

IN RE: **PETITION FOR SPECIAL EXCEPTION** *

W/S Falls Road (MD Rt. 25), 1,019' S of

Brick Store Road *

(18132 Falls Road)

5th Election District *

3rd Council District *

Marion A. Martin, et ux, *Legal Owners*

Cellco Partnership d/b/a Verizon Wireless, *

Lessee

Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0284-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Petitioner, Cellco Partnership d/b/a Verizon Wireless (Verizon), through its real estate manager, Brian Stover, and its attorneys David H. Karceski, Esquire and Arnold Jablon, Esquire with Venable LLP. The Petition was also signed by Marion A. and Janet L. Martin, property owners. Petitioners, pursuant to Sections 1A01.2.C.28, 426 and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.), request a special exception to permit a wireless telecommunications tower with a height of 160 feet and related facilities to be erected on a portion of the subject property, which is zoned R.C.2 in its entirety. The subject special exception area and requested relief are more particularly described on the two-paged redlined site plan and elevation drawings submitted which were accepted into evidence and marked as Petitioners' Exhibit 1A through 1B.

Appearing at the requisite public hearing in support of the request were the following individuals: Jose Espino, a Verizon Wireless Radio Frequency (RF) Engineer; Michael McGarity, Director of Wireless Services for Daft McCune Walker Inc. (DMW), the engineering firm responsible for preparation of the site plan for this property; Mitchell Kellman, Director of

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Zoning Services for DMW; Charles Ryan with SCE Engineering, tower development consultants for Verizon Wireless; and Jason Los, an environmental scientist with EBI Consulting. It is further noted that four (4) letters were received in support of the petition. Petitioners submitted a letter of support signed by Hazel Smith, trustee for the immediate property to the north of the site (18210 Falls Road), a letter signed by Douglas Brown, owner of 18222 Falls Road located adjacent to and north of 18210 Falls Road, a letter signed by Douglas and Terry Martin, owners of 18130 Falls Road located adjacent to and between the subject site and Falls Road, and a letter signed by Marion and Janet Martin, who own not only the subject property but two (2) additional properties, one of which is located adjacent to and between the subject site (18200 Falls Road) and Falls Road and another located adjacent to and west of the site. The Smith, Brown and Douglas and Terry Martin properties and one of the Marion and Janet Martin properties are improved with single-family residential dwellings all in close proximity to the proposed tower.

The requested approval for the tower was contested by James and Barbara Hairfield, owners of 19408 Grave Run Road located approximately 4 miles north of the site. No other interested neighbors attended the public hearing. Additionally, Teresa Moore with The Valleys Planning Council (VPC) attended and participated at the hearing but did not testify because the VPC had not given authority for her to do so.

INTRODUCTION

The proposed project consists of a request to construct a 160-foot tall unlighted wireless telecommunications facility with a "stealth" monopine tree design, featuring branch extensions. The proposal also includes a fenced equipment compound. The facility is proposed to be constructed on a 12.65 acre parcel located west of and adjacent to Falls Road and north of Gunpowder Road in northern Baltimore County. The site is bordered on one side by a scenic

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route so designated by the 2010 Master Plan, which is Falls Road. Specifically, the monopine is proposed to be located interiorly approximately 653 feet west of Md. Rt. 25 (Falls Road).

The majority of the subject property is undeveloped woodlands. *See* Petitioners' Exhibit 6 (Aerial Photograph prepared by DMW). The Martins also operate a Christmas tree farm on the property and use certain 1-story structures to support this operation, labeled "EX. 1 STORY SHED," "EX. 1 STORY GARAGE" and "EX. 1 STORY SHOP" on Petitioners' Exhibit 1A. There is a significant rise in grade from Falls Road on the subject property's side of Falls Road followed by an equal drop in grade to the location proposed for the monopine. A review of County aerial photograph / zoning maps (Petitioners' Exhibits 5A-5B) and Petitioners' Exhibit 6 indicates that the proposed tower will be located in an already cleared area on the property that is encapsulated by the site's existing mature trees. The tower would be accessed by an existing drive, labeled "EX. GRAVEL DRIVE," now used to reach the on-site shed, garage and shop structures. This access drive will connect the tower location to Falls Road utilizing an existing point of ingress/egress onto Falls Road. Verizon seeks to improve network coverage for its cellular services, due to customer complaints, dropped calls, and company studies and data confirming that Verizon's services are unreliable in this area. *See* Petitioners' Exhibits 9 and 15. The County's Tower Review Committee (TRC) confirmed the need for service. *See* Petitioners' Exhibit 10 (TRC's Recommendation).

THE PROPERTY AND PROPOSAL

This public hearing proceeded by way of a combination of testimony by Petitioners expert witnesses, which is outlined below, and a proffer by Petitioners counsel. Petitioners presented a redlined site plan (Petitioners' Exhibit 1) at the public hearing for the sole purpose of reducing the area of the special exception under consideration from 5.0 acres to 0.5 acres of the

overall 12.65 acre tract of land owned by the Martins. The Martin property is subject to an agricultural preservation easement, which reserves the identical 0.5 acre area for development of a tower in the same configuration and location shown on the redlined site plan. *See* Petitioners' Exhibit 3. This reduction in size was made at the request of Wally Lippincott Jr. for the Department of Environmental Protection and Resource Management (DEPRM), for the purpose of ensuring that the tower and related improvements are confined to the 0.5 acre area identified by the easement. The B.C.Z.R. and, more specifically, the Wireless Telecommunications Facilities Regulations contained in Section 426 do not include a requirement that the special exception area surrounding a tower be of a certain minimum size. A minimum lot size of 5.0 acres is required but nothing more. Therefore, the reduction in the special exception area to 0.5 acres, as requested by DEPRM, is entirely consistent with the B.C.Z.R and requires no zoning relief to be granted by this Commission.

The property, as illustrated on Petitioners' Exhibits 1 and 6, is irregular in shape and located on the west side of Falls Road and north of Gunpowder Road. The base of the tower within the equipment compound will be, as noted above, positioned 653 feet west of Falls Road at a ground level of between 680 and 684 feet, which is approximately 22 feet below the highest point of elevation that exists between the proposed tower location and Falls Road. The monopine will feature platform-mounted antennas for Petitioners at an antenna centerline of 150 feet, and Petitioners' Exhibit 1B shows that the tower will also be able to accommodate at least three (3) other cellular providers who may desire to locate on the tower at antenna locations of approximately 120, 130, and 140 feet.

The undersigned is generally familiar with the operations of Verizon Wireless and other wireless communications providers by virtue of the many cases that have come before me under

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similar requests. Suffice it to say, wireless telecommunications technology has exploded on the public scene and consciousness. Nearly everyone has mobile phone services to provide communications and provide access to online data bases and Internet applications. Many phones are now equipped with complex broadband micro processors capable of all types of applications and functions, not just sending and receiving text messages, e-mails, etc. This communications system would not be possible without the installation of a series of towers throughout the geographic area to be served.

Through the testimony of its RF engineer Jose Espino, Verizon explained that a "hole" exists in its communication network in northern Baltimore County, which expert testimony was not disputed. *See* Petitioners' Exhibit 15 (Propagation Maps). Studies and investigations were undertaken to determine where a tower could be located for the placement of the company's antennas to fill this "hole" and to provide seamless service in the area. As explained by Mr. Espino and Charles Ryan, Petitioners tower development consultant, Verizon conducted a thorough search within the area of need, according to the requirements of B.C.Z.R. Section 426, and chose the subject location. Mr. Espino testified in his expert opinion that this location fills the outstanding "hole," and he also testified that he did consider the site's physical characteristics, which make it the preferred location for a tower in this area of the County. From

Verizon's perspective, this site was advantageous, not only in terms of its location within the area of need, but also because of on-site grade changes and site coverage by mature vegetation. It is these and other existing site features, including the depth of the property from Falls Road, the percentage of the site in mature tree cover, the ability to use an existing cleared area encapsulated by this tree cover, and the ability to use an existing point of ingress/egress onto Falls Road and an existing access drive to the tower location, which will allow for the monopine

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to be constructed without having a detrimental impact on the surrounding locale that might result from a tower at another location along Falls Road. Mr. Espino closed his testimony by providing his expert opinion that the monopine's proposed height of 160 feet is the minimum height necessary to fill the "hole" in Verizon's communications network.

Mr. Ryan testified that, in accordance with B.C.Z.R. Section 426.2.A and 2.B, the proposed monopine would be constructed to accommodate a total of at least three (3) providers, that no available medium or high-intensity commercial zoning exists in the area for placement of the tower, and that no existing structures or towers exist in the area that would allow Petitioners to fill the "hole" that now exists in its communication network. Mr. Ryan further testified regarding Petitioners decision to use stealth technology to reduce any visual impacts from the tower on adjoining properties and from Falls Road. First, he explained that the tower and equipment compound were sited to take advantage of the site's natural screening by positioning them behind and within a mature forest and the on-site ridge line. As indicated earlier by Mr. Espino, the tower itself has been kept to the minimum height necessary to provide seamless coverage and signal strength for both emergency and non-emergency communications as part of its wireless network in Baltimore County, and, as required, by Verizon's Federal Communication Commission (FCC) license. The tower, itself, is proposed to be 160 feet in height. See Petitioners' Exhibit 1B.

To confirm the efforts taken by Verizon to disguise the tower and reduce its visual impact, Mr. Ryan submitted into evidence as Petitioners' Exhibit 8, balloon test photographs and photographic simulations of the tower taken from various points near or along Falls Road and at the intersection of Falls Road with Gunpowder Road and Falls Road with Brick Store Road. This survey indicated a minimal visual impact, and it was Mr. Ryan's opinion that the monopine

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was very well sited on a portion of the property covered by mature trees and would not have any detrimental effect on the health, safety or general welfare of the surrounding area.

In further support of the proposal, Verizon next called Mitchell Kellman, Petitioners zoning specialist. Mr. Kellman, like Mr. Ryan before him, submitted his resume (Petitioners' Exhibit 11) and discussed his familiarity with the project and personal knowledge of the site from prior visits. As Mr. Ryan did, Mr. Kellman reviewed the character of the surrounding land uses, including agricultural operations and scattered single-family residential dwellings, the tower's distance to Falls Road, and the changes in elevation from the base of the tower site to the edge of paving of Falls Road.

As Mr. Kellman explained, the closest adjacent residential property to the subject site is 216 feet to the east, which is in excess of the 200-foot setback requirement for a tower from any other residential property line. It is for this reason and by virtue of this proposal meeting all other applicable setback regulations of the B.C.Z.R. that Petitioners are able to propose a variance-free site plan for this Commission's consideration.

Next, Mr. Kellman examined the proposal in the context of B.C.Z.R. Sections 1A01.2.C, 426, 502.1 and 502.7, the various sections of the Zoning Regulations that govern the approval and construction of wireless communications facilities. In summary, Mr. Kellman testified that the tower and associated equipment compound will not have a negative impact on the primary agricultural uses in the vicinity, a required finding for this special exception use in the R.C.2 zone. He then testified that, with respect to each required finding under Section 502.1, the proposed special exception use, at this particular location, will not result in any of the adverse impacts listed and that at this location, particularly given its location within existing mature trees, the existing topography between the tower location and Falls Road, and use of an existing access

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drive through the mature trees and the percentage of on-site tree cover, the monopine would actually be less impactful than at other locations elsewhere in the zone and, more specifically, other locations on either side of Falls Road in the vicinity of the subject property.

With regard to the requirement of B.C.Z.R. Section 502.7.B, that the proposed tower not interfere with or be detrimental to the scenic viewshed elements if located within a scenic viewshed, Mr. Kellman confirmed that although Falls Road is a scenic route, he was not able to determine from Map 37 of the *Master Plan 2010* (Petitioners' Exhibit 13), the Baltimore County Code (Petitioners' Exhibit 12), or the Comprehensive Manual of Development Policies (C.M.D.P.) that the tower would, in fact, impact any documented scenic viewshed "elements." However, with the efforts made by Verizon in locating the tower and its use of stealth technology, Mr. Kellman indicated that, in his professional opinion, Petitioners had nevertheless complied with the spirit, intent, and legislative purpose as set out in the relevant B.C.Z.R. sections and that there would be no impact on the County's scenic resources. As further support, the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment to this Commission making a similar finding that the proposed monopine will not impact Falls Road as a scenic route. Additionally, the County's TRC made a recommendation to the Department of Permits and Development Management (DPDM) that the monopine at the location proposed will minimize its visual impact from surrounding residential zones.

The Hairfields testified in opposition to the requested relief although they did not question Petitioners testimony and evidence that a tower at the proposed location is necessary to fill the gap in coverage that exists in this area of the County. The focus of their testimony was a concern that driver's increased use of cellular telephones on the roads in the vicinity of the property would result in an increase in traffic accidents. Additionally, the Hairfields were

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concerned that the monopine would negatively impact the view of traffic traveling on Falls Road.

OPINION

After having considered all of the testimony and numerous exhibits received in this case, I find that Verizon has met its burden of proof with regard to all applicable requirements of the B.C.Z.R., including those contained in Sections 1A01.2.C, 426, 502.1, and 502.7 as well as satisfying this Commission that the proposed monopine cell tower will not be detrimental to Falls Road as a scenic route or the scenic viewshed, pursuant to the C.M.D.P.

In order for me to approve the proposed wireless telecommunications tower, I must first find that Verizon has demonstrated compliance with B.C.Z.R. Section 1A01.2.C, 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 (0.5 acres) that the tower and related ground-based equipment will occupy as shown on Petitioners' Exhibit 1, which is consistent with the agricultural preservation easement, the placement of the facility within an existing cleared area encapsulated by mature tree cover, and the fact that the tower is unmanned and will, therefore, not impede any farming activities in the area, I easily find that the tower will have no negative impact on the primary agricultural uses in the vicinity.

