

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

W side of Wesley Chapel Road; 90 feet
N of the c/l of Shepperd Road
10th Election District
3rd Councilmanic District
(16620 Wesley Chapel Road)

William and Grace Harris
Legal Owners
New Cingular Wireless PCS, LLC
Contract Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* **Case No. 2010-0225-X**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by William and Grace Harris, legal owners of the subject property, and New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility, LLC), the contract lessee of a portion of the property (collectively referred to as "Petitioners" or where appropriate "AT&T"). Petitioners are requesting a Special Exception pursuant to Section 426.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the construction of a new 123 foot high telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Road. The subject property and requested relief are more fully described on the seven page zoning drawings that were marked and accepted into evidence, respectively, as Petitioner's Exhibits 2A through 2G.

Appearing at the requisite public hearing in support of the requested special exception use were the property owners, William and Grace Harris. Also appearing were Bryan Cline, Steven Kinly and Jordan Cohen with ACO Property Advisors, Linda Liebermann with Bechtel Corporation, and Shashikanth Sena, a Radio Frequency ("RF") Engineer with LCC International,

ORDER RECEIVED FOR FILING

Date 6-3-10

By ps

Inc. -- all consultants for New Cingular Wireless PCS, LLC. Appearing as counsel for Petitioners was Gregory Rapisarda, Esquire. Also appearing in support of the requested relief was David Richardson, an architect with BC Architects Engineers, PLC, the firm that prepared the zoning drawings. The nature of the case and the relief requested generated significant interest in the community and several citizens from the Monkton area attended the hearing. Eric vanden Beemt of 16616 Remare Road, just west of the subject site, appeared in support of the requested special exception use. Appearing in opposition were Therese DeGraw of 16844 Wesley Chapel Road, Wendy Pace of 16825 Wesley Chapel Road, and Peter Oetker of 16803 Wesley Chapel Road. The Sparks-Glencoe Community Planning Council also submitted a letter detailing its position with regard to the request, which will be expounded on later in this Order.

Testimony and evidence presented revealed that the subject property is irregular in shape and is comprised of three parcels located northwest of the intersection of Shepperd Road and Wesley Chapel Road in the Historic Monkton area of northern Baltimore County. Parcel 9, located at the northern end of the property, is the largest parcel at approximately 24.83 acres, and contains most of the property's improvements, including Petitioners' driveway leading from Wesley Chapel Road, their existing two-story dwelling, and accessory structures. Parcel 1, located at the southeast corner of the property, consists of approximately 10.23 acres and appears to be unimproved. Parcel 35, located at the southern portion of the property, is the subject of the instant request for special exception use and consists of approximately 10.50 acres, for a total of 45.56 acres. The property as a whole is zoned R.C.2.

As indicated in the Deed and property tax records that were collectively marked and accepted into evidence as Petitioners' Exhibit 3, Petitioners have owned the subject property

ORDER RECEIVED FOR FILING

Date

6-3-10

2

By

123

since 1985. The principle dwelling on Parcel 9 was built in 1852.¹ In his opening remarks, Mr. Rapisarda indicated that AT&T's federal license requires it to provide coverage for wireless services in and around Baltimore County. As shown in the Radio Frequency ("RF") Propagation Map of existing coverage that was marked and accepted into evidence as Petitioners' Exhibit 4, AT&T identified a coverage gap in the Monkton area (as delineated in white on the Map) and is mandated by their licensing requirements to rectify this deficiency. According to Mr. Rapisarda, after a thorough review of the area, the subject site was identified as the most suitable location, taking into account coverage needs, the possibility for co-location opportunities, and the potential impact of a proposed telecommunications tower on this historic area.

In support of the requested special exception use at the subject site, Mr. Rapisarda called as his first witness Bryan C. Cline. Mr. Cline is employed as a Site Acquisition and Zoning Manager for ACO Property Advisors, consultants to AT&T. His resume was marked and accepted into evidence as Petitioners' Exhibit 1. As his resume indicates, he has been a telecommunications infrastructure design specialist since 2006, with specialty in site acquisition, government compliance, and site development. He was offered and accepted as an expert in telecommunications facility project management and siting for wireless communications networks.

As shown on the RF Propagation Map of existing coverage (Petitioners' Exhibit 4), AT&T has a coverage gap in the Monkton area. Specifically, Mr. Cline stated his office received a Site Acquisition Request Form in 2006, outlining the need to improve the coverage along Monkton Road and other local roads in the Monkton area. As a result, he

¹ According to the Zoning Advisory Committee ("ZAC") comment from the Office of Planning dated April 20, 2010, the property is known as "Valley Brook Farm," Final Landmark #91 and is listed on the Maryland Inventory of Historic Properties, MHIP #BA-620.

ORDER RECEIVED FOR FILING

Date 6.3.10

3

By [Signature]

undertook an investigation into potential suitable sites that would alleviate the coverage gap. Mr. Cline testified that AT&T's standard business practice for site identification and acquisition is consistent with the County's legislative policies -- namely, to co-locate antennas on an existing structure whenever possible. This approach fits within the spirit and intent of the Zoning Regulations and is generally easier and more cost effective than acquiring and developing a new site. Mr. Cline explained that the only existing structure within the search area that was potentially viable was the 45 foot tall steeple on the Monkton United Methodist Church at 1930 Monkton Road; however, this was ruled out by AT&T's RF Engineers due to the ground elevation and the steeple's height. With no other co-location opportunities present, a search was then made of potential large commercial properties in the area to develop a new tower. There was only one commercial property (zoned B.L.-C.R.) identified, as shown on the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 6, but this was ruled out due to space limitations. Next, a search was made of any large agricultural or residential properties. Several possible sites were identified based on their location in the coverage ring, their size, and the potential for natural screening. The Harris's were contacted and their property information was submitted to the RF Engineers for evaluation as a viable site. When a match was found and the Harris's expressed an interest, AT&T pursued this site for a new telecommunications tower.

Moving forward in the process, Mr. Cline indicated that AT&T submitted its application for a new tower at the subject location to the Baltimore County Tower Review Committee ("TRC") on September 30, 2009. Following their review of the application, the TRC issued an advisory report dated December 17, 2009. In their report, the TRC found there were no other co-location opportunities in the area, the proposed monopole tower would have availability for a

ORDER RECEIVED FOR FILING

Date 6-3-10 4

By prj

minimum of two other wireless service providers, and recommended conditional approval of the 125 foot tower at the subject site, pending a visibility study that would show the potential impact of the tower and the ability of AT&T to minimize the tower's visibility.

Thereafter, a visibility "balloon test" was conducted on December 14, 2009 by ACER Associates, LLC ("ACER"), AT&T's telecommunications consultant, and a Visual Impact Assessment Report dated January 14, 2010 was prepared. The report, which was marked and accepted into evidence as Petitioners' Exhibit 8, described the project overview and the area of potential effects associated with the project -- particularly the My Lady's Manor Historic District -- as well as the physical setting of the subject property, which was described as a wooded area with gentle to moderate slopes. The balloon test consisted of a six foot diameter red balloon that was raised to 123 feet above ground level with a guyed line to keep the balloon in place. Observations made in the field confirmed that the proposed monopole would not be visible from any of the 17 contributing historic structures within My Lady's Historic District. These findings were documented in photographs that were attached to the report as an Appendix. ACER also submitted a federally mandated NEPA Survey dated February 17, 2010 that was marked and accepted into evidence as Petitioners' Exhibit 9, which found there would be no adverse effects from the proposed tower.²

² The National Environmental Policy Act of 1969 ("NEPA") requires all federal agencies to implement procedures to make environmental considerations a necessary part of an agency's decision making process. In this case, the Federal Communications Commission ("FCC") requires a licensee, AT&T, to consider the environmental impact of a new telecommunications facility. The level of impacts from a proposed tower dictates the level of reporting that would be required. The initial analysis was conducted under Section 106 of the National Historic Preservation Act ("NHPA"). A Section 106 review requires notice to and communication with federal, state, and tribal officials about the proposed tower and its potential impact on nearby properties listed in or eligible for inclusion in the National Register of Historic Places. If after consultation with these agencies, a finding of "no adverse effects" is found, then there are no additional requirements on AT&T. In the event "adverse effects" are found, AT&T would have additional statutory, regulatory and reporting requirements. In this case, there was a finding of "no adverse effects," meaning the NEPA Survey entered into evidence is the final report required under NEPA and NHPA.

Also referenced during Mr. Cline's testimony was a Phase 1 Environmental Site Assessment dated October 8, 2009 that was marked and accepted into evidence as Petitioners' Exhibit 10. This report, also prepared by ACER, appears to be a comprehensive study intended to identify recognized environmental conditions at the subject site that might affect the proposed telecommunications facility. The assessment concludes there was no evidence of potential environmental conditions in connection with the proposed tower compound location and access easement that would affect the proposed activities at the site.³

Next to testify was Shashikanth Sena, a Radio Frequency Engineer with LCC International, Inc., AT&T's radio frequency and wireless coverage consultant. Mr. Sena's resume was marked and accepted into evidence as Petitioners' Exhibit 14 and indicates that he earned a Bachelor's Degree in Engineering from the University of Madras in Chennai, India in 2000. He also earned a Master's Degree in Electrical Engineering from the University of Texas at Arlington. Mr. Sena has extensive experience in the wireless telecommunications industry, and specifically radio frequency engineering as it pertains to wireless network design, management, and coverage. He was offered and accepted as an expert in the radio frequency field.

Mr. Sena described the deficient coverage in the Monkton area and how, using specifically designed software, AT&T's engineers created a "search ring" that identified a finite area where AT&T could place antennas to rectify the coverage gap. He testified that the area

³ The Phase 1 Environmental Site Assessment was conducted pursuant to federal requirements within the scope of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"). The Phase 1 focuses on the actual archeological and environmental condition of the land at the proposed site, specifically, whether there are any hazardous materials or archaeological artifacts in the specific area that is to be used for AT&T's project (i.e. - the compound, the access easement, and surrounding vicinity). As shown in Section 8.0 of the assessment, the Phase 1 revealed no evidence of potential environmental conditions that would affect the proposed activities. Consequently, there are no additional studies or assessments required. In the event that either environmental or archeological conditions had been identified, AT&T would have been required to conduct a Phase 2 or even Phase 3 Assessment, each of which has its own requirements and guidelines.

within the search ring is unique because it contains the limited number of properties from which AT&T's antennas could be situated to meet optimum coverage objectives. Mr. Sena also created the Radio Frequency Propagation Map illustrating AT&T's lack of coverage around the area of the subject property (Petitioners' Exhibit 4), and combined with his expert testimony, detailed AT&T's need for coverage in the area.⁴ He also prepared two additional Propagation Maps that detailed anticipated wireless coverage with the proposed monopole tower. The first Map, which was marked and accepted into evidence as Petitioners' Exhibit 15, illustrates the breadth of AT&T's coverage with a 115 foot tower on the subject site. It shows much more extensive coverage than the Propagation Map of existing coverage (Petitioners' Exhibit 4). The second Map, which was marked and accepted into evidence as Petitioners' Exhibit 17, illustrates coverage with a 95 foot tower. According to Mr. Sena's testimony, it shows that a tower of this height would not meet AT&T's coverage objectives.

This was further bolstered by the Drive Test Report dated August 5, 2009 prepared by AT&T's consultant, Bechtel Communications, Inc., which was marked and accepted into evidence as Petitioners' Exhibit 16. As explained by Mr. Sena and Petitioners' counsel, Mr. Rapisarda, a drive test identifies real coverage and coverage gaps that can be obtained by antennas at various heights, and is different from the RF Propagation Maps, which use reliable computer models to predict coverage based on various factors that are built into the modeling program (i.e. - topography, buildings, etc.). AT&T believes the Maps are very reliable, and is the typical tool used to identify coverage gaps and predict coverage from new antennas at

⁴ Several of the Protestants disputed this contention, stating that their wireless service on other carriers such as Verizon is sufficient, or that persons who choose to live and travel in this area should "know what to expect" in terms of possible dropped calls or inconsistent service; however, AT&T emphasized that it is required by the Federal Communications Commission to ensure that its network is adequate to serve its customers and meet its licensing requirements.

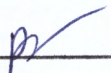
various heights and locations; however, the drive tests contain real time data that come from actual antennas. As shown in the photographs on pages 6 and 16-20 of the report, a drive test is conducted by attaching antennas to a crane that is raised to various heights. In this case, the antennas were raised to heights of 95 feet, 115 feet, 125 feet, and 145 feet at the appropriate and necessary angles (known as "azimuths"). Once the antennas are attached and raised, the RF Engineer uses equipment in his car that reads the antenna's actual signal strength as he literally drives the surrounding area. The equipment in the RF Engineer's vehicle registers the signal strength throughout the drive and shows the various fluctuations due to topography, distance, etc. The signal strength is shown on pages 8-14 of the report and the colored dots indicate the exact signal strength at each point along the RF Engineer's route. The drive test, because it is real time data, provides an exact picture of the coverage that AT&T can achieve at various height levels.

The results indicate that at a 95 foot test height, there was not sufficient signal quality, but as the height increased, the signal was improved. The signal was of good quality at 115 feet and even better at 125 feet and 145 feet, but Mr. Sena testified that the coverage needs could be adequately addressed at 115 feet, especially when weighed against the visual impact of a taller tower and AT&T's determination that a 115 foot tower would allow it to meet its minimum coverage objective without impacting the surrounding area. In concluding his testimony, Mr. Sena offered his expert opinion that a tower with a height of 123 feet (118 foot tower to provide room for two additional carriers and 5 feet for a lightning rod) was the minimum height where AT&T could meet its federally mandated coverage objectives.

The final witness to testify in support of the requested special exception use was David Richardson, a registered architect with BC Architects Engineers, PLC. Mr. Richardson indicated that he has 28 years of architectural experience, including land planning and site design, and has

ORDER RECEIVED FOR FILING

Date 6-3-10 8

By 

worked with and under the supervision of a professional engineer. For the last seven years, his experience has been in the area of architectural and civil design and project management of wireless telecommunications projects in the mid-Atlantic region. He was offered and accepted as an expert in this field, and his resume was marked and accepted into evidence as Petitioners' Exhibit 18.

Mr. Richardson indicated he is familiar with the B.C.Z.R., particularly Sections 426 and 502.7 concerning wireless telecommunications towers, and the special exception criteria set forth in Section 502.1 of the B.C.Z.R. He offered his expert testimony that the proposed telecommunications tower and equipment compound would comply with all of the provisions and limitations, including location and height restrictions and setback requirements, set forth in Section 426 of the B.C.Z.R., and particularly the legislative policy provisions set forth in Section 426.2. He also opined that the proposed telecommunications facility on the subject property would not be detrimental to the health, safety or general welfare of the locality, nor would it have any detrimental effects on the enumerated special exception criteria set forth in Section 502.1 of the B.C.Z.R. Specifically, the facility would not tend to create congestion in roads, streets or alleys, create a potential hazard from fire, panic or other danger, or tend to overcrowd land and cause undue concentration of population. The tower would be confined to a 50 foot by 50 foot area in the approximate center of the property, and in a wooded area scarcely visible from other properties. It would not interfere with public services or other public requirements, conveniences or improvements, would not interfere with adequate light and air, would not be inconsistent with the purposes of the property's zoning classification nor in any other way be inconsistent with the spirit and intent of the Zoning Regulations, and would not be inconsistent with the impermeable surface and vegetative retention provisions of the Zoning Regulations, nor

ORDER RECEIVED FOR FILING

Date 6-3-10 9

By PT

be detrimental to the environmental and natural resources of the site and vicinity. In sum, Mr. Richardson indicated that the telecommunications facility would have virtually no visibility and would be well screened by the existing treeline and the natural buffers inherent on a 45 acre wooded, rural property.

As indicated earlier, the case garnered interest from the community and several citizens living near the location of the proposed tower attended the hearing and provided testimony expressing their opposition to the proposed tower. Ms. DeGraw, Ms. Pace, and Mr. Oetker each reside on Wesley Chapel Road, just north of the subject Harris property. In summary, their testimony indicated that they are very concerned about the potential impact of the proposed tower on this historic and rural community. Each indicated that they purchased their respective properties in this area for the scenic views and natural beauty of the region and believes the introduction of a telecommunications tower would decay and chip away at the historic character of the area. They also believe their particular properties would be impacted because, notwithstanding the evidence submitted by Petitioners as to the lack of visibility of the tower, they feel that the tower will be seen quite clearly from their properties.

Perhaps most importantly, the Protestants also do not believe a compelling case has been made as to the need for the proposed tower. They testified that there is no anecdotal evidence from the community (i.e. - complaints of poor cell phone service) suggesting a coverage gap as alleged by AT&T. On the contrary, they indicated that their cell phone coverage -- at least with Verizon or other carriers -- is more than adequate. Moreover, even if there are occasions of "dropped calls" or variable service in the area, especially when in a car or outside versus inside a home, they believe this is an understood consequence of choosing to live in this historically preserved area. Obviously, Protestants are not against progress, per se, but believe the proposed

ORDER RECEIVED FOR FILING

Date 6-3-10 10

By mg

tower, without enough of a foundation established as to its need, is an unnecessary intrusion into the community and should not be permitted.

Testifying in support of the proposed telecommunications tower was another interested neighbor, Eric vanden Beemt, who lives on Remare Road just west of the subject property and north of Monkton Road. Mr. vanden Beemt explained that he was initially against the proposed cell tower for much the same reasons as the Protestants, particularly in terms of the intrusion into this historic area; however, he also related his frustrations with the lack of adequate cell phone service in the area. In short, once aware of the specifics regarding AT&T's plans and that the proposed tower on the Harris property would be virtually unseen from the surrounding area, he became a supporter of the plan. In addition, the Sparks-Glencoe Community Planning Council expressed that it had no opposition to the tower at the subject location in their letter dated April 20, 2010, which was marked and accepted into evidence as Petitioners' Exhibit 12. Kirsten Burger, President of the Planning Council, stated that cell towers in general can greatly detract from the rural and historic character of an area, but that the tower proposed on Wesley Chapel Road is to be situated so as to not be visible from most of the surrounding area, and will not have a significant impact on the character of the area. Because the lack of visibility of the tower is due in large part to it being surrounded by large trees, they request that any approval be conditioned upon the continued maintenance of the wooded area.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 20, 2010 which indicates that the Office does not object to the requested special exception. A balloon test was conducted on April 7, 2010 at 10:00 AM with Planning and Preservation

ORDER RECEIVED FOR FILING

Date 6-3-10

By [Signature] 11

Services Staff present.⁵ After the balloon was raised, staff evaluated the impact and visibility of the proposed cell tower upon the Landmark Structure, "Valley Brook Farm" Final Landmark # 91. The property is also listed on the Maryland Inventory of Historic Properties and is known as MIHP #BA-620, located on the property. After extensive driving along the scenic routes (Wesley Chapel Road, Shepperd Road) and the North Central Railroad ("NCR") Trail and around the community, as well as a walk along the NCR Trail, it was apparent that the new proposed monopole would only be visible on the subject property and would not impact the surrounding properties, the scenic roads, the rural legacy area, or the properties that are in agricultural easement. Staff concurs with the findings of the Maryland Historical Trust that there are no adverse impacts to National Register properties within the area of potential effect.

Planning staff also conducted site visits to "Valley Brook Farm" Final Landmark # 91, and various locations within the Monkton County Historic District, not previously evaluated by the Maryland Historical Trust. The proposed monopole was not visible from the Monkton County Historic District, but was visible from the Landmark Structure. As such, the Planning Office believes the structure would not be detrimental to the health, safety, or general welfare of the surrounding community if: (1) the monopole was limited to a maximum height of 100 feet including all antennas, and (2) the monopole was stealth in nature, such as a tree and painted in a dark color in order to further camouflage it from the Landmark structure.

In response to the first condition, Mr. Rapisarda explained -- and was confirmed by Mr. Sena -- that a tower at 100 feet would not provide the signal strength necessary to meet AT&T's coverage needs, and would not allow for the required co-location of at least two other carriers on the proposed tower. This was also verified in the Drive Test Report (Petitioners' Exhibit 16) and

⁵ This was a second balloon test conducted by AT&T's consultants, following the initial balloon test conducted on December 14, 2009 and the subsequent Visual Impact Assessment Report.

ORDER RECEIVED FOR FILING

Date 6-3-10 12

Bv px

the RF Propagation Map showing deficient coverage in the area at a tower height of 95 feet (Petitioners' Exhibit 17). As to the second condition, Mr. Rapisarda indicated that AT&T could certainly attempt to camouflage the tower if necessary with a dark color or a tree-like structure, but did not believe a stealth tree would mitigate the visibility of the tower on the property. Nonetheless, AT&T would abide by conditions imposed toward that effort.

Comments were also received from the Department of Environmental Protection and Resource Management dated April 12, 2010 which indicates that development of the property must comply with the Forest Conservation Regulations. Based on the plans attached to the Petition, tree clearing is proposed for the compound area. A Single Lot Declaration of Intent exemption may be invoked to satisfy the Forest Conservation Regulations.

