



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

April 30, 2010

Donald & Sally O'Keefe
6950 Haviland Mill Road
Clarksville, MD 21029

RE: WP-10-102, O'Keefe Property
T-Mobile Telecommunication Facility

Dear Mr. & Mrs. O'Keefe:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive Section 16.155(a)(1)(i) of the Subdivision and Land Development Regulations, which states that a site development plan is required for new nonresidential development for a new telecommunications monopole facility, and Section 16.1201(n) of the Subdivision and Land Development Regulations, which states that the Net Tract Area (NTA) should be used in calculating any reforestation or afforestation obligations that may be created by the proposed development. The applicant is requesting that the forest conservation calculations be based on the Limit of Disturbance (LOD) instead of the NTA.

Approval is subject to the following conditions:

1. Compliance with the Board of Appeals case, BA-09-024C, and Decision and Order approved on October 12, 2009 by the Howard County Board of Appeals Hearing Examiner.
2. As a condition to use the Limit of Disturbance, instead of the Net Tract Area, for the forest conservation calculation, the Department of Planning and Zoning requires that a fee-in-lieu in the amount of \$653.40 be paid to the Department of Planning and Zoning before construction is initiated on-site. Please see the attached forest conservation worksheet for the total obligation. Please be advised this fee is only applicable for this project. If the applicant decides to further develop they will be required to comply with the forest conservation requirements for the entire site.
3. No disturbance shall be permitted beyond the disturbance as shown on the waiver exhibit. No clearing, grading or construction is permitted within any forested area on-site. If applicable, place protection fencing around the forested area before construction is initiated.
4. The required landscaping must be in accordance with BA-09-024C and the Howard County Landscape Manual. As part of the grading permit application, you will be required to post \$840.00 surety to ensure the completion of your landscaping obligation for this project. This Department will perform an inspection to verify installation of the required plan materials. The inspection fee required for this project is \$100.00 and must be paid to the Department of Planning and Zoning before construction is initiated on-site. If a grading permit application is not required the \$840.00 surety will not be bonded, but the \$100.00 inspection fee must still be paid to the Department of Planning and Zoning with the submission of applicable grading and or building permits.
5. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating construction on-site.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

An extraordinary hardship would arise if the applicant had to submit a site development plan for standard review and base the forest conservation calculation on the site's NTA instead of the LOD. Both options would be costly and time consuming, especially for the amount of work proposed.

Alternative Proposal

The alternate proposal to the waiver petition for Section 16.155(a)(1) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this waiver petition is a suitable substitute for the SDP requirement showing information necessary to evaluate this request for compliance with the Regulations.

The alternate proposal to the waiver petition for Section 16.1202(n) would be to include the NTA (126.17 acres) in the calculations for the total forest conservation obligation. This would require the applicant to either pay a fee-in-lieu or submit a plat of easement to establish the forest conservation easement area(s) and enter into a forest conservation maintenance agreement.

Not Detrimental to the Public Interest

Approval of this waiver petition will not be detrimental to the public welfare. DPZ has reviewed the waiver exhibit in accordance with the current requirements outlined in the Howard County Subdivision and Land Development Regulations. Also, the project has undergone the Board of Appeals process for a Conditional Use and received approval from the Howard County Hearing Examiner to construct the communication facility on-site. The proposed telecommunications facility is located well within the interior of the existing farm site and approximately 675 feet from the public road.

Will not Nullify the Intent or Purpose of the Regulations

The waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the waiver petition exhibit complies with the Decision and Order issued by the Howard County Hearing Examiner and complies with the current Regulations. The site does not initiate the need for stormwater management since it is less than 5, 000 square feet, access to the proposed site is existing, and landscaping requirements are being addressed through this waiver petition.

It was recommended by the DPZ that the applicant apply for a waiver to use the LOD rather than the NTA for the forest conservation obligation since the primary use of the parcel is agricultural and the total area of disturbance for the proposed commercial use is only 3,120 square feet. As a condition, the DPZ has required that a fee-in-lieu for forest conservation be paid based on the forest conservation calculations. Also, DPZ will require that any development, other than what is shown in this waiver exhibit, must conform to the full Forest Conservation Regulations at that time.

