

## BOARD OF APPEALS

April 2, 2025

County Administration Building, 100 W. Washington St., Meeting Room 2000, Hagerstown, at 6:00 p.m.

### AGENDA

**AP2025-004:** An appeal was filed by The Tower LLC for a special exception for proposed 199 ft. monopole commercial communication tower. Variance from the setback minimum required for a commercial communication tower to a dwelling from 399 ft. to 329 ft. Variance from the setback minimum required for a commercial communication tower to the Rural Village District from 399 ft. to 291 ft. on property owned by Boonsboro First Hose Fire Co. and located at 3417 Rohrersville Road, Rohrersville, Zoned Preservation.

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Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than March 24, 2025. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

The Board of Appeals reserves the right to vary the order in which the cases are called. Please take note of the Amended Rules of Procedure (Adopted July 5, 2006), Public Hearing, Section 4(d) which states:

Applicants shall have ten (10) minutes in which to present their request and may, upon request to and permission of the Board, receive an additional twenty (20) minutes for their presentation. Following the Applicant's case in chief, other individuals may receive three (3) minutes to testify, except in the circumstance where an individual is representing a group, in which case said individual shall be given eight (8) minutes to testify.

Those Applicants requesting the additional twenty (20) minutes shall have their case automatically moved to the end of the docket.

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these Rules, to uphold the spirit of the Ordinance and to do substantial justice.

Tracie Felker, Chairman

Board of Zoning Appeals



WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

ZONING APPEAL

Property Owner: Boonsboro First Hose Fire Co.
5 Saint Paul Street
Boonsboro MD 21713

Docket No: AP2025-004
Tax ID No: 08013454

Appellant: The Towers LLC
750 Park of Commerce Drive
Suite 200
Boca Raton FL 33487

Zoning: P
RB Overlay: No
Zoning Overlay:

Filed Date: 03/12/2025
Hearing Date: 04/02/2025

Property Location: 3417 Rohrersville Road
Rohrersville, MD 21779

Description Of Appeal: Special exception for proposed 199 ft. monopole commercial communication tower. Variance from the setback minimum required for a commercial communication tower to a dwelling from 399 ft. to 329 ft. Variance from the setback minimum required for a commercial communication tower to the Rural Village District from 399 ft. to 291 ft.

Appellant's Legal Interest In Above Property: Owner: No Contract to Rent/Lease: Yes
Lessee: No Contract to Purchase: No
Other:

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance: Table No. 3.3(1) R. & 4.22 A:2

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Fire Station Proposed Use: Commercial Communication Tower

Previous Use Ceased For At Least 6 Months: Date Ceased:

Area Devoted To Non-Conforming Use - Existing:
Proposed:

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

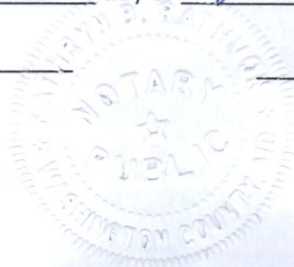
[Handwritten signature]

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 12 day of March, 2025.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
My Commission Expires NOVEMBER 07, 2025



[Handwritten signature]

Notary Public



**WASHINGTON COUNTY BOARD OF ZONING APPEALS**

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

**AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)**

**Docket No:** AP2025-004

**State of Maryland Washington County, To Wit:**

On 3/12/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Saul Ewing LLP and made oath in due form of law as follows:

Saul Ewing LLP will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 04/02/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 03/18/2025 and will remain until after the above hearing date.

**Saul Ewing LLP**

Sworn and subscribed before me the day and year first above written.

**Notary Public**

**Kathryn B Rathvon**  
NOTARY PUBLIC  
WASHINGTON COUNTY  
MARYLAND  
MY COMMISSION EXPIRES NOVEMBER 07, 2025

**My Commission Expires**



**Seal**



WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P: 240.313.2430 | F: 240.313.2431 | Hearing Impaired: 7-1-1

## BOARD OF ZONING APPEALS

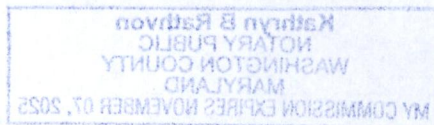
### ATTENTION!