Perhaps the most important determination to be made in this case is whether AT&T has demonstrated a need for the proposed telecommunications facility at the subject site. In a sense, this is a threshold issue that, on the one hand, purportedly drives Petitioners' need to place a 123 foot tower and compound on the subject property and necessitates their request for a special exception use, while on the other hand, is also one of the main areas of contention and opposition from the Protestants. AT&T maintains that it is required by its federal license to provide coverage for wireless services in and around Baltimore County, and that it has identified a coverage gap in the Monkton area that must be addressed. Conversely, the Protestants do not believe the tower proposed by Petitioners is needed -- nor wanted -- in this rural, historic area. They believe AT&T's assertions to the contrary are specious at best.

In considering this issue, I have certainly taken into account the testimony presented during the hearing by both the Petitioners' witnesses and the Protestants. Their positions are abundantly clear. But what I believe favors AT&T on this issue is the documentary evidence,

ORDER RECEIVED FOR FILING

Date 6.3.10 13

By PO

accompanied by expert testimony, as to the need for a telecommunications facility at the subject site. Petitioners submitted the report from the Tower Review Committee (Petitioners' Exhibit 7), conditionally recommending approval of the proposed tower; the Radio Frequency Propagation Maps (Petitioners' Exhibits 4, 15, and 17) prepared by AT&T's RF Engineer, showing the computer-generated coverage gaps and the filling in of those gaps with the proposed tower; and the Drive Test Report (Petitioners' Exhibit 16) that identifies coverage and coverage gaps from real time data that comes from actual antennas set up at the subject site and analyzed by the RF Engineers. Based on this evidence, combined with the uncontroverted expert testimony of Mr. Sena, the RF Engineer, I am persuaded that Petitioners have demonstrated the need for the proposed telecommunications facility at the subject site.

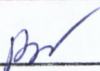
Although wireless telecommunications towers are permitted in the R.C.2 Zone by special exception pursuant to Section 1A01.2.C.28 of the B.C.Z.R., before such use can be approved, I must first find that AT&T has demonstrated compliance with Section 1A01.2.C of the B.C.Z.R., which requires a finding that the proposed special exception use would not be detrimental to the primary agricultural uses in the vicinity. Given the limited footprint that the tower and its compound would occupy, the placement of the facility in the center of a 45 acre property and in close proximity to an existing tree line, and the fact that the tower is unmanned and will not impede farming in the area, I easily find that the tower would have no negative impact on the primary agricultural uses in the vicinity.

AT&T must also comply with the requirements of Section 426 of the B.C.Z.R. that specifically regulates wireless telecommunications antennas and towers in Baltimore County. In particular, AT&T is required to demonstrate that it has made a diligent attempt to locate antennas on an existing tower or structure or, if not possible, why the new tower is warranted. AT&T

ORDER RECEIVED FOR FILING

Date 6-3-10

14

By 

must also demonstrate that the tower will be constructed to accommodate at least three wireless providers and, in doing so, show that it has kept the height of the tower to the minimum required to meet the coverage needs. Based on the evidence and testimony presented, I find that AT&T has demonstrated that the new tower is warranted and that it will accommodate three providers at the lowest height possible -- findings which are supported by the concurrence of the Tower Review Committee (Petitioners' Exhibit 7).

Because the R.C. Zone is considered a "residential" zone, AT&T must also demonstrate that no medium or high intensity commercial zoned sites were available, or that locating the tower at the proposed location is more consistent with legislative policy due to topographical or other unique features. Based on the testimony of Mr. Cline, I find that an appropriate search was conducted and any commercial sites were eliminated as a possibility before this location was chosen. AT&T also demonstrated compliance with the requirement that the tower be located on a lot of at least 5 acres as shown on the zoning drawings (Petitioners' Exhibits 2A through 2G).

Next, AT&T must show that the proposed use would not be detrimental to the special exception criteria set forth in Section 502.1 of the B.C.Z.R. Having considered the expert testimony of Petitioners' architect, Mr. Richardson, on this issue, I find that the proposal does, in fact, meet the requirements of Section 502.1; that is, the proposed cell tower and related equipment would have no material impact on any of the conditions outlined in Section 502.1. The Protestants testified that the tower would generally have negative aesthetic effects on the historic Monkton area and would specifically be visible from their nearby properties; thus it could be argued this results in a detrimental effect on the health, safety, and general welfare of the community. But having considered this testimony, I do not agree that this is a basis on which I can or should deny the requested Petition. *See, AT&T Wireless Services v. Mayor and City*

ORDER RECEIVED FOR FILING

Date 6-3-10

15

By ps

Council of Baltimore, 123 Md.App. 681 (1998) (holding that the alleged adverse aesthetic effects of an antenna did not justify denial of a permit).

It should also be noted that by the very nature of this "conditional use," it is to be expected that special exception uses may result in some impact on surrounding properties. *See, People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008); and *Schultz v. Pritts*, 291 Md. 1 (1981). However, an administrative agency such as this Commission may only deny such a use:

"where there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

Loyola, 406 Md. at 102 (quoting *Schultz*, 291 Md. at 22-23). Further, the Court of Appeals in *Loyola* recently confirmed that the analysis of an individual case must be focused on the particular locality or "neighborhood" around the proposed site. *Id.* at 101-102. I find no credible evidence that any such adverse impacts would result from the proposed tower, other than the alleged aesthetic impacts, which I believe would be similar regardless of where the tower were located within the neighborhood or locality. In fact, the evidence in this case clearly demonstrates that AT&T's proposal for a tower at the subject site will have the least visual impact than if it were placed at another location in the area.

Lastly, AT&T must demonstrate pursuant to Section 502.7.B.1 of the B.C.Z.R. that the "proposed tower will not interfere with or be detrimental to the scenic viewshed elements." Section 502.7.B.2 requires that such determination be made by comparing the scenic viewshed "elements" to the proposed tower location and, thus, determining whether "the proposed tower blocks any scenic viewshed elements or is not visually in harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously." On this issue, the

ORDER RECEIVED FOR FILING

Date 6.3.10

16

By ps

testimony and evidence indicates that, but for its visual impact on the subject property, which is itself a Landmark Structure, the proposed tower will be significantly obscured by existing trees and foliage and will not be visible from any scenic viewshed elements. This is confirmed by the Visual Impact Survey (Petitioners' Exhibit 8). In addition, AT&T submitted a NEPA Survey (Petitioners' Exhibit 9) indicating there would be no adverse effects from the proposed tower on nearby properties listed in or eligible for inclusion in the National Register of Historic Places, and a Phase 1 Environmental Site Assessment (Petitioners' Exhibit 10) revealing no evidence of potential environmental conditions in connection with the proposed tower and compound that would affect the proposed activities at the site. The proposed tower location at the subject site is also supported by the Office of Planning (Petitioners' Exhibit 11) and is not opposed by the Sparks-Glencoe Community Planning Council (Petitioners' Exhibit 12), an organization dedicated to preserving the historic, rural character of northern Baltimore County -- and one that is traditionally very critical of cell towers proposed for these areas. Hence, based on the totality of the evidence and testimony presented, in my judgment, the proposed tower will not interfere with or be a detrimental to the scenic viewshed.

In conclusion, it is an understatement to say that the technology in the telecommunications industry is continuing to evolve and, to a great extent, expand. Wireless services have exploded over the last decade and at the present time, those wireless signals are transmitted along telecommunications towers placed every few miles in virtually all regions. While the industry does progress, and while the full capabilities of these networks are determined going forward, the impact -- and thus the appropriateness of where these towers are placed -- is reviewed on a case-by-case basis. In the instant matter, AT&T has demonstrated a need for coverage in the Monkton area. It has met its legal burden with respect to the limitations

ORDER RECEIVED FOR FILING

Date 6.3.10

17

By per

and requirements of the Zoning Regulations and has developed a proposal that will meet its coverage needs. But most importantly, it has done so in a manner that the evidence indicates will have virtually no impact on the surrounding historical and agricultural area known as My Lady's Manor Historic District, and will allow this valuable connection with the past to be preserved.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special exception use should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of June, 2010 that Petitioners' request for a Special Exception for the construction of a new 123 foot high telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Road be and is hereby **GRANTED**, subject to the following which are conditions precedent to the relief granted:

1. Petitioners may apply for their necessary building or use permits, as applicable, and be granted same upon receipt 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Based on the plans attached to the Petition, tree clearing is proposed for the compound area. A Single Lot Declaration of Intent exemption may be invoked to satisfy the Forest Conservation Regulations.
4. The monopole shall be painted a dark brown or dark green color in order to further camouflage or lessen the potential visibility of the tower from the subject property and the surrounding area.

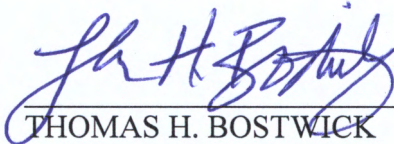
ORDER RECEIVED FOR FILING

Date 6-3-10 18

By ps

5. A basis of the determination that the proposed tower would not interfere with or be detrimental to the scenic viewshed elements was predicated on the proximity of the tower to an existing treeline and densely wooded area. Hence, this existing forested area shall be preserved and maintained by Petitioners.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 6-3-10

By ps 19



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 3, 2010

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

GREGORY RAPISARDA, ESQUIRE
SAUL EWING LLP
LOCKWOOD PLACE
500 EAST PRATT STREET
BALTIMORE MD 21202

Re: Petition for Special Exception
Case No. 2010-0225-X
Property: 16620 Wesley Chapel Road

Dear Mr. Rapisarda:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: William and Grace Harris, 16620 Wesley Chapel Road, Monkton MD 21111
Steven Kinly and Jordan Cohen, ACO Property Advisors, 7050 Oakland Mills Road #130, Columbia MD 21046
Linda Liebermann, Site Acquisition Coordinator, Bechtel Corporation, 9200 Berger Road, Columbia MD 21046
Shashikanth Sena, New Cingular Wireless PCS LLC, 7150 Standard Drive, Hanover MD 21076
David Richardson, BC Architects Engineers PLC, 5659 Columbia Pike #101, Falls Church VA 22041
Kirsten A. Burger, Sparks-Glencoe Community Planning Council, PO Box 937, Sparks MD 21152
Therese DeGraw, 16844 Wesley Chapel Road, Monkton MD 21111
Wendy Pace, 16825 Wesley Chapel Road, Monkton MD 21111
Peter Oetker, 16803 Wesley Chapel Road, Monkton MD 21111
Eric vanden Beemt, 16616 Remare Road, Monkton MD 21111



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 16620 Wesley Chapel Road, Monkton, MD 21111

which is presently zoned RC-2

Deed Reference: 6981 / 287 Tax Account # 1008000975

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

Construction of a new 123' telecommunications monopole with 50'x50' wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Road.

Section 426.5.D

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:

New Cingular Wireless PCS, LLC

Name - Type or Print

Signature

184 Edie Road

(518)431-9044

Address

Telephone No.

Saratoga Springs

NY

12866

City

State

Zip Code

Attorney For Petitioner:

Gregory Rapisarda, Esq.

Name - Type or Print

Signature

Saul Ewing, LLP

Company

Lockwood Place, 500 E Pratt Street (410)332-8963

Address

Telephone No.

Baltimore

MD

21202

City

State

Zip Code

Legal Owner(s):

William A. Harris

Name - Type or Print

Signature

Grace G. Harris

Name - Type or Print

Signature

16620 Wesley Chapel Rd. (410)472-2365

Address

Telephone No.

Monkton

MD

21111

City

State

Zip Code

Representative to be Contacted:

Gregory Rapisarda

Name

Lockwood Place, 500 E Pratt Street (410)332-8963

Address

Telephone No.

Baltimore

MD

21202

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2010-0225-X

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date

By

METES AND BOUNDS DESCRIPTION
23,921.5 SQ.FT. OR 0.5492 ACRE
20' WIDE ACCESS & UTILITY EASEMENT

ALL OF THAT PARCEL OF LAND LYING ON THE WEST SIDE OF WESLEY CHAPEL ROAD AND RUNNING IN, THROUGH, OVER AND ACROSS TAX MAP 23, PARCEL 9 AND TAX MAP 29, PARCEL 35, BEING IN BALTIMORE COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING FOR THE SAME AT A POINT IN THE CENTERLINE OF WESLEY CHAPEL ROAD. SAID POINT BEING 21.24 FEET FROM THE BEGINNING OF THE S 8° W 50 FOOT LINE OF SAID PARCEL 9 AS DESCRIBED IN A DEED OF CONVEYANCES FROM WILMA J. HARRIS, WILLIAM A. HARRIS AND GRACE G. HARRIS TO WILLIAM A. HARRIS AND GRACE G. HARRIS DATED AUGUST 19, 1985 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6981, FOLIO 287. THENCE RUNNING WITH AND BINDING PARTLY ON SAID ROAD CENTERLINE, AS ROTATED TO THE MARYLAND STATE PLANE NAD 83/91 COORDINATES

- 1 SOUTH 00° 29' 45" EAST 20.75 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY LINE AND RUNNING IN, THROUGH, OVER AND ACROSS SAID PARCELS 9 AND 35 THE SEVENTEEN (17) FOLLOWING COURSES AND DISTANCES:
- 2 SOUTH 74° 03' 57" WEST 100.47 FEET TO A POINT; THENCE
- 3 NORTH 82° 54' 11" WEST 115.30 FEET TO A POINT; THENCE
- 4 SOUTH 77° 16' 44" WEST 96.44 FEET TO A POINT; THENCE
- 5 SOUTH 59° 11' 16" WEST 36.77 FEET TO A POINT; THENCE
- 6 SOUTH 35° 16' 50" WEST 560.66 FEET TO A POINT; THENCE
- 7 SOUTH 81° 15' 53" WEST 44.45 FEET TO A POINT; THENCE
- 8 SOUTH 39° 12' 45" WEST 186.94 FEET TO A POINT; THENCE
- 9 SOUTH 50° 47' 15" EAST 6.42 FEET TO A POINT; THENCE
- 10 SOUTH 39° 12' 45" WEST 35.00 FEET TO A POINT; THENCE
- 11 NORTH 50° 47' 15" WEST 26.42 FEET TO A POINT; THENCE
- 12 NORTH 39° 12' 45" EAST 229.63 FEET TO A POINT; THENCE
- 13 NORTH 81° 15' 53" EAST 43.66 FEET TO A POINT; THENCE
- 14 NORTH 35° 16' 50" EAST 556.41 FEET TO A POINT; THENCE
- 15 NORTH 59° 11' 16" EAST 44.19 FEET TO A POINT; THENCE
- 16 NORTH 77° 16' 44" EAST 103.12 FEET TO A POINT; THENCE
- 17 SOUTH 82° 54' 11" EAST 114.72 FEET TO A POINT; THENCE
- 18 NORTH 74° 03' 57" EAST 101.92 FEET TO THE PLACE OF BEGINNING.

CONTAINING 23,921.5 SQUARE FEET OR 0.5492 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION.

Item #0225

METES AND BOUNDS DESCRIPTION
2,500 SQ.FT. OR 0.0574 ACRE
LEASE AREA PARCEL

ALL OF THAT PIECE OR PARCEL OF LAND LYING ON THE WEST SIDE OF WESLEY CHAPEL ROAD AND BEING IN TAX MAP 29, PARCEL 35, BALTIMORE COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING FOR THE SAME AT AN IRON PIPE AND CAP SET ON THE COMMON BOUNDARY LINE OF TAX MAP 23, PARCEL 9 AND TAX MAP 29, PARCEL 35, AS DESCRIBED IN A DEED OF CONVEYANCES FROM WILMA J. HARRIS, WILLIAM A. HARRIS AND GRACE G. HARRIS TO WILLIAM A. HARRIS AND GRACE G. HARRIS DATED AUGUST 19, 1985 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6981, FOLIO 287. SAID IRON PIPE AND CAP BEING SET 323.34 FEET FROM THE END OF THE SOUTH 47° 42' 30" WEST 572.03 FOOT COMMON PARCEL LINE. THENCE RUNNING REVERSELY WITH AND BINDING PARTLY ON AFORESAID COMMON PARCEL LINE, AS ROTATED TO THE MARYLAND STATE PLANE NAD 83/91 COORDINATES

- 1 NORTH 39° 12' 45" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE LEAVING SAID COMMON PARCEL LINE AND RUNNING IN, OVER, THROUGH AND ACROSS SAID PARCEL 35 THE FOLLOWING THREE (3) COURSES AND DISTANCES, VIZ:
- 2 SOUTH 50° 47' 15" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE
- 3 SOUTH 39° 12' 45" WEST 50.00 FEET TO TO AN IRON PIPE AND CAP SET; THENCE
- 4 NORTH 50° 47' 15" WEST 50.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 2,500.0 SQUARE FEET OR 0.0574 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION.

Item #0225

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 2010-0225-X

Petitioner: New Cingular Wireless, PCS, LLC

Address or Location: 16620 Wasley Chapel Road, Monkton MD

PLEASE FORWARD ADVERTISING BILL TO

Name: Bechtel Communications Attn: Paul Kooiker

Address: 9000 Berger Road
Columbia, MD 21046

Telephone Number: 410-206-6725

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2010-0225-X

16620 Wesley Chapel Road

W/side of Wesley Chapel Road, 90 feet +/- north of the centerline of Sheppard Road

10th Election District — 3rd Councilmanic District

Legal Owner(s): William & Grace Harris

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception: for construction of a new 123 telecommunications monopole with 50x50 wooden fence compound on a portion of the Harris property located at 16620 Wesley Chapel Road.

Hearing: Thursday, April 22, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 4/6/09 April 6

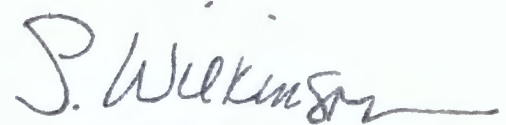
235186

CERTIFICATE OF PUBLICATION

4/8/, 2010

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 4/6/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2010-0225-X

Petitioner/Developer: William & Grace Harris

NEW Cingular Wire

Date of Hearing/Closing: 4/22/10

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

Attention:

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 at

16620 WESLEY CHAPEL ROAD

The sign(s) were posted on 04/07/10
(Month/Day/Year)

Sincerely,

B. Leddor

(Signature of Sign Poster/Date)

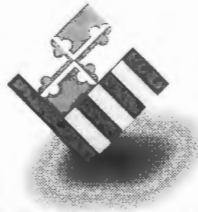
B. LEDDOR

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 25, 2010

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: 2010-0225-X

16620 Wesley Chapel Road

W/side of Wesley Chapel Road, 90 feet +/- north of the centerline of Sheppard Road

10th Election District – 3rd Councilmanic District

Legal Owners: William & Grace Harris

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception for construction of a new 123 telecommunications monopole with 50x50 wooden fence compound on a portion of the Harris property located at 16620 Wesley Chapel Road.

Hearing: Thursday, April 22, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Gregory Rapisarda, 500 E. Pratt St., Lockwood Place, Baltimore 21202
New Cingular Wireless PCS, LLC, 184 Edie Road, Saratoga Springs NY 12866
Mr. & Mrs. Harris, 16620 Wesley Chapel Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 7, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 14, 2010

Gregory Rapisarda
Saul Ewing, LLP
500 E. Pratt St.
Baltimore, MD 21202

Dear: Gregory Rapisarda

RE: Case Number 2010-0225-X, 166020 Wesley Chapel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 24, 2010. 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:lnw

Enclosures

c: People's Counsel
William & Grace Harris; 16620 Wesley Chapel Rd.; Monkton, MD 21111
New Cingular Wireless PCS, LLC; 184 Edie Rd; Saratoga Springs, NY 12866

TB
4-22-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 12 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 12, 2010

SUBJECT: Zoning Item # 10-225-X
Address 16620 Wesley Chapel Road
(Harris Property)

Zoning Advisory Committee Meeting of March 1, 2010.

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Based on the plans attached to the petition, tree clearing is proposed for the compound area. A Single Lot Declaration of Intent exemption may be invoked to satisfy the forest conservation regulations.

Reviewer: Thomas Panzarella

March 31, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 15, 2010
Item Nos. 2010-220, 221, 222, 223,
224 and 225

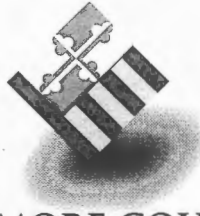
DATE: March 3, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03152010 -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 1, 2010

Item Numbers: 0219, 0220, 0221, 0222, 0223, 0224 and 0225

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



State Highway
Administration

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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 4, 2010

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

RE: Baltimore County
Item No. 2010-0225-X
16620 WESLEY CHAPEL RD
HARRIS 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. 2010-0225-X.

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

Very truly yours,

Foster 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 20, 2010

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

RECEIVED

APR 20 2010

SUBJECT: 16620 Wesley Chapel Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 10-225
Petitioner: New Cingular Wireless PCS, LLC
Property Size: 10.42 acres
Zoning: RC 2
Requested Action: Special Exception

The petitioner requests a special exception to permit construction of a new 123 foot telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Rd pursuant to Section 426.5.d of the BCZR.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the special exception to permit construction of a new 123 foot telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Rd pursuant to Section 426.5.d of the BCZR.