The Department of Planning and Zoning has granted previous waivers for similar projects in the County.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter (on or before April 30, 2011) or as long as the grading permit remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

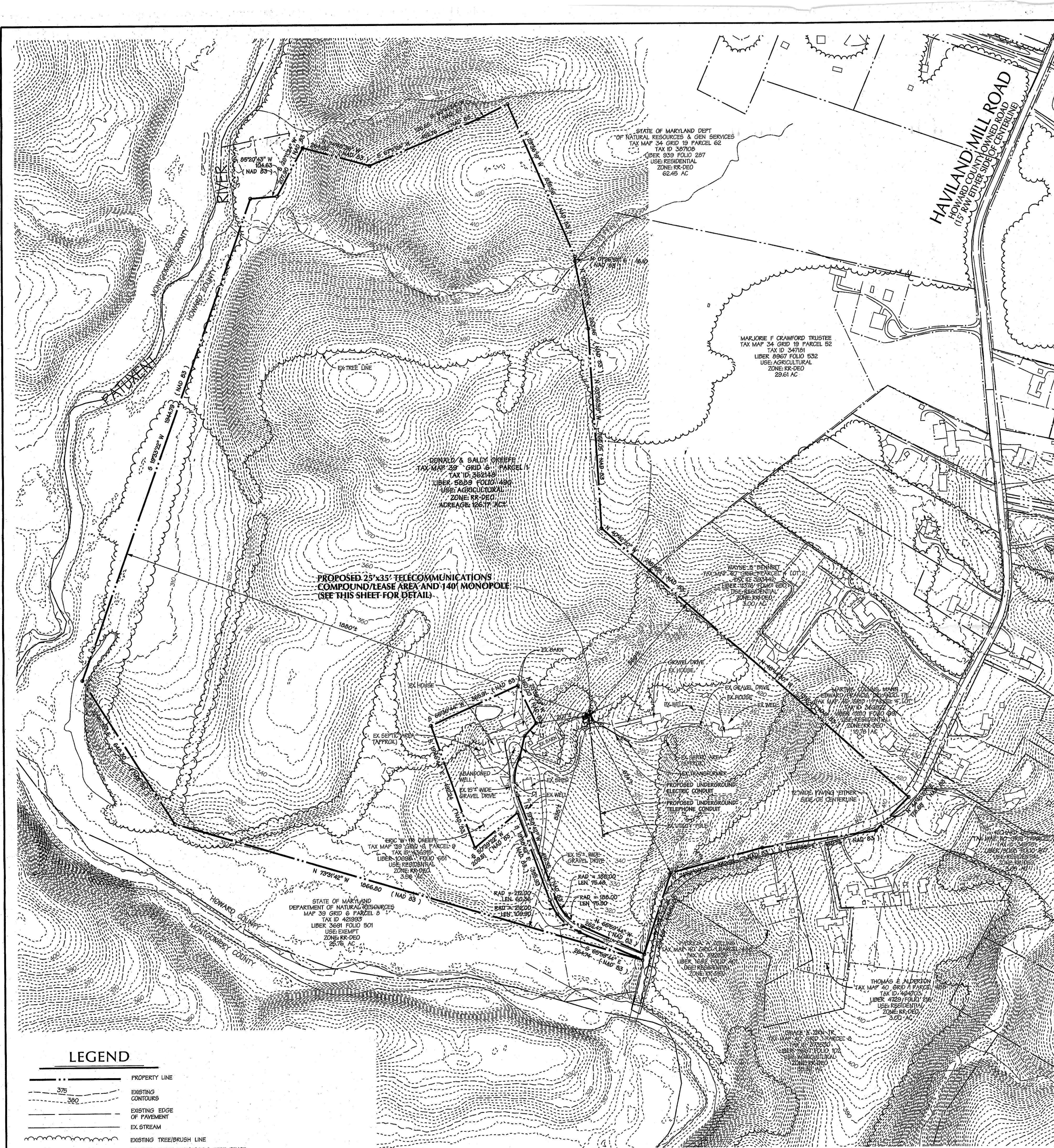
Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS

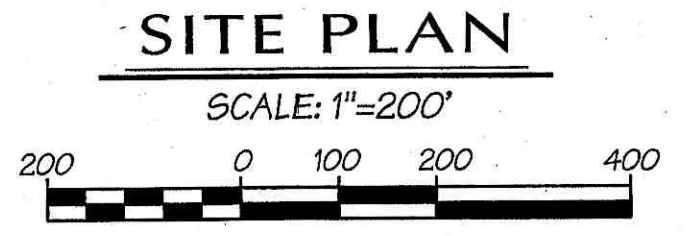
enclosure
KS/TKM/jb

cc: Research, DED, Hillorie Morrison, DMW, Inc.



LEGEND

- PROPERTY LINE
- EXISTING CONTOURS
- EXISTING EDGE OF PAVEMENT
- EX. STREAM
- EX. TREE/BRUSH LINE
- EX. CHAIN LINK/POST & WIRE FENCE
- PROPOSED BOARD-ON-BOARD FENCE
- PROPOSED SHRUBS
- PROPOSED EVERGREEN TREE
- PROPOSED UNDERGROUND TELEPHONE CONDUIT
- PROPOSED UNDERGROUND ELECTRIC CONDUIT



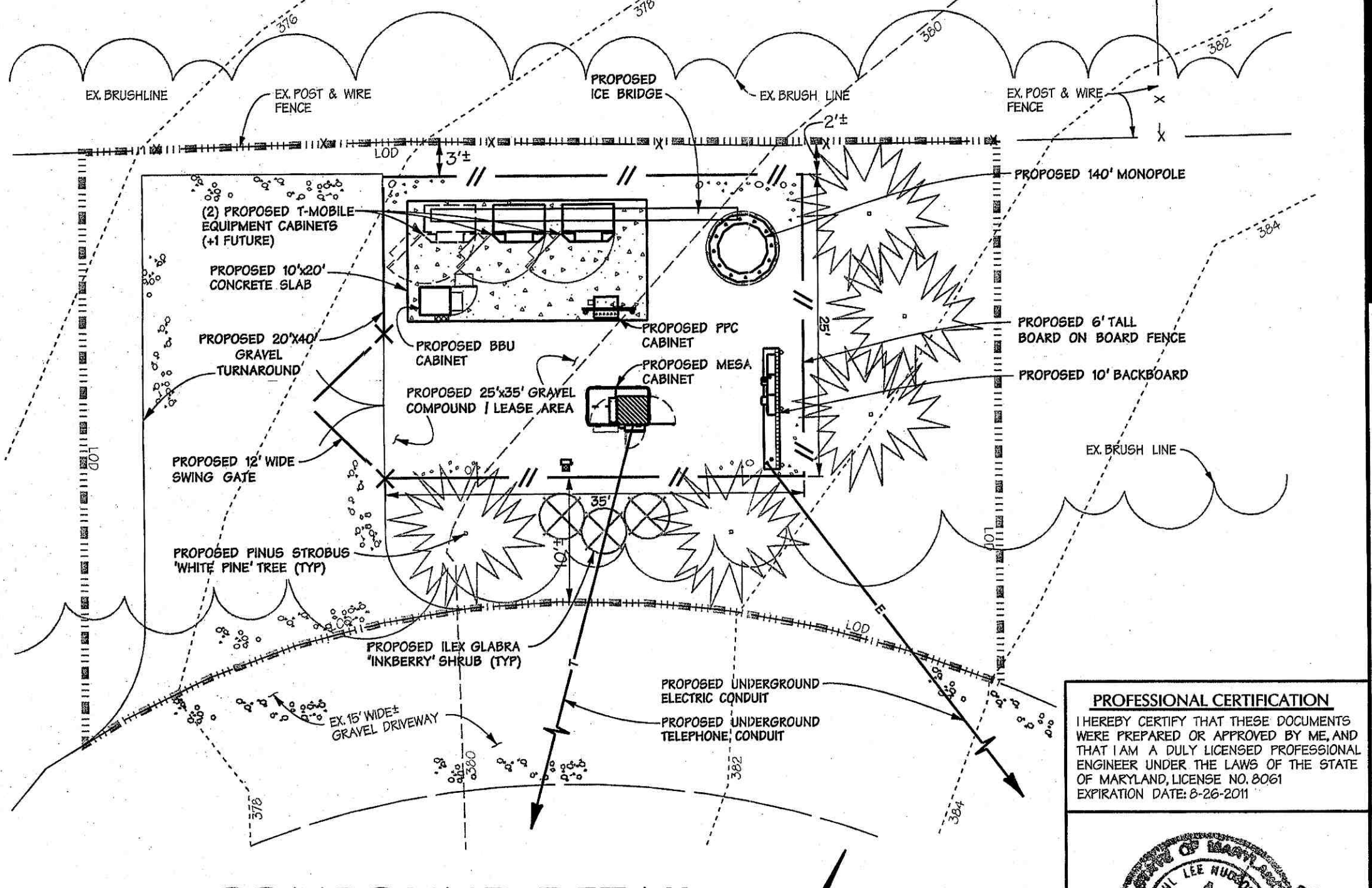
