IN RE: **PETITION FOR SPECIAL EXCEPTION**	*	BEFORE THE
N/S Belfast Road, 340' NE of c/line		
Old Belfast Road	*	ZONING COMMISSIONER
(700 Belfast Road)		
8th Election District	*	OF
3rd Council District		
	*	BALTIMORE COUNTY
C. Richard Lehnert, *Legal Owner*		
Cellco Partnership d/b/a Verizon Wireless, *Lessee*	*	
Petitioner	*	**Case No. 2009-0322-X**

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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

Siverling, P.E., and Thomas Wolfe, RLA, with Morris & Ritchie Associates, Inc., who prepared the site plan for this property.

The requested approval for the wireless cell tower was contested. Those opposed to the request were adjacent property owners, residents of the area, and community association leaders, namely Teresa Moore, on behalf of The Valleys Planning Council and Kirsten A. Burger, on behalf of Sparks-Glencoe Community Planning Council.[1] Also appearing in opposition were Thomas "Tim" F. Mullen, represented by Richard C. Burch, Esquire; Bruce E. Doak, a property line surveyor with Gerhold, Cross & Etzel, Ltd., assisting adjacent property owners, Holly and William Cumberland; H. Barritt Peterson, Jr., Esquire; Kelley E. Harmon; Spaulding A. and Todd Goetze; Valerie Williams; Renea A. Olver; Charles Ensor, Jr.; Christopher K. Steuart; George R. Rew; Lucy Goelet; and Laura Wilke. Mr. Burch also presented several expert witnesses, including Jack Dillon, land planner and zoning consultant; Mary Beth Haas, a real estate appraiser; and Heidi Schmitt Krauss, real estate agent in the Belfast and Western Run area. It is further noted that twenty-three (23) letters were received in opposition and one (1) letter in favor of the request. *See* Protestants Exhibit 10. Greg Rapisarda testified as counsel for wireless communication carriers AT&T and T-Mobile.

INTRODUCTION

The proposed project consists of a request to construct an 80-foot tall wireless telecommunications facility with a "stealth" monopole pine tree design, featuring branch extensions reaching to a maximum height of approximately 87 feet. The proposal also includes an equipment compound and the entire facility would be fenced. The facility is proposed to be

[1] It became obvious, during the course of the three-day hearing that both The Valleys Planning Council and Sparks-Glencoe Community Planning Council claim jurisdiction over this area of Baltimore County. Both organizations work to preserve the historic and scenic character of the Western Run-Belfast Road area and are united in their opposition to the proposed cell tower.

constructed on a 50+ acre parcel located north of Belfast Road and west of Interstate 1-83 in Baltimore County's Sparks area. The site is located on the eastern edge of the Western Run-Belfast National Register Historic District and is bordered by two (2) designated scenic routes, namely Belfast Road and Baltimore-Harrisburg Expressway (I-83).

The subject property, owned by Mr. Lehnert, consists of agricultural fields, separated by undeveloped woodlands. The property rises from Belfast Road and I-83 to a high ridge, which is where the proposed tower will be located next to an existing stand of trees. Verizon seeks to improve network coverage for its cellular services, due to customer complaints, dropped calls, and company studies suggesting that Verizon services are unreliable in this area. *See* Petitioner's Exhibits 4 through 6. Lay witnesses, who live in the area, dispute this contention and declare that their cellular service is more than adequate at all hours of the day.

A significant amount of testimony and evidence was submitted, including plans and plats, photographs, maps, studies, written memoranda and other exhibits. The record of the case will reveal all of the facts presented and the positions taken by the various parties. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein.

THE PROPERTY AND PROPOSAL

Testimony and evidence offered by Petitioner revealed that the area of the special exception under consideration contains approximately 5.002 acres, zoned R.C.2, and is part of an overall 50.873 acre tract of agricultural land owned by Richard Lehnert. The property, as illustrated on Petitioner's aerial site plan, Petitioner's Exhibit 3, is triangular in shape and located on the west side of I-83 and north of Belfast Road in northern Baltimore County. The base of the telecommunication tower and associated equipment compound will be positioned approximately 1,333 feet northwest of the Belfast and I-83 intersection at ground elevation 508 feet, which is

about 135 feet above I-83. Mr. Lehnert indicates that he has entered into a contractual agreement with Verizon Wireless to lease a portion of his property (18' wide x 59' deep) for the purpose of erecting an 80-foot tall stealth pine tree monopole ("mono-pine") and equipment shelter. The mono-pine will feature a total of twelve (12) antenna panels placed in groups of four (4) at RAD (radiation absorbed dose) centers of 56 feet, 66 feet, and 76 feet high to accommodate the antennas of two (2) other cellular companies who may desire to locate on this property. These antenna panels consist of two (2) types, some will be approximately 8' tall x 6" wide and others 4' tall x 6" wide and are planned to be surrounded by pine fronds to disguise the antennas and top of the tower structure from view. *See* Petitioner's Exhibit 1B for tower elevation detail and Petitioner's Exhibits 8-10 for examples of other mono-pine towers located in Virginia, Mount Vernon, and at the Avenel Golf Course.

The undersigned is generally familiar with the operation of Verizon Wireless and other wireless communication providers by virtue of the many cases that have come before me under similar requests. Suffice it to say, wireless telecommunication technology has exploded on the public scene and consciousness. Nearly everyone has mobile phone services to provide communication 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 communication system would not be possible without the installation of a series of towers throughout the geographic area to be served.

Generally, through the testimony of its radio frequency engineer, Sherry Linton, Verizon

indicated that a "hole" exists in its communication network in northern Baltimore County.[2] 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 Barbara Pivec, tower development consultant, Verizon Wireless 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. This location gives a "birds eye view into the valleys" and fills the outstanding "hole." From Verizon's perspective, this site was ideal, not only in terms of location within the area of need, but also because the natural elevation of the property meant that the tower could be constructed at a lower height and would not have the detrimental impact on the surrounding locale that might result from a much taller tower.

Ms. Pivec testified at length as to the efforts employed to use stealth technology to reduce or any visual impacts from the tower on adjoining properties and traffic using I-83 and Belfast Road (both of which are designated scenic routes). First, she explained, the tower and equipment compound were sited to take advantage of the natural screening by tucking them behind and next to a mature forest that runs along the ridge line at the northwest corner of the site. As indicated earlier, 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

[2] Several of the opponents dispute this contention, stating that their Verizon Wireless service is flawless. It is of particular note that Verizon acknowledges individuals presently using its system may not necessarily be dropped as they travel through this area. Apparently, Verizon Wireless and other wireless communication providers have a system which allows them to transfer calls through the equipment of other providers. Nonetheless, Verizon Wireless is required, by the Federal Communications Commission, to insure that its network is adequate to serve its customers and meet its licensing requirements. Thus, it was argued that the proposed tower is, indeed, necessary, and this contention is supported by the Baltimore County Tower Review Committee (TRC). *See* Petitioner's Exhibits 4, 5, and 6. The site has received a favorable recommendation from the TRC and is in compliance with the surveys conducted pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470f. *See* Petitioner's Exhibit 11.

Commission (FCC) license. The tower, itself, is proposed to be 80 feet tall in height with an additional 7 feet to include the height of the stealth breaches. *See* Petitioner's Exhibit 11, p. 4 and footnote 5.

To confirm the results of the efforts taken by Verizon to disguise the tower and reduce the visual impact, Ms. Pivec submitted into evidence as Petitioner's Exhibits 8A through 8K, photographic simulations of the tower taken from various points in the surrounding area. This survey indicated a minimal visual impact, and it was her opinion that the mono-pine was very well sited in the area — to match the existing tree line — and would not even have "one scintilla" of a detrimental effect on the scenic views prevalent in this area.

In further support of the proposal, Verizon next called Tom Wolfe, Petitioner's consulting land planner. Mr. Wolfe, like Barbara Pivec and Sherry Linton, submitted his resume (Petitioner's Exhibit 14) and discussed his familiarity with the project and personal knowledge of the site from prior visits and preparation of the site plan. Using Petitioner's Exhibit 15, which details the site and topography, he described the means of ingress and egress into the site from Belfast Road as an existing 1,500 foot farm road, winding up through the site to the wooded ridge line. Agricultural land uses, relevant distances to scenic routes, and elevations from the base of the tower site to adjacent properties were described and illustrated.

As Mr. Wolfe explained (and as confirmed by the Protestants), the closest adjacent property to the north and west is the Cumberland's 117 acres currently undergoing a subdivision process to yield six (6) residential lots. *See* Case No. 08-211-SPHA — on appeal to Circuit Court for Baltimore County. Two (2) of the new Cumberland lots will be as close as 316 feet from the cell tower and equipment compound location. The closest proposed home would be positioned 465 feet north of the tower at elevation 506'. Further to the north is the Ensor Farm

Complex and historic home (BA-2949). To the south and west is the home of Jason and Kelly Harmon (718 East Belfast Road), built at elevation 460'. The rear of the Harmon home contains massive windows, decks, and a swimming pool that are 1,000 feet from the tower site. *See* Protestants Exhibits 5A through 5D detailing the Harmon's view of the ridge line.

Having described the existing conditions, Mr. Wolfe 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 constructions of wireless communication facilities. In summary, Mr. Wolfe 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 of the required findings under Section 502.1, that the proposed special exception use, at this particular location, will not result in any of the adverse impacts listed and that this location, particularly given its proximity to a major highway and associated interchange and its location on the eastern edge of the Western Run-Belfast National Register Historic District, would actually be less of an impact than other locations elsewhere in the zone and deeper in the valley.

Following up on Ms. Pivec's testimony, Mr. Wolfe indicated that Verizon had, indeed, made a diligent search to locate the tower in compliance with the requirements of Section 426 (on existing tower or structure or in commercial zone, if possible) and had adequately explained why a new tower was required to be constructed. Mr. Wolfe also confirmed his understanding that Verizon had designed the tower to accommodate at least three (3) providers' antennas and, in doing so, had kept the height of the tower to the minimum height required. He also confirmed that the tower would be located on a lot of at least five (5) acres.

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. Wolfe confirmed that although I-83 and Belfast Road were both scenic routes, it was difficult to determine from Map 37 of the *Master Plan 2010* (Petitioner's Exhibit 18) and from the vague information contained in the Baltimore County Code and the Comprehensive Manual of Development Policies (C.M.D.P.) (Petitioner's Exhibits 16 and 17), that the tower would, in fact, be within a scenic viewshed or what, if any scenic "elements" would be impacted. With the efforts made by Verizon as to siting the tower and its use of stealth technology, Mr. Wolfe indicated his professional opinion that Verizon had 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, Verizon submitted the Zoning Advisory Committee (ZAC) comments prepared by the Office of Planning as Petitioner's Exhibit 7 to demonstrate that the mono-pine is indeed compatible with the scenic views in this R.C.2 zone.

Testifying in strong opposition to the requested relief were several neighbors or members of the community, including Tim Mullen; Kelley Harmon; Barritt Peterson; Renea Olver; Valerie Williams; Lucy Goelet; Todd Goetze; Spaulding Goetze; George Rew; Charles Ensor; and Bruce E. Doak on behalf of the Cumberlands. These witnesses each offered their own individual testimony, but the clear tenor and theme of their remarks was that the proposed cell tower was not needed and that a mono-pine tower of any height at this location would have a negative effect on their enjoyment of their properties, on their property values, and on the area as a whole, particularly in terms of scenic and historic resources. Some of the comments in this regard included the following:

- The proposed tower at the Belfast Road site is inconsistent with the goals and policies of the Baltimore County Master Plan 2010, which emphasize the need to protect the County's scenic views, scenic routes, and resources.
- County, State and Federal funding has been secured for viewshed projects along I-83 from Hunt Valley to the Maryland line, and efforts should be made to minimize any impact to this viewshed.
- Construction of a cell tower would constitute an unwanted visual intrusion of the long-preserved and bucolic scenic views along I-83 as the proposed cell tower would compromise the current unobstructed view of the natural landscape along the ridge upon which the tower would sit (particularly during those months when the natural trees are without foliage).
- A significant number of lots, parcels, and farms have been dedicated in perpetuity for agricultural and/or conservation purposes. The placement of a cell tower at the site proposed would compromise the effort to preserve and protect these properties for agricultural and conservation purposes.
- The construction of a tower at the proposed site would have an adverse impact upon their properties and their property values.

