



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

November 13, 2020

Christopher C. Burns  
500 E. Pratt Street, Suite 900  
Baltimore, MD 21202

RE: WP-21-053 Communication Tower (Windsor Forest Road), TM 6, P 4

Dear Mr. Burns:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed.

As of the date of this letter, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning considered and **approved** your request for alternative compliance with respect to **Section 16.128(c)(1)** of the Subdivision and Land Development Regulations to allow the petitioner to host a virtual presubmission community meeting during the COVID-19 State of Emergency.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.128(c)(1) would result in unwarranted hardship. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.**

The State of Emergency prohibits large indoor public gatherings across the State. To allow the continuity of operations and essential functions related to construction, the Department of Planning and Zoning developed guidelines for conducting virtual meetings that must be met for approval of alternative compliance. This alternative process will allow current applicants to submit development plans so they can to enjoy the same rights commonly granted to others wanting to begin the development process when social distancing restrictions are not in effect.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.**

The presubmission community meeting requirement is an administrative procedure required for most developments to begin the development process. Physical conditions of the property are not considered when applying the presubmission community meeting requirements. Therefore, this criterion does not apply.

**3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**

Alternative compliance to the physical meeting requirement will not confer a special privilege since it is the only means of conducting these meetings during the current State of Emergency and will be needed

for all applicants during this time. The pre-submission community will be held through virtual means and DPZ will require that guidelines be met to ensure that all necessary information is provided and accommodations are made to assist people that may need assistance accessing technology.

**4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**

Conducting a virtual presubmission community meeting will comply with the State of Emergency, allow for social distancing and the policies enacted to protect the public during the COVID-19 pandemic.

Approval of this Alternative Compliance is subject to the following conditions:

1. The alternative compliance petition will remain valid as long as the Howard County State of Emergency is in effect.
2. The petitioner must comply with the Department of Planning and Zoning's Virtual Presubmission Meeting Guidelines for applying and hosting a virtual public meeting (attached).

Indicate this alternative compliance 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 alternative compliance will remain valid as long as the Howard County State of Emergency is in effect.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at [jsauer@howardcountymd.gov](mailto:jsauer@howardcountymd.gov).

Sincerely,

DocuSigned by:

*Amy Gowan*

Amy Gowan, Director

Department of Planning and Zoning

AG/js

cc: Research  
DLD - Julia Sauer



May 20, 2020

**Virtual Presubmission Community Meeting Guidelines**  
*Instructions on Applying for and Hosting a Virtual Public Meeting*

Following Executive Order 20-003 and County Executive Calvin Ball's Emergency Declaration and given state and local mandates to practice social distancing, presubmission community meetings are unable to be held within the community or in a public or institutional building as required by Code. To allow for continuity of operations and essential functions related to construction, presubmission community meeting can be held virtually through approval of an Alternative Compliance Petition, as long as additional steps are taken to allow for extended public input opportunities.

The following steps outline the process for holding a virtual presubmission meeting during this period of emergency and until further notice:

1. The petitioner must request alternative compliance to Section 16.128(c)(1) of the Subdivision and Land Development Regulations to host the presubmission meeting virtually. The alternative compliance petition must be submitted electronically to [planning@howardcountymd.gov](mailto:planning@howardcountymd.gov) and should include the following items:
  - a. The alternative compliance application.
  - b. Web address for the virtual meeting.
  - c. Explanation of how the virtual meeting will be conducted (platform, availability, public access, etc.).
  - d. An exhibit of the proposed development or subdivision that will be presented during the virtual meeting.

There will be no fee collected for this alternative compliance request.

2. Once the alternative compliance is approved, the petitioner should apply for the presubmission community meeting electronically:  
[https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous\\_Form\\_Infill\\_Presub.aspx](https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous_Form_Infill_Presub.aspx)
  - a. The website address that will advertise and provide the link to the virtual meeting should be entered in the "meeting place" field on the presubmission community meeting application.
  - b. The "meeting address" is a required field and should be completed with the petitioner's address.
  - c. The meeting date and time must comply with the requirements in Section 16.128(c)(2) of the Regulations.
3. The property must be posted for at least three weeks immediately before the meeting and in compliance with Section 16.128 of the Regulations.
  - a. The Department of Planning and Zoning (DPZ) will prepare the poster and will charge the petitioner \$25 per poster. Checks can be dropped off in the metal drop box located outside the George Howard Building, 3430 Court House Drive, Ellicott City, MD 21043 or in the DPZ Drop

Box in the front lobby. Please secure them in an envelope, indicate the purpose of the check, and send them attention to the Department of Planning and Zoning, Division of Land Development.

- b. DPZ will notify the petitioner when the posters are complete. The posters can be picked up at the front desk of the George Howard Building, 3430 Court House Drive, Ellicott City, MD 21043, **by appointment only.**
4. Notice shall be sent three weeks prior to the meeting in compliance with Section 16.128(d) of the Regulations. Per Section 16.128(e), the notice shall include:
  - a. Time, date and web address of the virtual meeting. This should include instructions on how to access the virtual meeting and provide comments during the meeting.
  - b. Address and map of the location of the subject property.
  - c. Type of initial plan submittal.
  - d. Type and amount of development, including number of residential units proposed, if applicable.
  - e. Website address of the Department of Planning and Zoning plans in process webpage or central interdepartmental webpage for searching all projects assigned a three-digit alphanumeric code.
  - f. Information about how to sign-up to receive minutes and subsequent correspondence if unable to attend the meeting.
  - g. To satisfy Section 16.128(f)(1) of the Regulations, the notice shall include a copy of these instructions and a copy of the county's subdivision and land development review process.
5. The petitioner must present the project proposal during the meeting, record the meeting, and post it on their website, along with any plans or materials that were presented at the meeting for at least two weeks after the meeting to allow for further community input and response by the petitioner. The website must include the recording, plan proposal and information on how to provide comments on the proposal. Any questions or comments submitted via the website should be included in the minutes, along with the responses. The petitioner must present and record the meeting even if there are no attendees in the virtual meeting.
6. The petitioner must maintain a record of the names, addresses and electronic mail addressed for all attendees and anyone unable to attend the meeting who contact the petitioner requesting to be added to the list.
7. The petitioner must compile comprehensive minutes of the meeting. This includes a written response to all questions not verbally answered at the virtual meeting and responses to comments that were received by the applicant in the two-week period immediately following the meeting. The minutes must be sent to all meeting attendees and anyone unable to attend the meeting who contacts the petition requesting to receive information, within 30 days of the meeting either electronically or by first class mail.
8. With the initial submission of the plan, the petitioner must provide DPZ certification that the meeting notices and minutes were sent, that the meeting recording was posted on the petitioner's website for at least 2 weeks after the meeting, and the meeting attendees' contact information.

All additional items and timelines noted in Section 16.128 not mentioned above must still be followed to satisfy the presubmission community meeting requirement.



## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** Communication Tower

**Subdivision Name/Property Identification:** Map: 0006 Grid: 0008 Parcel: 0004 Subdivision: 1002 District: 04 Account No.: 310675

**Location of property:** Windsor Forest Road, Mount Airy 217771

**Existing Use:** Agricultural      **Proposed Use:** Communication Tower Facility

**Tax Map:** 0006      **Grid:** 0008      **Parcel No:** 0004      **Election District:** 04

**Zoning District:** Density Exchange Option (DEO)      **Total site area:** 41.73 Acres

**Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:**

On January 14, 2020 AT&T met w/ G. Goins and held a Pre-applicaition Meeting for the proposed Communication Tower. The proposed project will consist of a 185' stealth tree pole within a 50x50 lease area.

**In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.**

Section Reference No.	Brief Summary of Request
Sec. 16.128(c)(1)	Web Address for Virtual Meeting: <a href="https://saul.zoom.us/j/5503569963">https://saul.zoom.us/j/5503569963</a> The meeting will be conducted via Zoom and will include an overview of the project (see attached exhibits) and a Q&A session. The meeting will last 2 hours but will be extended pending on interest in the project.



Section Reference No.	Brief Summary of Request

**Signature of Property Owner:** See attached LOA **Date:** [Redacted]

**Signature of Petitioner Preparer:**  **Date:** 12/16/2020

**Name of Property Owner:** Kenneth Clements **Name of Petition Preparer:** New Cingular Wireless d/b/a AT&T

**Address:** 951 Ridge Road **Address:** 7150 Standard Drive

**City, State, Zip:** Mount Airy, Maryland 21771 **City, State, Zip:** Hanover, Maryland 21076

**E-Mail:** N/A **E-Mail:** Christopher.Burns@saul.com

**Phone No.:** N/A **Phone No.:** (410)332-8681

**Contact Person:** Christopher C. Burns **Contact Person:** Christopher C. Burns

**Owner's Authorization Attached**



September 24, 2020

Ken Clements  
951 Ridge Road  
Mount Airy, MD 21771

RE: Smartlink and AT&T Letter of Authorization

To Whom it May Concern:

I am the owner of the real property located at Windsor Forrest Road, Howard County, 4<sup>th</sup> Election District, containing 43.4434 acres of land Parcel ID No.04310675. This letter hereby authorizes the law firm of Saul Ewing Arnstein & Lehr LLP, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC, and/or Smartlink LLC, and any and all of their employees, agents and representatives, including but not limited to Gregory Rapisarda, Esquire, Christopher Burns, Esquire, and Allison Helowicz, to act as the agent(s) for me in actions associated with the proposed monopole project, including but not limited to jurisdictional zoning and permitting, design and engineering of the cell site deployment, and any other approvals required by Howard County.

I respectfully request that the County grant the requested relief. Any copy or facsimile of this document shall be valid and treated as an original.

Please reach out with for any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ken Clements".

Ken Clements  
Property Owner  
951 Ridge Road  
Mount Airy, MD 21771  
301-748-0608  
timberridgecatering@gmail.com