### Posting Instructions

The premises **MUST** be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.





**BOARD OF ZONING APPEALS**

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired:  
7-1-1 WWW.WASHCO-MD.NET

**Appeal for Variance**

Appeal is hereby made for a variance from a requirement of the Washington County Zoning Ordinance as follows:

Location 3417 Rohrersville Road, Rohrersville, MD 21779

Appellant's present legal interest in above property: (Check One)

Owner (Including Joint Ownership)     Lessee     Contract to rent/lease  
 Contract to Purchase     Other

Specify the Ordinance section and subsection from which the variance is desired:  
Ordinance § 4.22(A)(2)

Specify the particular requirement(s) from which a variance is desired in that section or subsection:  
The Applicant is requesting two variances: (1) a reduction of the setback of a monopole from an existing dwelling; and (2) a reduction of the setback fro a monopole from the RV district.

Describe the nature and extent of the desired variance from Ordinance requirements: listed above:  
The proposed monopole will be 329 feet from the nearest dwelling, requiring a reduction of the setback by 70 feet. The monopole will be 292 feet from a parcel zoned RV, requiring a reduction of the setback by 108 feet.

Describe reason(s) why the Ordinance requirement(s) in question would result in peculiar and/or unusual practical difficulties to or would impose exceptional or undue hardship upon the owner of the property if the requested variance were not granted:

See attached Statement of Justification by the Applicant

**Provide Detailed Explanation on Separate Sheet**

Has any previous petition or appeal involving this property been made to the Board?

Yes     No

If yes, list docket number(s): \_\_\_\_\_

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

*Douglas Sampson*  
Signature of Appellant

Saul Ewing LLP, 1001 Fleet Street, 9th Floor,  
Baltimore, MD 21202

Douglas.Sampson@saul.com  
Email of Appellant

410-332-8661  
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



**BOARD OF ZONING APPEALS**

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1

WWW.WASHCO-MD.NET

**Appeal for Special Exception**

Appeal is hereby made for a special exception under the Washington County Zoning Ordinance as follows:

Location 3417 Rohrersville Road, Rohrersville, MD 21779

Appellant's present legal interest in above property: (Check One)

Owner (Including Joint Ownership)     Lessee     Contract to rent/lease  
 Contract to Purchase     Other \_\_\_\_\_

Use Proposed: Telecommunications Facility with 199' monopole

Zoning Ordinance section and subsection(s) providing for proposed use: \_\_\_\_\_  
Ordinance § 4.22

If filing functionally similar to a principal permitted use or special exception use, please list the use and describe the use similarities:

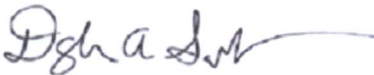
See attached Statement of Justification by the Applicant  
**Provide Detailed Explanation on Separate Sheet**

Has any previous petition or appeal involving this property been made to the Board?  
 Yes     No

If yes, give docket number(s): \_\_\_\_\_

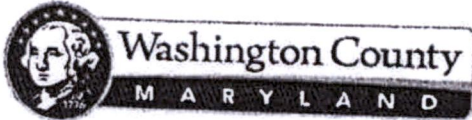
Additional comments, if any: The Property is owned by the Boonsboro Fire Department, which has authorized the Applicant to file this application. The proposed 199' monopole will provide new and improved emergency and non-emergency wireless services in this area of Washington County.

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

  
Signature of Appellant  
Douglas.Sampson@saul.com  
Email of Appellant

Saul Ewing LLP, 1001 Fleet Street, 9th Floor, Baltimore, MD 21202  
Address of Appellant  
410-332-8661  
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Saul Ewing LLP and Site Link Wireless, LLC is authorized to file an appeal with the Washington County Board of Appeals for a Special Exception and two Variances to build a 199' telecommunications facility located on property owned by the Boonsboro F.D. at 3417 Rohersville Road, Rohersville, Maryland 21779. The said work is authorized by the property owner in fee.