See generally Protestants' Exhibits 8, 10, and 12.

Mr. Burch next produced as expert witnesses Heidi Krauss, Mary Beth Haas, and Jack Dillon. Ms. Krauss and Ms. Haas have lived and worked in the area for many years and are familiar with the housing preferences of the potential buyers. Their testimony generally can be summarized that property values in this area of the County, in large part, are tied to the rural/agricultural and scenic nature of the locale, which is currently undisturbed by any visual

intrusions. In their opinion, introducing an artificial mono-pine structure into this unspoiled environment would negatively affect values of neighboring properties by as much as 25%.

Expanding on this theme, Mr. Dillon, a consultant land planner, testified that the proposal under consideration is inconsistent with the goals of the Zoning Regulations, Comprehensive Manual of Development Policies, and the Master Plan in that it negatively impacts scenic views. As Mr. Dillon testified, he did not believe that the mono-pine tower was properly disguised in a way so as to be compatible with the surrounding area. The mono-pine would project above the wooded tree line and would not be in visual harmony with the area because there are no other pines on that ridge. In his opinion, the mono-pine would, indeed, compromise the scenic views and impact this location in a manner worse here than at other locations within the R.C.2 zone.

OPINION

After having heard three (3) days of testimony and having received numerous exhibits, the issues debated by the parties in this case can be reduced to a question of whether the proposed mono-pine cell tower will materially detract or be detrimental to the area's scenic viewshed. With regard to all other requirements of B.C.Z.R. Sections 1A01.2.C, 426, and 502.1, as addressed below, I find that Verizon has met its burden.

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 that the tower and its equipment cabinets will occupy, the placement of the facility in close proximity to an existing tree line, and the fact that the tower is unmanned and will not impede farming in the area, I easily find that the tower 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 three (3) providers 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, I find that Verizon has demonstrated that the new tower is warranted and that it will accommodate three (3) providers at the lowest height possible, findings which are supported by the concurrence of the Tower Review Committee. *See* Petitioner's Exhibits 5 and 6.

Because R.C. zones are considered "residential" zones, Verizon must also demonstrate that no medium or high intensity commercial zoned sites were available or that locating the tower at the proposed location is more consistent with legislative policy due to topographical or other unique features. Based on the testimony of Ms. Pivec and Mr. Wolfe, I find that an appropriate search was conducted and any commercial sites were eliminated as a possibility before this location was chosen. Verizon has also demonstrated compliance with the requirement that the tower be located on a lot of at least five (5) acres as confirmed by Mr. Wolfe and Petitioner's Exhibit 1A-1C.

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 testimony of both Mr. Wolfe and Mr. Dillon on this issue, I find that the proposal does, in fact, meet the requirements of Section 502.1. The proposed cell tower and related equipment will have no material impact on any of the conditions outlined in Section 502.1. Protestants have opined that the tower will have negative aesthetic effects on the neighborhood and will diminish property

values, resulting in a detrimental effect on the health, safety, and general welfare of the community. However, having heard all of the testimony, I do not agree that this is a basis on which I can or should deny the requested petition. *See, AT&T Wireless Services v. Mayor and City Council of Baltimore*, 123 Md. App 681 (1998) (holding that the alleged adverse aesthetic effects of an antenna did not justify denial of a permit).

It 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:

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

Loyola, 406 Md. at 102 (*quoting Schultz*, 291 Md. at 22-23). Further, the Court of Appeals in *Loyola* recently confirmed that the analysis of an individual case must be focused on the particular locality or "neighborhood" around the proposed site. *Id.* at 101-102. I find no credible evidence that any such adverse impacts would result from the proposed tower, other than the alleged aesthetic impacts, which I believe would be similar regardless of where the tower were located within the neighborhood or locality. In fact, if the tower were located further to the west, deeper in the valley, perhaps the impact would be worse aesthetically, than a location directly adjacent to a major interstate on the edge of a historic district.

