

**Tax Map/Block/Parcel
No. 58-19-133**

**Building Permit/Zoning
Certificate No. 01-2982**

Case 4637

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Omnipoint Communications CAP Operations, LLC
12050 Baltimore Avenue
Beltsville, Maryland 20705

ATTORNEY: Karl Nelson

REQUEST: An application for a conditional use for the construction of a 180 Ft. monopole type telecommunications tower.

LOCATION: The site is located at 77 East Nicodemus Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-15 C

HEARING HELD: November 28, 2001

FINDINGS AND CONCLUSION

On November 28, 2001, the Board of Zoning Appeals (the Board) convened to hear a request for the construction of a 180 Ft. monopole type telecommunications tower.

Omnipoint operates a system known in the area as VoiceStream. VoiceStream is a wireless telecommunications carrier licensed by the FCC to provide services in this overall area. The facility is located at 77 East Nicodemus Road in Westminster, MD.

The subject property is approximately 2,000 Ft. east of the intersection of Maryland 97 and Nicodemus Road. The general area has land uses of agricultural, conservation and there is Morgan Run, which is a natural environmental area. There is also residential use on large lots in the general vicinity of the proposed site. The parcel consists of 42.43 acres that is zoned Agricultural. The property is currently operating as a cropland farm with one farmhouse. No trees will need to be removed for the proposed tower. The proposed monopole will be placed within a 70 Ft. x 70 Ft. fenced compound which will be sitting on the edge of the tree lined property. It is 901 Ft. from the frontage on Nicodemus Road, 838 Ft. from the property line with Maryland Route 97 right-of-way, 1,770 Ft. from the southern property line with the state natural resources property and 182 Ft. on the east side of the property. The 182 Ft. back from

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what is actually a driveway, which effectively separates the property from the auto body shop business. The 12 Ft. gravel access driveway will come down from Nicodemus Road to the compound on the eastern property line and the compound meets the required setbacks. The ground equipment to support VoiceStream's antenna, which consists of a telephone cabinet with Verizon and a CSC cabinet, and a 10 x 15 pad that will accommodate VoiceStream's equipment cabinet and space for a future equipment cabinet will be placed inside the 70 Ft. x 70 Ft. compound. These equipment cabinets are approximately 5-1/2 Ft. tall by 4 Ft. wide and 2-1/2 Ft. deep. The compound will be screened to south with the existing woods and there are plans to plant 6 Ft. to 8 Ft. white pine trees on the other three sides. The monopole will be structured to accommodate total equipment for at least 5 carriers. The nearest home will be 762 Ft. from the base of the monopole. This site will have no impact on the closest airport, which is Clearview Airpark, and there will be no lighting requirement; therefore, the proposed tower will not be lit. The facility will be unmanned. There will be an access road into the facility that will be used once per month by a technician for routine monitoring or for emergency repairs. No traffic will be generated as a result of this tower. The monopole will have no impact regarding noise, fumes, glare or any impact on structures with public uses. VoiceStream is required to go through the (NHPA) National Environmental Policy Act process. This is a federally required process to determine the impact of the proposal regarding historical properties or other governmentally protected interests. A visual impact analysis was submitted to the Maryland Historical Trust with respect to the site. The primary coverage objective in this area is to insure that there is seamless coverage along MD Rt. 97. This site would provide coverage to the East of Nicodemus Road. Search areas are areas that meet the engineering requirements of the radio frequency engineer for a facility that will provide the coverage that is needed. The county's independent consultant felt that this site location would be the best to meet coverage objective. There are no alternative structures on which to place the tower.

Mr. Oakley J. Thorne, Real Estate Appraiser, testified as an Expert witness regarding property evaluation issues. Mr. Thorne prepared a monopole impact opinion on residential real estate prices. Based upon the comparative analysis methodology used in his study, and interviews with purchasers of properties located adjacent to and/or in full view of communication tower structures, he concluded that there was no consistent market evidence suggesting any negative impact upon improved residential properties exposed to communication tower structures.

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The Board has considered all of the testimony and makes the following conclusions. The Board finds that VoiceStream has proven a need for the proposed telecommunications tower, which will greatly facilitate wireless phone service in the area and will meet the demands of the public. The Board finds that property values in the area will not be detrimental if the request is granted. This use will not generate adverse effects greater than those ordinarily associated with this use irrespective of its location within the zone. The Board hereby grants the conditional use request for the construction of a 180 Ft. self supporting monopole telecommunication tower to be constructed on a site located at 77 East Nicodemus Road, Westminster, MD on property zoned "A" Agricultural District.

12/26/01

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman