheet: 097C3

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning

Buildings

Streams

Roads

Vegetation

Rail Lines

Baltimore County

Office of Planning and Zoning

Official Zoning Map

097A2	097B2	097C2	098A2	098B2
097A3	097B3	097C3	098A3	098B3
104A1	104B1	104C1	105A1	105B1

Scale

1" = 200'

0

100

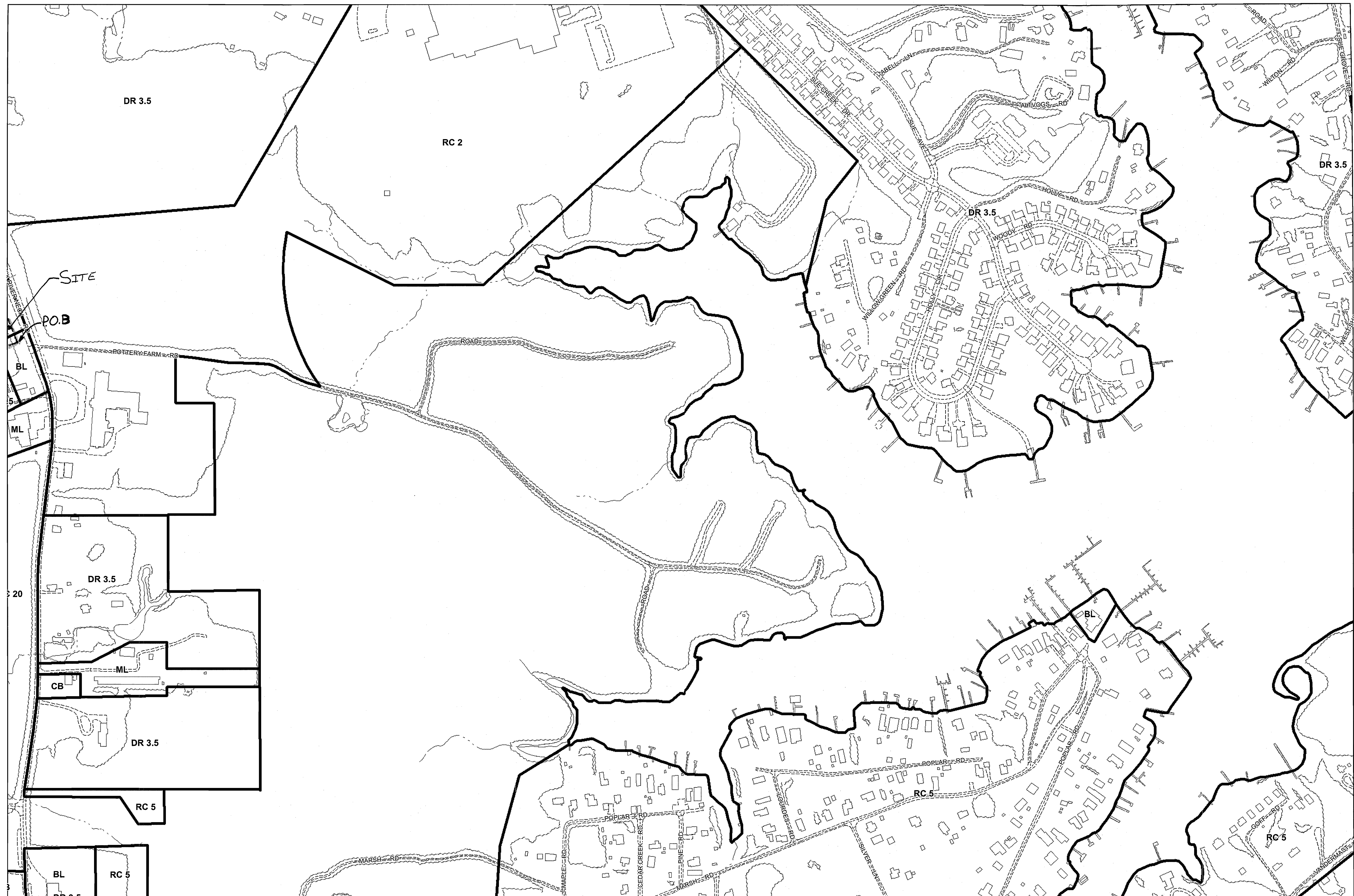