Lastly, and this is the issue of greatest contention, 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 having first identified 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 any such elements from which a comparison can now be made. As Verizon contends, without such identification, there is no evidence other than provided by lay witnesses, 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, testifying on behalf of Verizon Wireless, Mr. Wolfe expressed his opinion pertaining to the C.M.D.P. that the location next to I-83, the use of natural elevation, 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* Petitioner's Exhibits 8A-8K. While these photo simulations are not exact, they give a general idea of just how visible the tower will be when constructed. The witnesses, however, called in opposition, assert that a fake mono-pine at this location surrounded by deciduous trees would become a dominant structure during those months when the natural trees are without foliage. Mr. Burch argues that Verizon's position at best is nothing more than conjecture and speculation and accordingly must be excluded. *See*, *Davidson v. Miller*, 276 Md. 54 (1975).

In contrast, Mr. Dillon testified that, in his opinion, the tower would be "highly visible" and would adversely impact the scenic character of the area. In particular, he stated his contention that Verizon Wireless's proposal for a mono-pine tower does not fit within the context of the existing vegetation and would not blend in with the area. He offered an example of how a cellular tower could be better "blended" in with the natural setting. *See* Protestants' Exhibit 13.

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 as identified by the parties.

CONCLUSION

So often in considering requests such as this one, there is no decision I can make that will either please all parties or be deemed by them as the correct decision. Sometimes, as is the case here, the hearing officer must choose an alternative that seems, not right, but simply less wrong. That being said, based on the evidence presented, I am inclined to grant the special exception for a wireless communications tower on this property. However, in granting the Petition for Special Exception, I will exercise the authority granted to the Zoning Commissioner, both by B.C.Z.R. Section 426.9.C.3 and Section 502.2, and impose certain conditions or restrictions 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 requirement is not reasonable or advisable for the protection of properties surrounding the tower."

Throughout the testimony offered by those opposed to Verizon's tower, it is clear that their primary concern was the aesthetics of the proposed tower as a structure disguised as a tree or mono-pine. Simply put, Protestants do not want a cellular tower disguised as a tree, whether it is a pine tree or another type of tree. To address Protestants' concerns regarding the mono-pine design being out of character with the area, I will exercise the authority granted to me by Section 426.9.C.3 and will require that the tower be designed as a "silo," an example of which I have attached to this order. Certainly, a silo structure is a structure commonly found in the area.

At this point, I note that there was discussion during the hearing that approvals may be sought for additional wireless telecommunications towers on the Lehnert property. I indicated during the hearing that, if I granted Verizon's petition, I was inclined to restrict the Lehnert property to this one tower only. My position in this regard has not changed. In granting the Petition for Special Exception for Verizon Wireless's proposed tower, I will specifically limit the property to the proposed tower only.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of January 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, 502.1 and 502.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1A-1C, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for any required permits and be granted same upon receipt of this Order; however, the Petitioner is made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If, for whatever reason, this Order

2. The wireless communications tower must be disguised as a silo.

3. The tower, with the silo structure and dome, may be no taller than 87 feet in total height.

4. The tower and related equipment must be in the same area as shown on Petitioner's Exhibit 1A-1C.

5. A landscape plan is to be submitted to and approved by Avery Harden, Baltimore County's Landscape Architect. Most notably, the final approved landscape plan must show year-round evergreen screening between the northwest side of the fenced tower equipment compound and the property owned by William and Holly Cumberland.

6. The exterior of the silo structure shall be faced or painted in a brick or terra cotta color, consistent with the silo, shown on the attached photograph and elevation detail.

7. Only one wireless telecommunications tower is permitted to be constructed on the Lehnert Property.

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

_____SIGNED_____
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

Case No. 2009-0322-X
700 Belfast Road
Order Exhibit (Silo)
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