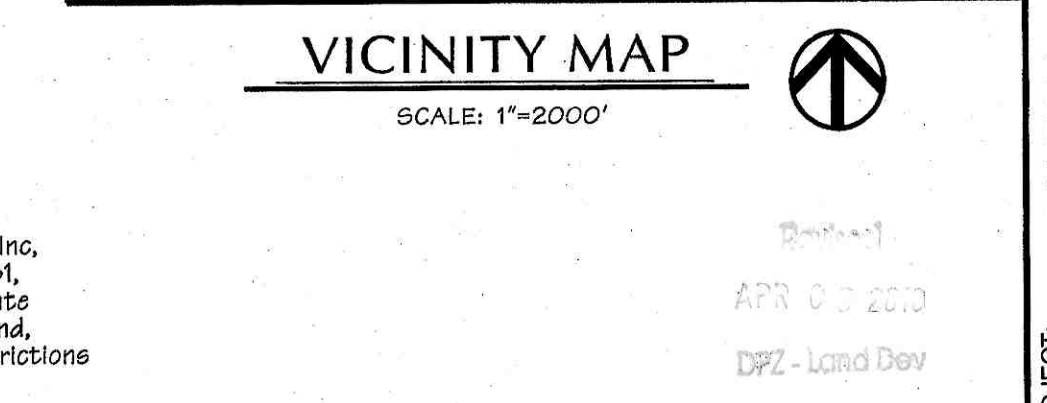
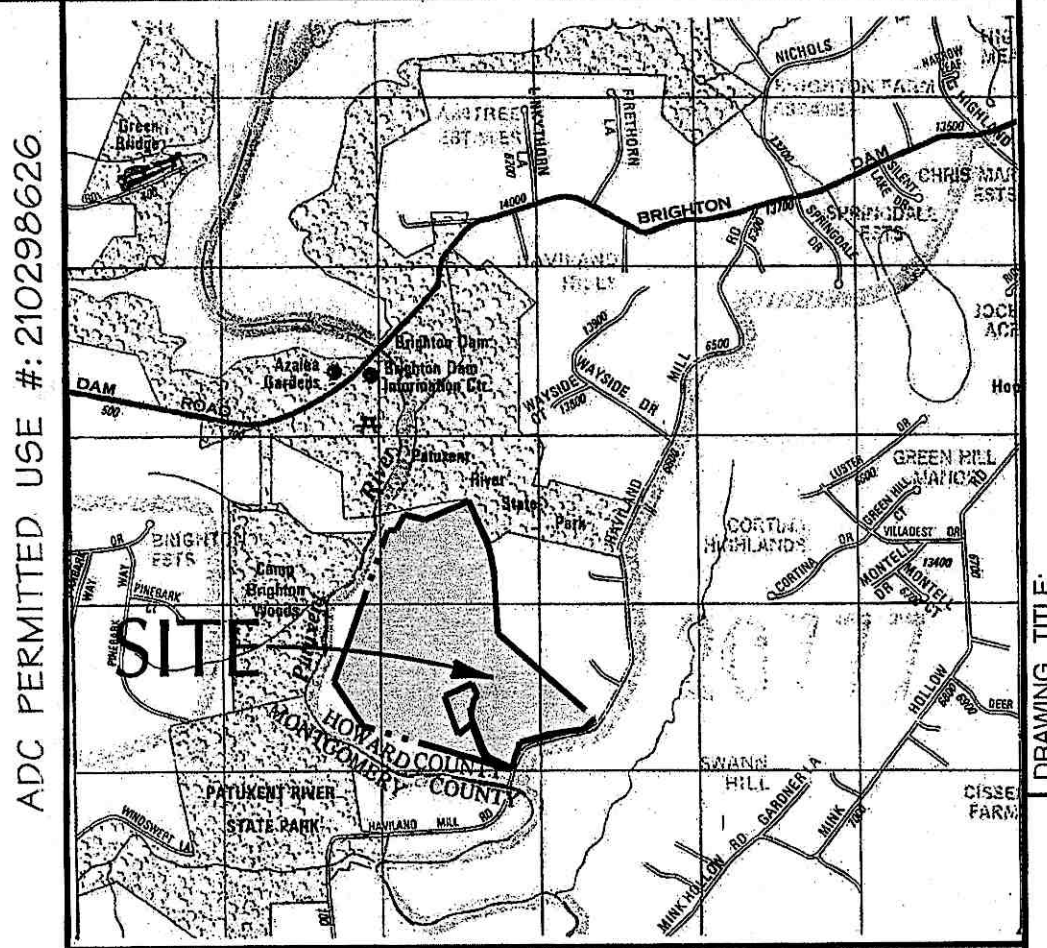
NOTE: THE PROPOSED INSTALLATION WAS GRANTED A CONDITIONAL USE BY THE HEARING EXAMINER IN HEARING EXAMINER CASE #BA-09-024C ON 10/15/09.