PROPERTY OWNER

THE FIRST HOSE COMPANY OF BOONSBORO
Name
3417 ROHERSVILLE ROAD
Address
ROHERSVILLE MD 21779
City, State, Zip Code
GEORGE A MUEHLF
Owner's Signature

Sworn and subscribed before me this 10 day of MARCH, 2025.

[Signature]
Notary Public

My Commission Expires: 7-8-2027

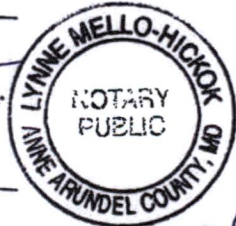
AUTHORIZED REPRESENTATIVE

Douglas A. Sampson, Saul Ewing LLP
Name
1001 Fleet Street, 9th Floor
Address
Baltimore, MD 21202
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 12th day of March, 2025.

[Signature]
Notary Public

My Commission Expires: 9/7/25



My Commission Expires 9/7/25

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1

**Appeal for a Special Exception and Variances  
to Construct a 199' Monopole Telecommunications Facility  
at 3417 Rohrersville Road, Rohrersville, Maryland 21779**

**Adjacent Parcel Mailing List**

Owner(s)	Parcel ID	Mailing Address
Alice Orzechowski Scott Mitchell Hoyman Jr.	08-009146	20312 Townsend Road, Rohersville, MD 21779
Mark Layton	08-002703	20327 Townsend Rd., Rohrersville, MD 21779-1250
Kody Lucero Kimberly Kerdthap Lucerdo	08-013462	3443 Rohrersville Rd., Rohrersville, MD 21779-0000
Pamela Denise Shaw Loren Eugene Shaw Jr.	08-003246	20331 Townsend Rd. Rohrersville, MD 21779-1250
Kody Lucero Kimberly Kerdthap Lucerdo	08-014019	3443 Rohrersville Rd. Rohrersville, MD 21779
Carl L Palmer Jr. Destinee L Palmer	08-012830	20402 Gap Ct. Rohrersville, MD 21779-0000
Jeffrey A. Hutzell Joann Hutzell	08-013322	3345 Gapland Rd. Rohrersville, MD 21779-1206
Jeffrey A. Hutzell Joann Hutzell	08-005087	3345 Gapland Rd. Rohrersville, MD 21779-1206
Alice Orzechowski Scott Mitchell Hoyman Jr.	08-005117	20312 Townsend Road, Rohersville, MD 21779
Pleasant Valley Baptist Church	08-011982	3346 Gapland Rd. Rohrersville, MD 21779-1205
Charlotte J Mullendore, et al Elizabeth A. Nemanic	08-006709	1141 Chaucer Dr. Greensburg, PA 15601
Odella Diane Hagan Jones	08-007721	3416 Gapland Rd. Gapland, MD 21779-1207
Fitzgerald Family Revocable Living Trust James F. Fitzgerald, Trustee	08-012814	3452 Kaetzel Rd. Rohrersville, MD 21779-1225



**Statement of Justification in support of application for a Special Exception and Variances  
to Construct a 199' Monopole Telecommunications Facility  
at 3417 Rohrersville Road, Rohrersville, Maryland 21779**

Applicant: The Towers, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, Florida 33487  
561-948-6367

Property Owner: Fire Co. Boonsboro Fire Hose  
5 Saint Paul Street  
Boonsboro, Maryland 21713-1319

Representatives: Douglas A. Sampson, Saul Ewing LLP  
1001 Fleet Street, 9<sup>th</sup> Floor  
Baltimore, MD 21202  
(410) 332-8661  
[Douglas.Sampson@saulewing.com](mailto:Douglas.Sampson@saulewing.com)

Rick Novak, Site Link Wireless, LLC  
(443) 622-1744  
[RNovak@sitelinkwireless.com](mailto:RNovak@sitelinkwireless.com)

Address: 3417 Rohrersville Road, Rohrersville, Maryland 21779  
Jurisdiction: Washington County, Maryland  
District: 08  
Parcel Tax Acct #: 013454  
SDAT Property Info: Map 0084, Grid 0001, Parcel 0329  
Lot Size: 7.26 Acres  
Zoning: P (Preservation)  
Current Use: Exempt Commercial – Fire Station  
Proposed Height: 199' (195' monopole, with 4' lightning rod)