Moving to the specific required findings under B.C.Z.R. Section 426, for a new tower, Verizon 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. Verizon must also demonstrate that the tower will be constructed to accommodate at least two (2) other providers in addition to Petitioner and, in doing so, that it kept the height of the tower to the minimum height required. Based on the evidence and testimony presented before me by Mr.

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Ryan and Mr. Espino, I find that Verizon has demonstrated that the new tower is warranted and that it will accommodate three (3) other providers in addition to the Petitioners location on the tower, at the lowest height possible. It is important to note that the TRC also made a recommendation to DPDM confirming that Verizon's proposed monopine at a height of 160 feet satisfies all of the requirements of B.C.Z.R. Section 426.2. See Petitioners' Exhibit 10.

Because R.C. zones are considered "residential" zones, Verizon must also demonstrate that no medium or high intensity commercially-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. Ryan and Mr. Espino, I find that an appropriate search was conducted and that there are no commercial sites on which the proposed monopine could be located. Verizon's proposed special exception area of 0.5 acres is also permissible under the B.C.Z.R. and, taking into account the existence of the agricultural preservation easement and DEPRM's request that the special exception area be restricted to that size, the proposed special exception area is appropriate.

Next, Verizon must demonstrate that the general requirements of B.C.Z.R. Section 502.1 for all special exceptions have been met by the proposal. Having considered the expert testimony and opinions of Mr. Ryan and Mr. Kellman on this issue, I find that the proposed monopine does, in fact, meet all of the requirements of Section 502.1. The proposed cell tower and related equipment will have little or no impact on any of the conditions outlined in Section 502.1. It is to be expected that special exception uses may result in some impact on surrounding properties. *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008); *Schultz v. Pritts*, 291 Md. 1 (1981). However, an administrative agency may only deny such a use:

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“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 and I also find that any potential aesthetic impacts have been minimized to the maximum extent possible and would, in fact, be greater if the tower were located at other locations in the neighborhood or locality. In fact, if the tower were located at other points along Falls Road that do not benefit from the amount of tree cover on the subject property or the site’s grade changes, the impact would be worse aesthetically, than the proposed location. See Petitioners’ Exhibit 5.

Lastly, Verizon must demonstrate that the “proposed tower will not interfere with or be detrimental to the scenic viewshed elements.” B.C.Z.R. Section 502.7.B.1. Section 502.7.B.2 requires that such determination be made by comparing the “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.” Verizon argues that such a comparison cannot be made without the Baltimore County Planning Board first identifying the particular “visual elements of a scenic viewshed which are of a quality, character, rarity and nature to cause a viewshed to be designated in the Baltimore County Master Plan by the Baltimore County Planning Board.” B.C.Z.R. Section 426.1, Scenic Viewshed, Subsection A. It would appear, based on the testimony and evidence presented before me, that the Planning Board did not, in fact, identify or catalogue any such elements from which a comparison can now be made. As

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Verizon contends, without such identification, there is no evidence, much less "substantial evidence," upon which I can determine that the proposed tower would interfere with or be detrimental to the scenic viewshed elements.

Even without such elements having been identified, Mr. Kellman's knowledgeable opinion was that the location proposed for the monopine, taking into account its distance from Falls Road, the topography and on-site grade changes in combination with significant, on-site mature tree cover between the tower and the roadway, and the implementation of stealth technology, minimized or eliminated any resulting impact on the scenic viewshed. In support of this opinion, Verizon submitted photo simulations, designed to give an indication of the ultimate appearance of the tower from surrounding roadways and properties. *See* Petitioners' Exhibit 8. While these photo simulations are not exact, they give a general idea of just how visible the tower will be when constructed. Without delving too deeply into the legitimacy of the scenic viewshed elements argument, it is my opinion, based on the totality of the evidence and testimony presented, that the proposed tower will not interfere with or be a detriment to the scenic viewshed.

CONCLUSION

Based on the testimony and evidence presented, I am inclined to grant the special exception for a wireless communications tower on this property. However, in granting the requested relief, I will exercise the authority granted to this Commission, both by B.C.Z.R. Section 426.9.C.3 and Section 502.2, and impose a condition on the approval of the special exception. Specifically, Section 426.9.C.3 provides me the ability to 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

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requirement is not reasonable or advisable for the protection of properties surrounding the tower." I will require that the proposed tower be in the form of a monopine tree.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of July 2010 that the Petition for Special Exception to approve a wireless telecommunications tower and related facilities, on the subject property, zoned R.C.2, pursuant to Sections 1A01.2.C.28, 426, and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1A-1B, be and is hereby GRANTED, subject to the following conditions:

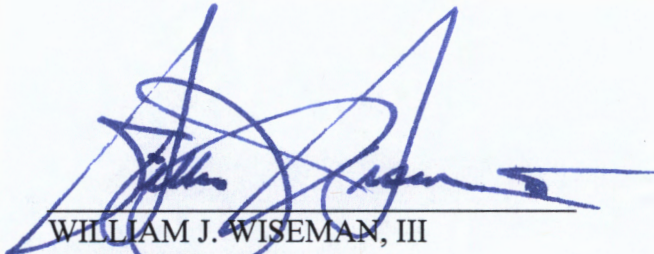
1. The height of the proposed telecommunications tower shall not exceed 160 feet and must be disguised and maintained from time-to-time to insure harmony with the viewshed.
2. Petitioners may apply for any required permits and be granted same upon receipt of this Order; however, the Petitioners are made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of 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.

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

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Date 7-12-10

By WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 12, 2010

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold E. Jablon, Esquire
David H. Karceski, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: **PETITION FOR SPECIAL EXCEPTION**
W/S Falls Road (MD Rt. 25), 1,019' S of Brick Store Road
(18132 Falls Road)
5th Election District - 3rd Council District
Marion A. Martin, et ux, *Legal Owners*; Celco Partnership d/b/a
Verizon Wireless, *Lessee* – Petitioners
Case No. 2010-0284-X

Dear Counsel:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Mitchell J. Kellman & Michael McGarity, Daft-McCune-Walker, 200 East Pennsylvania Avenue,
Towson, MD 21286
Jason Los, 6876 Susquehanna Trail South, York, PA 17403
Jose M. Espino, RF Engineer, Verizon Wireless 9000 Junction Drive,
Annapolis Junction, MD 20862
Charles J. "Chip" Ryan, Real Estate Manager, SCE, Inc., c/o Verizon Wireless,
9000 Junction Drive, Annapolis Junction, MD 20862
James M. and Barbara Hairfield, 19408 Grave Run Road, Hampstead, MD 21074
Teresa Moore, Executive Director, Valleys Planning Council, P.O. Box 5402, Towson MD 21285
People's Counsel; Office of Planning; DEPRM; File
Jefferson Building | 105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 18132 Falls Road

which is presently zoned RC-2

Deed Reference: 5078 / 125 Tax Account # 2000009117

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

a wireless telecommunications tower, 160 feet in height, and related facilities pursuant to Sections 1A01.2.C.28, 426, and 502 of the Baltimore County Zoning Regulations.

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:

Cellco Partnership d/b/a Verizon Wireless

Name - Type or Print By: Brian Stover, Real Estate and Zoning Manager

Signature [Signature]
9000 Junction Drive 301-312-2000
Address Telephone No.
Annapolis Junction MD 20701
City State Zip Code

Attorney For Petitioner:

David H. Karceski/Arnold Jablon

Name - Type or Print [Signature]
Signature [Signature]
Venable LLP
Company
210 W. Pennsylvania Ave., Suite 500 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED

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

Representative to be Contacted:

David H. Karceski
Name
210 W. Pennsylvania Ave., Suite 500 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Case No. 2010-0284-X

REV 07/27/2007

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Date 7-12-10

By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By A. Tsui Date 4/19/10

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET

Legal Owners:

Marion A. Martin
Marion A. Martin

Janet L. Martin
Janet L. Martin
18200 Falls Road
Hampstead, Maryland 21074
Phone: 410. 324. 2593

2010-0284-X

REVISED

Description
To Accompany a Petition
For a Special Exception
Falls Road
Baltimore County, Maryland

Commencing at a point formed by the intersection of the centerline of Brick Stone Road with the Centerline of Falls Road (MD Route 25), thence leaving said point and running the six following courses and distances to the point of beginning: (1) Southeasterly along the centerline of Falls Road (MD Route 25), 1,019 feet, more or less, thence (2) Northwesterly 40 feet, more or less, to the end of the North 72 degrees 31 minutes 15 seconds East 867.79 foot line of a record plat entitled "Amended Plat and Resubdivision of Lot 7, Marlin W. Utz Subdivision" dated June 2, 1986, thence running with and binding reversely on the outline of said Lot 7, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991), (3) South 70 degrees 20 minutes 34 seconds West 867.79 feet, thence (4) South 06 degrees 10 minutes 40 seconds West 276.73 feet, thence running with and binding reversely on a portion of the North 38 degrees 46 minutes 08 seconds West 817.58 foot line as shown on said plat, (5) South 40 degrees 56 minutes 53 seconds East 258.06 feet, thence (6) North 49 degrees 03 minutes 07 seconds East 202.47 feet to the point of beginning of the area of special exception described herein, thence leaving said point of beginning and running through, over, and across a portion of said Lot 7, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991), (1) North 38 degrees 43 minutes 42 seconds East

147.00 feet, thence (2) South 51 degrees 16 minutes 18 seconds East 148.00 feet, thence
(3) South 38 degrees 43 minutes 42 seconds West 147.00 feet, thence (4) North 51
degrees 16 minutes 18 seconds West 148.00 feet to the point of beginning; containing
21,756 square feet or 5.005 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS
NOT INTENDED TO BE USED FOR CONVEYANCE.

June 16, 2010

Project No. 09124 (L09124-1)



Michael D. Martin

6.16.10



Description
To Accompany a Petition
For a Special Exception
Falls Road
Baltimore County, Maryland

Commencing at a point formed by the intersection of the centerline of Brick Stone Road with the Centerline of Falls Road (MD Route 25), thence leaving said point and running the four following courses and distances to the point of beginning: (1) Southeasterly along the centerline of Falls Road (MD Route 25), 1,019 feet, more or less, thence (2) Northwesterly 40 feet, more or less, to the end of the North 72 degrees 31 minutes 15 seconds East 867.79 foot line of a record plat entitled "Amended Plat and Resubdivision of Lot 7, Marlin W. Utz Subdivision" dated June 2, 1986, thence running with and binding reversely on the outline of said Lot 7, (3) South 70 degrees 20 minutes 34 seconds West 867.79 feet, thence (4) South 06 degrees 10 minutes 40 seconds West 276.73 feet to the point of beginning of the area of special exception described herein, thence leaving said point of beginning and running through, over, and across a portion of said Lot 7, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991), (1) North 49 degrees 03 minutes 07 seconds East 430.00 feet, thence (2) South 40 degrees 56 minutes 53 seconds East 507.00 feet, thence (3) South 49 degrees 03 minutes 07 seconds West 430.00 feet, thence (4) North 40 degrees 56 minutes 53 seconds West 507.00 feet to the point of beginning; containing 218,010 square feet or 5.005 acres of land, more or less.

2010-0284-X

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS
NOT INTENDED TO BE USED FOR CONVEYANCE.

March 24, 2010

Project No. 09124 (L09124-1)



Michael D. Martin
3/24/10

2010-0284-X

**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: _____

Petitioner: _____

Address or Location: _____

2010 - 0284 - X

Celco Partnership d/b/a Verizon Wireless

18132 Falls Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Kedrick N. Whitmore

210 W. Pennsylvania Ave.

Towson, MD 21204

Telephone Number: _____

410 - 494 - 6204

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

No.

53228

Date:

4/19/10

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 4/19/2010 4/19/2010 11:09:34
 REC 501 WALTON JOHN W
 RECEIPT # 055132 4/19/2010
 S 520 0000000000000000
 053228
 Recpt Tot 4300.00
 4300.00 00 4300.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$350

Total:

\$350

Rec From:

VENABLE

For:

18132 FALLS RD

RC-2 2010-0284-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

+ - CERTIFICATE OF POSTING

2010-0284-X

RE: Case No.: _____

Petitioner/Developer: _____
Marion & Janet Martin

June 17 2010
Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
18132 Falls Road

June 2 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black /June 4 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE #2010-0284-X

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

Room 106, COUNTY OFFICE BUILDING
PLACE: 10 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: THURSDAY, JUNE 17, 2010 AT 2:00 PM

REQUEST: SPECIAL EXCEPTION FOR A WIRELESS TELECOMMUNICATION TOWER, 160 FEET IN HEIGHT, AND RELATED FACILITIES.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL END OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

**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: # 2010-0284-X
18132 Falls Road
W/side of Falls Road, 1019
feet south of the centerline
of Brick Stone Road
5th Election District
3rd Councilmanic District
Legal Owner(s): Marion &
Janet Martin

Special Exception: for a
wireless telecommunica-
tion tower, 160 feet in
height, and related facili-
ties.

Hearing: Thursday, June
17, 2010 at 2:00 p.m. in
Room 106, County Office
Building, 111 West Chesape-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/6/18 June 1 242124

CERTIFICATE OF PUBLICATION

6/3/, 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 6/1/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 1, 2010 Issue - Jeffersonian

Please forward billing to:
Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6204

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: 2010-0284-X

18132 Falls Road

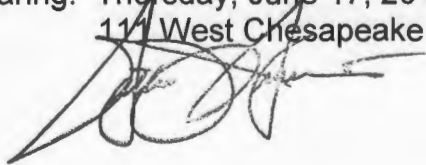
W/side of Falls Road, 1019 feet south of the centerline of Brick Stone Road

5th Election District – 3rd Councilmanic District

Legal Owners: Marion & Janet Martin

Special Exception for a wireless telecommunication tower, 160 feet in height, and related facilities.