A balloon test was conducted on April 7, 2010 at 10:00 am with Planning and Preservation Services Staff present. After the balloon was raised staff evaluated the impact and visibility of the proposed cell tower upon the Landmark Structure, "Valley Brook Farm" Final Landmark # 91. The property is also listed on the Maryland Inventory of Historic Properties and is known as MIHP # BA-620 located on the property. Staff then proceeded to drive along the scenic routes in the community to determine the impact that the new monopole could have on the scenic routes, the properties that are currently in agricultural easement, and the properties that are contributing structures within the My Lady's Manor National Historic District and the Monkton County Historic District. At that time the majority of the trees did not have foliage, although the cell tower location is adjacent to a stand of evergreen trees which are tall with needles mostly at the

crown. The average height of the surrounding trees is 80 feet. The balloon test showed that the tower will extend above the existing trees approximately 40 feet. This property is also included in the Gunpowder Rural Legacy area.

After extensive driving along the scenic routes (Wesley Chapel Road, Shepperd Road and the North Central Railroad Trail) and around the community, as well as a walk along the North Central Railroad Trail, it was apparent that the new proposed monopole would only be visible on the subject property which contains the landmark structure and would not impact the surrounding properties, the scenic roads, the rural legacy area, or the properties that are in agricultural easement.

Staff concurs with the findings of the Maryland Historical Trust that there are no adverse impacts to National Register properties within the Area of Potential Effect (APE). Staff also conducted site visits to "Valley Brook Farm" Final Landmark # 91, and various locations within the Monkton County Historic District, not previously evaluated by the Maryland Historical Trust. The proposed monopole was not visible from the Monkton County Historic District, however, it was visible from the rear of the Landmark Structure. Staff believes that every effort should be made to camouflage it from the rear view of the Landmark Structure.

This Office recommends, provided that the following conditions are met, that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

1. That the monopole be a maximum height of 100 feet including all antennas.
2. That the monopole be stealth in nature, such as a tree and painted in a dark color in order to further camouflage it from the Landmark structure.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

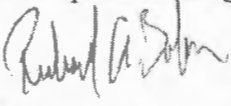
Prepared By: Jessie Bialek

Division Chief: [Signature]
AFK:jb

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: December 17, 2009

TO: Colleen Kelly, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee 

SUBJECT: New Tower – AT&T – 16620 Wesley Chapel Rd

The Tower Review Committee (TRC) met on October 27, 2009, to review an application for a new tower that was submitted by AT&T on September 30, 2009. The committee is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations, and in reference to the proposed construction of a new 125-foot monopole. The structure is proposed to be located on the property owned by William and Grace Harris, located at 16620 Wesley Chapel Road, Monkton, Maryland 21111, Council District #3.

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

Findings: We agree that AT&T has presented all requested information to the TRC to successfully demonstrate that no other co-location opportunities exists at or near this location that would suffice in providing AT&T its required coverage in the intended area. The total height planned by AT&T for the new monopole tower structure is 125-feet, including all appurtenances.

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

Findings: AT&T has shown, in supplemental drawings submitted to the TRC along with their application, that the proposed monopole tower will be constructed to support antennas for a minimum of 2 other wireless service providers in addition to AT&T.

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

Findings: The proposed site is located in an RC2 (Agricultural) zoned area. AT&T informed the TRC that they will provide Phase I documentation at zoning, and they have ordered a NEPA study, neither of which were available for perusal by the TRC at the time of this review meeting. A Special Exception Hearing will be required.

➤ *Located and designed to minimize its visibility from residential and transitional zone.*

Findings: AT&T provided information, including a site survey, to explain its plan to locate a proposed monopole designed tower in an agricultural zone; however, not included in its presentation and/or not assessed at the time of this review meeting were drive and balloon tests results, and a detailed description of its intended pole design with alternatives. Therefore, as of this review meeting, it is indeterminate as to whether AT&T's proposed monopole structure's visual impact will be minimized from the surrounding residential community.

It should be noted that a representative of the Sparks-Glencoe Community Planning Council, and a group of adjacent home owners were present in this review meeting and expressed strong verbal and/or documented opposition to the placement of AT&T's tower structure in the proposed location.

Note also, that based upon a document from Curtis Murray (TRC Member/Office of Planning Representative) to Jesse Bialek (Community Planning), the proposed site location is located within My Lady's Manor National registered district, and is a designated Baltimore County designated scenic route, as well as a Baltimore County landmark (#91) known as Valley Brook Farm. It is also listed on the Maryland Inventory of Historic Properties known as MIHP #BA-620.

Conclusion

In follow-up to the October 2009 meeting as requested by the TRC, on November 1st, 2009, AT&T electronically submitted an RF plot at 95' height and drive test results; as well as an email on November 2nd, stating that a balloon test will be conducted and that AT&T intends to stealth the tower in the case of high visibility.

Based upon review of AT&T's application and later submitted documents, the TRC would recommend this new tower site, as it is agreed that a 125-foot tower structure in the proposed location would serve to fill in AT&T's coverage gap in the area, and help them toward their goal of seamless connectivity, while allowing for needed emergency and non-emergency communications for their customers in the area; however, there remains one Section 426 requirement, on minimization of the tower's visibility, that we cannot specify with certainty will be met by AT&T's design and location.

Therefore, since the AT&T's tower design and visibility status remains unknown, the Tower Review Committee conditionally recommends this site, contingent upon AT&T demonstrating proof of its ability to minimize its proposed tower structure's visibility

Subject: New AT&T Tower
16620 Wesley Chapel Rd

12/17/09

from residential and transitional zones in its planned location. It is also the request of the Tower Review Committee that the advisory comments provided herein be forwarded to the Development Review Committee for further processing.

Tower Review Committee

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

CC: Donald Rascoe, Deputy Director, Permits and Development Management
Sabrina Chase, Baltimore County Office of Law
Robert Stradling, Director, Baltimore County Office of Information Technology
Gregory Rapisarda, Saul Ewing c/o AT&T
Bryan C. Cline, ACO Property Advisors c/o AT&T
Celltower Administrator

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
16620 Wesley Chapel Road; W/S Wesley *
Chapel Road, 90' N of Shepperd Road * ZONING COMMISSIONER
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): William & Grace Harris * FOR
Contract Purchaser(s): New Cingular Wireless *
Petitioner(s) * BALTIMORE COUNTY
* 10-225-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 04 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Gregory Rapisarda, Esquire, Saul Ewing, LLP, 500 East Pratt Street, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

NE 27-A

7 ED RC 2

RC 7

023A3

3 CD

10 ED

NE 26-A

RC 2

029A1

1930

PDM # 100446

2016

16710

16620

16617

WESLEY CHAPEL RD

SHEPPERD RD

Item #0225

CASE NAME _____
CASE NUMBER 2010-0225-X
DATE 4/22/10

[illegible]

CASE NAME _____
CASE NUMBER 2010-0775-X
DATE 4-22-10

[illegible]

**Justification Statement Supporting AT&T's
Petition for a Special Exception to
Construct a 123' Monopole
Telecommunication Facility
at
16620 Wesley Chapel Road
Monkton, Maryland, 21111**

The following document and attached Exhibits provide a justification for AT&T's proposal, and a brief explanation as to how and why this proposal conforms with the Baltimore County Zoning Regulations ("BCZR"). This information, as well as additional and clarifying evidence to be presented at an upcoming public hearing provide the foundation for approving AT&T's Petition for Special Exception. The following Exhibits are attached to this Justification Statement:

Exhibit 1	RF Propagation Map of Existing Coverage
Exhibit 2	Tower Review Committee Memorandum
Exhibit 3	Site Plan in 8.5" x 11"
Exhibit 4	Aerial View of BL-CR Area
Exhibit 5	FAA Notice/Letter re lack of lighting requirements
Exhibit 6	RF Propagation Map of Proposed Coverage at 115'
Exhibit 7	Visual Impact Survey
Exhibit 8	NEPA Survey dated February 17, 2010
Exhibit 9	Phase 1 Environmental Site Assessment dated October 8, 2009

I. AT&T's Goals and Lack of Existing Coverage

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T") is licensed by the Federal Communications Commission ("FCC") to provide wireless telecommunications services in the Baltimore market area. AT&T needs additional antennas in order to provide and improve the delivery of wireless services to residents in the Monkton area and commuters along Monkton Rd and Shepperd Rd (SH 138), the North Central Railroad Trail ("NCR Trail"), Matthews Rd, Corbett Rd, and other local roads. (See Existing Coverage Radio Frequency Propagation Maps attached as Exhibit 1).

AT&T's lack of adequate coverage has resulted in customer complaints and dropped calls in the above mentioned areas. AT&T's proposed telecommunications facility will also ensure adequate overlapping coverage between and among existing sites including AT&T's Grifford Lane site to the west and its Troyer Lane site to the north east. Ultimately, the proposed site will allow residents and commuters to experience better quality and diminished dropped calls.

II. The Proposed Telecommunications Facility

When AT&T has a need for coverage, it first seeks to co-locate antennas onto or within an existing structure. The tallest structure in the area is the steeple that belongs to the

Monkton Methodist Church at 1930 Monkton Road. The 45' tall steeple was evaluated and ruled out because it is too low for AT&T's needs. A search throughout the area proved that no viable co-location opportunities exist. On October 27, 2009, the Tower Review Committee ("TRC") evaluated AT&T's steeple analysis and concurred that it was not a viable co-location opportunity. Furthermore, the TCR found that AT&T "successfully demonstrated that no other co-location opportunities exist at or near this location..." The December 17, 2009 TRC Memorandum is attached as Exhibit 2.

With no viable co-location opportunity, AT&T determined, and the TRC confirmed, that a new tower was required. As potential "raw land" sites were ruled out (as detailed below), AT&T determined that the 10.42 acre parcel at 16620 Wesley Chapel Road in Monkton Maryland (the "Property") was viable from a technical perspective (i.e. radio frequency), a zoning perspective (permitted use in RC 2 district and compliant with all regulations), and from a land owner perspective (i.e. willing land owner to lease space to AT&T).

The proposed telecommunications facility consists of a 123' monopole within a 50' x 50' equipment compound surrounded by an 8' tall wooden board on board fence (the "Facility") at the Property. The 123' monopole consists of a 118' monopole topped by a 5' tall lightning rod. This monopole will allow AT&T to locate its antennas at a RAD center of 115' and it will allow 2 future carriers to locate antennas at 105' and 95' respectively.

III. Community Outreach

The Property is within the boundaries and jurisdiction of the Sparks Glencoe Community Planning Council ("SGCPC"). AT&T has communicated with the SGCPC regarding the project since the TRC meeting on October 27, 2009. Specifically, AT&T has provided the preliminary plans and other relevant documents to the SGCPC for analysis and evaluation. AT&T informed SGCPC of a visual impact survey and balloon test held on December 14, 2009. AT&T informed the SGCPC and various members of neighbors that a large red balloon would be flown at a height of 123' beginning at 9am and remaining in the air for at least 2 hours. AT&T then presented an overview of the project and the results of the visual impact survey at a SGCPC meeting on January 13, 2010.

IV. AT&T's proposal is consistent with § 426 of the Baltimore County Zoning Regulations:

§ 426.2 Legislative policy for siting of wireless telecommunications antennas and towers.

It is the intent of Baltimore County that:

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

- *Whenever possible AT&T seeks out co-location opportunities first. AT&T evaluated the possibility of co-locating antennas onto or within the existing 45' tall steeple at the Monkton Methodist. There were no viable co-location candidates available in this area. The TRC agreed with this analysis and evaluation and, in a unanimous finding provided in its December 17, 2009 Memorandum found that "no other co-location opportunities exists [sic] at or near this location that would suffice in providing AT&T its required coverage in the intended area. The TRC Memorandum is attached at Exhibit 2.*

B. If a new tower must be built, the tower should be:

1. Constructed to accommodate at least three providers;
- *The proposed monopole is designed to hold 3 carriers – AT&T and 2 future carriers. The Compound Plan & Elevation page (drawing number A-1) of the Site Plans detail the available antenna heights and future uses. An 8.5" x 11" copy of the Site Plan is attached as Exhibit 3,¹ and 11 full size sets (24" x 36") are included with this filing package.*
2. Erected in a medium- or high-intensity commercial zone when available; and
- *The majority of the search ring is zoned RC, but there is a BL-CR zoned area along Monkton Road. This BL-CR zoned area runs approximately 600' along Monkton Road between the NCR Trail and Garfield Avenue and is situated approximately 200' on either side of Monkton Road for an approximate area of 600' x 400'. There are seven parcels within this area – six parcels are home to residential dwellings and one parcel is home to the historic Monkton Hotel (aka Monkton Station at the NRC Trail). Six of the seven parcels do not have enough area for a theoretical telecommunications facility. One parcel at 1916 Monkton Road ("alternative Site") is home to a residence but also has an empty field that has approximately 100' x 100' located within the BL-CR zoning district. At least theoretically, 100' x 100' is enough area for a telecommunications facility. AT&T met with the owner of the Alternative Site, took measurements, and evaluated the possibility of a new tower at this location. The Alternative Site sits at approximately 350' above mean sea level ("AMSL"), approximately 70' below the AMSL of the Property. Consequently, AT&T's engineers determined that a new tower at the Alternative Site would require a minimum height of approximately 196'. In addition, the approximate 196' tower would be sit directly next to a highly traveled portion of Monkton Road, would sit within 200' of 4 homes, and would have two property setbacks of approximately 50' (well under 200' as required in BCZR 426.6.A). Furthermore, the impacts (visual and otherwise) associated with a 196' tower sitting along Monkton Road, adjacent to both the historic Monkton Hotel and*

¹ The Site Plan is 7 pages, which includes (1) a title page, (2) two Site Plan pages, (3) a Compound Plan and Elevation page, (4) a Fence Details page, and (5) a two page Survey.

the NCR Trail, shadowing homes with minimal setbacks in an historic area are contrary to the policies and provisions of the BCZR and the Baltimore County Master Plan. These factors led AT&T to rule out the Alternative Site as a viable location for a new telecommunications facility. A copy of the BL-CR area printed from the Baltimore County website is attached as Exhibit 4.

3. Located and designed to minimize its visibility from residential and transitional zones.
- *The Facility will be located t the edge of and within an existing wooded area on a 10.34 acre parcel of land and at significant distances from roads and adjacent parcels. For example, the closest adjacent property sits 223' to the north and is owned by Mr. and Mrs. Harris, the same people that own the Property. See the Site Plan attached as Exhibit 3. The location of the Property and the location of the Facility within the Property is designed to maximize the natural screening and minimize the visual impact from residential and transitional zones. Furthermore, 123' is the minimum height that will allow AT&T to meet its coverage objectives, and it will allow space for two future carriers.*

§ 426.3. – N/A

§ 426.4. Tower Review Committee

- A. There is a Tower Review Committee in Baltimore County.
- B. The Committee shall consist of:
 1. A Tower Coordinator, who shall have technical expertise regarding the siting of wireless telecommunications towers and shall serve as committee chairperson;
 2. The Director of the Office of Planning or the Director's designee;
 3. The Director of the Office of Information Technology or the Director's designee;
 4. An at-large citizen representative appointed by the County Council; and
 5. Depending on the particular site for a tower, representatives of other governmental agencies as determined by the Tower Coordinator.
- C. An applicant for a building permit for an antenna shall submit a duplicate copy of the permit application to the Tower Coordinator.
- D. In addition to any other fees required, an applicant for a building permit or a special exception shall pay a separate processing fee to the County. The County Administrative Officer shall establish the amount of the fee.

E. Committee review.

1. Prior to submitting a petition for a special exception or an application for a building permit for a tower, a petitioner or an applicant shall meet with the Committee. The Committee shall meet with the petitioner or the applicant within 45 days after a written request for a meeting is submitted.
2. The petitioner or the applicant shall submit to the Committee:
 - a. Information detailing the maximum number of providers and antennas the proposed tower can support.
 - b. Any other relevant technical information requested by the Committee.
3. The Committee shall review the information submitted by the petitioner or the applicant and evaluate the proposed tower with regard to the legislative policy under Section 426.2.
4. The Committee may provide advisory comments to the Zoning Commissioner or the Code Official concerning the proposed tower.

- *AT&T applied to the TRC and a meeting was held on October 27, 2009. The TRC evaluated AT&T's application for a Facility at the Property, including all technical data relating to AT&T's need for coverage and it's rule out of co-location opportunities. The TRC did conclude that a new tower was needed and that "a 125' structure in the proposed location would serve to fill in AT&T's coverage gap in that area... while allowing for needed emergency and non-emergency communications for their customers in the area..." The TRC, however, only conditionally recommended approval of the Facility based upon a confirmation of visual impact from residential and transitional zones. AT&T informed the TRC that it would conduct a visual impact survey with a balloon test but that it would wait until the leaves had fallen off the trees so it could ascertain the maximum visual impact during a time period of minimum natural screening. The TRC Memorandum dated December 17, 2009, is attached as Exhibit 2.*

§ 426.5. Location and height restrictions for wireless telecommunications towers and antennas.

In this section, the following words have the meanings indicated:

- A. "R" means by right.
- B. "SE" means by special exception.
- C. The column for antennas refers to antennas located on a tower, building or structure legally existing prior to the installation of the antenna even if the tower, building or structure was approved by special exception.

D. The height of a tower is measured from the base of the tower to the tip of the tower or the tip of the highest antenna on the tower, whichever distance is greater.

- *The Property is zoned Resource Conservation 2 (RC 2), which permits the proposed 123' monopole with a special exception.*
- *The panel antennas are 54.5"H x 10.3"W x 5.9"D, which is less than the maximum size of 15' L and 3' in diameter allowed in a RC 2 zoning district.*

§ 426.6. Setback requirements for wireless telecommunications towers.

A. Setbacks.

1. A tower shall be set back at least 200 feet from any other owner's residential property line.

- *The proposed tower will have the following setbacks:*

223' to the north;

293' to the east;

618' to the south; and

391' to the west

This proposal will meet all applicable setbacks, and the setbacks are detailed in the Site Plan attached as Exhibit 3, and as submitted with this package.

2. A structure housing equipment for a tower shall meet the minimum setback requirements from any other owner's property or zone line.

- *The equipment will be housed within cabinets that are set within the 50' x 50' fenced compound. The setback from the fence to the nearest property line is approximately 260', which is the 293' setback from the tower. This information is detailed in the Site Plan attached as Exhibit 3, and as submitted with this package*

3. Notwithstanding the provisions of Section 102.2 of these regulations, if multiple structures housing equipment for a tower are located on the same owner's property, a yard or setback is not required between the structures.

- *AT&T's equipment will be located on the same owner's property as the tower.*

B. Except as required by the Federal Aviation Administration:

1. Stroboscopic lights are not permitted on a tower.

- ***No lighting is proposed as part of AT&T's application. AT&T completed an FAA Notice Criteria Tool that confirmed that a 123' structure would not exceed the FAA's Notice Criteria, thus, no lighting will be required on a 123' tower. The Notice Criteria Tool is attached as Exhibit 5.***

2. The tower, antenna and supporting lines shall be neutral in color.

- ***The proposed equipment will be neutral and color, complying with this section.***

C. If a tower is located in a residential or transitional zone, any structure housing equipment for the tower shall be:

1. Screened in accordance with the Landscape Manual, Class "A" screening requirements.

2. Faced with a material compatible with buildings or structures surrounding the tower.

- ***The Facility will be located in an area that is completely out of sight of any other property. The Facility will be situated within an existing tree line and wooded area and will be thoroughly and naturally screened in a manner that is at least equivalent to the Landscape Manual, Class "A" screening requirements. Furthermore, and even though there are no buildings or other structures surrounding the tower, the wooden board on board fence is a natural product and visual appearance that is compatible with other buildings in the general vicinity.***

D. Upon completion of a tower and every five years after the date of completion, the owner of the tower shall submit to the Code Official written certification from a professional engineer verifying that the tower and any structure housing equipment for the tower meets all applicable Building Code and safety requirements.

- ***AT&T will comply with this requirement.***

E. The owner of a tower shall submit annually to the Tower Coordinator written certification of the number of providers and antennas on the tower.

- ***AT&T will comply with this requirement.***

§ 426.7. Security bond.

A. An applicant for a building permit for a tower shall provide:

1. A security bond in an amount not to exceed \$40,000 and a term not to exceed 25 years; or

2. A fee not to exceed \$5,000.

B. The Administrative Officer shall determine the form and amount of the bond or fee in accordance with § 3-1-202 of the Baltimore County Code.

C. The Code Official may use the bond or fee to procure repair of unsafe or hazardous conditions under Section 426.8 or removal of a tower under Section 426.10 in accordance with § 3-6-402 of the Baltimore County Code.

- *AT&T will comply with these requirements.*

§ 426.8. Unsafe or hazardous conditions.

A. The owner of a tower and any structure housing equipment for the tower shall maintain the tower and any structure in good working condition and correct any unsafe or hazardous conditions, which may include:

1. Conditions caused by vandalism.
2. Flaking or worn exterior paint.
3. Illegal or improper occupancy of the tower or structure.

B. The provisions of this section shall be enforced in accordance with Article 3, Title 6 of the Baltimore County Code.

- *AT&T will comply with these requirements.*

§ 426.9. Additional conditions for towers permitted by exception.

Towers permitted by special exception shall meet the requirements of this section.