Pursuant to the Washington County Zoning Ordinance (the “Ordinance”) §§ 4.22, 25.56 and 25.6, The Towers, LLC d/b/a Veritcalbridge (“Applicant”), by its agents Saul Ewing LLP and Site Link Wireless, LLC, hereby requests approval for a new telecommunication facility that includes a 199’ monopole (the “Facility”) on a portion of property located at 3417 Rohrersville Road, Rohrersville, Maryland 21779, Tax ID# 08013454 (the “Property”). A telecommunications facility is permitted in the P (Preservation) Zoning District with a Special Exception. *See* Ordinance, Table No. 3.3(1). The Applicant is requesting two Variances: one from the 399-foot setback requirement from the nearest dwelling, and another from the 399-foot setback requirement from a property zoned RV (Rural Village).

The Applicant respectfully requests a determination by the Washington County Board of Zoning Appeals that the Facility is in substantial compliance with the Ordinance and is authorized for a Special Exception with two variances from setback requirements. This document and attached Exhibits provide justification for the Facility, and a summary of how and why this

proposal conforms with the Ordinance. This package and additional or clarifying evidence, to be presented at a public hearing, provide the legal and factual support to approve this Special Exception with Variances.

**EXHIBITS**

- Exhibit 1: Verizon Wireless Letter of Intent
- Exhibit 2: Existing Verizon Wireless Coverage Map
- Exhibit 3: Verizon Site Selection Engineering Statement
- Exhibit 4: Proposed Verizon Coverage Map with Facility
- Exhibit 5: Map of Existing Verizon Facilities within Washington County
- Exhibit 6: Site Plans in 8.5" x 11"
- Exhibit 7: Engineering Certification Letter
- Exhibit 8: Photo Simulations of Proposed Monopole
- Exhibit 9: Affidavit of Co-Location

**I. Verizon’s Goals and the Need for Improved Wireless Services**

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) has committed to locate its telecommunications antennas on the proposed Facility. (See Verizon Wireless Letter of Intent as Exhibit 1). Verizon Wireless is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunications services in Washington County, Maryland. The Facility will add and improve emergency and non-emergency wireless and broadband services in Washington County, without adverse impacts to the surrounding area.

Verizon Wireless has a significant need to improve the delivery of emergency and non-emergency wireless and broadband services to residents, businesses and commuters in this area of Washington County. (See Existing Coverage Radio Frequency Propagation Map attached as Exhibit 2). The site of the proposed Facility was chosen to improve wireless services in Rohrsersville and Gapland. (See Verizon Site Selection Engineering Statement attached as Exhibit 3). The proposed Facility will add and improve wireless and broadband services and ensure adequate overlapping coverage between and among existing coverage areas. (See Proposed Verizon Coverage Map attached as Exhibit 4). The Facility will add and improve wireless broadband services and coverage capacity in and around Park Hall, MD and Augusta, MD, particularly along U.S. Route 67. (See Ex. 2). Ultimately, the proposed Facility will allow residents, visitors, businesses and emergency personnel of Washington County to experience adequate wireless services, better quality calls, and diminished dropped calls, and enhanced first responder services.

In particular, the Boonsboro Fire Department wants the new Facility to improve wireless and broadband services for first responders. The Fire Department has expressed that wireless coverage is inadequate in this portion of Washington County, which leads to failed or dropped called by people who may be in need of emergency assistance. The improved wireless and broadband services will also enhance the Fire Department’s own communications infrastructure to respond to emergency situations.