Hearing: Thursday, June 17, 2010 at 2:00 p.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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 13, 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: 2010-0284-X

18132 Falls Road

W/side of Falls Road, 1019 feet south of the centerline of Brick Stone Road

5th Election District – 3rd Councilmanic District

Legal Owners: Marion & Janet Martin

Special Exception for a wireless telecommunication tower, 160 feet in height, and related facilities.

Hearing: Thursday, June 17, 2010 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski/Arnold Jablon, 210 W Pennsylvania Avenue, Ste. 500, Towson 21204
Mr. & Mrs. Martin, 18200 Falls Road, Hampstead 21074

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 2, 1010.**
- (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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

June 9, 2010

David Karceski & Arnold Jablon
Venable, LLP
210 W. Pennsylvania Ave, Ste. 500
Towson, MD 21204

Dear: David Karceski & Arnold Jablon

RE: Case Number 2010-0284-X, 18132 Falls Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 19, 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
Marion & Janet Martin; 18200 Falls Rd.; Hampstead, MD 21074
Cellco Partnership; 9000 Junction Dr.; Annapolis Junction, MD 20701

BW
6-17-10
2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 9, 2010 - revised

SUBJECT: Zoning Item # 10-284-X
Address 18132 Falls Road
(Martin Property)

Zoning Advisory Committee Meeting of April 26, 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). – *Thomas Panzarella; Environmental Impact Review*

Additional Comments:

This property is under a Maryland Agricultural Land Preservation Easement. The applicant has revised the plan so that the area of request for Special Exception according to the applicant agrees with the area that was excluded from the easement. No comment is made on this request other than a request that the order indicate that the Property is under a Maryland Agricultural Land Preservation Foundation easement and that the applicant will provide a sealed plan documenting that any area used for the proposed use is on land excluded from the easement.

Reviewer: Wally Lippincott, Jr. Date: May 11, 2010
Revised June 8, 2010

BW 6/17
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2010

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

RECEIVED

MAY 21 2010

SUBJECT: 18132 Falls Road

ZONING COMMISSIONER

Item Number: 10-284

Petitioner: Cellco Partnership d/b/a Verizon Wireless

Zoning: RC 2

Requested Action: Special Exception

The petitioner requests a special exception for a wireless communications tower, 160 feet in height, and related facilities pursuant to Sections 1A01.2.C.28, 426, and 502, of the BCZR.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for a wireless communications tower, 160 feet in height, and related facilities pursuant to Sections 1A01.2.C.28, 426, and 502, of the BCZR.

A balloon test was conducted on January 11, 2010 and County staff was not present. Planning staff did conduct a site visit to the property on May 13, 2010. During that site visit staff drove along Falls Road, which is a County designated scenic route, to determine the impact that the new wireless telecommunications tower could have on the scenic route and the properties that are currently in agricultural easement using the photo simulation package provided by the Petitioner as a reference. The proposed wireless communications tower will be at the same height or slightly lower in height than the surrounding trees. The trees surrounding the proposed wireless communications tower are mostly deciduous and at the time of the site visit the trees had the majority of their foliage and were not bare as they were when the balloon test was conducted. This property is also located in a Rural Legacy Area.

After extensive driving along the scenic route and around the community, it was apparent that the proposed wireless telecommunications tower would not impact the surrounding properties, the scenic road, the rural legacy area, or the properties that are in agricultural easement. Therefore this Office believes that this request will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:

Division Chief:
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2010
Item Nos. 2010-283, 284, 285, 286
288 and 289

DATE: April 29, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05102010 -NO COMMENTS.doc



BALTIMORE COUNTY

M A R Y L A N D

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: April 26th , 2010

Item Numbers: 0282, 0283, 0284, 0285, 0286, 0287, 0288 and 0289

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/27/2010

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

RE: Baltimore County
Item No. 2010-0284-X
MD 25 (Falls Rd)
1832 Falls Road
MARTIN PROPERTY
SPECIAL EXCEPTION

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4/23/2010. A field inspection and internal review reveals that an entrance onto MD 25 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 1832 Falls Rd, Case Number 2010-0284-X.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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
Interoffice Correspondence

DATE: May 6, 2010

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

FROM: Tower Review Committee *R. Bohm*

SUBJECT: Recommendation Memo Update
(Original Memo Date – 03/04/10)
Re: New Tower – Verizon Wireless –18132 Falls Rd, Hampstead

This memo serves to update the original Tower Review Committee (TRC) recommendation memo, for the purpose of correcting an error in the documents language. The corrected language does not at all impact the TRC's recommendation, which remains unchanged as originally set forth.

As shown below, only (1) one area of the original recommendation memo has been changed, in order to eliminate wording that was found to be misleading. For ease in identifying the location of the change, its bulleted heading has been highlighted in bold, and underneath -- empty brackets "[]" have been inserted to mark the deletion point.

The Tower Review Committee (TRC) met on January 26, 2010, to discuss the application submitted by Verizon on December 23, 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 160-foot monopine telecommunications tower. The structure is to be located on the property owned by Marion Martin and Janet Martin, at 18132 Falls Rd, Hampstead, Maryland 21074, Councilmanic District #3.

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

Findings: We, the TRC, agree that Verizon has provided 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 Verizon its required coverage in the intended area. The total height planned by Verizon for the new monopine tower structure is 160-feet, including all appurtenances.

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

Findings: Verizon has shown, in supplemental drawings submitted to the TRC along with their application, that its proposed monopine tower will be constructed to support antennas for a minimum of two (2) other wireless service providers in addition to Verizon.

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

Findings: The proposed site is located in an RC2 (Agricultural) zoned area. The tower in its proposed location will be positioned 383' from a child care center building; however, Verizon provided the following information: [in a Zoning case #03-149-SPHX, a petition for special exception was filed for a tower but no hearing was held, and a special exception was granted (#06-084-X) for a child care center; in that case the zoning commissioner approved a site plan in which an area was delineated as appropriate for a future tower.] A Special Exception hearing will be required in reference to Verizon's current application due to the site's RC2 zoning.

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

Findings: Based on the site survey and information presented, we find that Verizon's plan to locate its monopine designed tower in an RC2 agricultural zone that is 653-feet away from the nearest public roadway [] will minimize its visual impact.

Conclusion

Based on the above findings, a new 160-foot Verizon tower in the proposed location would serve to fill in Verizon's coverage gap in the area and help toward their goal of seamless connectivity. It would meet all of the requirements of Section-426, while allowing for needed emergency and non-emergency communications for their customers in the area.

Therefore, by a unanimous decision, a new 160-foot tower in the location as proposed by Verizon is recommended by the Tower Review Committee, whose request it is that the advisory comments provided herein be forwarded to the Development Review Committee for further processing.

Subject: Recommendation Memo Update
Re: 18132 Falls Rd (Verizon-Hampstead)

05/06/10

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
David Karceski, Venable c/o Verizon

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
18132 Falls Road' W/S Falls Road, 1019' S * ZONING COMMISSIONER
of Brick Stone Road *
5th Election & 3rd Councilmanic Districts *
Legal Owner(s): Marion & Janet Martin * FOR
Contract Purchaser(s): Cellco Partnership *
Petitioner(s) * BALTIMORE COUNTY
* 10-284-X

Stone

* * * * *

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

APR 28 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Patricia Zook
To: Duvall, David
CC: Wiley, Debra; Wiseman, Bill
Date: 6/22/2010 2:13 PM
Subject: 2 CDs for Case 2010-0284-X - hearing held on Thursday June 17 - copies needed

6/22 3PM
Dave Duvall
picked up
2
cd's

Good afternoon Dave -

Councilman McIntyre's office has requested copies of the CDs from the above-referenced hearing. We have the CDs in the file which is in our office.

Please let me know the best way to handle this. Shall I bring the CDs to your office so that they can be copied for the Councilman? Or do you want to come and get the CDs for copying? Once the CDs are copied, I can forward them to the Councilman's office.

Thanks for your help, Dave.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment4-29

DEVELOPMENT PLANS REVIEW

None6-9

DEPRM

Comments3-8

FIRE DEPARTMENT

None5-21

PLANNING

(if not received, date e-mail sent _____)

Comments4-27

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 03-149-SPHX - withdrawn)

NEWSPAPER ADVERTISEMENT

Date: 6-1-10

SIGN POSTING

Date: 6-2-10

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 05 **Account Number -** 2000009117

Owner Information

Owner Name:	MARTIN MARION A MARTIN JANET L	Use:	AGRICULTURAL
Mailing Address:	18200 FALLS RD HAMPSTEAD MD 21074-2819	Principal Residence:	NO
		Deed Reference:	1) / 5078/ 125 2)

Location & Structure Information

Premises Address	Legal Description
18132 FALLS RD	12.645 AC PRT LT 7B 18132 FALLS RD MARLIN W UTZ

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
15	14	161					7B	2	Plat Ref: 54/ 128

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12.65 AC	33
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments			
		As Of	As Of	As Of		
		01/01/2008	07/01/2009	07/01/2010		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	1,920	1,920				
Improvements:	14,000	34,300				
Total:	15,920	36,220	29,452	36,220		
Preferential Land:	1,920	1,920	1,920	1,920		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 AGRICULTURAL TRANSFER TAXFCMA PENALTY

CASE NAME 18132 Falls Rd
CASE NUMBER 2010-287-X
DATE 6/17/10
ET

[illegible]

CASE NAME 18132 Falls Rd.
CASE NUMBER 2010-0284-K
DATE 6/17/10

[illegible]

**SAUL
EWING**
Attorneys at Law
A Delaware LLP

Prior Zoning

KARL J. NELSON
Phone: (410) 332-8663
Fax: (410) 332-8184
knelson@saul.com
www.saul.com

RECEIVED

JUL 13 2004

July 9, 2004

ZONING COMMISSIONER

Mr. Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 2,350' NW of Gunpowder Road (18132 Falls Road)
5th Election District - 3rd Council District
Marion A. Martin, et ux, Owners; Omnipoint Comm. CAP Operations,
Contract Lessees
Case No. 03-149-SPHX

Dear Mr. Schmidt:

I write concerning the above-referenced case, T-Mobile's request for special exception approval to install a wireless communications facility at 18132 Falls Road. This case was scheduled to be heard by you on December 17, 2002. At that time, the parties requested that the matter be postponed indefinitely so that they could pursue settlement discussions. Specifically, the Valleys Planning Council asked T-Mobile to determine whether the overall structure height could be lowered to 90,' consistent with the Valley's Planning Council's position that freestanding wireless structures should extend no more than 10' above the existing tree line whenever possible.

After an extensive series of engineering discussions and modifications, T-Mobile has developed a solution which will allow the proposed monopole to function at a 90' total height above ground level. Accordingly, T-Mobile respectfully requests that matter be reset for hearing at your earliest convenience. T-Mobile will amend its application at the time of the hearing to reflect the materially reduced height.

100 South Charles Street • Baltimore, MD 21201-2773 • Phone: (410) 332-8600 • Fax: (410) 332-8862

BALTIMORE CHESTERBROOK HARRISBURG PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

IN RE: **PETITION FOR SPECIAL EXCEPTION** *

N/S Belfast Road, 340' NE of c/line

Old Belfast Road *

(700 Belfast Road)

8th Election District *

3rd Council District *

C. Richard Lehnert, *Legal Owner*

Cellco Partnership d/b/a Verizon Wireless, *

Lessee

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0322-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Petitioner, Cellco Partnership d/b/a Verizon Wireless (Verizon), through its real estate manager, Brian Stover, and its attorney Arnold Jablon, Esquire with Venable LLP. The Petition was also signed by C. Richard Lehnert, property owner. Petitioner, pursuant to Sections 1A01.2.C.28, 426 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), requests a special exception to permit a wireless telecommunications tower with a height of 80 feet and related facilities to be erected on a portion of the subject property, zoned R.C.2. The subject special exception area and requested relief are more particularly described on the three page site plan and elevation drawings submitted which were accepted into evidence and marked as Petitioner's Exhibit 1A through 1C.

Appearing at the requisite public hearing in support of the request conducted over three (3) days, namely September 22, October 14, and November 30, 2009, were C. Richard Lehnert, property owner; Brian Stover, Verizon Wireless's Real Estate and Zoning Manager; Sherri L. Linton, a Verizon Wireless Radio Frequency Engineer for the northeast region; Barbara S. Pivec of Atlantic Site Acquisition, tower development consultants for Verizon Wireless; Brian

**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,

Case No.: 2010-0284-X 18132 Falls Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - Redlined site Plan 1B - Tower Elevation.	
No. 2	REVISED SPECIAL Exception AREA	
No. 3	Maryland Geological Land Preservation Agreement	
No. 4	Charles Ryan Vital	
No. 5	Aerial Photo's 5A - AREA IN QUESTION 5B - CLOSE UP	
No. 6	Large Aerial Exhibit 2 Aerials	
No. 7 19 Photos	PHOTO and LOCATION PLAT -	
No. 8	PHOTO's - Balloon Test PHOTO's -	
No. 9	Letters of Support from Area residents	
No. 10	TOWER REVIEW Committee REPORT 5/6/10	
No. 11	Kellman's Resume	
No. 12	Scenic View shed BCC Section 32-4-417	

Case No.:

2010-0284-X18132 Falls Rd.