A. A petitioner shall have the burden of demonstrating that:

1. The petitioner has made a diligent attempt to locate the antenna on an existing tower or nonresidential building or structure;
- *AT&T sought out co-location opportunities first. AT&T evaluated the 45' steeple at the Monkton Methodist Church but the steeple was too low to provide a viable co-location opportunity. There were no other viable existing structures in this area. The TRC confirmed this information and the TRC Memorandum is attached as Exhibit 2.*
2. Due to the location, elevation, engineering, technical feasibility or inability to obtain a lease or ownership of a location elsewhere, the construction of a tower at the proposed location is warranted;

The topography of Property and the location of the Facility setback at significant distances from adjacent properties and adjacent to and within an existing stand of tall trees, make this location ideally suited for the Facility as compared to elsewhere in the zone.

3. To the extent technically feasible, the tower has been designed to accommodate antennas of at least two other providers; and

- *This proposed monopole is designed to accommodate three carriers – AT&T and two future carriers. See the Compound Plan and Elevation page of the Site Plan attached as Exhibit 3.*

4. The height of the tower is no higher than what is required to enable present and future co-location of other providers.

- *The height of the proposed tower is the minimum height needed to achieve service in this area and accommodate either actual carriers that are approved to provide service in the area or other future carriers. A radio frequency propagation map showing AT&T's proposed coverage with antennas at 115' is attached as Exhibit 6. See also, TRC Memorandum attached as Exhibit 2.*

B. The Zoning Commissioner shall review the petitioner's submittal with regard to the legislative policy under Section 426.2.

C. In a residential or transitional zone, a tower shall meet the following additional requirements:

1. A petitioner shall have the burden of demonstrating that:

a. There is no available, suitable site for the tower in a medium or high intensity commercial zone, identifying with particularity any sites considered; or

- *There is one medium intensity commercially zoned property in the search area at 1916 Monkton Road (the "Alternative Site"). As detailed above, the Alternative Site is home to a residence but also has an empty field that measures approximately 100' x 100' located within the BL-CR zoning district. At least theoretically, 100' x 100' is enough area for a telecommunications facility. AT&T met with the owner of the Alternative Site, took measurements, and evaluated the possibility of a new tower at this location. The Alternative Site sits at approximately 350' above mean sea level ("AMSL"), approximately 70' below the AMSL of the Property. Consequently, AT&T's engineers determined that a new tower at the Alternative Site would require a minimum height of approximately 196'. In addition, the approximate 196' tower would be sit directly next to a highly traveled portion of Monkton Road, would sit within 200' of 4 homes, and would have two property setbacks of approximately 50' (well under 200' as required in BCZR 426.6.A). Furthermore, the impacts (visual and otherwise) associated with a 196' tower sitting along Monkton Road, adjacent to both the historic Monkton Hotel and the NCR Trail,*

shadowing homes with minimal setbacks in an historic area are contrary to the policies and provisions of the BCZR and the Baltimore County Master Plan. These factors led AT&T to rule out the Alternative Site as a viable location for a new telecommunications facility. There are no high-intensity commercially zoned properties in the search area.

b. Due to topographical or other unique features, the proposed site is more consistent with the legislative policy under Section 426.2 than a site in an available medium or high intensity commercial zone.

- *As detailed above, the Alternative Site is the only theoretically possible parcel and it is much less consistent with the legislative policy of BCZR 426.2, and less consistent and compliant with all provisions of the BCZR, as compared to the Facility at the Property. The Facility at the Property will be situated adjacent to and within an existing stand of trees and will blend into the visual landscape. In addition, the topography at this site allows for a 123' monopole while the Alternative Site would require a tower that would need to be approximately 196' tall.*

2. A tower in an R.C. Zone shall be located on a lot of at least five acres. In all other residential or transitional zones, a tower shall be located on a lot of at least three acres.

- *The Property is 10.34 acres and is zoned RC 2..*

3. In granting a special exception, the Zoning Commissioner, or Board of Appeals upon appeal, shall impose conditions or restrictions as provided in Section 502.2. In addition, the Commissioner shall require that the tower be disguised as a structure or natural formation, such as a flagpole, steeple or tree, which is found, or likely to be found, in the area of the tower unless the Commissioner finds that the requirement is not reasonable or advisable for the protection of properties surrounding the tower.

- *AT&T hired the environmental consultants Acer Associates to perform a visual impact survey and balloon test as part of its analysis of the Facility for the required NEPA and Phase 1 studies. A visual impact study was performed on December 14, 2009. Notice of the visual impact survey was provided to the SGCPC and to Amanda Apple, a Maryland Historic Preservation Officer. Acer arrived at the Property and at approximately 9:15am, raised a 6 in diameter' red balloon filled with helium to a height of 123' from the proposed location of the Facility. The balloon remained in the air for more than 2.5 hours while Acer, Ms. Apple, and 2 AT&T representatives drove along the roads in the surrounding area within several miles of the Property. Acer took photographs from seventeen locations surrounding the Property. Based on the topography of the Property, location of the Facility on the Property, and the existing natural screening provided by the surrounding heavily wooded area, the 6' balloon could not be seen from anywhere above the treeline, and it could only be seen within the treeline at several locations and only after a careful and time consuming search. Consequently, the visual impact of the tower will be de*

minimis, if existent. For these reasons, no stealthing is necessary because the monopole design will be "stealthed" by the totality of the factors contributing to this project.

A Visual Impact Survey containing a map showing the locations of the photographs and photographs from various locations where the balloon was visible and/or not visible is attached as Exhibit 6.

§ 426.10. Removal of towers.

A. The Code Official may issue a citation to the owner for removal of a tower, including all aboveground structures, equipment and paving, if:

1. The Code Official determines that the tower has not been in actual and continuous use for 12 consecutive months;
2. The owner has failed to correct an unsafe or hazardous condition under Section 426.8 within the time prescribed in a correction notice issued by the Code Official; or
3. The owner has notified the Code Official that use of the tower has terminated.

B. A special exception for the operation of a tower becomes void upon a final order of the Code Official for removal of the tower.

C. The provisions of this subsection shall be enforced in accordance with Article 3; Title 6 of the Baltimore County Code. The provisions of this subsection shall be enforced in accordance with Article 3, Title 6 of the Baltimore County Code.

D. Failure to comply with order.

1. The Code Official may procure compliance in accordance with § 3-6-402 of the Baltimore County Code, if the owner fails to comply with a final order to remove the tower.
2. Expenses for removal of a tower which exceed the amount of any security bond posted under Section 426.7 shall become a lien on the property of the owner.

- *AT&T will comply with these requirements.*

§ 502.7 Wireless Telecommunications Towers

A. A special exception may not be granted for any wireless telecommunications tower over 200 feet in height which is within 1 and 1/2 miles of an existing district on the Baltimore County Final Historic Landmarks list or any of the following historical districts on the National Register of Historic Places, namely, Oella, My Lady's Manor, Western Run, Worthington Valley, Greenspring Valley, Corbett and Long Green

Valley, unless the Zoning Commissioner or the Board of Appeals, upon appeal, finds that the proposed use will not be detrimental to or materially detract from the documented values of any such district due to the height of the proposed tower and its placement and visibility relative to such district.

- ***The Property is located within My Lady's Manor Historic District and is a designated Baltimore County landmark known as Valley Brook Farm and is listed on the Maryland Inventory of Historic Properties known as MIHP #BA-620. Despite that information, this section is not applicable because the proposed tower will only be 123' tall. Regardless, the 123' monopole will not be detrimental to or materially detract from the documented values of any historical district. AT&T will address this consideration at the upcoming public hearing.***

§ 502.7.B. Towers within scenic viewshed.

1. A Special exception may not be granted for a wireless telecommunications tower located in an RC-2, RC-3, RC-4, RC-5, RC-6 or RC-7 Zone within a scenic viewshed unless the Zoning Commissioner finds that the proposed tower will not interfere with or be detrimental to the scenic viewshed elements.

- ***The Property does not appear to be located within a designated scenic viewshed. Regardless, and as shown in the Visual Impact Survey attached as Exhibit 6, the proposed Facility will not interfere with or be detrimental to any viewshed elements.***

2. The Zoning Commissioner shall determine interference or detriment based upon substantial evidence, comparing the scenic viewshed elements to the proposed tower location, in order to determine whether the proposed tower blocks any scenic viewshed elements or is not visually in harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously.

- ***The Property does not appear to be located within a designated scenic viewshed. Regardless, and as shown in the Visual Impact Survey attached as Exhibit 6, the proposed Facility does not block any scenic viewshed elements and is not visually out of harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously.***

3. The Zoning Commissioner may also consider whether public funds have been spent acquiring easements or entering into other agreements to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower

and whether other public or private agreements exist to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower.

a. Except as provided in this paragraph, the presence of the easements and agreements may be probative of the possible interference of the proposed tower with scenic viewshed elements.

- *AT&T will address this consideration as necessary at the upcoming public hearing.*

b. The absence of the easements and agreements may not be probative of the possible interference of the proposed tower with scenic viewshed elements.

- *AT&T will address this consideration as necessary at the upcoming public hearing.*

V. Historic and Environmental Impact

As mentioned above, AT&T contracted with a third party environmental engineering consultant, Acer Associates, to analyze the Property, the Facility, and the surrounding areas and complete the required NEPA and Phase 1, section 106, studies that are required under federal laws.

A copy of the final NEPA report, dated February 17, 2010, is attached as Exhibit 7. Please note that the NEPA report concludes that there will be either no effects or no adverse effects on the historic properties and districts in the area. See Attachment 10 and Section VII, p. 9 of Exhibit 7.

A copy of the Phase 1 study, dated October 8, 2009, is attached as Exhibit 8. Please note that the Phase 1 report concludes that "there is no evidence of potential environmental conditions in connection with the proposed tower compound location and access easement..." See p. 20, Exhibit 8.

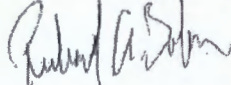
VI. Conclusion

AT&T respectfully requests that Baltimore County grant the requested special exception relief. If you need further information, please contact our zoning attorney Gregory Rapisarda at 410-332-8963.

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: December 17, 2009

TO: Colleen Kelly, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee 

SUBJECT: New Tower – AT&T – 16620 Wesley Chapel Rd

EXHIBIT #2

The Tower Review Committee (TRC) met on October 27, 2009, to review an application for a new tower that was submitted by AT&T on September 30, 2009. The committee is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations, and in reference to the proposed construction of a new 125-foot monopole. The structure is proposed to be located on the property owned by William and Grace Harris, located at 16620 Wesley Chapel Road, Monkton, Maryland 21111, Council District #3.

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

Findings: We agree that AT&T has presented all requested information to the TRC to successfully demonstrate that no other co-location opportunities exists at or near this location that would suffice in providing AT&T its required coverage in the intended area. The total height planned by AT&T for the new monopole tower structure is 125-feet, including all appurtenances.

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

Findings: AT&T has shown, in supplemental drawings submitted to the TRC along with their application, that the proposed monopole tower will be constructed to support antennas for a minimum of 2 other wireless service providers in addition to AT&T.

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

Findings: The proposed site is located in an RC2 (Agricultural) zoned area. AT&T informed the TRC that they will provide Phase I documentation at zoning, and they have ordered a NEPA study, neither of which were available for perusal by the TRC at the time of this review meeting. A Special Exception Hearing will be required.

PROJECT INFORMATION

SCOPE OF WORK: TO CONSTRUCT A NEW TELECOMMUNICATIONS FACILITY CONSISTING OF A 125' MONOPOLE WITHIN A 50'x50' WOODEN FENCED COMPOUND ON A PORTION OF THE PROPERTY

SITE ADDRESS: 16620 WESLEY CHAPEL RD
MONKTON, MD 21111

PARCEL SIZE: 10.42 ACRES

LATITUDE: N 35° 34' 47.13" MAG 83

LONGITUDE: W 76° 36' 39.41" MAG 83

GROUND ELEVATION: 445'

JURISDICTION: BALTIMORE COUNTY

ZONING: SC-2

PROPERTY OWNER: WILLIAM A. HARRIS & GRACE G. HARRIS

OWNER ADDRESS: 16620 WESLEY CHAPEL ROAD
MONKTON, MD 21111

TAX ID. NO: TAX MAP 29, PARCEL 35

COUNCILMANIC DISTRICT: 3

ELECTION DISTRICT: 10

DEED REF: LEEB 8981, FOLIO 287

PROPOSED USE: TELECOMMUNICATIONS FACILITY ON PORTION OF PROPERTY

TOWER OWNER: NEW CIRCULAR WIRELESS PCS LLC

SITE NAME: WISEBURG_HARRIS RAWLAND

SITE #: 10064089_1744

NAME OF APPLICANT: NEW CIRCULAR WIRELESS PCS LLC

GATE COMBINATION: N/A

UTILITY INFORMATION

UTILITIES:

POWER: BGE (800) 285-6177

TELCO: VERIZON (800) 483-5000

DRAWING INDEX

REV

10064089-T-1	TITLE SHEET	2
1 of 2	SURVEY	2
2 of 2	SURVEY	2
10064089-A-0	SITE PLAN	2
10064089-A-0A	ENLARGED SITE PLAN	2
10064089-A-1	COMPOUND PLAN & ELEVATION	2
10064089-A-2	FENCE DETAILS	2

EXHIBIT #3



at&t

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION HEARING

WISEBURG_HARRIS RAWLAND
10064089_1744

VICINITY MAP

DIRECTION:

DEPART NEAR HEREFORD ON I-83 (BALTIMORE HARRISBURG RD) (SOUTH) 0.6 MI. AT EXIT 27, TURN RIGHT ONTO RAMP 0.3 MI. KEEP LEFT TO STAY ON RAMP 4.3 YDS. TURN LEFT (EAST) ONTO SR-137 (MT CARMEL RD) 0.2 MI. TURN RIGHT (SOUTH) ONTO SR-45 (YORK RD) 174 YDS. TURN LEFT (EAST) ONTO SR-138 (MONKTON RD) 3.3 MI. TURN LEFT (NORTH) ONTO LOCAL ROAD(S) 0.2 MI. ARRIVE AT SITE



SCALE: 1"=1000' (11x17) 1"=500' (24x36)

AT&T CONSTRUCTION: _____

AT&T RF: _____

AT&T COMPLIANCE: _____

AT&T REAL ESTATE: _____



5608 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2098
TEL: (703) 871-8000
FAX: (703) 871-8000

WISEBURG_HARRIS RAWLAND
10064089_1744

16620 WESLEY CHAPEL RD
MONKTON, MD 21111



1150 STANFORD DR
HAWTHORNE, MD 21059

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	02-02-10	REVISED ZONING DRAWINGS	GMW	COM	BMQ
2	08-24-09	REVISED ZONING DRAWINGS	GMW	COM	BMQ
3	09-10-09	ZONING DRAWINGS	GMW	COM	BMQ
4	09-09-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
5	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
6	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
7	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
8	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
9	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ
10	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	COM	BMQ

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24592, EXPIRATION DATE 11/17/11.



BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

TITLE SHEET

DRAWING NUMBER
10064089-T-1

REV
2

02-02-10 DAVID RICHARDSON 13.42.49/Drawing - 2009/AT&T_Rawland/Wiseburg_Harris Raw Land - 10064089_1744/Zoning/11.dwg



EXHIBIT #4

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	39-34-46.7 north
Longitude	076-36-39.6 west

Measurements (Meters)

Overall Structure Height (AGL)	39
Support Structure Height (AGL)	36.9
Site Elevation (AMSL)	130.5

Structure Type

POLE - Any type of Pole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW

EXHIBIT #5

Visual Impact Survey – Exhibit 7

**Relating to AT&T's Petition for a Special Exception to
Construct a 123' Monopole
Telecommunication Facility
at
16620 Wesley Chapel Road
Monkton, Maryland, 21111**

Exhibit 7 contains the following documents:

- Aerial Map of 17 Locations
- Visual Impact Assessment Report by Acer Associates, LLC
- 5 photographs of Property
- 34 Photographs taken from 17 locations during December 14, 2009 balloon test

EXHIBIT #7

**NEPA SURVEY
AT&T WIRELESS ANTENNA SITE
"WISEBURG"**

**Fixed Asset # 10064089
16620 Wesley Chapel Road
Monkton, Baltimore County, Maryland 21111**

Prepared for:

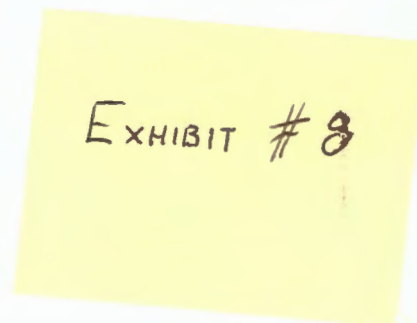


**7150 Standard Drive
Hanover, Maryland 21076**

Prepared by:



**ACER ASSOCIATES, LLC
Bloomfield Business Park
403 Bloomfield Drive, Unit 2
West Berlin, New Jersey 08091**



February 17, 2010

Acer Project Number: 2009377

**PHASE I ENVIRONMENTAL SITE ASSESSMENT
AT&T WIRELESS ANTENNA SITE
"WISEBURG - MD1744"**

FA # 10064089

**16620 Wesley Chapel Road
Monkton, Baltimore County, Maryland 21111**

Prepared for:



**7150 Standard Drive
Hanover, Maryland 21076**

Prepared by:



**ACER ASSOCIATES, LLC
403 Bloomfield Drive, Unit 2
West Berlin, New Jersey 08091**

EXHIBIT # 9

October 8, 2009

ACER Project Number: 2009377

Case No.: 2010-0225-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Business C Clinic Resume	
No. 2 A-G	Zoning Drawings	
No. 3	Property Deed	
No. 4	RF preproposal map of existing coverage	
No. 5	Site Acquisition Request Form (SARF)	
No. 6	Aerial photo of BL-CR	
No. 7	TRC Report	
No. 8	Visual Impact Survey	
No. 9	NEPA Survey 2-17-10	
No. 10	Phase I Environmental Site Assessment 10-8-09	
No. 11	4-20-10 Planning Comment	
No. 12	4-20-10 letter from Sparks - Glencoe Comm. Plan Council	
13	FAA determination of no lights	

Petitioner

[illegible]



ACO Property Advisors

Bryan C. Cline
Site Acquisition and Zoning Manager
ACO Property Advisors, Inc.
184 Edie Road
Saratoga Springs, NY 12866
(518) 584-9578

Overview:

Telecommunications infrastructure design specialist since 2006, with specialty in site acquisition, government compliance, site development and related issues.

Capability Brief:

- Managed project teams including site acquisition/zoning agents and administrative personnel in the completion of multiple new site build projects totaling over 250 sites
- Extensive background in preparation of site candidate information packages including preliminary search ring analysis, mapping/GPS software, parcel identification, reviewing zoning ordinances and digital photography
- Skilled in the leasing process having negotiated leases including raw lands, collocations and rooftops with individuals, partnerships, corporations and various governmental entities
- Experience in Telecommunications Zoning throughout the Northeast, specifically Maryland, Washington DC and Virginia
- Represents ACO Property Advisors' progress on all sites in client deployment meetings and maintains weekly site-by-site trackers. Manages client expectations and milestone tracking

Projects Completed:

- AT&T/Bechtel/TerraTecTonics – Virginia/Maryland Market – Direct client contact and oversee project, performing new site build site acquisition and zoning on over 100 sites
- TerraStar/Bechtel/TerraTecTonics – Baltimore/Maryland Market - Managed 60 new site build sites and agents performing site acquisition and zoning
- Sprint – Baltimore/Washington DC Markets – Managed and performed new site build project for 30 sites from search ring to building permit
- Sprint/Nextel/General Dynamics – Baltimore/Washington DC/Northern Virginia Markets - Worked on project management(overseeing site acquisition and zoning agents) for the performance of 60 search rings for new site build.