200

400

Feet

1

Data Sources:
Planometric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



Plan Sheet: 09843

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

097B2	097C2	098A2	098B2	098C2
097B3	097C3	098A3	098B3	098C3
104B1	104C1	105A1	105B1	105C1

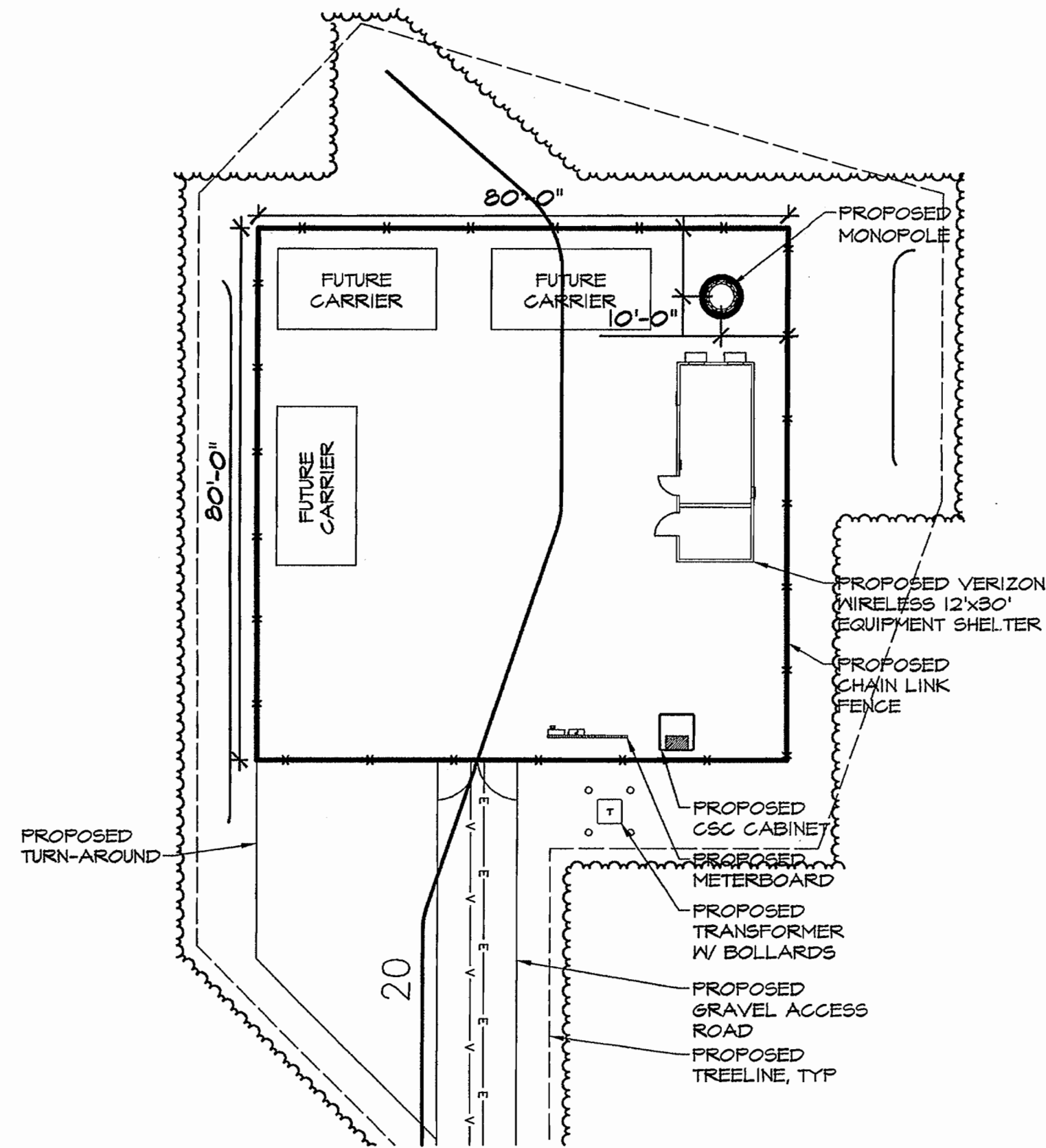
Scale

1" = 200'

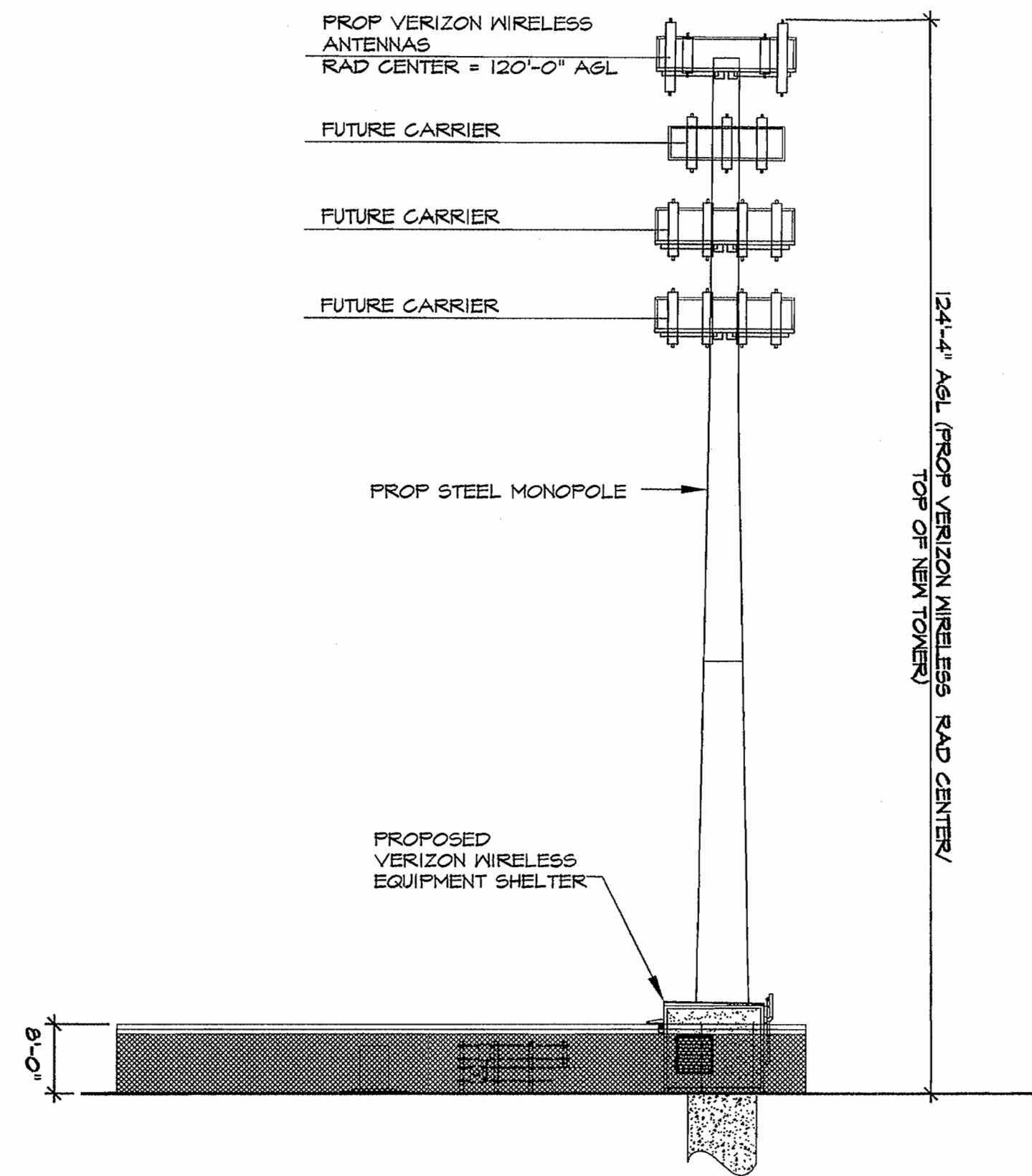
0 100 200 400
Feet

1

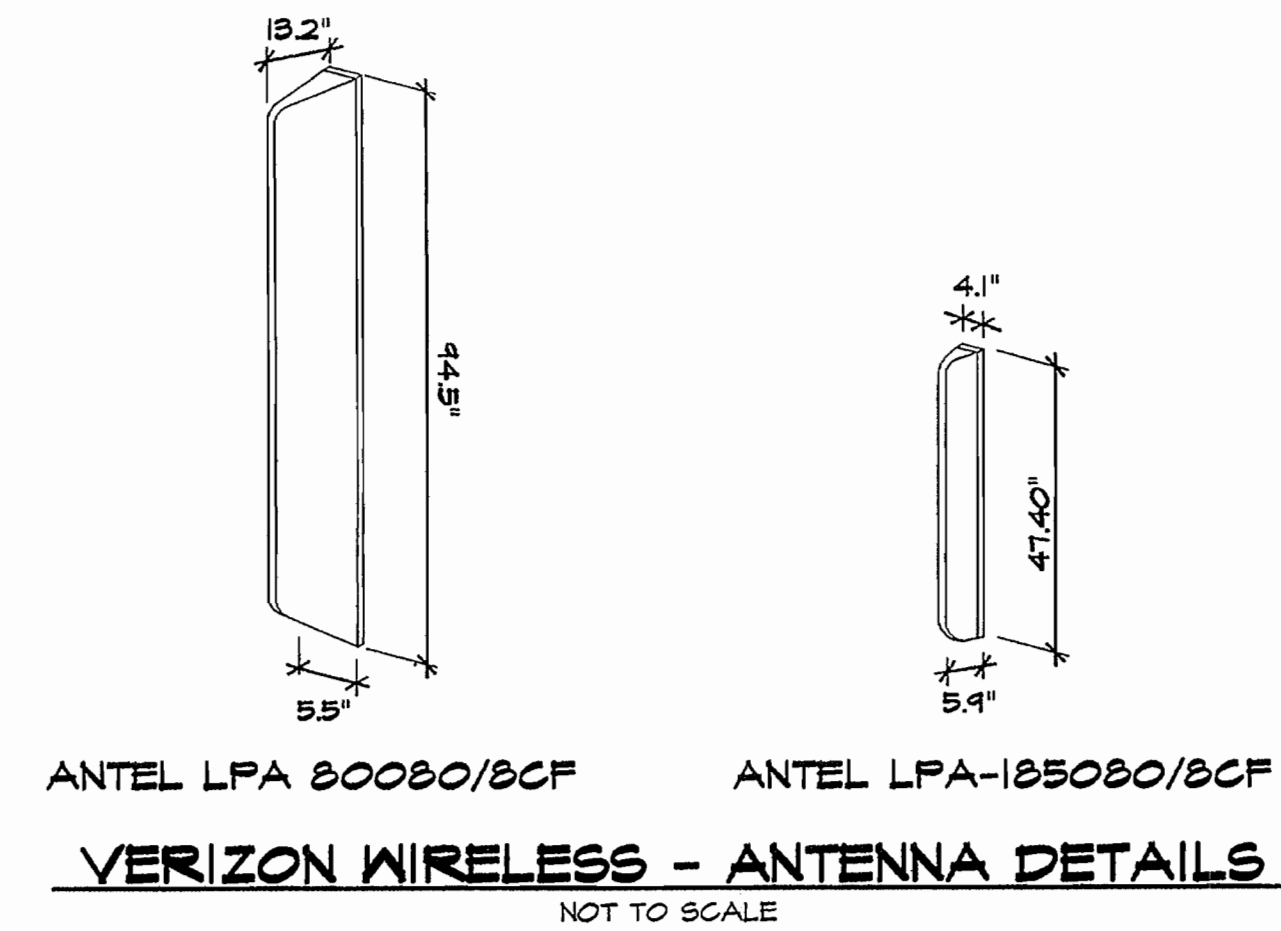
Data Sources:
Planimetric Data - Baltimore County
OTI/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