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 13	MAP 37 Scenic Routes	
No. 14	JOSE MANUEL ESPINO Resume	
No. 15	Propogation MAPs	
No. 16	Case NO. 06-084 X	
No. 17	Section 106 - EFFECTS Nat'l. Historic Preservation Act.	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

DMW
DAFT MCCUNE WALKER INC

Description

REVISED

To Accompany a Petition

For a Special Exception

Falls Road

Baltimore County, Maryland

Commencing at a point formed by the intersection of the centerline of Brick Stone Road with the Centerline of Falls Road (MD Route 25), thence leaving said point and running the six following courses and distances to the point of beginning: (1) Southeasterly along the centerline of Falls Road (MD Route 25), 1,019 feet, more or less, thence (2) Northwesterly 40 feet, more or less, to the end of the North 72 degrees 31 minutes 15 seconds East 867.79 foot line of a record plat entitled "Amended Plat and Resubdivision of Lot 7, Marlin W. Utz Subdivision" dated June 2, 1986, thence running with and binding reversely on the outline of said Lot 7, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991), (3) South 70 degrees 20 minutes 34 seconds West 867.79 feet, thence (4) South 06 degrees 10 minutes 40 seconds West 276.73 feet, thence running with and binding reversely on a portion of the North 38 degrees 46 minutes 08 seconds West 817.58 foot line as shown on said plat, (5) South 40 degrees 56 minutes 53 seconds East 258.06 feet, thence (6) North 49 degrees 03 minutes 07 seconds East 202.47 feet to the point of beginning of the area of special exception described herein, thence leaving said point of beginning and running through, over, and across a portion of said Lot 7, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991), (1) North 38 degrees 43 minutes 42 seconds East

Page 1 of 2

PETITIONER'S

EXHIBIT NO.

2

0026608 306

FAMILY LOT

NOTICE TO TITLE EXAMINERS: THIS DEED OF EASEMENT CONTAINS COVENANTS THAT INCLUDE RESTRICTIONS ON THE USE, SUBDIVISION AND OFF-CONVEYANCE OF LAND.

File #: 03-06-07

THIS DEED OF EASEMENT made this 22nd day of JANUARY, 2008, by and between Marion A. Martin and Janet Lou Martin, party of the first part, Grantor, and the STATE OF MARYLAND, to the use of the Department of Agriculture on behalf of the Maryland Agricultural Land Preservation Foundation, party of the second part, Grantee, and containing covenants intended to be real covenants running with the land,

WITNESSETH:

WHEREAS, Subtitle 5 of Title 2 of the Agriculture Article, Annotated Code of Maryland, created the Maryland Agricultural Land Preservation Foundation for the purpose of preserving agricultural land and woodland; and

WHEREAS, by authority of Agriculture Article, Section 2-504(3), Annotated Code of Maryland, the Grantee may purchase agricultural preservation easements to restrict land to agricultural use; and

WHEREAS, the Grantor owns the hereinafter described tract(s) or parcel(s) of land (hereinafter referred to as "the land") located in an agricultural preservation district established pursuant to Agriculture Article, Section 2-509, Annotated Code of Maryland, and desires to sell an agricultural preservation easement to the Grantee to restrict the land to agricultural use.

- 1 -

PETITIONER' S

EXHIBIT NO.

3

Charles J. Ryan III, ESQ

12502 Trelawn Terrace
Mitchellville, Md. 20721

(0) 301 249-3010

Education

cryan12502@juno.com

University of Baltimore School of Law
(evening Division, 1985), J.D.
Tufts University
(Economics and Political Science, 1979) B.A.
St. John's College High School (1976)

Admitted to Practice: State of Maryland 1985
Real Estate Broker 1989- Present

Telecommunications

Zoning Manager for SCE Engineering (WEL) for Verizon Wireless. Serve as the zoning manger for the new site build for the Baltimore-Washington and west Virginia markets. Responsible for zoning analysis, preparation of zoning cases, testimony with outside counsel, development of zoning case strategy and procurement of building permits for the SCE team.

Project Manager for Clearwire Communications. Served as Project Manager for Clearwire build out of the Washington DC market. Managed outside contractor (Lucent and NB&C) for Clearwire. Responsible for 180 sites for build including reporting, PO processing, and time line management for client. Assisted RF team in design criteria and implementation on microwave backhaul.

Zoning Manager for Cricket Communications. Responsible for the drafting, filing and successful completion of 210 zoning cases for collocation in the Washington market. Served as initial overall zoning manager on market for design stage. Provided initial site acquisition analysis for 600 sites in early market design.

Project Manager for Preferred Communication Systems Inc. Responsible for the initial design, site acquisition, leasing, materials procurement and construction management of 800 MHz system in 11 BEA's. Served as General Counsel for corporation in FCC matters and general corporate and private placement security matters.

Project Manager for LCC International for the XM Satellite Radio project Washington HUB. Responsible for the management of a team to Identify, Drive Test, Lease, Zone

PETITIONER' S

EXHIBIT NO. 4



Copyright (C) 2010 Baltimore County, Maryland

0 0.047mi

PETITIONER'S

EXHIBIT NO. 5A



Copyright (C) 2010 Baltimore County, Maryland

PETITIONER'S

EXHIBIT NO. 83

ZONING NOTICE

CASE # 2010-0284-X

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

Room 106, County Office Building
PLACE: 111 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: THURSDAY, JUNE 17, 2010 AT 2:00 P.M.

REQUEST: SPECIAL EXCEPTION FOR A WIRELESS TELECOMMUNICATION TOWER, 160 FEET IN HEIGHT, AND RELATED FACILITIES.

#1

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

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

PETITIONER'S

EXHIBIT NO.

7
#1 thru #19

MARTINS
TREE FARM
410-374-8114

ACTIVITY CENTER
410-374-1172

Summer Camp
9-4 Daily
Before & After Care
Call 410-374-1172

Dance & Gymnastics

Little Feet & Preschool

Camps

Tae Kwon Do



NOW ACCEPT
410

#2



#3



#4



#5



#6



#7



2010 Member
National
Christmas
Tree Association

DUG TREES

#9



#10



#11



#17



#13



#911



#15



#16



#17



#18



#19

EBI Consulting Visual Analysis

Prepared For:



PROPOSED PUBLIC UTILITY
WIRELESS COMMUNICATIONS FACILITY

**2009384941
HAMPSTEAD
REV I**

Provided By:

EBI Consulting

January 19, 2010

PETITIONER'S
EXHIBIT NO. 8

Neighbor's Letters in Support

Parcel 17 - Marion & Janet Martin

Parcel 38 - Marion & Janet Martin

Parcel 161, Lot 6A - Douglas W. Brown

Parcel 161, Lot 6B - Hazel V. Smith

Parcel 161, Lot 7A - Douglas & Terry Martin

Parcel 161, Lot 7B - Marion & Janet Martin

PETITIONER' S

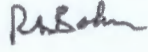
EXHIBIT NO.

9

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: May 6, 2010

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

FROM: Tower Review Committee 

SUBJECT: Recommendation Memo Update
(Original Memo Date – 03/04/10)
Re: New Tower – Verizon Wireless –18132 Falls Rd, Hampstead

This memo serves to update the original Tower Review Committee (TRC) recommendation memo, for the purpose of correcting an error in the documents language. The corrected language does not at all impact the TRC's recommendation, which remains unchanged as originally set forth.

As shown below, only (1) one area of the original recommendation memo has been changed, in order to eliminate wording that was found to be misleading. For ease in identifying the location of the change, its bulleted heading has been highlighted in bold, and underneath -- empty brackets "[]" have been inserted to mark the deletion point.

The Tower Review Committee (TRC) met on January 26, 2010, to discuss the application submitted by Verizon on December 23, 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 160-foot monopine telecommunications tower. The structure is to be located on the property owned by Marion Martin and Janet Martin, at 18132 Falls Rd, Hampstead, Maryland 21074, Councilmanic District #3.

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

Findings: We, the TRC, agree that Verizon has provided 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 Verizon its required coverage in the intended area. The total height planned by Verizon for the new monopine tower structure is 160-feet, including all appurtenances.

DMW

DAFT MCCUNE WALKER INC

MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning

Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Partial List of Projects

Charlestown Retirement Community, Baltimore County, MD

GBMC, Baltimore County, MD

Goucher College, Baltimore County, MD

Hopewell Point, Baltimore County, MD

Notre Dame Preparatory School, Baltimore County, MD

Oakcrest Village Retirement Community, Baltimore County, MD

Sheppard and Enoch Pratt Hospital, Baltimore County, MD

Waterview, Baltimore County, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present

Baltimore County Office of Permits and Development Management - Development Control,
1988-2000

PETITIONER'S

EXHIBIT NO. 11

§ 32-4-416. PRESERVATION OF NATURAL FEATURES.

(a) *Preservation of features.* Each Development Plan shall preserve natural features, including watercourses, waterfalls, beaches, and significant vegetation.

(b) *Duty to protect habitats.* The county shall require adequate protection of any known habitat of an endangered species.

(1988 Code, § 26-278) (Bill No. 29-95, § 1, 5-21-1995; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004; Bill No. 26-07, § 1, 4-29-2007)

§ 32-4-417. SCENIC VIEWSHEDS.

The Planning Board shall:

(1) Provide to the Zoning Commissioner a catalogue of the elements for each scenic viewshed in the Master Plan;

(2) Identify the scenic route or view, as designated in the Baltimore County Master Plan as either enclosed, expansive, focused or a combination; and

(3) Identify the aspects of the visual quality, unity of the elements, and integrity of the elements. (1988 Code, § 26-284) (Bill No. 121-01, § 3, 1-29-2002; Bill No. 75-03, § 28, 7-1-2004)

§ 32-4-418. STRUCTURES.

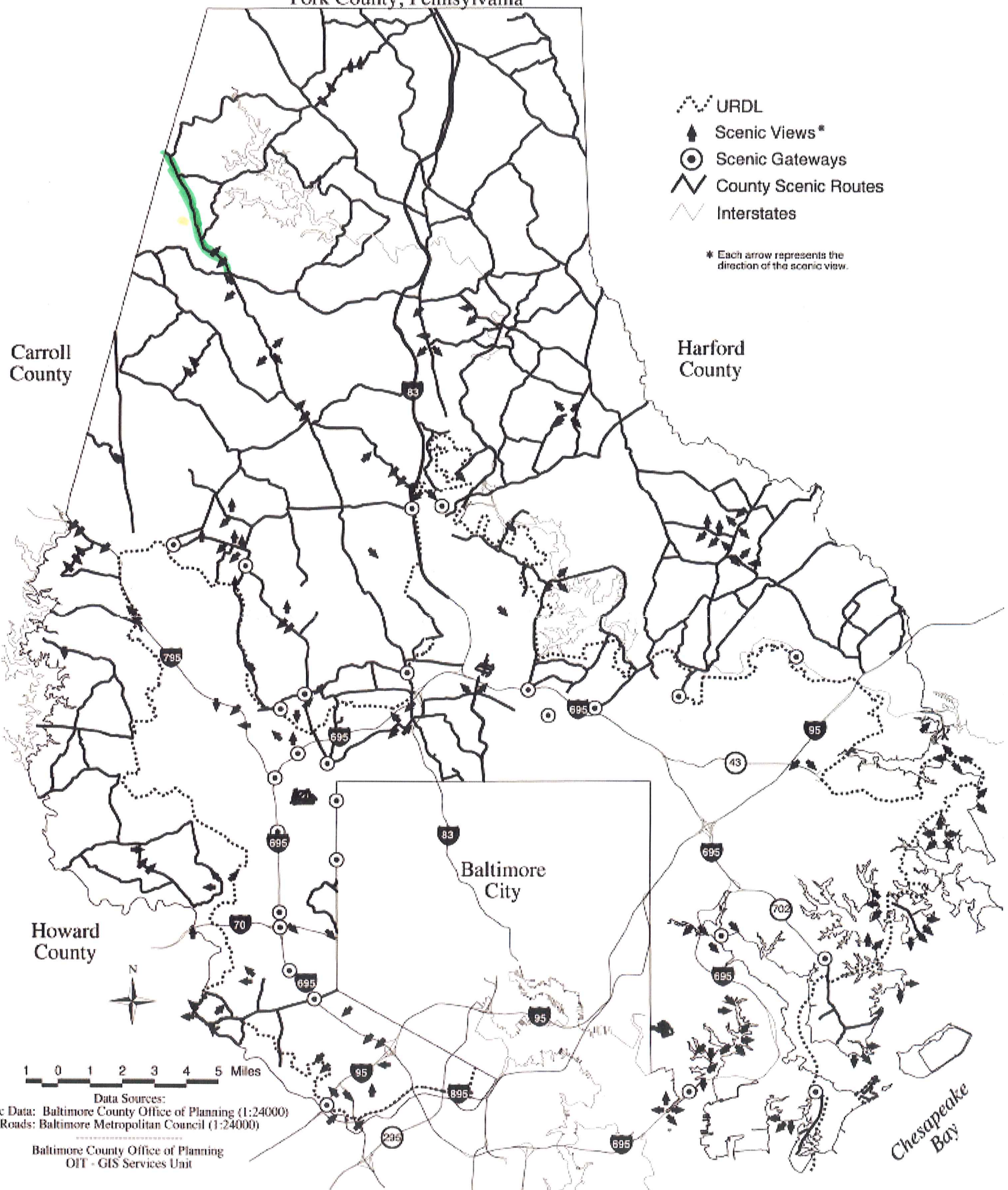
Structures, as defined in Title 7 of this article, identified on any of the lists referred to in § 32-4-223(8)(i), (ii) and (v) of this title are subject to the provisions of Title 7 of this article. (Bill No. 26-07, § 2, 4-29-2007)

SUBTITLE 5. RECLAMATION OF PROPERTY**§ 32-4-501. RECLAMATION PLAN.**

(a) *In general.* The owner of reclamation property may provide for the reclamation, use, and development of reclamation property by submitting a reclamation plan in accordance with this section.