Related Work Experience:

- 2001-2006 Legal Research and Title Work in Real Estate Firm

Education: The College of St. Rose, Albany, NY, B.A. in Business Administration, 2001



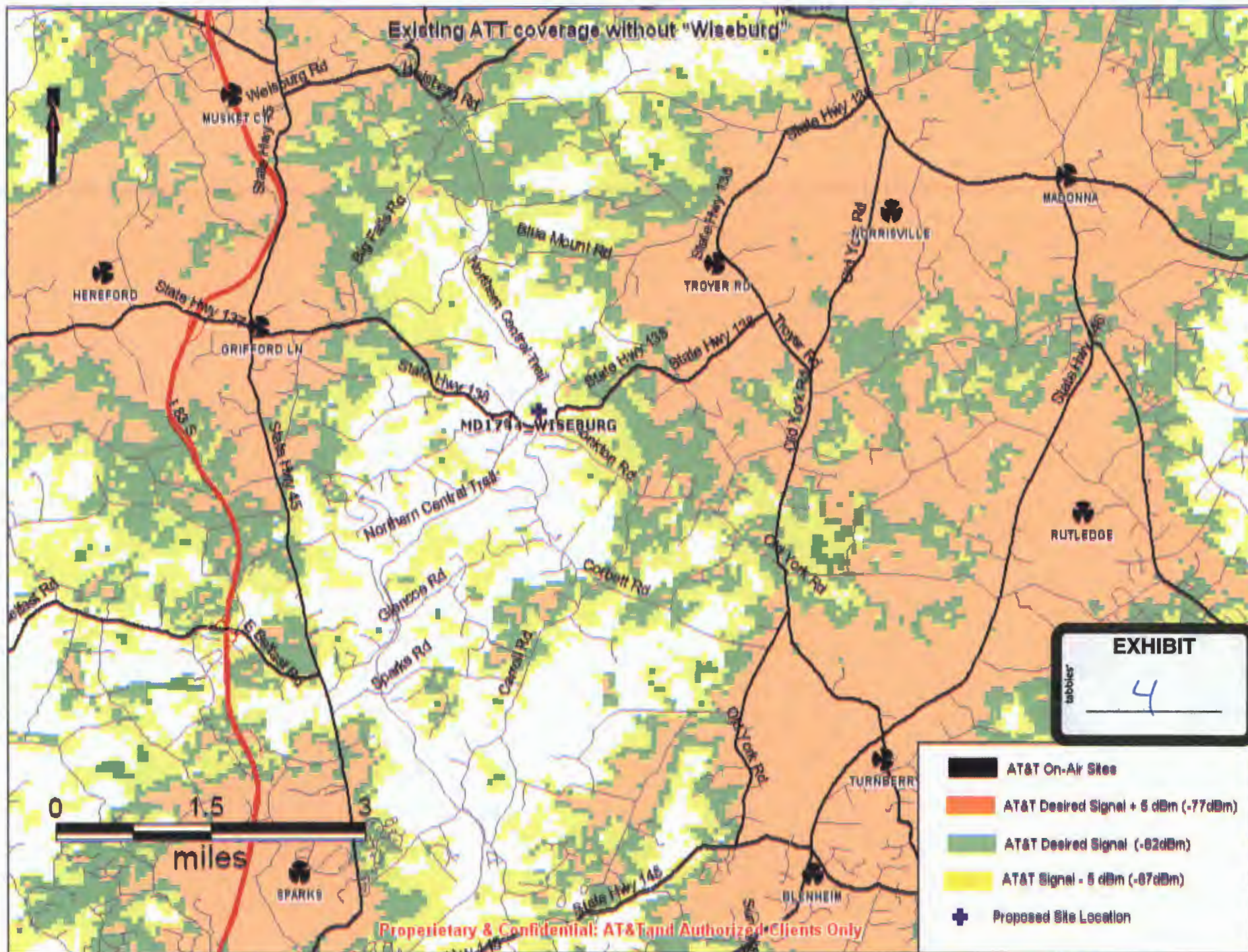
ACO PROPERTY ADVISORS, INC.

184 Edie Road • Saratoga Springs, NY 12866
518.584.9578 • Fax 518.584.9967

www.acopropertyadvisors.com

EXHIBIT

tabbles



EXHIBIT

tabbies

4

SARF - SITE ACQUISITION REQUEST FORM

RF Engineer:	Hershell Dailey	Date:	3/16/2006
Search Area Name:	Wiseburg Revised SA	County:	Baltimore
Fixed Asset #:	10064089	Construction #	1744
MSA/RSA:	BALT MSA 014	Ground Elevation (ft):	459
Latitude:	39 34 49.61 N	Longitude:	76 36 45.24W
Search Area Radius:	1.0 Miles	Antenna Height from Ground Level (ft):	150
Sector	Number of Antennas	GSM Antenna Type	Antenna Direction
1	3		0
2	3		120
3	3		240

NOTE! Defined for Maximum Future Configuration

General RF Coverage Objectives:

Building a new site to improve the coverage along SH 138 and other local roads in Monkton, MD. This site provides enhanced coverage along these routes, and will diminish drop calls. This site improves hand offs between Spectrasite HEREFORD and MCI/ATC-TROYER RD sites.

It is important to restrict coverage to the local search area. Candidates that are too high and/or cannot provide sufficient antenna down-tilt to contain their signal will be rejected. For example, if there is clear line of-sight (LOS) beyond the next 2 GSM sites and there is no way to mount the GSM antennas such that they can be down-tilted effectively, then it is likely that such a candidate will be rejected by RF. If effective down-tilt is not possible but the signal is attenuated/blocked by adjacent clutter such that the effective cell radius is contained, this will reduce the need for down-tilt. Conversely, if the candidate is much lower than the surrounding clutter then the cell radius will be too small and the candidate will likely be rejected.

Effective antenna down-tilt requires the antenna to be free of near-field obstruction. The best location for this on a building is face-mounted flush to the side of the building. If the proposed antenna location is on the roof of the building then the vertical distance between the bottom of the antenna and the roof must be similar to the horizontal distance from the antenna to the edge of the roof. Suitable candidates will have the GSM antennas mounted at a height similar to the surrounding average building height.

EXHIBIT

tabbies

5

EXHIBIT

tabbles

6



BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: December 17, 2009

TO: Colleen Kelly, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee 

SUBJECT: New Tower – AT&T – 16620 Wesley Chapel Rd

The Tower Review Committee (TRC) met on October 27, 2009, to review an application for a new tower that was submitted by AT&T on September 30, 2009. The committee is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations, and in reference to the proposed construction of a new 125-foot monopole. The structure is proposed to be located on the property owned by William and Grace Harris, located at 16620 Wesley Chapel Road, Monkton, Maryland 21111, Council District #3.

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

Findings: We agree that AT&T has presented all requested information to the TRC to successfully demonstrate that no other co-location opportunities exists at or near this location that would suffice in providing AT&T its required coverage in the intended area. The total height planned by AT&T for the new monopole tower structure is 125-feet, including all appurtenances.

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

Findings: AT&T has shown, in supplemental drawings submitted to the TRC along with their application, that the proposed monopole tower will be constructed to support antennas for a minimum of 2 other wireless service providers in addition to AT&T.

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

Findings: The proposed site is located in an RC2 (Agricultural) zoned area. AT&T informed the TRC that they will provide Phase I documentation at zoning, and they have ordered a NEPA study, neither of which were available for perusal by the TRC at the time of this review meeting. A Special Exception Hearing will be required.

Visual Impact Survey – Exhibit 7

**Relating to AT&T's Petition for a Special Exception to
Construct a 123' Monopole
Telecommunication Facility
at
16620 Wesley Chapel Road
Monkton, Maryland, 21111**

Exhibit 7 contains the following documents:

- Aerial Map of 17 Locations
- Visual Impact Assessment Report by Acer Associates, LLC
- 5 photographs of Property
- 34 Photographs taken from 17 locations during December 14, 2009 balloon test



**NEPA SURVEY
AT&T WIRELESS ANTENNA SITE
"WISEBURG"**

**Fixed Asset # 10064089
16620 Wesley Chapel Road
Monkton, Baltimore County, Maryland 21111**

Prepared for:



**7150 Standard Drive
Hanover, Maryland 21076**

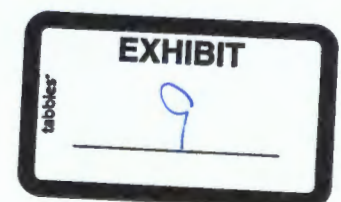
Prepared by:



**ACER ASSOCIATES, LLC
Bloomfield Business Park
403 Bloomfield Drive, Unit 2
West Berlin, New Jersey 08091**

February 17, 2010

Acer Project Number: 2009377



**PHASE I ENVIRONMENTAL SITE ASSESSMENT
AT&T WIRELESS ANTENNA SITE**

"WISEBURG – MD1744"

FA # 10064089

16620 Wesley Chapel Road

Monkton, Baltimore County, Maryland 21111

Prepared for:



7150 Standard Drive

Hanover, Maryland 21076

Prepared by:

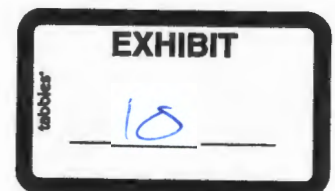


ACER ASSOCIATES, LLC

403 Bloomfield Drive, Unit 2

West Berlin, New Jersey 08091

October 8, 2009



ACER Project Number: 2009377

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 20, 2010

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

SUBJECT: 16620 Wesley Chapel Road

INFORMATION:

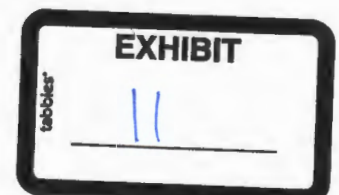
Item Number: 10-225
Petitioner: New Cingular Wireless PCS, LLC
Property Size: 10.42 acres
Zoning: RC 2
Requested Action: Special Exception

The petitioner requests a special exception to permit construction of a new 123 foot telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Rd pursuant to Section 426.5.d of the BCZR.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the special exception to permit construction of a new 123 foot telecommunications monopole with a 50 foot by 50 foot wooden fenced compound on a portion of the Harris Property located at 16620 Wesley Chapel Rd pursuant to Section 426.5.d of the BCZR.

A balloon test was conducted on April 7, 2010 at 10:00 am with Planning and Preservation Services Staff present. After the balloon was raised staff evaluated the impact and visibility of the proposed cell tower upon the Landmark Structure, "Valley Brook Farm" Final Landmark # 91. The property is also listed on the Maryland Inventory of Historic Properties and is known as MIHP # BA-620 located on the property. Staff then proceeded to drive along the scenic routes in the community to determine the impact that the new monopole could have on the scenic routes, the properties that are currently in agricultural easement, and the properties that are contributing structures within the My Lady's Manor National Historic District and the Monkton County Historic District. At that time the majority of the trees did not have foliage, although the cell tower location is adjacent to a stand of evergreen trees which are tall with needles mostly at the



TB 4/22
9am



**Sparks-Glencoe Community
Planning Council
P.O. Box 937, Sparks, MD 21152**

April 20, 2010

RECEIVED

APR 21 2010

Mr. Thomas Bostwick, Zoning Commissioner
105 W. Chesapeake Ave.
Towson, MD 21204

ZONING COMMISSIONER

Case No. AT&T Cell Tower on Wesley Chapel Road

Dear Mr. Bostwick:

The Sparks-Glencoe Community Planning Council is dedicated to preserving the historic, rural character of northern Baltimore County. We believe that cell towers can greatly detract from that character, and that historic districts deserve heightened protection from such degradation. As the tower proposed on Wesley Chapel Road is situated so as to not be visible from most of the surrounding area, we feel it will not have a significant impact on the character of the area. Therefore we do not oppose the proposal.

The lack of visibility of the proposed tower is due, in large part, to its being surrounded by mature trees. We request that if you approve the tower at this location, you condition that approval upon the maintenance of the woods.

Thank you for your consideration of our position.

Very truly yours,

Kirsten A. Burger

President, Sparks-Glencoe Community Planning Council

Cc: Gregory E. Rapisarda, Esq.

PETITIONER'S

EXHIBIT NO.

12

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	39-34-46.7 north
Longitude	076-36-39.6 west

Measurements (Meters)

Overall Structure Height (AGL)	39
Support Structure Height (AGL)	36.9
Site Elevation (AMSL)	130.5

Structure Type

POLE - Any type of Pole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW

EXHIBIT

13

Professional Summary:

Over 7 years of experience in wireless communication industry like GSM & UMTS RF Design/Optimization, Inbuilding RF Design/Optimization, Microwave Radios etc. Performed overall RF duties ranging from site functionality tests, cluster drives, site design to cluster optimization. Performed general optimization to improve performance numbers like drop call rate, access failure rate and block rate. Extensive Design and Optimization experience on NOKIA and ALU equipment. Good understanding of UMTS, GSM, TDMA, CDMA, frequency planning, RF propagation and cellular system design concepts. Good knowledge and extensive use of tools like Actix Analyzer, Wizard, Atoll, TEMS, MapInfo, Nokia OSS, DVCF etc.

Education:

Bachelor of Engineering Degree, Electronics & Communication, University of Madras, Chennai, India, 2000.

Masters' Degree in Electrical Engineering, University of Texas at Arlington, Arlington, Texas.

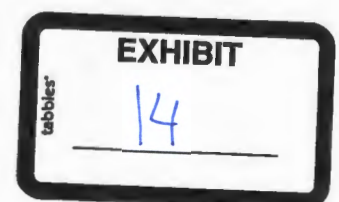
Professional Experience:

RF Engineer (3G/2G Design)
WFI / LCC International Inc.

November 2004 – Current
AT&T Wireless, Baltimore-Washington

UMTS Design/Optimization

- Designed over 200 2G and 3G Macro sites, 50 Inbuilding Sites (Senate, Smithsonian etc.) and 2 Outdoor DAS solutions. Site Design and Dimensioning included analyzing Second carrier trigger sites based on existing network, Antenna type, Azimuth, Tilt, Traffic analysis and T1s required per sector using Altarro/Atoll.
- Managed drive-test teams to perform CW testing using TEMS. Analyzed the data and performed Model Tuning. Worked with AT&T Managers in finalizing the Models for both 3G and 2G.
- Involved in optimization activities of the UMTS network as it is deployed and integrated. Optimization duties include defining/optimizing the UMTS neighbor list including IRAT Nbrs (MAHO and DAHO), reducing pilot pollution by fixing overshooting sites, recommending new sites in coverage holes etc, identifying and conducting routine network parameter audit to find and fix discrepancies, troubleshooting sites with hardware issues and opening tickets, optimizing PS IRAT and PS cell reselection issues.
- Worked in a team involved in identifying and fixing existing RF issues after the network launch. Duties included opening trouble tickets and worked on the tickets based on end user perspective across the entire market, reporting performance KPI's on a day to day basis.
- Identifying the daily top ten worst performing cells by doing a health check based on the service measurements and work on these cells to improve the performance.
- Analyzing both CS & PS UMTS drive test data and optimizing the network to meet the KPI targets. (RRC Access, setup, Active Failures, RAB drops ,Failures, conversational, streaming, interactive and background classes) by looking into the layer 3 messages using TEMS.
- Submit all Build and Site Acq sites in CPT for budget and capital approval by Regional team.



DRIVE TEST REPORT

Bechtel Communications, Inc

9200 Berger Road
Columbia, MD 21046
USA



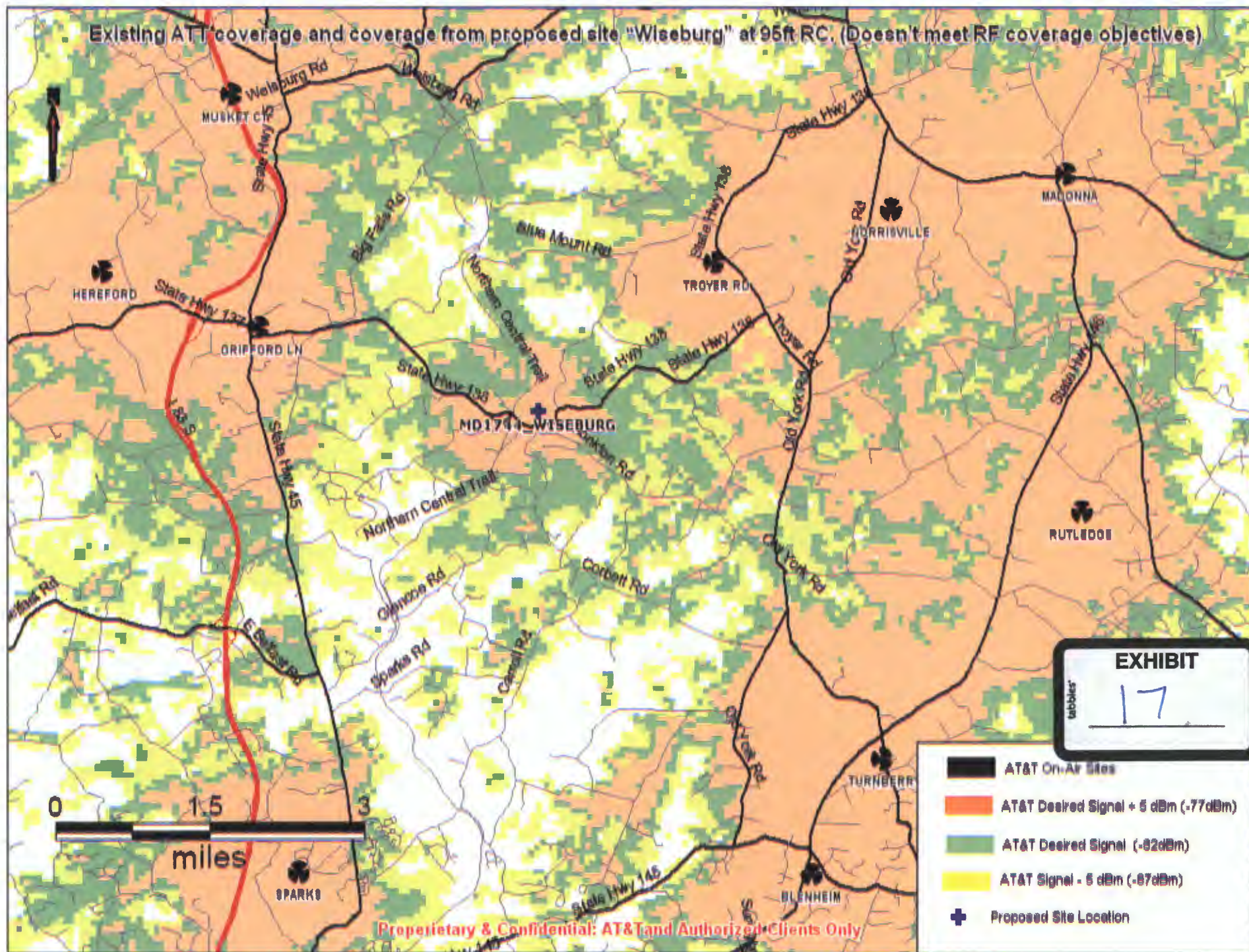
REPORT COMPILED BY
Estefanos Woldemariam
Senior RF Engineer

Site Name: Wiseburg
Site Number: 1744
August 05, 2009

BECHTEL COMMUNICATIONS



Existing ATT coverage and coverage from proposed site "Wiseburg" at 95ft RC. (Doesn't meet RF coverage objectives)



EXHIBIT

17



DAVID RICHARDSON – ARCHITECT

PROFILE

Registered architect with extensive experience in the management, planning and design of large-scale projects in foodservice, education, multi-family housing, office development and telecommunications projects. Twenty eight years total architectural experience.

ARCHITECTURAL EXPERIENCE

BC Architects Engineers, PLC

November 2003 – Present

Falls Church, VA

Architect. Commercial and residential architecture practice. Provide architectural design.

- Architectural and civil design and project management for wireless telecommunications projects in Mid-Atlantic region.
- Permit and zoning coordination for telecommunications projects.

In addition:

- Manage all aspects of architectural practice for AE firm.
- Projects include: custom residences (3,500 sf to 7,000 sf), residential additions and renovations and restaurant design.
- Sketch, develop and CADD-draft drawings and specifications for design and construction documentation for all projects.
- Construction administration, contract development, marketing and business development.

Frasier Richardson Architects

May 2002 – November 2003

Baltimore, MD & Norfolk, VA

Principal. Commercial and residential architecture practice. Residential design; commercial and foodservice planning and design. Continuation of previous practice – see below.

Grant Architects

January 2001 – April 2002

Baltimore, MD

Associate. Directed a project team of architects and draftsmen for national and regional clients. Served on management committee.

Project Manager. Managed team and ongoing projects for national and regional clients with specialization in student housing and assisted living facilities.

- Projects included North Campus housing at the University of Connecticut, Storrs, CT (apartments and a dormitory for 1,000 students); Fuller Court Student Housing, Magnolia, Arkansas (apartments for 300 students); California University of Pennsylvania campus master planning and student housing, California, PA (apartments for 280 students); Patuxent Naval Air Station Museum (with Mitchell/Giurgola Architects); new, 240-resident Genesis assisted living/Alzheimer's facility, Manassas, VA; renovation of an elementary school to a 180-resident Regency Park assisted living facility, Clarksburg, WV
- Served on management committee that plans and oversees staffing, procedures and marketing
- Managed and administrated Windows 2000 office network, including plotters, computers and other hardware and software

Frasier Richardson Architects

June 1996 – January 2001

Baltimore, MD & New York, NY

Principal. Co-owner and manager of Baltimore office of commercial architecture practice. Provided architectural, interior and foodservice design for national commercial clients.

- Established and managed all aspects of architectural practice
- Projects included: Continental Airlines in-flight kitchen design and masterplanning for GHW Bush Airport, Houston, TX; Newark Airport, Newark, NJ; LAX, Los Angeles, CA; Chelsea Catering facility upgrades/new employee cafeteria, TX; Applebee's restaurants, Maryland and Pennsylvania; Johnny Rockets renovation plan, Washington, DC
- Sketched, developed and CADD-drafted drawings and specifications for design and construction documentation for all projects
- Additional residential work for apartment renovation in Manhattan and house additions/ renovations in Baltimore, MD, Richmond, VA and Severna Park, MD

1113 Architects, Inc.

June 1992 – June 1996

Baltimore, MD

Principal. Promoted from project manager. Directed project teams for regional and local clients. Managed strategic planning and implementation of marketing programs.

Project Manager. Managed ongoing commercial and institutional projects.