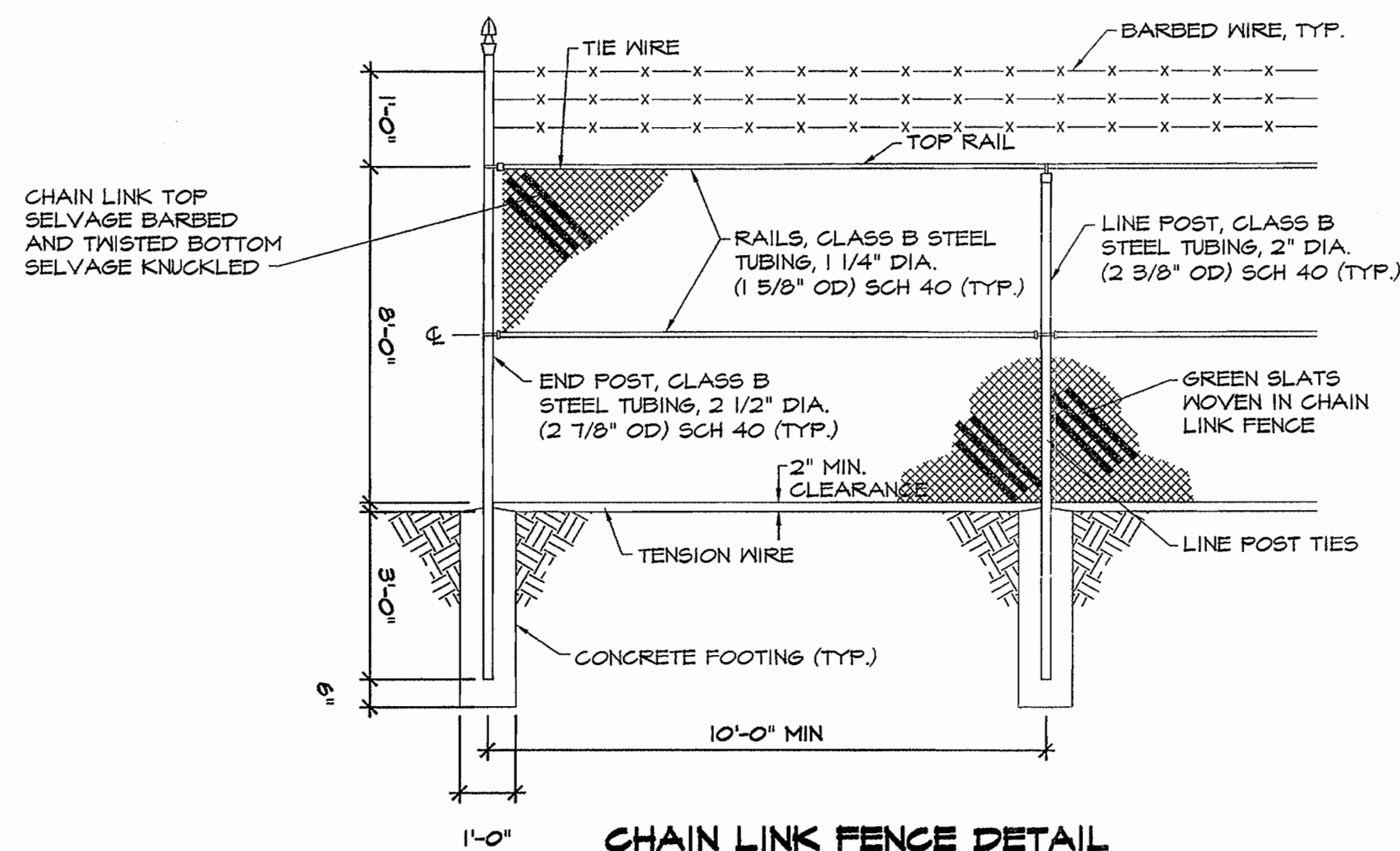
COMPOUND LAYOUT
SCALE: 1" = 20'