(b) *Schematic plan required.* The reclamation plan shall set forth a conceptual schematic representation of the proposed use of reclamation property by means of maps, graphs, charts, or other written or drawn documents so as to enable the reviewing body to make a reasonably informed decision regarding the development.

York County, Pennsylvania



Map 37
Scenic Resources

FALLS RD ———
 SITE ●

Jose Manuel Espino
20000 Pinebark Way
Brinklow, MD. 20862
(301) 641-8222

CAREER:

October '06 to Present Verizon Wireless
RF Engineer

Responsible for the RF design of regional wireless (Cellular and PCS) voice and data network

- Issue search areas based on existing network design.
- Assess multiple candidates to assure best possible network functionality and reliability.
- Redesign mature network areas to minimize capacity constraints.
- Work with the System Performance group to reduce Lost Calls and Ineffective Attempts (LC's & IA's)
- Prepare FCC/FAA submissions.
- Conduct and oversee field tests for potential sites, analyze data.
- Analyze switch statistics and drive data for optimal new site integration, system optimization.
- Perform radio engineering evaluation for system planning and site acquisition.
- Create and use RF propagation and planning tools.
- Plan frequency assignments and identify technical parameters for network growth
- Plan near-term integration of new technologies for first applications in network
- Identify causes of RF interference and troubleshoot interference problems with System Performance
- Attend Zoning hearings in support of new cell site acquisitions
- Perform Macro/Micro Cell design, including antenna selection, placement, utilizing knowledge of CDMA, EVDO and microwave to contribute to network design

June '02 to October '06 Verizon Wireless
Sr. Switch Technician

Responsible for advanced installation, operation and maintenance of switching, data communications, and peripheral equipment in the MTSO.

- Performed maintenance, upgrades and integrations to MTSO switching equipment such as 5E, ECP, Flexent GNP & MM-AP platforms.
- Produce written procedures for cell integrations, HD cuts, carrier adds, etc.
- Instrumental in EV-DO deployment for Washington D.C. system.
- Work closely with Performance (PSG) to ensure optimal network quality.
- Priority Access team leader for network operations.
- Conduct quality audits and perform preventative maintenance procedures to ensure optimal switch performance.
- Recipient of numerous MVP awards.

June '99 to June '02 Verizon Wireless
Switch Technician

Responsible for daily maintenance of cellular communications equipment including Lucent 5ESS and ECP switches, Flexent GNP-AP and MM-AP, CDPD, OMP-FX, IWF and other peripheral equipment.

- Performed system wide AMPS retune.
- Tested, accepted, provisioned, hooked up T1's and T3's.
- Created virtual T1.
- Performed numerous software upgrades to 5ESS, ECP, OMP-FX, GNP-AP and MM-AP, CSD - IWF.
- Involved with the new ATM cut over and F-link additions between AJ and Adelphi MTSO's.
- Add new IMA/CA voice mail systems to Adelphi switch; provide VM support for WB region.
- Received Data training from Global Knowledge: Networking Fundamentals & Internetworking with TCP/IP as well as Verizon Wireless data training, 3Com IWF training, UNIX training through Lucent as well as OMP-FX, IMA-CA.
- Received 3 E.L.E.C.T. awards in team commitment, leadership and customers first

May '96 to June '99: Bell Atlantic Mobile
Field Engineer - Cells

Responsible for daily maintenance & operation of cellular digital, analog and packet data systems in Washington D.C.

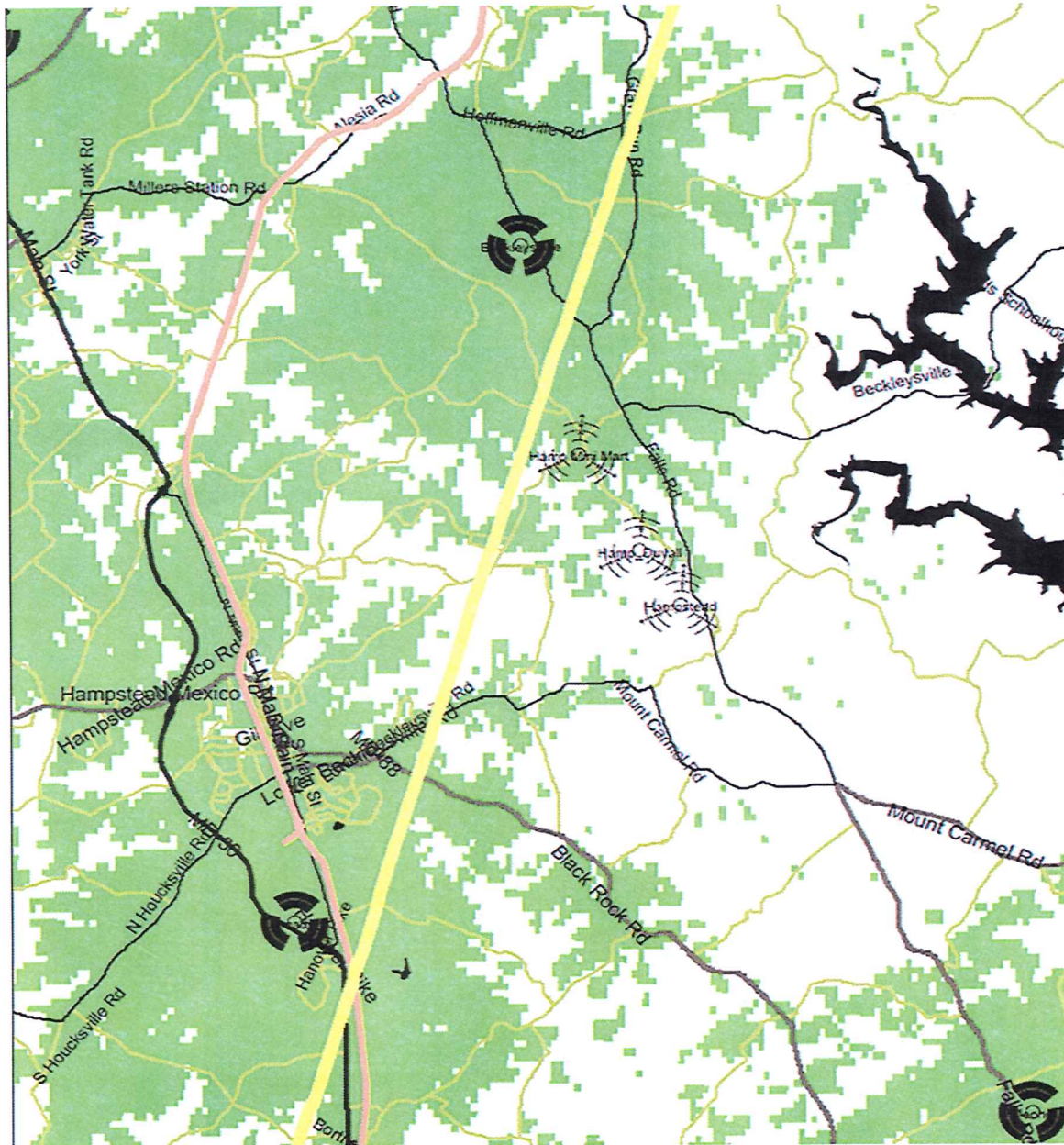
- Member of integration team for the following projects: CDMA, CDMA over ADC, RF fingerprinting / interdiction, IIMM and AML, & CRTU.
- Beta tested ADPCM and CDMA over AML for engineering team.
- Recognized ADC expert.
- Project manager for Windows 95 deployment for Baltimore / Washington Network
- Member of 1998 Internship recruiting team.

PETITIONER'S

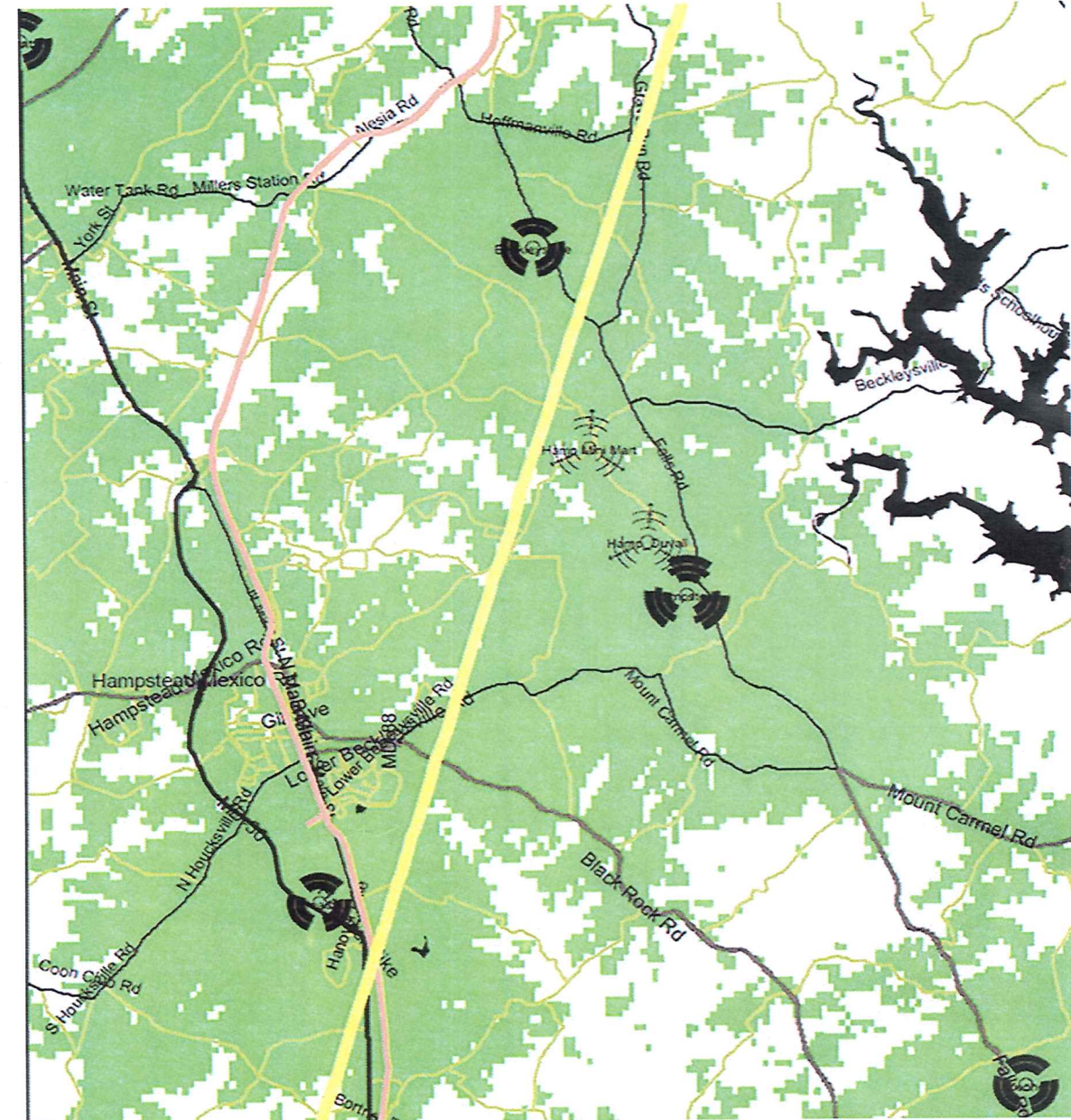
EXHIBIT NO.