METES AND BOUNDS DESCRIPTION
2,500 SQ. FT. OR 0.0574 ACRE
LEASE AREA PARCEL

ALL OF THAT PIECE OR PARCEL OF LAND LYING ON THE WEST SIDE OF WESLEY CHAPEL ROAD AND BEING IN TAX MAP 29, PARCEL 35, BALTIMORE COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING FOR THE SAME AT AN IRON PIPE AND CAP SET ON THE COMMON BOUNDARY LINE OF TAX MAP 23, PARCEL 9 AND TAX MAP 29, PARCEL 35, AS DESCRIBED IN A DEED OF CONVEYANCES FROM WILMA J. HARRIS, WILLIAM A. HARRIS AND GRACE G. HARRIS TO WILLIAM A. HARRIS AND GRACE G. HARRIS DATED AUGUST 19, 1985 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6981, FOLIO 287. SAID IRON PIPE AND CAP BEING SET 323.34 FEET FROM THE END OF THE SOUTH 47° 42' 30" WEST 572.03 FOOT COMMON PARCEL LINE. THENCE RUNNING REVERSELY WITH AND BINDING PARTLY ON AFORESAID COMMON PARCEL LINE, AS ROTATED TO MARYLAND STATE PLANE NAD 83/91 COORDINATES

- 1 NORTH 39° 12' 45" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE LEAVING SAID COMMON PARCEL LINE AND RUNNING IN, OVER, THROUGH AND ACROSS SAID PARCEL 35 THE FOLLOWING THREE (3) COURSES AND DISTANCES, VIZ:
- 2 SOUTH 50° 47' 15" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE
- 3 SOUTH 39° 12' 45" WEST 50.00 FEET TO TO AN IRON PIPE AND CAP SET; THENCE
- 4 NORTH 50° 47' 15" WEST 50.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 2,500.0 SQUARE FEET OR 0.0574 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION.

I HEREBY CERTIFY THAT THESE METES AND BOUNDS DESCRIPTIONS WERE PERSONALLY PREPARED BY ME OR THAT I WAS IN RESPONSIBLE CHARGE OVER THERE PREPARATION AND THE SURVEYING WORK REFLECTED IN THEM AND THAT THE DESCRIPTIONS ARE IN COMPLIANCE WITH COMAR SECTION 09.13.06.08 OF THE MINIMUM STANDARDS OF PRACTICE AS NOW ADOPTED BY THE MARYLAND BOARD FOR PROFESSIONAL LAND SURVEYORS.

Donald F. Remmers 9/28/2009
 DONALD F. REMMERS
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 10888



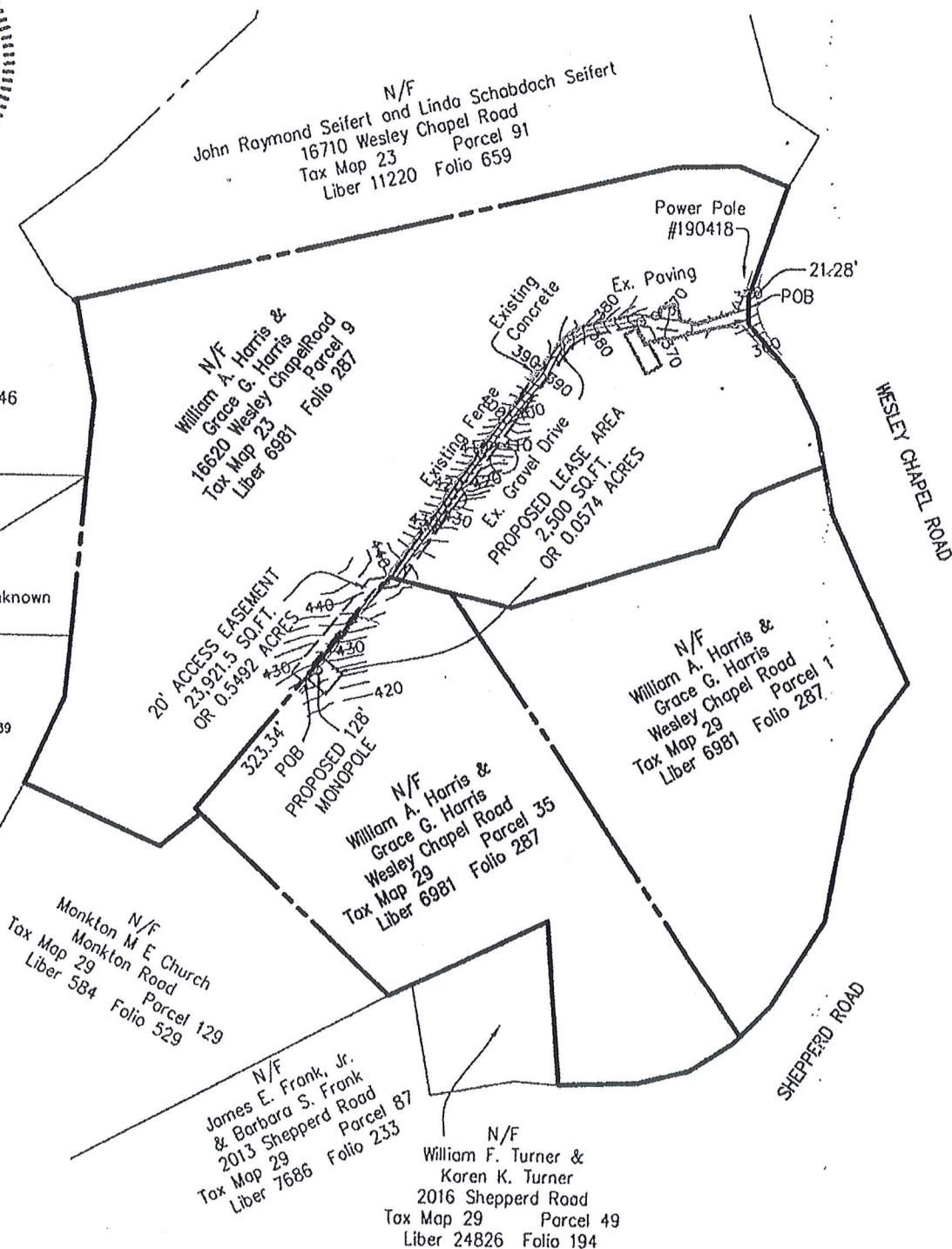
MARYLAND STATE PLANE
 NAD 83/91

N/F
 Grason Harris, Jr.
 1830 Monkton Road
 Tax Map 23 Parcel 146
 Liber 8319 Folio 160

N/F
 Cynmar Management, LLC.
 1826 Monkton Road
 Tax Map 23 Parcel 43
 Liber 22064 Folio 709

Owner Unknown

N/F
 Martha Lee Reeve
 1916 Monkton Road
 Tax Map 29 Parcel 39
 Liber 24026 Folio 420



0' 300' 600' 900'
 SCALE: 1" = 300'

FOR: BC ARCHITECTS, ENGINEERS, PLC.



christopher consultants
 engineering · surveying · land planning
 christopher consultants, llc.
 7172 columbia gateway drive (suite 100) columbia, md. 21046-2990
 410.872.8890 metro 301.881.0148 fax 410.872.8893

SITE PLAN
WISEBURG-HARRIS RAWLAND
 16620 WESLEY CHAPEL ROAD
 MONKTON, MARYLAND 21111
 TAX MAPS: 23 AND 29 PARCELS: 9 AND 35
 10TH DISTRICT BALTIMORE COUNTY, MARYLAND

DRAWN: M. L. Church
 CHECKED: P. L. Coon
 DATE: 09-10-2009
 CCL Job# 088701.04
 SCALE: 1 inch = 300 feet
 SHEET: 2 OF 2

GENERAL NOTES:

1. TAX MAP: 23, GRID: 19, PARCEL: 9
TAX MAP: 29, GRID: 1, PARCEL: 35
2. PROPERTY OWNERS:
WILLIAM A. HARRIS AND GRACE G. HARRIS
LIBER: 6981 FOLIO: 287
3. ALL DIMENSIONS SHOWN RELATIVE TO THE LEASE AREA ARE TRUE AND CORRECT. DIMENSIONS FROM THE LEASE TO THE UNSURVEYED PROPERTY LINES ARE WITHIN +/- 1 FOOT.
4. HORIZONTAL DATUM: NAD 83; VERTICAL DATUM: NGVD 88
6. EXISTING ZONING: RC-2
7. LEASE PROPERTY IS LOCATED IN F.I.R.M. ZONE "C" AS SHOWN ON COMMUNITY PANEL NO. 240010 0130 F, DATED SEPTEMBER 26, 2008 (FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.)

8. NO SUBSURFACE INVESTIGATION PERFORMED BY christopher consultants
9. BOUNDARIES AND AREAS OF ADJACENT PARCELS ARE BY COMPILATION. THESE BOUNDARIES ARE COMPILED FROM DEEDS OF RECORD AND TAX MAPS AND ARE TIED TO ADJACENT FOUND MONUMENTATION.
10. THE BOUNDARIES AND AREAS SHOWN HEREON ARE COMPILED, AND DO NOT REFLECT A COMPLETE SURVEY OF THE PREMISES AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY.
11. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
12. USE AND ZONING INFORMATION OBTAINED FROM BEST AVAILABLE PUBLIC RECORDS.
13. THERE WERE NO CEMETARIES OR BURIAL GROUNDS OBSERVED WITHIN A 500 FOOT RADIUS OF SITE.
14. THERE ARE NO RESIDENTIAL DWELLINGS WITHIN 500 FEET OF THE PROPOSED MONOPOLE.

BENCH MARKS				
BM#	NORTHING	EASTING	ELEVATION	DESCRIPTION
TR2	697113.344	1422112.741	440.641	PIPE & CAP SET
TR5	697191.022	1422504.981	434.205	PIPE & CAP SET



N/F
Grason Harris, Jr.
1830 Monkton Road
Tax Map 23 Parcel 146
Liber 8319 Folio 160

N/F
Cynmor Management, LLC.
1826 Monkton Road
Tax Map 23 Parcel 43
Liber 22064 Folio 709

Owner Unknown

N/F
Martha Lee Reeve
1916 Monkton Road
Tax Map 29 Parcel 39
Liber 24026 Folio 420

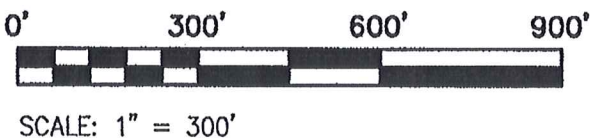
N/F
Monkton M E Church
Tax Map 29 Parcel 129
Liber 584 Folio 529

N/F
James E. Frank, Jr.
& Barbara S. Frank
2013 Sheppard Road
Tax Map 29 Parcel 87
Liber 7686 Folio 233

N/F
William F. Turner &
Karen K. Turner
2016 Sheppard Road
Tax Map 29 Parcel 49
Liber 24826 Folio 194

N/F
William A. Harris &
Grace G. Harris
16620 Wesley Chapel Road
Tax Map 23 Parcel 9
Liber 6981 Folio 287

N/F
William A. Harris &
Grace G. Harris
Wesley Chapel Road
Tax Map 29 Parcel 1
Liber 6981 Folio 287



LINE	BEARING	DISTANCE
L1	S 30°10'27" W	6.70'
L2	S 19°00'15" W	215.00'
L3	S 00°29'45" E	50.00'
L4	S 39°56'45" E	133.97'
L5	S 25°29'45" E	105.00'
L6	S 10°50'45" E	76.59'
L7	S 10°48'21" E	93.45'
L8	S 24°45'45" E	346.40'
L9	S 36°04'15" W	102.84'
L10	S 23°45'15" W	100.00'
L11	S 10°06'15" W	280.00'
L12	S 31°46'15" W	188.90'
L13	S 44°30'15" W	100.00'
L14	S 57°29'15" W	100.00'

LINE	BEARING	DISTANCE
L15	S 76°29'15" W	100.00'
L16	S 88°19'15" W	150.00'
L17	N 04°40'45" W	310.00'
L18	S 64°19'15" W	331.78'
L19	N 46°51'45" W	495.86'
L20	S 51°06'15" W	98.75'
L21	N 66°18'45" W	285.18'
L22	N 24°27'15" E	182.03'
L23	N 04°59'15" E	561.00'
L24	N 10°15'45" W	189.75'
L25	N 51°45'45" W	10.69'
L26	N 77°02'45" E	1172.70'
L27	N 88°41'15" E	120.65'
L28	S 67°48'45" E	102.00'

LINE	BEARING	DISTANCE
L29	S 67°58'15" W	143.27'
L30	S 46°50'15" W	38.00'
L31	S 28°14'15" W	81.00'
L32	S 73°58'15" W	153.00'
L33	S 72°41'15" W	256.95'
L34	N 76°19'45" W	117.70'
L35	N 76°19'45" W	120.40'
L36	S 39°12'45" W	572.03'
L37	N 46°51'45" W	13.28'
L38	S 33°54'45" E	1005.21'

FAA 1-A SURVEY CERTIFICATE

I CERTIFY THAT THE LATITUDE OF 39°34'46.73" N AND THE LONGITUDE OF 76°36'39.62" W ARE ACCURATE TO WITHIN +/- 20 FEET HORIZONTALLY AND THAT THE AVERAGE GROUND ELEVATION OF 428' AMSL AND IS ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM IS IN TERMS OF THE NATIONAL GEODETIC VERTICAL DATUM 1988 (NGVD 88) AND ARE DETERMINED TO THE NEAREST FOOT.

Donald F. Remmers
DONALD F. REMMERS
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION #10888

9/28/2009
DATE

FOR: BC ARCHITECTS, ENGINEERS, PLC.



christopher consultants
engineering · surveying · land planning
christopher consultants, ltd.
7172 columbia gateway drive (suite 100) columbia, md. 21046-2990
410.872.6650 metro 301.881.0148 fax 410.872.8693

SITE PLAN
WISEBURG-HARRIS RAWLAND
16620 WESLEY CHAPEL ROAD
MONKTON, MARYLAND 21111
TAX MAPS: 23 AND 29 PARCELS: 9 AND 35
10TH DISTRICT BALTIMORE COUNTY, MARYLAND

DRAWN: M. L. Church
CHECKED: D. F. Remmers
DATE: 09-10-2009
CCL Job# 088701.04
SCALE: 1 inch = 300 feet
SHEET: 1 OF 2

02-02-10 DAVID RICHARDSON 13:42:45/Drawings - 2009/AT&T/_Rawland/Wiseburg_Harris Raw Land - 10064089_1744/Zoning/T1.dwg

DRAWING INDEX		REV
10064089-T-1	TITLE SHEET	2
1 of 2	SURVEY	2
2 of 2	SURVEY	2
10064089-A-0	SITE PLAN	2
10064089-A-0A	ENLARGED SITE PLAN	2
10064089-A-1	COMPOUND PLAN & ELEVATION	2
10064089-A-2	FENCE DETAILS	2

<u>UTILITIES</u>		
POWER:	BGE&E	(800) 265-6177
TELCO:	VERIZON	(800) 483-5000

REV

10064089-T-1	TITLE SHEET	2
1 of 2	SURVEY	2
2 of 2	SURVEY	2
10064089-A-0	SITE PLAN	2
10064089-A-0A	ENLARGED SITE PLAN	2
10064089-A-1	COMPOUND PLAN & ELEVATION	2
10064089-A-2	FENCE DETAILS	2

BC
architects
engineers

5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300



7150 STANDARD DR
HANOVER, MD 21075



A map showing the location of the Site. The Site is marked with a crosshair symbol and an arrow pointing to it from the word "SITE". The map includes Remare Rd and Highway 138, with Monkton labeled near the intersection.

2A-G

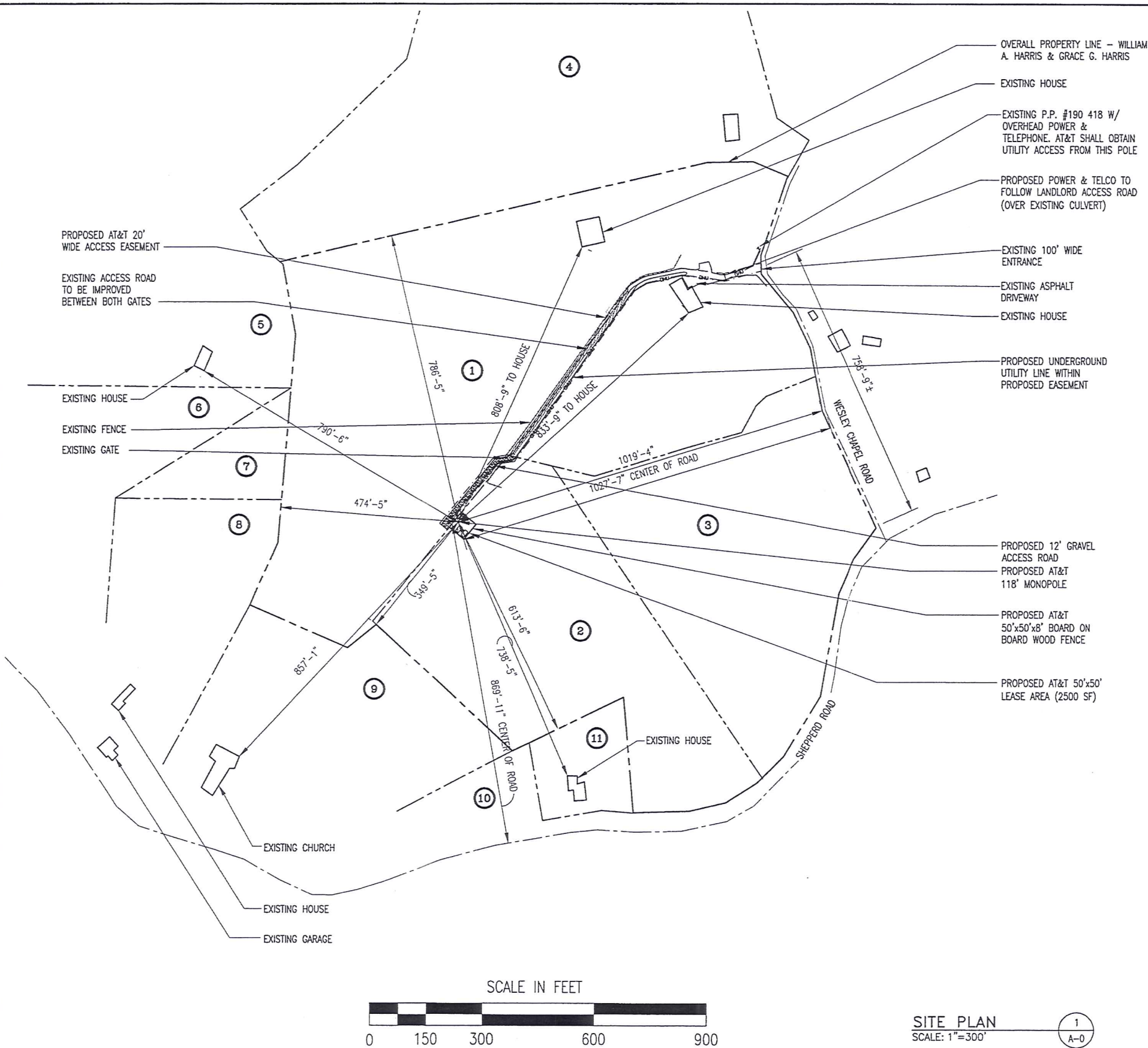


DRAWING NUMBER	REV
10064089-T-1	2

4								
3								
2	04-20-10	REVISED ZONING DRAWINGS			DR	CDM	BM	
1	09-24-09	REVISED ZONING DRAWINGS			GMW	CDM	BM	
0	09-10-09	ZONING DRAWINGS			GMW	CDM	BM	
C	09-09-09	REVISED PRELIMINARY ZONING DRAWINGS			GMW	CDM	BM	
B	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS			GMW	CDM	BM	
NO.	DATE	REVISIONS			BY	CHK	APP	
SCALE: AS SHOWN		DESIGNED B. QUINN			DRAWN		GMW	

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24552, EXPIRATION DATE 11/17/11.