## II. The Property and Current Use

The Property is owned by the Boonsboro Fire Department, which has authorized the Applicant and its agents to pursue a Special Exception, Variances, and any other zoning relief, building permits, or applications required for the Facility. The Property is home to Station 8 of the Boonsboro Fire Department. The Property is zoned Preservation (P) and is currently an exempt commercial use as a fire station. A telecommunications facility is permitted in the P Zoning District with a Special Exception. *See Ordinance, Table No. 3.3(1).*

The Property is an ideal location for the Facility given its location and zoning district. The Property is a non-residential use in the middle of an area of residential and agricultural zoning districts, predominantly composed of single-family homes and farmland. Locating the Facility on the Property will bring new and improved wireless and broadband services to the area, without burdening a privately owned residential or agricultural property. (*See Ex. 4, Proposed Coverage Map*). The Property is in close proximity to nearby residential areas in need on new and improved emergency and non-emergency wireless services.

The 7.26-acre Property is developed with a fire station building with garage space for emergency vehicles and surface parking. The Facility will be located adjacent to the existing building, with the building between the Facility and the nearest dwelling to the northeast. The Property is screened by mature trees to the south and southeast as well as significant mature trees across Rohrersville Road to the west. The Facility will be located in an area along Route 67 and in close proximity to nearby homes, with buffering from nearby woodlands and topography. The tree cover existing around the Property on adjacent properties will further minimize the need for additional screening.

The Applicant and Verizon Wireless searched for existing towers or structures that could provide viable co-location for Verizon Wireless's antennas. Co-locations are preferred locations and are much less expensive to bring online. The Applicant determined, and Verizon Wireless confirmed, that there are no nearby existing telecommunications facilities, water tanks, utility distribution structures, or tall buildings suitable to co-locate telecommunications antennas and to meet Verizon's coverage needs. This area of Washington County is predominantly flat farmland, other agricultural uses, and single-family homes, making the availability of tall structures suitable for co-location of telecommunications antennas infeasible.

Verizon already has antennas located on the two closest existing telecommunications towers, which can be seen to the north and south of the proposed Facility on the existing coverage map. (*See Ex. 2; see also map of existing Verizon facilities within Washington County is attached as Exhibit 5*). With no viable co-location opportunity, Verizon Wireless determined that a new tower was required. The Applicant determined that the Property was viable from a technical perspective (*i.e.*, radio frequency), a zoning perspective (*i.e.*, preferred use on an exempt commercial use in a heavily agricultural and residential area and compliant with all regulations), and from a landowner perspective (*i.e.* a land owner willing to lease space). Verizon Wireless further determined that 199 feet is the minimum height of the Facility to both meet Verizon Wireless's coverage objectives, and to provide viable co-location opportunities for other wireless providers. Verizon Wireless determined that the ideal height to maximize coverage objectives was 250 feet. However, Verizon Wireless lowered the targeted height to comply with zoning

regulations and minimize the necessary variances required. However, if the height of the monopole were to be reduced further, it would not allow Verizon Wireless to meet its coverage goals. (See Exs. 2 & 4). It would also be much less likely that other wireless providers (such as AT&T and T-Mobile) would co-locate on the Facility, because the height of available co-location opportunities would be too low to be viable. If the height of the proposed Facility is reduced, other providers may need new towers – rather than co-locating on this Facility – to bring their own wireless and broadband coverage to this area.

### **III. The Proposed Telecommunications Facility**

The Facility consists of a 199' tall monopole (195' pole, with a 4' lightning rod) within a 50' x 50' (2,500 square feet) equipment compound surrounded by an 8' tall fence (7' chain link fence with barbed wire on top). (See Site Plan attached as **Exhibit 6** at C-2 and C-3). The monopole will allow Verizon Wireless to locate its antennas with a centerline of 190' above ground level (AGL) and will accommodate up to three future carriers to locate antennas at 180' AGL, 170' AGL, and 160' AGL. (See Ex. 6 at C-3). The Facility will be built on already graded land on the parcel and will be adjacent to the existing fire house building which will minimize the amount of land disturbance. The Facility will utilize and expand the existing paved accessway to access the Facility and reduce the impervious surface. (See Ex. 6 at Z-3).