14

Hampstead OFF



Hampstead ON 150-ft



Verizon Wireless - Confidential and Proprietary

PETITIONER'S

EXHIBIT NO. 15

IN RE: **PETITION FOR SPECIAL EXCEPTION**

W/S Falls Road, 1500' E of the c/l

Brick Stone Road

(18132 Falls Road)

8th Election District

3rd Council District

Marion Martin, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-084-X

*

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Marion A. Martin, and his wife, Janet L. Martin, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special exception pursuant to Baltimore County Zoning Regulations (B.C.Z.R) Section 502.1 for the approval of a specifically delineated 1.0 acre $\pm$ area of the property for a principal use pre-school and ancillary dance classes, together with any additional relief as may be necessary to approve the proposed uses shown graphically/textually on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Marion and Janet Martin, owners of the subject property, their son and daughter-in-law, Douglas and Terry Martin, who together with their family live next door at 18130 Falls Road. Accompanying the Martins was Vincent Moskunas, President of Site Rite Surveying, the consultant who prepared the site plan for this property. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. Also appearing in support of the Petitioners were Randy Kelsey and Deborah Groth. Garrett Shames, a second year law student at the University of Baltimore School of Law was present to observe, in connection with his course of study, an administrative proceeding. There were no

PETITIONER'S

EXHIBIT NO. 16

Sarah Farley

From: towernotifyinfo@fcc.gov
Sent: Thursday, June 10, 2010 10:00 AM
To: sfarley@ebiconsulting.com
Subject: Section 106 Notification of SHPO/THPO Concurrence- Email ID #60680

This is to notify you that the Lead SHPO/THPO has concurred with the following filing:

Date of Action: 06/10/2010

Direct Effect: No Historic Properties in Area of Potential Effects (APE)

Visual Effect: No Historic Properties in Area of Potential Effects (APE)

Comment Text: None

File Number: 0004239692

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 05/11/2010

Applicant: Verizon Wireless (EBI #61094813)

Consultant: EBI Consulting

Site Name: Hampstead Tree Pole

Site Address: 18132 Falls Road

Site Coordinates: 39-37-20.9 N, 76-47-44.5 W

City: Hampstead

County: BALTIMORE

State:MD

Lead SHPO/THPO: Maryland Historical Trust

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

A B C D E F G H J K L M N P Q R



TELEBERT ENGINEERING INC.
1718 W. JARRETTVILLE ROAD
JANESVILLE, MD 21086
PHONE: 410-692-5818
WWW.TELEBERT.COM

DMW
DAFT MCCUNE WALKER INC.
200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P : 410 296 3333 F : 410 296 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless
HAMPSTEAD
18132 FALLS ROAD
HAMPSTEAD, MARYLAND 21074
ELECTION DISTRICT 5

REVISIONS:
NO. DESCRIPTION DATE

LAST REV.:
PROJECT NO.: 09124
DATE:
SCALE: 1"=100'

TITLE:
AERIAL EXHIBIT

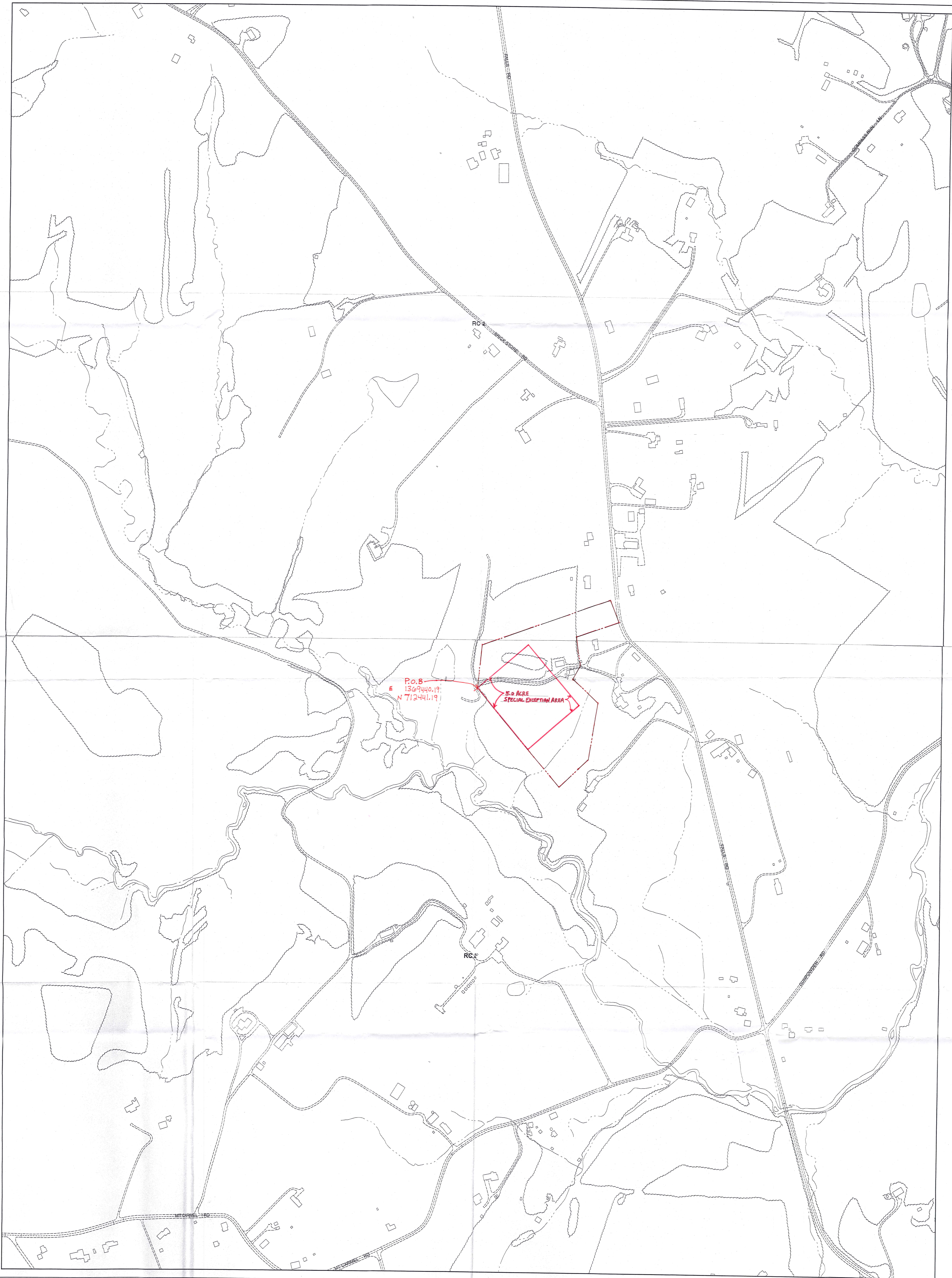
NOTE: AERIAL PHOTO TAKEN FROM MARYLAND
DEPARTMENT OF PLANNING & PROPERTY
FINANCIAL FOR BALTIMORE COUNTY DATED 2007

LEGEND
SUBJECT PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT

EXHIBIT NO. 6

PETITIONER'S

SHEET:
1 of 1



Plan Sheet: 01543

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

	014C2	015A2	015B2	015C2
	014C3	015A1	015B3	015C3
019B1	019C1	020A1	020B1	020C1

Scale

1" = 200'

0 100 200 400 Feet



Data Sources:
Planimetric Data - Baltimore County
CITYGIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

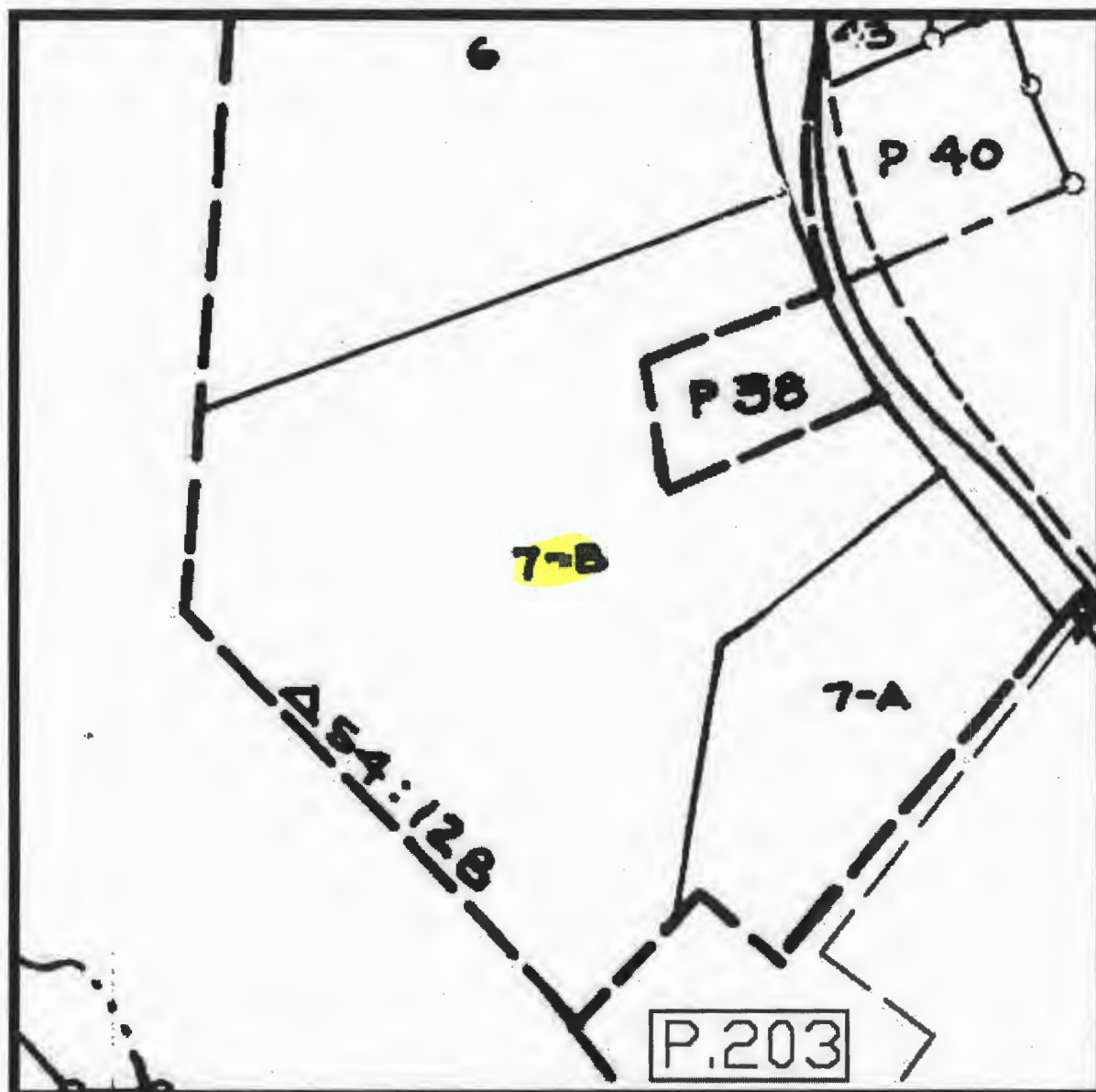
2010-0284-X



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

[Go Back](#)
[View Map](#)
[New Search](#)

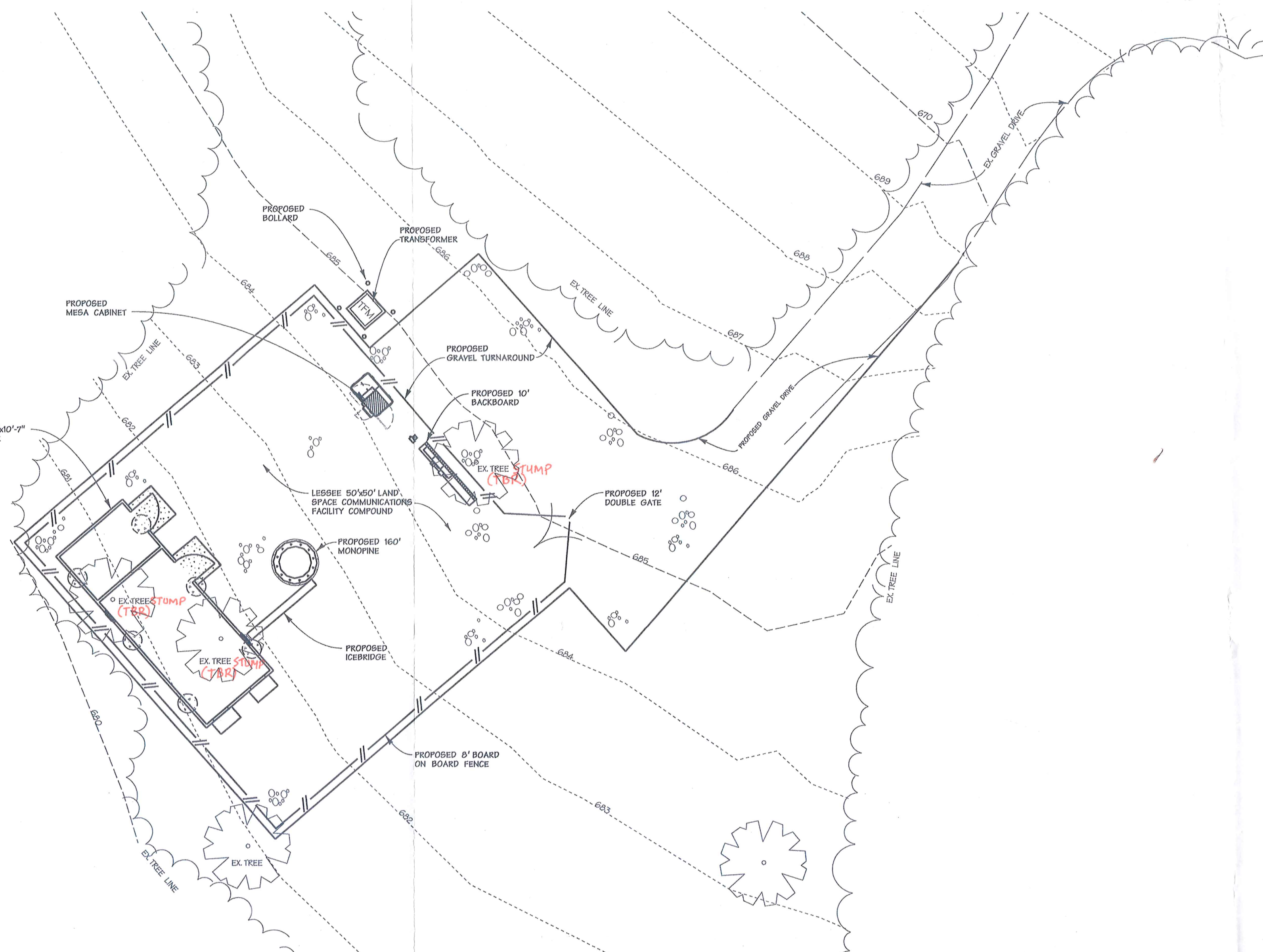
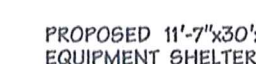
District - 05 **Account Number - 2000009117**



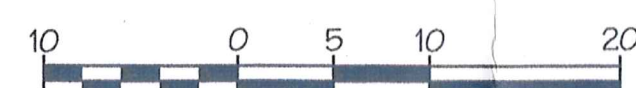
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