LINE / CURVE DATA

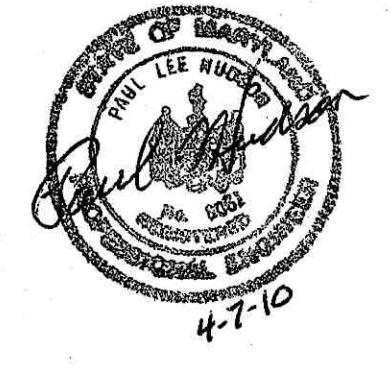
1	N 42°00'00" E	66.91'
2	S 14°00'00" E	86.00'
3	R 40° - 105.00' LEN 146.79'	

GENERAL NOTES

- Current Owner: Donald & Sally O'Keefe
6950 Haviland Mill Road
Clarksville, Maryland 21029
- Contract Lessee/Applicant: T-Mobile Northeast LLC
12050 Baltimore Avenue
Beltzville, MD 20705
- Legal Counsel: Sean Hughes
5100 Dorsey Hall Drive
Ellicott City, MD 21042
410-964-0300
- Site Area: 126.17 acres = 5,495,965.2 sq. ft.
- Existing Use: Agricultural
- Site Address: 6950 Haviland Mill Road
Clarksville, Maryland 21029
- Site Data: Tax Map 39 Grid 6 Parcel 1
Deed Reference: 5B891490
Tax Account Number: 05 362148
Election District: 5
Zone: RR-DEO
- Proposed Monopole Location:
Latitude: N 39°10'54.15" (NAD 83)
Longitude: W 77°00'01.88" (NAD 83)
Ground Elevation: 350'± AMSL (NAVD 88)
Proposed Monopole Height: 140'± AGL
Proposed Monopole Height with antennas: 140'± AGL
Total Proposed Monopole Elevation (Including antennas): 520' AMSL (NAVD 88)
- The topographic information shown hereon, in the area of the proposed compound, is taken from a DMW field survey on 5-12-09. The topographic information shown hereon, outside the area of the proposed compound, is taken from Howard County Digital GIS. Boundary information shown hereon is based upon a title report information provided by Kalman Associates, Inc. and as recorded in the land records of Howard County regarding deed 5B891491, together with field located evidence and related to meet the Maryland Coordinate System NAD-83(1981). This plan is not the result of a DMW boundary survey and, therefore, is subject to change. This plan may be subject to easements and restrictions that may be recorded or unrecorded and may not be shown hereon.
- No water or sewer utilities are required for the proposed installation.
- There are no new signs proposed for this facility except for signs required by Federal Communications Commission.
- No tower lights are proposed for this facility, unless required by the Federal Aviation Administration.
- Existing utility location information shown on these plans is for the contractors convenience only. While the information shown has been gathered from surveys and sources deemed to be reliable, the correctness or completeness of the information shown is not warranted or guaranteed. The contractor shall verify all information to his own satisfaction.
- The contractor is to notify Miss Utility (800)-257-7777 a minimum of 3 working days prior to any construction or excavation. The contractor is to also notify a private utility contractor for all on-site utility locations.
- The proposed tower and compound location is not located within a 100 year flood plain as per the National Flood Insurance Program, flood insurance rate map community panel number 240044-0031-B revised December 4, 1996.
- Proposed work includes the installation of a proposed 875 SF board-on-board fenced gravel compound at the base of a proposed 140' high monopole. (2) equipment cabinets (+1 future), a power cabinet, and a battery cabinet are to be installed on a 10' x 20' concrete pad inside the compound. A proposed 10' utility backboard with meter and disconnect and a MESA cabinet are also to be installed inside the compound. (6) proposed antennas (+3 future) are to be mounted on the proposed monopole at an antenna centerline height of 137'±. Landscape screening to be provided as shown.
- Required number of employees: 0 (unmanned facility)
- Required number of parking spaces: 0 (unmanned facility, proposed parking space/turn-around provided next to proposed compound)
- Ground disturbance for this telecommunications facility: 3,120± s.f.
- The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Howard County.
- Zoning information is taken from Howard County Zoning Map prepared by Howard County Dept. of Planning & Zoning, August, 2006.
- A waiver has been requested for Forest Conservation Act compliance since the proposed area of disturbance is less than 0.10 of an acre and would result in less than 0.05 acres of afforestation / reforestation required.
- Proposed landscaping is in conformance with BA-09-024C and the Decision and Order approved 10/15/09.



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 8061 EXPIRATION DATE: 9-26-2011



DRAWING TITLE: PLAN TO ACCOMPANY WAIVER PETITION APPLICATION

DRAWING: SHH MDW Z-1

CHECKED BY: MDW

DATE CHECKED: 11-09-10

PROJECT NO.: 09050

SHEET SCALE: AS SHOWN

PROJECT: 7BAN541A UNMANNED AIRCRAFT COMMUNICATION SITE

O'KEEFE PROPERTY 6950 HAVILAND MILL ROAD CLARKSVILLE, MD 21029

5th ELECTION DISTRICT HOWARD COUNTY, MD

PROJECT: 7BAN541A UNMANNED AIRCRAFT COMMUNICATION SITE

T-Mobile Northeast LLC 12050 BALTIMORE AVENUE BELTZVILLE, MD 20705 (240) 294-8000 FAX (240) 284-8610

DMW DAFT MCCUNE WALKER INC 260 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

SCHEDULE OF REVISIONS			
NO.	DATE	BY	REVISION
1	11-09-10	MDW	REVISED PER HOWARD COUNTY COMMENTS
2	11-09-10	MDW	REVISION: FOR SPD WALKER REVIEW
3	11-09-10	MDW	REVISION: FOR SPD WALKER REVIEW

T-Mobile Northeast LLC SITE NO. 7BAN541A O'KEEFE PROPERTY 6950 HAVILAND MILL ROAD CLARKSVILLE, MD 21029