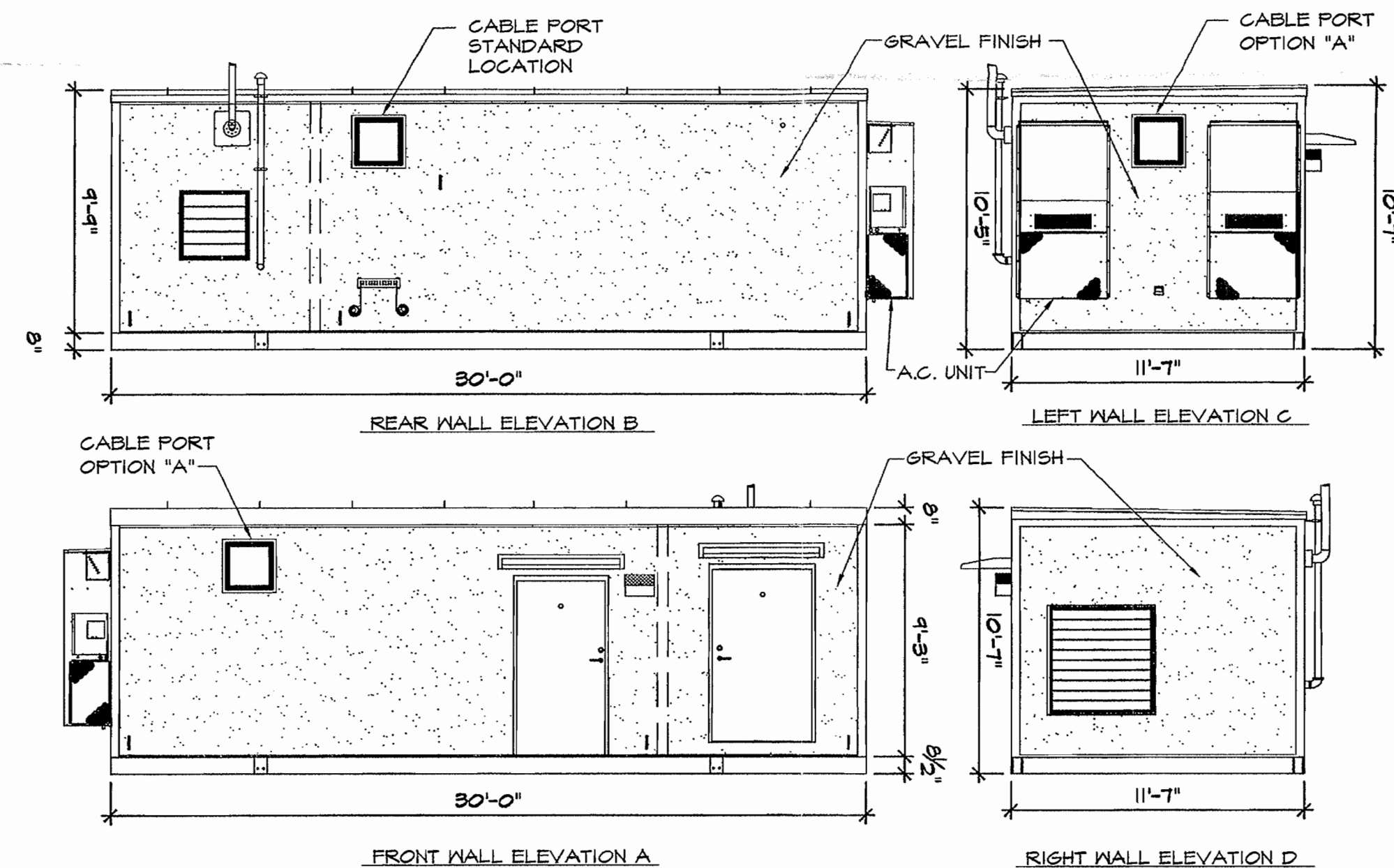
MONOPOLE ELEVATION
SCALE: NTS



VERIZON WIRELESS - ANTENNA DETAILS
NOT TO SCALE



CHAIN LINK FENCE DETAIL
SCALE: N.T.S.



TYP. VERIZON WIRELESS SHELTER ELEVATIONS
DIMENSIONS SHOWN ARE FOR REFERENCE ONLY.

PETITIONER'S
EXHIBIT NO. 1B



**G LOCKMIDT
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**MORRIS & RITCHIE
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Structural Engineers
1220-Q East Joppa Road, Suite 605
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax



verizon wireless
BACK RIVER - SHANEYBROOK PROPERTY
720 Back River Neck Road
Essex, Maryland 21220 (Baltimore County)

REVISIONS:	
DESCRIPTION	DATE

LAST REV.:
PROJECT NO: 10421287
DATE: APRIL 14, 2001
SCALE: AS NOTED

TITLE:
**PLAN TO
ACCOMPANY
SPECIAL EXCEPTION
HEARING**

SHEET:

Z-2