As discussed below, the Applicant is seeking two variances from setback requirements: one from the 399-foot setback requirement from the nearest dwelling, and another from the 399-foot setback requirement from a property zoned RV (Rural Village). The Facility is setback greater than the proposed height of the monopole from every nearby property and dwelling. The Facility is setback 356 feet from the P Zoned parcel to the west, 292 feet from the RV zoned parcel to the south, 215 feet from the P Zoned parcel to the east, and 370 feet from the P Zoned parcel to the north. (See Ex. 6 at C-1). Further, the closest off-site dwelling is 329 feet from the Facility. (See Ex. 6 at C-1).

The Applicant's engineer certified that the tower will be designed such, that in the unlikely case of a catastrophic failure, the tower would fall within a radius of 150 feet and would pose no risk to adjacent properties or buildings. (See Engineering Certification Letter attached as **Exhibit 7**). The Facility will be unmanned, free of public facilities, and only require occasional visits (about 1 visit per quarter) from a technician for routine inspections and maintenance. The Facility will have no impact on traffic. The Facility will have no adverse impact on the health, safety, or welfare of residents or workers in the area. The Facility will be free of odors, fumes, light, glare, and noise.

The Applicant conducted a visual impact survey on February 22, 2025. (See Photos and Photo Simulations attached as **Exhibit 8**). A large balloon filled with helium was raised at the location of the proposed Facility to the proposed height of 199 feet. The weather was clear with calm winds. The technician drove around the surface streets surrounding the Property and took photos on the balloon from the most visible locations. Throughout most of the radius, the balloon was not visible. The Applicant created five simulations of the tower from the five most visible locations identified. (See Ex. 8). Based on the balloon fly and attached simulations, the Applicant determined the Facility will not have a significant visual impact on the surrounding area.

#### **IV. Requested Variances**

The Applicant is requesting two variances from the setback requirements of Ordinance § 4.22(A)(2): (1) a reduction of the 399' setback (199' tower height, plus 200') from an existing dwelling; and (2) a reduction of the 399' setback (199' tower height, plus 200') from the RV zoning district.

The Facility meets all of the setback requirements set forth in Ordinance § 4.22(A)(1). The proposed monopole is set back from all adjacent property lines a distance equal to or greater than the height of the proposed monopole (199'). The proposed monopole is setback 356' from the nearest property line to the west; 370' from the nearest property line to the north; 215' from the nearest property line to the east; and 292' from the nearest property line to the south.

The nearest property to the south is zone RV (Rural Village) and is setback 292 feet from the proposed monopole. Per Ordinance § 4.22(A)(2), the required setback from the RV district is the height of the tower plus 200 feet (399'). The Applicant requests a variance reducing the required setback from the RV district by 107 feet from 399 feet to 292 feet. The nearest dwelling is 329 feet from the proposed monopole. Per Ordinance § 4.22(A)(2), the required setback from any dwelling is the height of the tower plus 200 feet (399'). The Applicant requests a variance reducing the required setback from a dwelling by 70 feet from 399 feet to 329 feet.

Due to the shape of the parcel and close proximity of the RV district to the south, there is no place on the Property where the proposed Facility can meet all required setbacks in Ordinance § 4.22(A)(2). The location of the proposed Facility was chosen to be adjacent to the existing fire station, which limits the area of disturbance and reduces visual impact on the surrounding area. (*See Ex. 8*). The Applicant considered alternative locations on the parcel, but no location would have completely eliminated the need for at least one variance. The Applicant considered moving the location to eliminate one variance (i.e., move the facility closer to the RV district to maximize distance from the dwelling, or vice versa). However, after conversations with the Washington County Zoning Coordinator, it was determined it would be preferred to locate the Facility to maximize the distance from all properties, rather than to move the Facility for the benefit of one property owner and to the detriment of the other.

The Applicant also considered reducing the height of the tower in order to meet the setback requirements. However, the height of the tower would need to be reduced to below 125 feet, which would not meet Verizon's coverage goals and would not allow for viable co-location opportunities for other providers. 199' (195' pole with 4' lightning rod) was determined to be the lowest height to provide Verizon with meaningful wireless coverage and capacity and to provide viable co-location opportunities for other wireless providers. In essence, reducing the height of the monopole would significantly reduce the efficacy of the provided coverage and would likely necessitate additional towers in the area to provide adequate wireless coverage and capacity.