04-20-10 DAVID RICHARDSON 11:01:46 Y:/Drawings - 2009/AT&T/_Rawland/Wiseburg_Harris Raw Land - 10064089_1744/Zoning - Rev 2/AO.dwg



PARCEL DATA

1. N/F
WILLIAM A. HARRIS & GRACE G. HARRIS
16620 WESLEY CHAPEL ROAD
TAX MAP 23 PARCEL 9
LIBER 6981 FOLIO 287
ZONING: RC-7
2. N/F
WILLIAM A. HARRIS & GRACE G. HARRIS
WESLEY CHAPEL ROAD
TAX MAP 29 PARCEL 35
LIBER 6981 FOLIO 287
ZONING: RC-2
3. N/F
WILLIAM A. HARRIS & GRACE G. HARRIS
WESLEY CHAPEL ROAD
TAX MAP 29 PARCEL 1
LIBER 6981 FOLIO 287
ZONING: RC-2
4. N/F
JOHN RAYMOND SEIFERT AND LINDA SCHABDACH SEIFERT
16710 WESLEY CHAPEL ROAD
TAX MAP 23 PARCEL 91
LIBER 11220 FOLIO 659
ZONING: RC-7
5. N/F
GRASON HARRIS, JR.
1830 MONKTON ROAD
TAX MAP 23 PARCEL 146
LIBER 8319 FOLIO 160
ZONING: RC-7
6. N/F
GRASON HARRIS, JR.
1830 MONKTON ROAD
TAX MAP 23 PARCEL 146
LIBER 8319 FOLIO 160
ZONING: RC-7
7. OWNER UNKNOWN
ZONING: RC-7
8. N/F
MARTHA LEE REEVE
1916 MONKTON ROAD
TAX MAP 29 PARCEL 39
LIBER 24026 FOLIO 420
ZONING: RC-7
9. N/F
MONKTON M E CHURCH
MONKTON ROAD
TAX MAP 29 PARCEL 129
LIBER 584 FOLIO 529
ZONING: RC-7
10. N/F
JAMES E. FRANK, JR. & BARBARA S. FRANK
2013 SHEPHERD ROAD
TAX MAP 29 PARCEL 87
LIBER 7686 FOLIO 233
ZONING: RC-7
11. N/F
WILLIAM F. TURNER & KAREN K. TURNER
2016 SHEPHERD ROAD
TAX MAP 29 PARCEL 49
LIBER 24826 FOLIO 194
ZONING: RC-2

LEGEND

NEW FENCE	—●—●—●—●—●—
EXIST. FENCE	—X—X—X—X—X—
SETBACK	— — — — —
EASEMENT	— — — — —
LEASE	— — — — —
PROPERTY LINE	— — — — —
EXIST. CONTOUR	— — — — —
NEW CONTOUR	— — — — —
TYP. BUILDING	□
TYP. ROAD	— — — — —

SITE PLAN NOTES:

1. NO SIGNS PROPOSED OTHER THAN REQUIRED BY LAW.
2. SITE NOT LOCATED IN 100 YEAR FLOOD PLAIN OR WITHIN 50 FEET OF A STREAM, STORM WATER MANAGEMENT SYSTEM, DRAINAGE, AND PIPE SYSTEMS.
3. PREPARED IN COMPLIANCE WITH BALTIMORE COUNTY ZONING ORDINANCE, SPECIFICALLY SECTIONS 426 AND 500.5.

TOTAL DISTURBANCE OF PROJECT

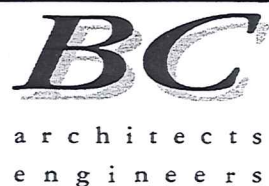
COMPOUND: 2,500 SF
ACCESS ROAD (INCLUDING IMPROVEMENT OF EXISTING ROAD): 10,179.61 SF
TOTAL AREA OF DISTURBANCE: 12,679.61 SF
SPECIAL EXCEPTION (COMPOUND AREA): 2,500 SF

FLOOR AREA RATIO (FAR) CALCULATIONS

EXISTING FLOOR AREA 0 SF
PROPOSED BUILDING FLOOR AREA 0 SF
TOTAL FLOOR AREA 0 SF
PROPERTY SIZE 454,217 SF
TOTAL FLOOR AREA = FAR = 0
PROPERTY SIZE

SETBACKS - DISTANCE FROM SITE TO:

CENTER OF WESLEY CHAPEL ROAD - 1027'-7"
CENTER OF SHEPHERD ROAD - 869'-11"
MONKTON ME CHURCH - 857'-1"
TURNER HOUSE - 738'-5"
HARRIS HOUSE - 790'-6"
NORTH BOUNDARY OF PROPERTY - 786'-5"
EAST BOUNDARY OF PROPERTY - 1019'-4"
SOUTH BOUNDARY OF PROPERTY - 349'-5"
WEST BOUNDARY OF PROPERTY - 474'-5"



5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

WISEBURG_HARRIS RAWLAND
10064089_1744

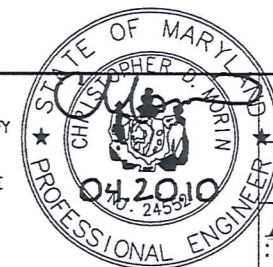
16620 WESLEY CHAPEL RD
MONKTON, MD 21111



7150 STANDARD DR
HANOVER, MD 21076

NO.	DATE	REVISIONS	BY	CHK	APP'D
4					
3					
2	04-20-10	REVISED ZONING DRAWINGS	DR	CDM	BMO
1	09-24-09	REVISED ZONING DRAWINGS	GMW	CDM	BMO
0	09-10-09	ZONING DRAWINGS	GMW	CDM	BMO
C	09-09-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	CDM	BMO
B	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS	GMW	CDM	BMO
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE:	AS SHOWN	DESIGNED B. QUINN	DRAWN GMW		

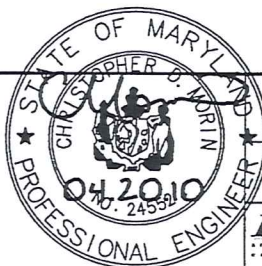
PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24552, EXPIRATION DATE 11/17/11.



BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

SITE PLAN

DRAWING NUMBER	REV
10064089- A-0	2



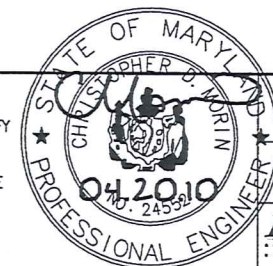
5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

16620 WESLEY CHAPEL RD
MONKTON, MD 21111



4								
3								
2	04-20-10	REVISED ZONING DRAWINGS				DR	CDM	BMC
1	09-24-09	REVISED ZONING DRAWINGS				GMW	CDM	BMC
0	09-10-09	ZONING DRAWINGS				GMW	CDM	BMC
C	08-09-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMC
B	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMC
NO.	DATE	REVISIONS				BY	CHK	APP
SCALE: AS SHOWN			DESIGNED B. QUINN			DRAWN GMW		

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24552, EXPIRATION DATE 11/17/11.

BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

FENCE DETAILS

DRAWING NUMBER

2

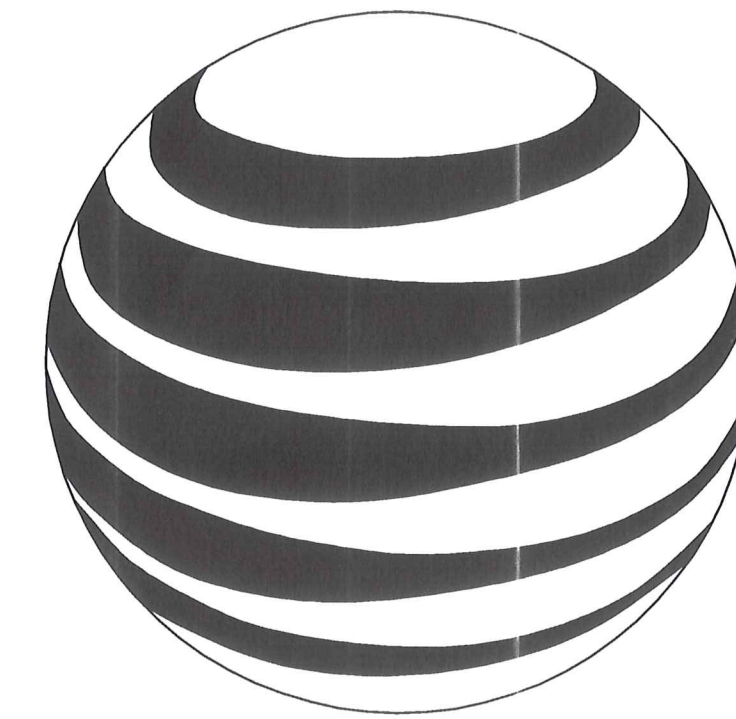


-
- SEE A-1 FOR GATE SIZE
- LATCH AND LOCK
- USE AMERISTAR T-HINGE OR APPROVED EQUAL (TYP.)

GATE ELEVATION
SCALE: N.T.S.

PROJECT INFORMATION

SCOPE OF WORK:	TO CONSTRUCT A NEW TELECOMMUNICATIONS FACILITY CONSISTING OF A 123' MONOPOLE WITHIN A 50'x50' WOODEN FENCED COMPOUND ON A PORTION OF THE PROPERTY
SITE ADDRESS:	16620 WESLEY CHAPEL RD MONKTON, MD 21111
PARCEL SIZE:	10.42 ACRES
LATITUDE:	N 39° 34' 47.13" NAD 83
LONGITUDE:	W 76° 36' 39.41" NAD 83
GROUND ELEVATION:	445'
JURISDICTION:	BALTIMORE COUNTY
ZONING:	RC-2
TAX ID. NO:	TAX MAP 29, PARCEL 35
COUNCILMATIC DISTRICT:	3
ELECTION DISTRICT:	10
DEED REF:	LIBER 6981, FOLIO 287
PROPOSED USE:	TELECOMMUNICATIONS FACILITY ON PORTION OF PROPERTY
TOWER OWNER:	NEW CINGULAR WIRELESS PCS LLC
SITE NAME:	WISEBURG_HARRIS RAWLAND
SITE #:	10064089_1744
NAME OF APPLICANT:	NEW CINGULAR WIRELESS PCS LLC
GATE COMBINATION:	N/A



at&t

WISEBURG_HARRIS RAWLAND
10064089_1744

UTILITY INFORMATION

<u>UTILITIES</u>		
POWER:	BG&E	(800) 265-6177
TELCO:	VERIZON	(800) 483-5000

DRAWING INDEX

10064089-T-1	TITLE SHEET
10064089-A-0	SITE PLAN
10064089-A-1	COMPOUND PLAN & ELEVATION
10064089-A-2	FENCE DETAILS
1 of 1	SURVEY

REV

2

2

2

2

2

NOTES

SEE COMPANION PACKAGE FOR GENERIC DETAILS DOCUMENT NO. 24782-432-A3-EF-00001



5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

WISEBURG_HARRIS RAWLAND
10064089_1744

16620 WESLEY CHAPEL RD
MONKTON, MD 21111



4								
3								
2	02-02-10	REVISED ZONING DRAWINGS				GMW	CDM	BMC
1	09-24-09	REVISED ZONING DRAWINGS				GMW	CDM	BMC
0	09-10-09	ZONING DRAWINGS				GMW	CDM	BMC
C	09-09-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMC
B	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMC
NO.	DATE	REVISIONS				BY	CHK	APP
SCALE: AS SHOWN			DESIGNED B. QUINN			DRAWN GHW		

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24552, EXPIRATION DATE 11/17/11.

BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

TITLE SHEET

DRAWING NUMBER

10064089-T-1

REV
2

#2010-0225-X

02-02-10 ARNOLD TECSON 11:52:42 \\BOSERVER\BC Files\Drawings - 2009\AT&T\Rawland\Wiseburg-Harris Raw Land - 10064089_1744\Zoning\AOA.dwg

LEGEND

NEW FENCE

EXIST. FENCE

SETBACK

EASEMENT

LEASE

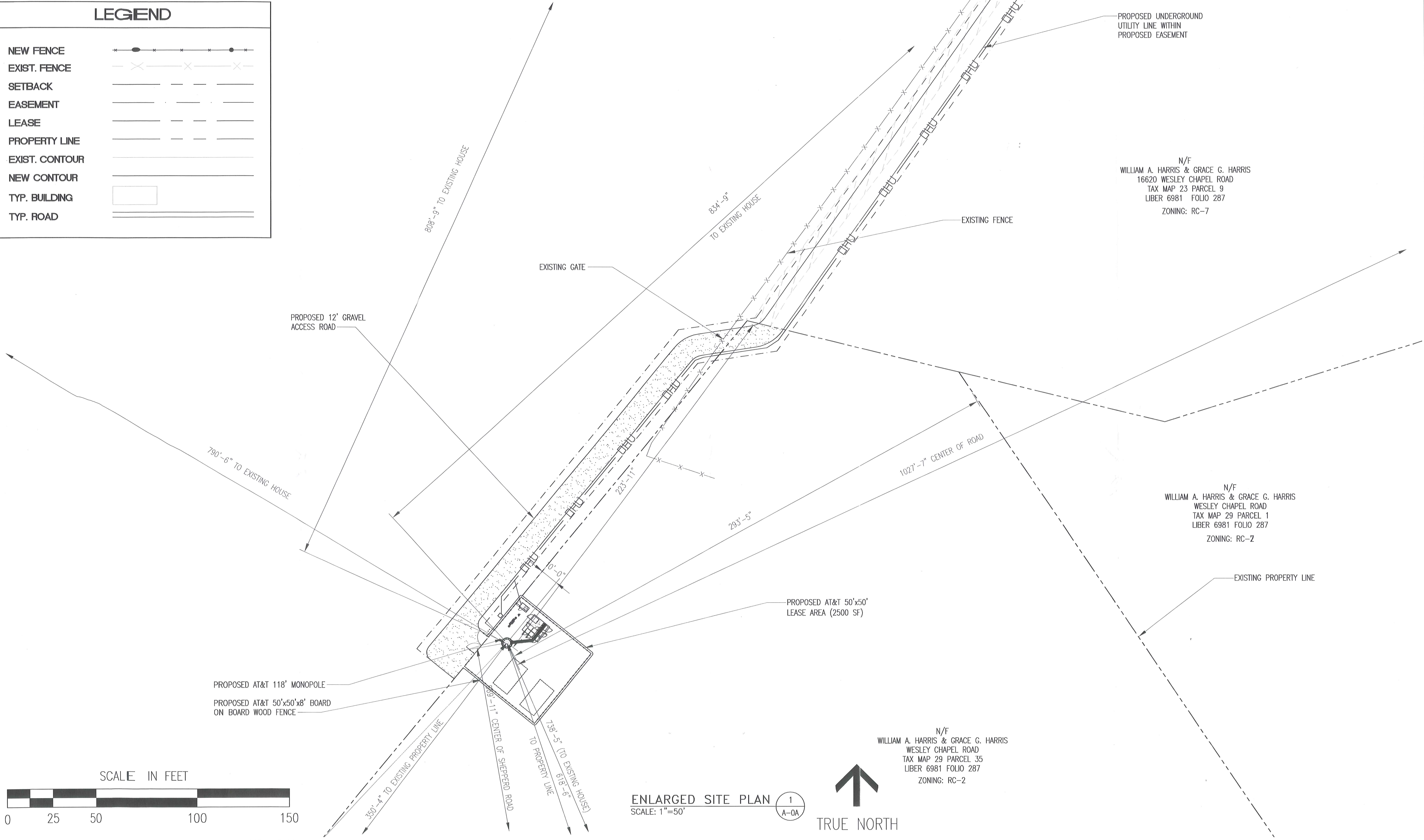
PROPERTY LINE

EXIST. CONTOUR

NEW CONTOUR

TYP. BUILDING

TYP. ROAD



BC

architects
engineers

5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

WISEBURG_HARRIS RAWLAND
10064089_1744

16620 WESLEY CHAPEL RD
MONKTON, MD 21111

at&t

7150 STANDARD DR
HANOVER, MD 21076

4									
3									
2	02-02-10	REVISED ZONING DRAWINGS				GMW	CDM	BMQ	
1	09-24-09	REVISED ZONING DRAWINGS				GMW	CDM	BMQ	
0	09-10-09	ZONING DRAWINGS				GMW	CDM	BMQ	
C	09-09-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMQ	
B	09-04-09	REVISED PRELIMINARY ZONING DRAWINGS				GMW	CDM	BMQ	
NO.	DATE	REVISIONS				BY	CHK	APP'D	
SCALE: AS SHOWN			DESIGNED B. QUINN			DRAWN GMW			

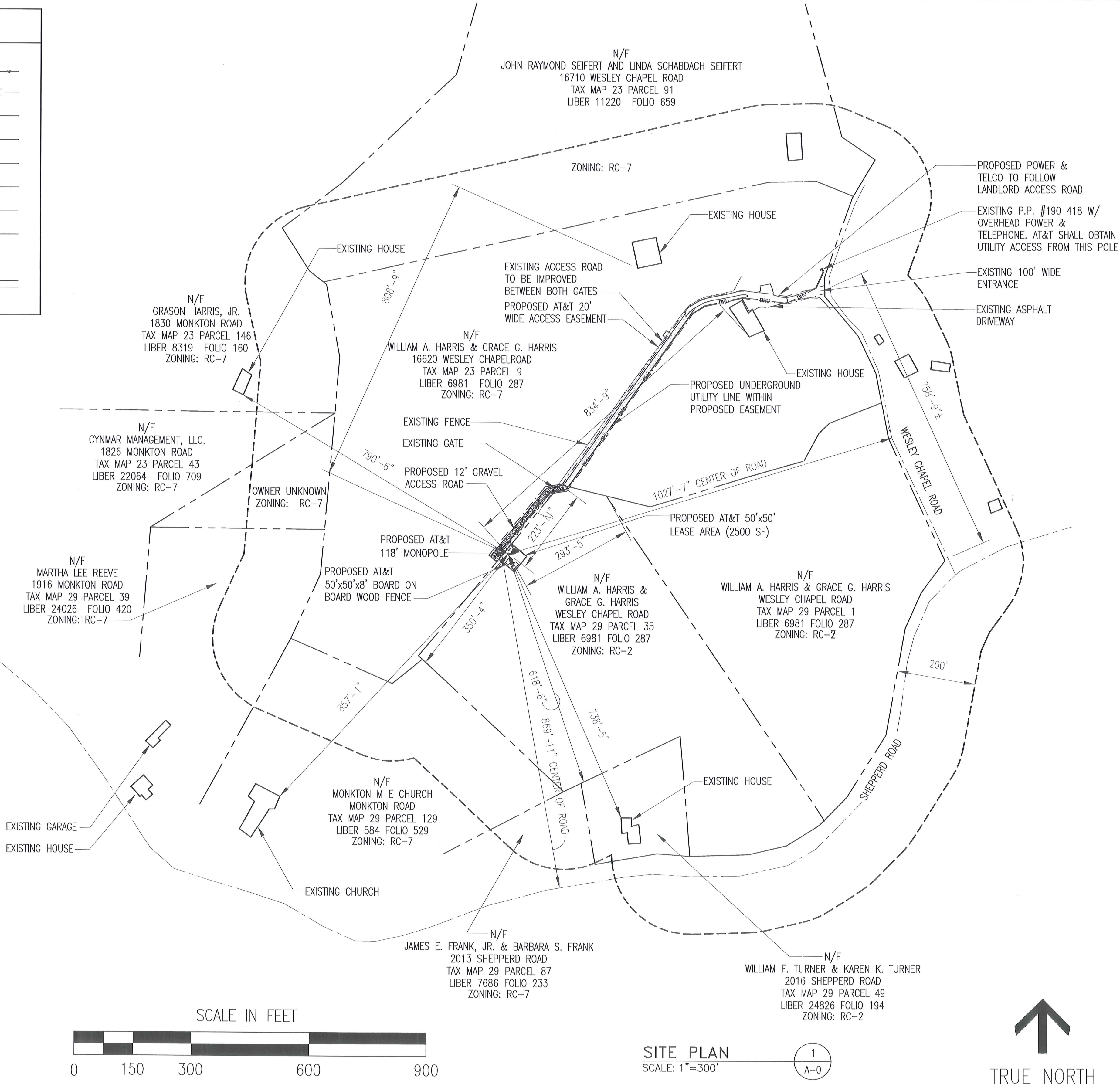
PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 24552, EXPIRATION DATE 11/17/11.