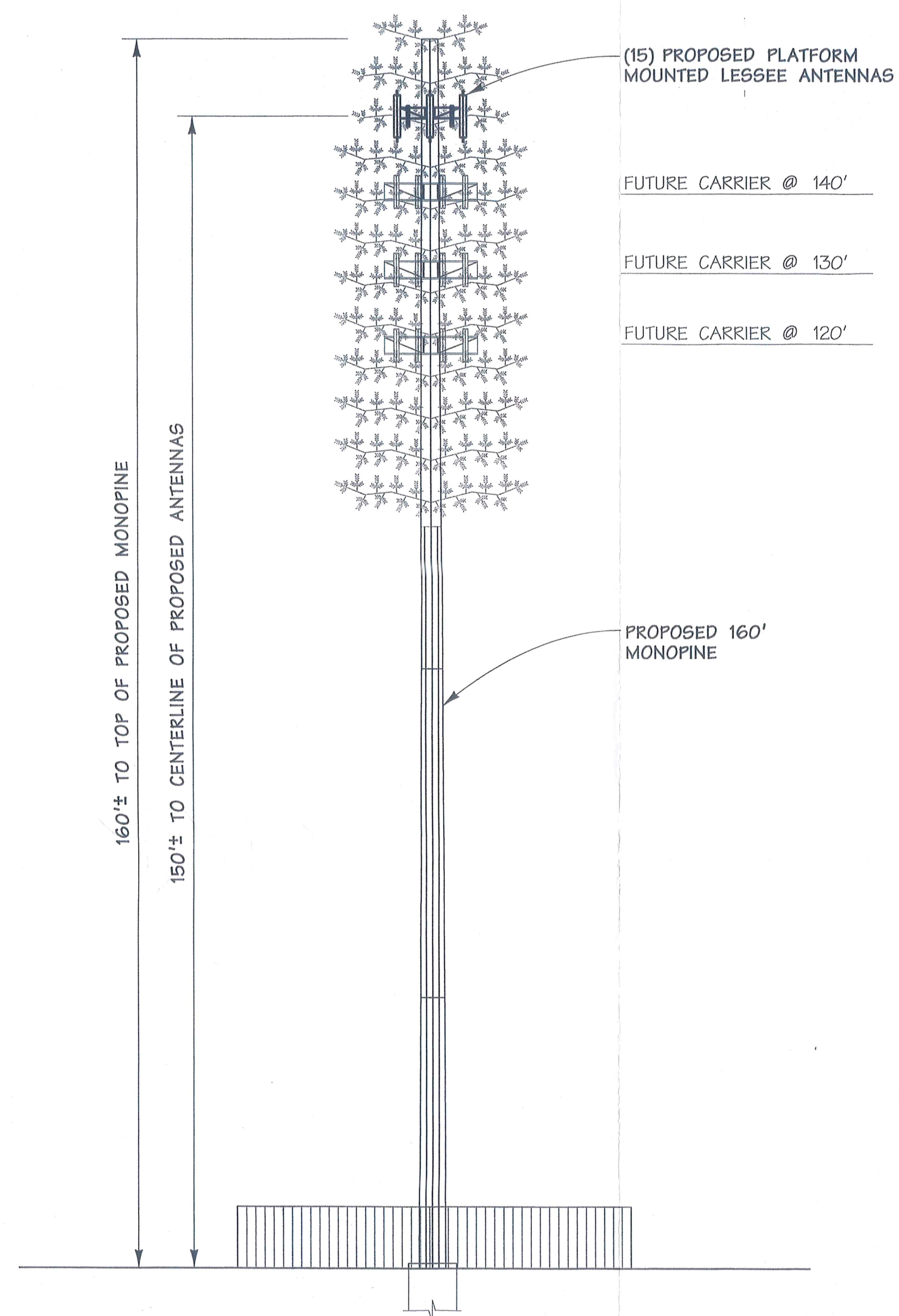


SCALE: 1"=10'



LEGEND

-
- Figure 10-1 displays various symbols used in site plans. The symbols include:
- Property Line:** A solid line with a dashed center line.
 - Existing Contours:** A dashed line with elevation markers (580, 582).
 - Existing Spot Elevation:** A solid line with a small circle and a number (580).
 - Existing Edge of Drive or Road:** A solid line with a dashed center line.
 - Existing Fence Line:** A solid line with a dashed center line.
 - Existing Tree Line:** A wavy line.
 - Existing Utility Pole:** A symbol consisting of a circle with a cross inside.
 - Soil Types:** A symbol consisting of a circle with a cross inside, labeled 'Mr' and 'Cu'.
 - Proposed Fence Line:** A solid line with a dashed center line.



NOT TO SCALE

**TELEGEANT
ENGINEERING
INC.**

1718 W. JARRETTSVILLE ROAD
JARRETTSVILLE, MD 21084
PHONE: 410-692-5816
FAX: 410-692-5853
WWW.TEI-ENG.COM

DMW
DAFT MCCONE WALKER INC
2000 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P: 410-298-3333 F: 410-298-4703 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless

HAMPSTEAD
18132 FALLS ROAD
HAMPSTEAD, MARYLAND 21074
ELECTION DISTRICT 5

[illegible]

LAST REV.:
PROJECT NO: 09124
DATE:
SCALE: AS SHOWN
TITLE:

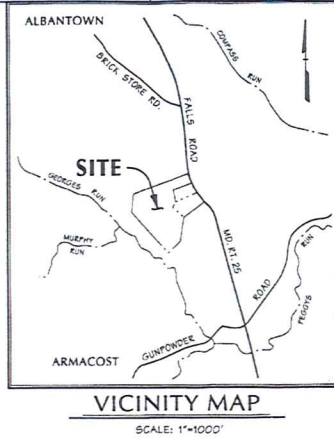
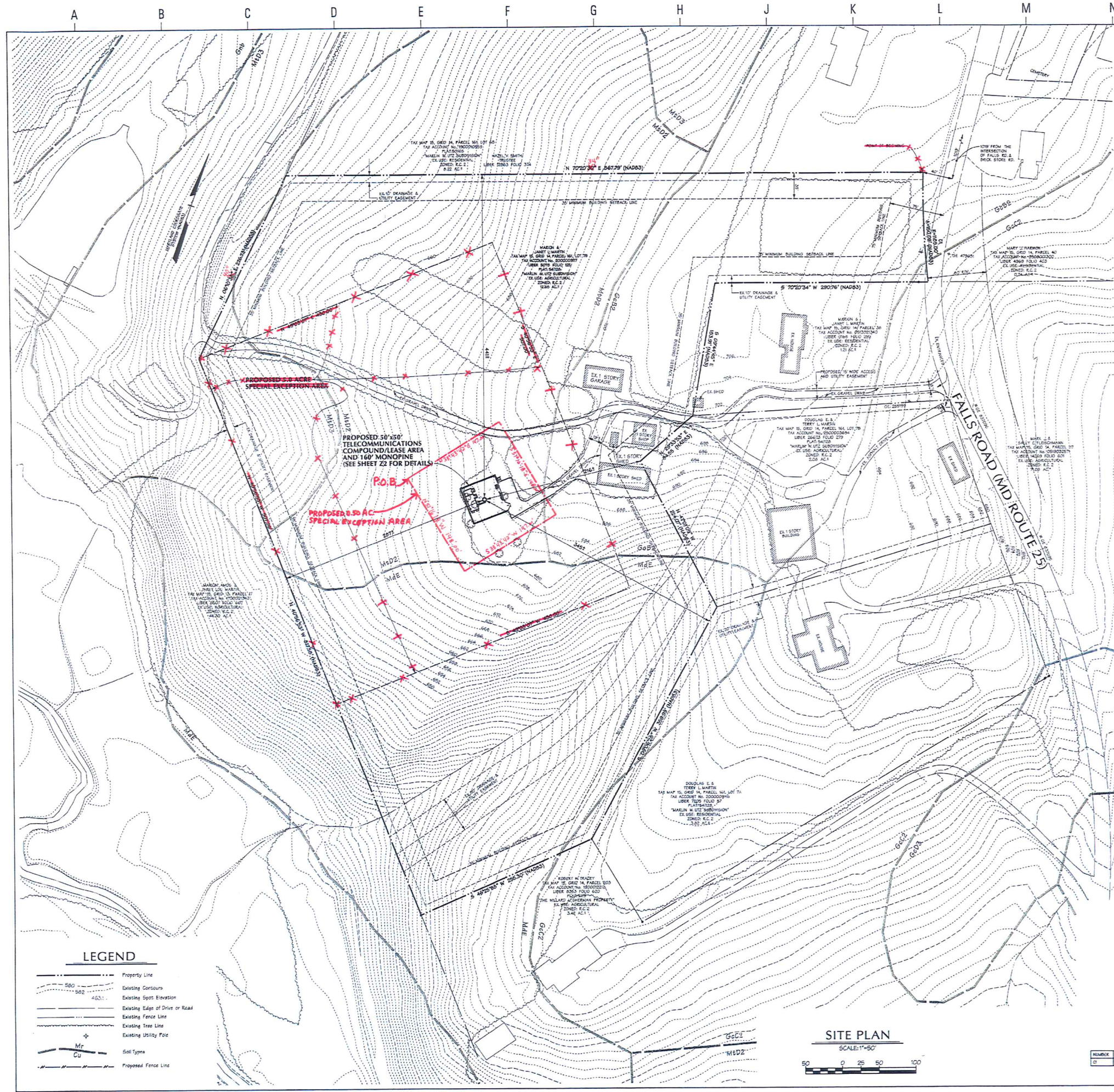
PLAN TO
ACCOMPANY
PETITION FOR
SPECIAL EXCEPTION

SHEET: 2 OF 2

Z-2

PETITIONER'S
EXHIBIT NO. 7B





GENERAL NOTES

1. Current Owner and street address: Marion A. and Janet L. Martin, 18332 Falls Road, Hampstead, Maryland 21074
2. Contract Lessee/Applicant: Verizon Wireless, 9000 Junction Dr., Annapolis Junction, MD 20701, Phone: 301-512-2000, Fax: 301-512-2049
3. Site Area: 12.65 Acres (561,034 sq ft)
4. Existing Use: Agricultural
5. Site Address: 18332 Falls Road, Hampstead, Maryland 21074
6. Site Data: Tax map 15, Grid 14, Parcel 161, Lot 78, Tax Account Number: 2000009117, Deed Reference: 01-02, 0274102, Plat Reference: 54128, Plat Name: "Marion W. Subdivision", Use: Agricultural, Zoned: R.C. 2, Councilmanic District: 3, Election District: 5
7. Proposed Monopine Location: Latitude: 39°23'21.23"N, (NAD 83), Longitude: 76°47'44.72"W, (NAD 83), Ground Elevation at Proposed Monopine: 653'1" AMSL, Proposed Monopine Height: 150'7" AGL
8. The topography shown herein, in the area of the proposed wireless compound, is the result of a DMM, Inc. survey performed on September 25, 2009. All other topographic information is taken from Baltimore County 1997 GIS. Boundary information shown herein is based upon an "Old Plan of Land of MARION AMOS MARTIN," a plan prepared by R.T.P. INC. dated March 17, 1970 and recorded among the Land Records of Baltimore County, Maryland in Plat Book 54128 together with the field located evidence and rotated to meet the NAD83 coordinate system. This plan is not the result of a boundary survey and therefore, is subject to change. This plan was prepared without the benefit of a title report. This plan is subject to all easements and restrictions either recorded or unrecorded and may or may not be shown herein.
9. Proposed work includes the installation of a proposed 11'-7"x30"x10'-7" equipment shelter on concrete piers at the base of a proposed 150'7" monopine. A proposed gravel telecommunications compound, a metal cabinet and 10' backboards are to be installed inside the compound. A transformer is to be installed outside of the compound. A proposed access drive will come from the ex. driveway to the proposed compound. (15) Proposed antennas will be installed at a height of 150'7" on the monopine.
10. Zoning information is taken from 2009, Baltimore Co. Zoning Maps CHS42 & CHS43.
11. There is no well or septic information recorded for this site.
12. This proposed special exception area is not located within a 100-year flood plain as per the National Flood Insurance Program, Flood Insurance Rate Map community parcel number: 240010-0055-F revised September 26, 2006.
13. No CRG, DEC, or waivers are on record for this site.
14. Building permits on record for this site: None
15. This proposed project is not within the Chesapeake Bay Critical Area.
16. Class "A" screening to be provided, if required by Baltimore County.
17. The proposed facility is not located within a County or National Historic District and there are no historic structures on the site.
18. Applicants agree to section 426.6 D. & E. in Baltimore County Zoning Regulations.
19. Floor Area Ratio (FAR) and Amenity Open Space (AOS) does not apply to this site.
20. The proposed special exception use is unmanned and does not require off-street parking.
21. The site is not within any basic services maps moratorium areas.

ZONING HISTORY

03-143 5PHX Special Exception to approve the development of a 150 foot monopine, antenna and related equipment. Special meaning to approve continued use of balance of the (3) acre special exception area not covered by the Telecom Facility for forestry, conservation, and/or agriculture. Petition was withdrawn.