The Facility will still have setbacks at least the height of the tower from all adjacent properties and the nearest dwelling. An engineer has certified that, in the unlikely event of a catastrophic failure, the proposed monopole would fall within a radius of no more than 150 feet – with no portion of it leaving the bounds of the Property. (*See Ex. 7*). The requested variances meet

the spirit of the Code to reduce the impact on nearby properties, while providing reliable emergency and non-emergency wireless services in Washington County – including viable co-location opportunities to eliminate the need for additional facilities. The requested variances comply with the variance standard set forth in Ordinance § 25.56 as specifically set forth below:

*Section 25.56 Variances*

*A variance may be granted by the Board upon a showing of criteria of practical difficulty or undue hardship described below respectively:*

*A. Practical Difficulty*

*1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;*

- **Applicant's Response:** A telecommunications facility is permitted in the P (Preservation) district with a special exception. Due to the shape of the parcel and the RV zoning district for an adjacent property there are increased setback requirements for a telecommunications facility for this parcel not required for other parcels. There is no location on the property where the proposed Facility could meet all setbacks and, therefore, not require at least one variance. The Applicant considered moving the location to eliminate one variance while increasing the other requested variance relief (i.e. moving the facility closer to the RV district to maximize distance from the dwelling, or vice versa). However, after conversations with the Washington County Zoning Coordinator, it was determined it would be preferential to locate the Facility to maximize the distance from all properties, rather than to move the Facility to the benefit of one property owner and to the detriment of the other.

*2. Denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and*

- **Applicant's Response:** Requiring strict compliance with the Code would cause substantial injustice to the Applicant and would likely eliminate the proposed Facility from ever being built. There is no location on the Property where the Applicant can proceed without any variances. The only way to reduce or eliminate the variances would be to reduce the height of the proposed monopole by half. The requested height is necessary to bring necessary emergency and non-emergency wireless services to this area of Washington County.

Even with a reduced height of the Facility, it is likely at least one variance would be necessary. Regardless, the Applicant cannot reduce the height of the proposed tower without significantly reducing the efficacy of the wireless coverage and capacity needed for this site by Verizon. Reducing the height would eliminate viable co-location opportunities, in aversion to the spirit of the Ordinance which requires the Facility to be designed for co-location for other wireless providers.

To avoid the need for any variance the height of the Facility would need to be reduced so much as to render it useless for the proliferation of wireless services. If the variances are denied, the Facility will not be viable and is unlikely to be built.

3. *Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.*

- **Applicant's Response:** Granting the requested variances would observe the spirit of the Ordinance. All adjacent properties except one are zoned P (Preservation). The proposed Facility meets the setback requirements from the P district. The Facility will be set back in excess of the monopole's height from all adjacent properties and nearby dwellings. The requested variances would also allow the monopole to be of adequate height to allow for viable co-locations for other wireless providers consistent with Ordinance § 4.22(A)(6). This area of Washington County has a significant need for improved emergency and non-emergency wireless services. (See Exs. 2 & 4). Bringing necessary emergency and non-emergency communications services to the area provides a significant benefit to secure public safety and welfare.

*B. Undue Hardship*

1. *Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and*

- **Applicant's Response:** Strict compliance with the setback provisions of Ordinance § 4.22(A)(2) will likely prevent the Applicant from building the Facility. The requested height is required to bring adequate emergency and non-emergency wireless services to this area of Washington County. A reduced height would not meet Verizon's coverage needs and would render co-location opportunities moot. If the variances are denied, the Facility is unlikely to be built.

2. *The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and*

- **Applicant's Response:** The Property is unique in that it is home to the Boonsboro Fire Department. It provides a location for a Facility on a parcel that has a non-residential use surrounded by other residential properties. Locating the Facility on the fire department's Property will increase emergency and non-emergency communications for the community including the first responders located at the Property. It also provides a location that is a public use, rather than imposing the burden on a privately owned parcel. There is no location on the Property where the Applicant can proceed without any variances. While other parcels in the area may meet the required setbacks, they would be privately owned, would need a willing landlord, and would not have the same non-residential use. The Property is unique given its location in the area that needs coverage, a public non-residential use, and first responders who desperately want increased wireless coverage in the area so they may better perform their responsibilities.