STATE OF MARYLAND
CHRISTOPHER D. QUINN
PROFESSIONAL ENGINEER
NO. 24552

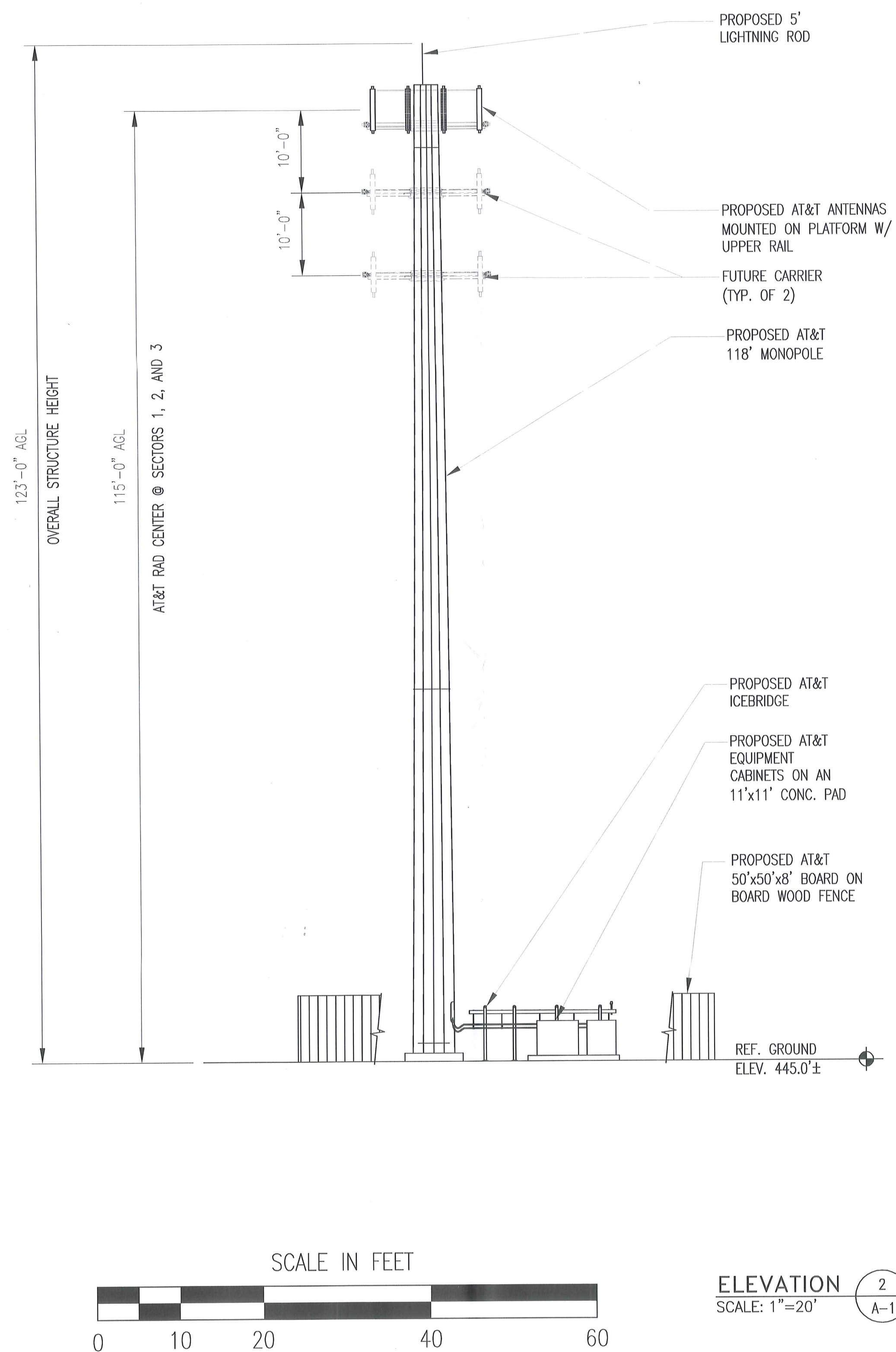
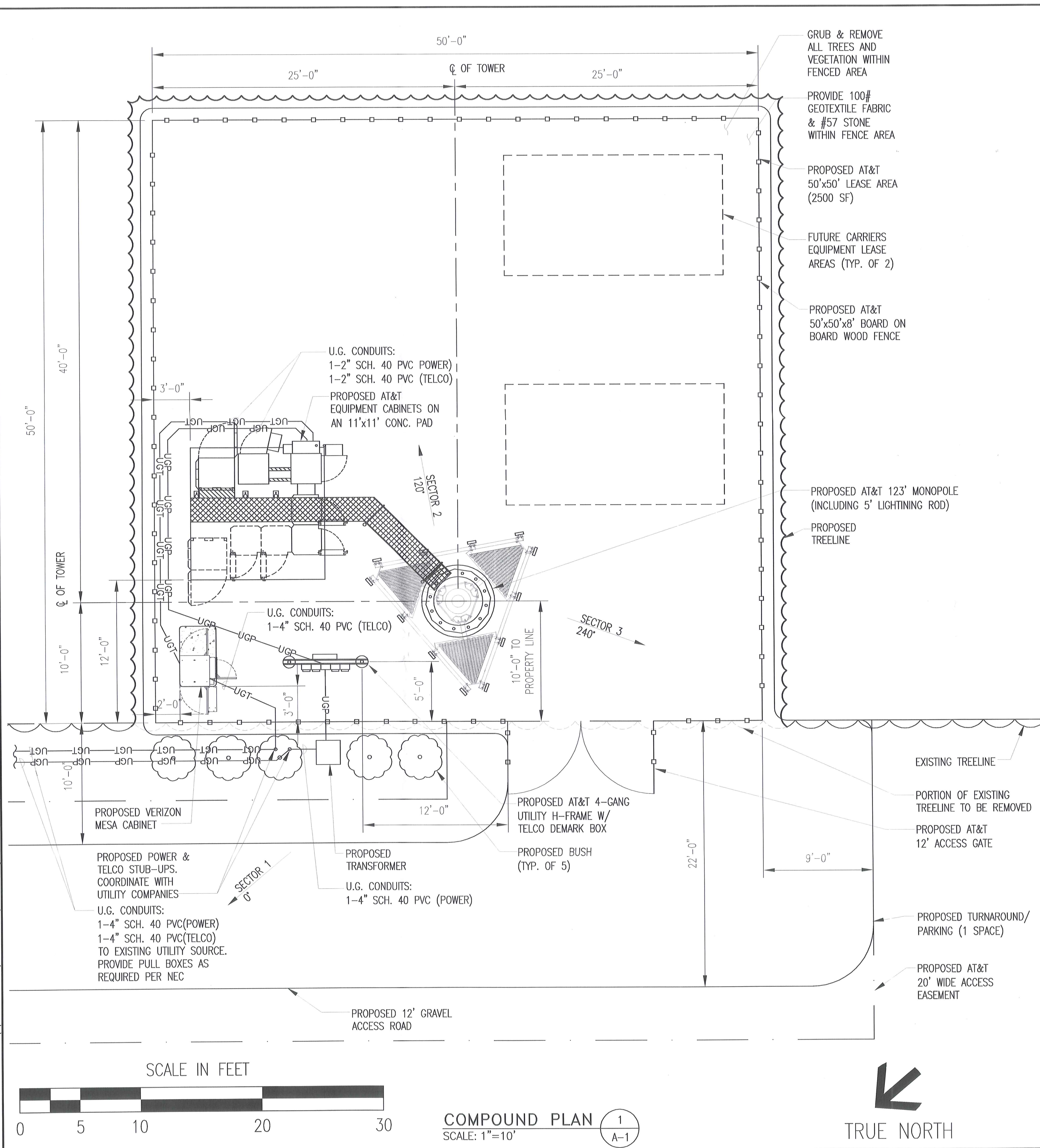
BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

SITE PLAN

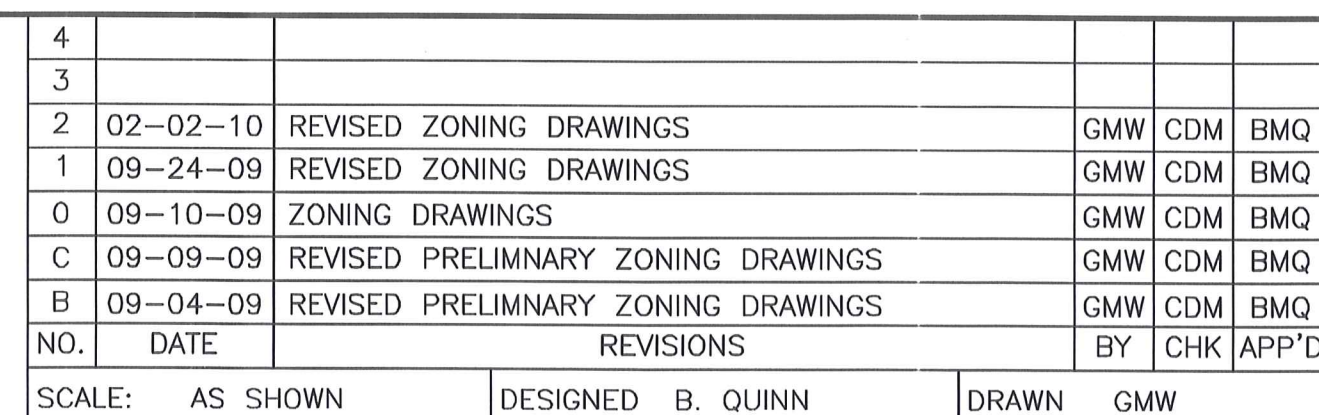
DRAWING NUMBER	REV
10064089- A-0A	2



CENTER OF WESLEY CHAPEL ROAD - 1027'-7"
CENTER OF SHEPPERD ROAD - 869'-11"
MONKTON ME CHURCH - 857'-1"
TURNER HOUSE - 789'-5"
HARRIS HOUSE - 834'-9"
NORTH BORDER OF PARCEL - 223'-11"
EAST BORDER OF PARCEL - 293'-5"
SOUTH BORDER OF PARCEL - 618'-6"
WEST BORDER OF PARCEL (NORTH) - 10'-0"
WEST BORDER OF PARCEL (SOUTH) - 350'-4"



WISEBURG_HARRIS RAWLAND
10064089_1744
16620 WESLEY CHAPEL RD
MONKTON, MD 21111



BC
architects
engineers

REV
2



- GATE ELEVATION
SCALE: N.T.S.

METES AND BOUNDS DESCRIPTION
2,500 SQ.FT. OR 0.0574 ACRE
LEASE AREA PARCEL

ALL OF THAT PIECE OR PARCEL OF LAND LYING ON THE WEST SIDE OF WESLEY CHAPEL ROAD AND BEING IN TAX MAP 29, PARCEL 35, BALTIMORE COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING FOR THE SAME AT AN IRON PIPE AND CAP SET ON THE COMMON BOUNDARY LINE OF TAX MAP 23, PARCEL 9 AND TAX MAP 29, PARCEL 35, AS DESCRIBED IN A DEED OF CONVEYANCES FROM WILMA J. HARRIS, WILLIAM A. HARRIS AND GRACE G. HARRIS TO WILLIAM A. HARRIS AND GRACE G. HARRIS DATED AUGUST 19, 1985 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6981, FOLIO 287. SAID IRON PIPE AND CAP BEING SET 323.34 FEET FROM THE END OF THE SOUTH 47° 42' 30" WEST 572.03 FOOT COMMON PARCEL LINE. THENCE RUNNING REVERSELY WITH AND BINDING PARTLY ON AFORESAID COMMON PARCEL LINE, AS ROTATED TO THE MARYLAND STATE PLANE NAD 83/91 COORDINATES

- 1 NORTH 39° 12' 45" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE LEAVING SAID COMMON PARCEL LINE AND RUNNING IN, OVER, THROUGH AND ACROSS SAID PARCEL 35 THE FOLLOWING THREE (3) COURSES AND DISTANCES, VIZ:
 - 2 SOUTH 50° 47' 15" EAST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE
 - 3 SOUTH 39° 12' 45" WEST 50.00 FEET TO AN IRON PIPE AND CAP SET; THENCE
 - 4 NORTH 50° 47' 15" WEST 50.00 FEET TO THE PLACE OF BEGINNING.
- CONTAINING 2,500.0 SQUARE FEET OR 0.0574 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION.

METES AND BOUNDS DESCRIPTION
23,921.5 SQ.FT. OR 0.5492 ACRE
20' WIDE ACCESS & UTILITY EASEMENT

ALL OF THAT PARCEL OF LAND LYING ON THE WEST SIDE OF WESLEY CHAPEL ROAD AND RUNNING IN, THROUGH, OVER AND ACROSS TAX MAP 23, PARCEL 9 AND TAX MAP 29, PARCEL 35, BEING IN BALTIMORE COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING FOR THE SAME AT A POINT IN THE CENTERLINE OF WESLEY CHAPEL ROAD, SAID POINT BEING 21.24 FEET FROM THE BEGINNING OF THE S 8° W 50 FOOT LINE OF SAID PARCEL 9 AS DESCRIBED IN A DEED OF CONVEYANCES FROM WILMA J. HARRIS, WILLIAM A. HARRIS AND GRACE G. HARRIS TO WILLIAM A. HARRIS AND GRACE G. HARRIS DATED AUGUST 19, 1985 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6981, FOLIO 287. THENCE RUNNING WITH AND BINDING PARTLY ON SAID ROAD CENTERLINE, AS ROTATED TO THE MARYLAND STATE PLANE NAD 83/91 COORDINATES

- 1 SOUTH 00° 29' 45" EAST 20.75 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY LINE AND RUNNING IN, THROUGH, OVER AND ACROSS SAID PARCELS 9 AND 35 THE SEVENTEEN (17) FOLLOWING COURSES AND DISTANCES:
 - 2 SOUTH 74° 03' 57" WEST 100.47 FEET TO A POINT; THENCE
 - 3 NORTH 82° 54' 11" WEST 115.30 FEET TO A POINT; THENCE
 - 4 SOUTH 77° 16' 44" WEST 96.44 FEET TO A POINT; THENCE
 - 5 SOUTH 59° 11' 16" WEST 36.77 FEET TO A POINT; THENCE
 - 6 SOUTH 35° 16' 50" WEST 560.66 FEET TO A POINT; THENCE
 - 7 SOUTH 81° 15' 53" WEST 44.45 FEET TO A POINT; THENCE
 - 8 SOUTH 39° 12' 45" WEST 186.94 FEET TO A POINT; THENCE
 - 9 SOUTH 50° 47' 15" EAST 6.42 FEET TO A POINT; THENCE
 - 10 SOUTH 39° 12' 45" WEST 35.00 FEET TO A POINT; THENCE
 - 11 NORTH 50° 47' 15" WEST 26.42 FEET TO A POINT; THENCE
 - 12 NORTH 39° 12' 45" EAST 229.63 FEET TO A POINT; THENCE
 - 13 NORTH 81° 15' 53" EAST 43.66 FEET TO A POINT; THENCE
 - 14 NORTH 35° 16' 50" EAST 558.41 FEET TO A POINT; THENCE
 - 15 NORTH 59° 11' 16" EAST 44.19 FEET TO A POINT; THENCE
 - 16 NORTH 77° 16' 44" EAST 103.12 FEET TO A POINT; THENCE
 - 17 SOUTH 62° 54' 11" EAST 114.72 FEET TO A POINT; THENCE
 - 18 NORTH 74° 03' 57" EAST 101.92 FEET TO THE PLACE OF BEGINNING.
- CONTAINING 23,921.5 SQUARE FEET OR 0.5492 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION.

I HEREBY CERTIFY THAT THESE METES AND BOUNDS DESCRIPTIONS WERE PERSONALLY PREPARED BY ME OR THAT I WAS IN RESPONSIBLE CHARGE OVER THERE PREPARATION AND THE SURVEYING WORK REFLECTED IN THEM AND THAT THE DESCRIPTIONS ARE IN COMPLIANCE WITH COMAR SECTION 09.13.06.08 OF THE MINIMUM STANDARDS OF PRACTICE AS NOW ADOPTED BY THE MARYLAND BOARD FOR PROFESSIONAL LAND SURVEYORS.

Donald F. Remmers 9/28/2009
DONALD F. REMMERS DATE
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 10888



N/F
Monkton M. E. Church
Monkton Road
Tax Map 29 Parcel 129
Liber 584 Folio 529

N/F
Grosvenor Harris, Jr.
1830 Monkton Road
Tax Map 23 Parcel 146
Liber 6319 Folio 160

ement, LLC.
on Road
Parcel 43
Folio 709

N/F
Martha Lee Reeve
1916 Monkton Road
Tax Map 29 Parcel 39
Liber 24026 Folio 420

N/F
John Raymond Seifert and Linda Schobdach Seifert
16710 Wesley Chapel Road
Tax Map 23 Parcel 91
Liber 11220 Folio 659

N/F
William A. Harris &
Grace G. Harris
16518 Wesley Chapel Road
Tax Map 23 Parcel 9
Liber 6981 Folio 287

N/F
William A. Harris &
Grace G. Harris
Wesley Chapel Road
Tax Map 29 Parcel 35
Liber 6981 Folio 287

N/F
James E. Frank, Jr.
& Barbara S. Frank
2013 Shepherd Road
Tax Map 29 Parcel 87
Liber 1888 Folio 233

N/F
William F. Turner &
Karen K. Turner
2016 Shepherd Road
Tax Map 29 Parcel 49
Liber 24026 Folio 194

N/F
William A. Harris &
Grace G. Harris
Wesley Chapel Road
Tax Map 29 Parcel 1
Liber 6981 Folio 287

GENERAL NOTES:

1. TAX MAP: 23, GRID: 19, PARCEL: 9
2. TAX MAP: 29, GRID: 1, PARCEL: 35
3. PROPERTY OWNERS:
LIBER: 6981 FOLIO: 287
4. ALL DIMENSIONS SHOWN RELATIVE TO THE LEASE AREA ARE TRUE AND CORRECT. DIMENSIONS FROM THE LEASE TO THE UNSURVEYED PROPERTY LINES ARE WITHIN +/- 1 FOOT.
5. HORIZONTAL DATUM: NAD 83; VERTICAL DATUM: NGVD 88
6. EXISTING ZONING: RD-2
7. LEASE PROPERTY IS LOCATED IN F.I.R.M. ZONE "C" AS SHOWN ON COMMUNITY PANEL NO. 240010 0130 F, DATED SEPTEMBER 26, 2008 (FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.)
8. NO SUBSURFACE INVESTIGATION PERFORMED BY christopher consultants
9. BOUNDARIES AND AREAS OF ADJACENT PARCELS ARE BY COMPILATION THESE BOUNDARIES ARE COMPILED FROM DEEDS OF RECORD AND TAX MAPS AND ARE TIED TO ADJACENT FOUND MONUMENTATION
10. THE BOUNDARIES AND AREAS SHOWN HEREON ARE COMPILED, AND DO NOT REFLECT A COMPLETE SURVEY OF THE PREMISES AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY.
11. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
12. USE AND ZONING INFORMATION OBTAINED FROM BEST AVAILABLE PUBLIC RECORDS.
13. THERE WERE NO CEMETARIES OR BURIAL GROUNDS OBSERVED WITHIN A 500 FOOT RADIUS OF SITE.
14. THERE ARE NO RESIDENTIAL DWELLINGS WITHIN 500 FEET OF THE PROPOSED MONOPOLE.

BENCH MARKS				
BM#	NORTHING	EASTING	ELEVATION	DESCRIPTION
TR2	697113.344	1422112.741	440.641	PIPE & CAP SET
TR5	697191.022	1422504.981	434.205	PIPE & CAP SET

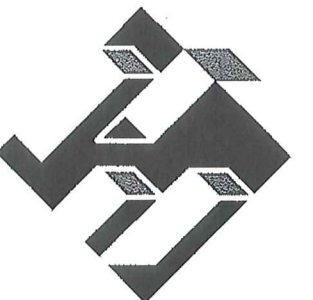
LINE	BEARING	DISTANCE
L1	S 30°10'27" W	6.70'
L2	S 19°00'15" W	215.00'
L3	S 09°29'45" E	50.00'
L4	S 39°56'45" E	133.97'
L5	S 26°28'45" E	105.00'
L6	S 10°50'45" E	76.59'
L7	S 10°48'21" E	93.42'
L8	S 24°45'45" E	346.40'
L9	S 36°04'15" W	102.84'
L10	S 23°45'15" W	100.00'
L11	S 10°08'15" W	280.00'
L12	S 31°46'15" W	189.50'
L13	S 44°30'15" W	100.00'
L14	S 57°29'15" W	100.00'
L15	S 76°29'15" W	100.00'
L16	S 88°19'15" W	150.00'
L17	N 04°40'45" W	310.00'
L18	S 64°19'15" W	331.76'
L19	N 46°51'45" W	495.86'
L20	S 51°06'15" W	98.75'
L21	N 68°18'45" W	285.18'
L22	N 24°27'15" E	182.03'
L23	N 04°59'15" E	581.00'
L24	N 10°15'45" W	189.75'
L25	N 81°45'45" W	10.69'
L26	N 77°02'45" E	1172.70'
L27	N 88°11'15" E	120.85'
L28	S 67°40'45" E	102.00'
L29	S 67°58'15" W	143.27'
L30	S 46°50'15" W	38.00'
L31	S 28°14'15" W	81.00'
L32	S 73°58'15" W	153.00'
L33	S 72°41'15" W	288.85'
L34	N 78°19'45" W	117.70'
L35	N 78°19'45" W	120.40'
L36	S 39°12'45" W	572.03'
L37	N 46°51'45" W	13.28'
L38	S 33°54'45" E	1005.21'

0' 100' 200' 300'
SCALE: 1" = 100'



FAA 1--A SURVEY CERTIFICATE
I CERTIFY THAT THE LATITUDE OF 39°34'46.73" N AND THE LONGITUDE OF 76°36'39.62" W ARE ACCURATE TO WITHIN +/- 20 FEET HORIZONTALLY AND THAT THE AVERAGE GROUND ELEVATION OF 428' AMSL IS ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND ARE EXPRESSED AS DEGREES, MINUTES AND SECONDS, TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM IS IN TERMS OF THE NATIONAL GEODETIC VERTICAL DATUM 1988 (NGVD 88) AND ARE DETERMINED TO THE NEAREST FOOT.
Donald F. Remmers 9/28/2009
DONALD F. REMMERS DATE
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION #10888

christopher consultants
engineering · surveying · land planning
christopher consultants, ltd.
7172 columbia caseway drive (suite 100) columbia, md 21046-2960
410.922.8660 mfc@301.661.0148 fax.410.872.8663



FOR
BECHTEL
C/O BC ARCHITECTS, ENGINEERS, P.L.C.

SITE PLAN
WISEBURG-HARRIS RAWLAND
16620 WESLEY CHAPEL ROAD
MONKTON, MARYLAND 21111
TAX MAP: 29 PARCEL: 9, TAX MAP: 29 PARCEL: 35
10TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Scale: 1 inch = 100 feet
Date: 09-24-2009
Drawn: M. L. Church
Checked: D. F. Remmers
Project No: 088701.04
Sheet No.