MONOPINE SETBACKS

	REQUIRED	PROVIDED
FRONT	200'	216'±
SIDE	200'	345'±
REAR	200'	441'±

CURVE TABLE (NAD83)

NUMBER	DELTA	RADIUS	LENGTH	CHORD BEARING	DISTANCE	TANGENT
01	07°10'17"	1756.02	184.02	N 27°59'34" W	184.02	75.11

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 0007 EXPIRATION DATE 8-26-10



TELEVENT ENGINEERING INC.
1718 W. JARRETTVILLE ROAD
JARRETTVILLE, MD 21084
PHONE: 410-692-5816
FAX: 410-692-5853
WWW.TEL-ENG.COM

DMW
DAVID MCCUNE WALKER, INC.

verizon wireless

HAMPSTEAD
18332 FALLS ROAD
HAMPSTEAD, MARYLAND 21074
ELECTION DISTRICT 5

REVISIONS:
NO. DESCRIPTION DATE
ISSUED FOR ZONING 3-24-10

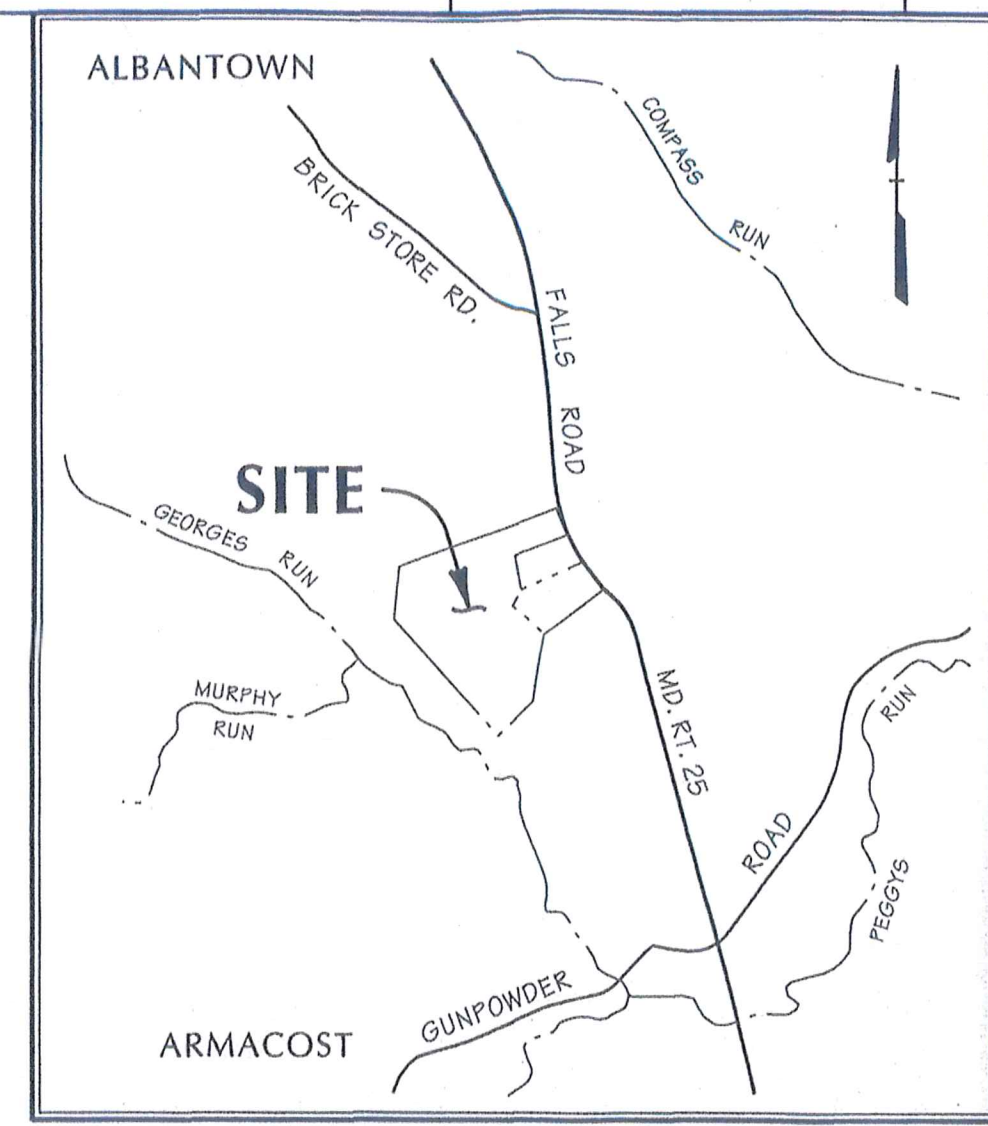
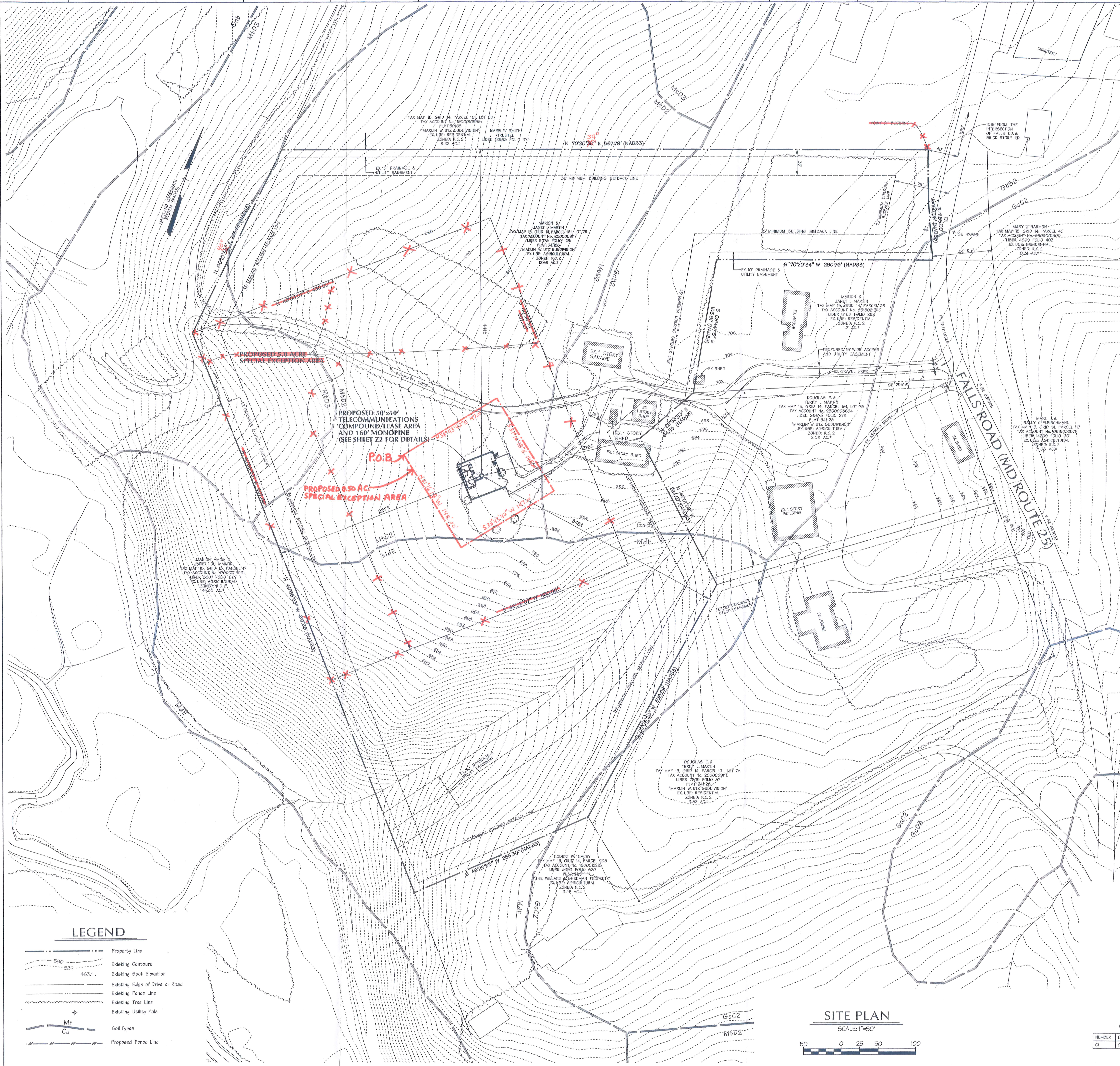
LAST REV.:
PROJECT NO: 09/124
DATE:
SCALE: AS SHOWN
TITLE:

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

SHEET: 1 OF 2

Z-1

4/28/10 mapcity.ctb\\ham\\09124.pcf



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

- Current Owner and street address: Marion A. and Janet L. Martin
18200 Falls Road
Hampstead, Maryland 21074
- Contract Lessee/Applicant: Verizon Wireless
3000 Junction Dr.
Annapolis Junction, MD 20701
Phone: 301-912-2000
Fax: 301-912-0165
12.65 Acres (551,034 sq ft)
Agricultural
18432 Falls Road
Hampstead, Maryland 21074
Tax map 15, Grid 14, Parcel 161, Lot 7B
Tax Account Number: 2000009117
Dead Reference: D.T.G. 5078/125
Flat Reference: 541122
Flat Name: "Martin W. Utz Subdivision"
Use: Agricultural
Zoned: R.C. 2
Councilmanic District: 3
Election District: 5
- Site Area:
- Existing Use:
- Site Address:
- Site Data:
- Proposed Monopine Location:
Latitude: 39°27'21.02"N (NAD 83)
Longitude: 76°47'44.72"W (NAD 83)
Ground Elevation at Proposed Monopine: 683'± AMSL
Proposed Monopine Height: 160'± AGL
- The topography shown hereon, in the area of the proposed wireless compound, is the result of a DWM, Inc. survey performed on September 25, 2009. All other topographic information is taken from Baltimore County 1997 GIS. Boundary information shown hereon is based upon an "Final Plat of Land of MARION A. and JANET L. MARTIN," a plan prepared by C.T.F., Inc., dated March 17, 1970 and recorded among the Land Records of Baltimore County, Maryland in Plat Book 541122 together with the field located evidence and related to meet the NAD83 coordinate system. This plan is not the result of a boundary survey and, therefore, is subject to change. This plan was prepared without the benefit of a title report. This plan is subject to all easements and restrictions either recorded or unrecorded and may or may not be shown hereon.
- Proposed work includes the installation of a proposed 11'-7"x30"x10'-7" equipment shelter on concrete piers at the base of a proposed 160'± high monopine inside a proposed gravel telecommunications compound, a mesa cabinet and 10' backboard are to be installed inside the compound. A transformer is to be installed outside of the compound. A proposed access drive will come from the ex-dirt/gravel drive to the proposed compound. (5) Proposed antennas will be installed at a 6' height of 150'± on the monopine.
- Zoning information is taken from 2008, Baltimore Co. Zoning Maps 015A2 & 015A3.
- There is no well or septic information recorded for this site.
- This proposed special exception area is not located within a 100 year flood plain as per the national flood insurance program, flood insurance rate map community panel number 240201-0105-F revised September 26, 2005.
- No CRG, DRG, or waivers are on record for this site.
- Building permits on record for this site: None
- This proposed project is not within the Chesapeake Bay Critical Area.
- Class "A" screening to be provided if required by Baltimore County.
- The proposed facility is not located within a County or National Historic District. And there are no historic structures on the site.
- Applicant agrees to section 426.6 D. & E. in Baltimore County Zoning Regulations.
- Floor Area Ratio (FAR) and Amenity Open Space (AOS) does not apply to this site.
- The proposed special exception use is unmanmade and does not require off-street parking.
- The site is not within any basic services maps moratorium areas.

ZONING HISTORY

03-149 SPHX Special Exception to approve the development of a 150 foot monopole, antenna and related equipment. Special Hearing to approve continued use of balance of five (5) acre special exception area not covered by the Telcom Facility for forestry, conservation, and/or agriculture.
Petition was withdrawn.

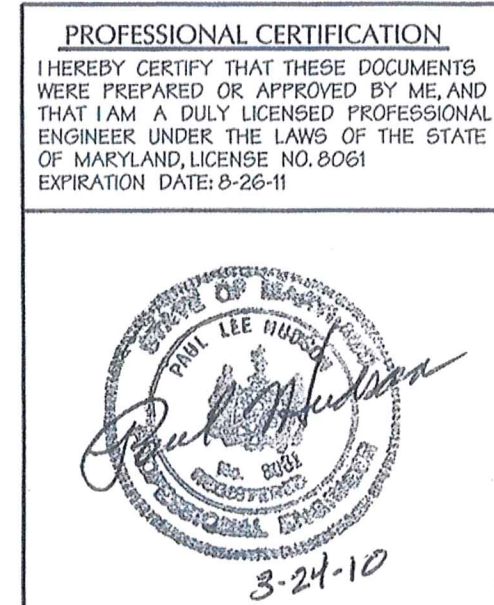
PETITIONER'S
EXHIBIT NO. 1A

MONOPINE SETBACKS

	REQUIRED	PROVIDED
FRONT	200'	216'±
SIDE	200'	345'±
SIDE	200'	441'±
REAR	200'	287'±

CURVE TABLE (NAD83)

NUMBER	DELTA	RADIUS	LENGTH	CHORD BEARING	DISTANCE	TANGENT
C1	07°15'13"	185.00	80.02	N 27°59'36" W	148.92	75.11



TELEGEANT ENGINEERING INC.
1718 W. JARRETTSVILLE ROAD
JARRETTSVILLE, MD 21084
PHONE: 410-692-5816
FAX: 410-692-5853
WWW.TEI-ENG.COM

DMW
DAFT MCCUNE WALKER INC.
200 EAST PENNSYLVANIA AVENUE, SUITE 200
BALTIMORE, MD 21202
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless

HAMPSTEAD
18132 FALLS ROAD
HAMPSTEAD, MARYLAND 21074
ELECTION DISTRICT 5

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR ZONING	3-24-10

LAST REV.:
PROJECT NO: 09124
DATE:
SCALE: AS SHOWN
TITLE:

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

SHEET: 1 OF 2

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