3. *The hardship is not the result of the applicant's own actions.*

- **Applicant's Response:** The hardship is not the result of the applicant's actions. The Applicant choose a location to minimize the variance requests and reduce the burden on adjacent properties to the maximum extent. The Property is unique in that there is no location on the Property where the proposed Facility could be located to meet all of the required setbacks.

V. **Compliance with Washington County Zoning Ordinance**

***Section 4.22 Commercial Communication Towers***

*No permit to construct a tower may be issued unless the applicant demonstrates to the Planning Commission, or where applicable, to the Board of Zoning Appeals, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. Applicants are required to prove need by:*

a. *demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, elevated tanks or other structures able to provide the antenna platform required.*

- **Applicant's Response:** Generally, it is much more efficient and less expansive to co-locate a telecommunications facility on an existing tower, building, or structure than to build a new tower or monopole. New builds are a last resort when no existing infrastructure will meet wireless coverage needs. The Property is located in the center of a significant gap in adequate wireless and broadband coverage. (*See Ex. 2*). There are no existing towers in the area on which Verizon is not already co-located. (*See Ex. 5*). The Applicant conducted a search for any tall structures or buildings that could meet Verizon's coverage needs. However, this area of Washington County is not heavily developed with tall structures and is primarily rural farmland and land in the P (Preservation) district. The Applicant investigated the land within a mile radius and found no suitable structures for co-location. Absent such structures, it was determined a new tower or monopole was necessary to provide new and improved wireless coverage in this area.

b. *providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing sites is not technically possible in order to serve the desired need.*

- **Applicant's Response:** There is a significant need for coverage in this portion of Washington County. (*See Ex. 2*). Verizon is already located on the two closest existing towers to the proposed coverage area. (*See Ex. 5*). The proposed Facility will significantly improve wireless coverage and capacity in this area of Washington County. (*See Ex. 4*). The Applicant investigated the land within a mile radius and found no suitable structures for co-location. Absent such structures, it was determined a new



tower or monopole was necessary to provide new and improved wireless coverage in this area.

A. *Design requirements*

*In addition to the applicable requirements for a site plan as specified in Section 4.11, the applicant shall provide the following information as part of the site plan submittal. These provisions shall apply to towers in all districts where permitted as a principal permitted or special exception use:*

1. *Subject to a minimum setback of a distance equaling the total height of the tower and equipment. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.*
- **Applicant's Response:** The Facility meets the setback requirements). The proposed monopole is set back from all property lines a distance equal to or greater than the height of the proposed monopole (199'). The setbacks from adjacent property lines are as follows:
  - West- 356 feet
  - North- 370 feet
  - East- 215 feet
  - South- 292 feet
2. *Subject to a minimum distance requirement of a distance equaling the height of the tower and equipment plus 200 feet from the RT, RS, RU, RM and RV districts or the nearest part of any existing dwelling, school, church, or institution for human care, in any other district.*
- **Applicant's Response:** The Applicant is requesting two variances. The Applicant requests a variance reducing the required setback from the RV district by 107 feet from 399 feet to 292 feet. The nearest dwelling is 329 feet from the proposed monopole. The Applicant requests a variance reducing the required setback from the RV district by 70 feet from 399 feet to 329 feet.
3. *Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and equipment.*
- **Applicant's Response:** There are no overhead transmission lines in the immediate vicinity. The Facility is setback from all overhead transmission lines at least two times the height of the Facility (199').
4. *Subject to a height not to exceed 200 feet. Measurement of tower height shall include the tower structure itself, the base pad, and any other equipment attached thereto which extends more than twenty (20) feet over the top of the tower structure itself. The tower height shall be measured from grade.*

- **Applicant's Response:** The total height of the Facility will be 199 feet, which includes a 195-foot monopole with a four (4) foot lightning rod. Verizon's antennas will be located at a height of 190 feet above ground level.

5. *Proposed towers shall meet the following minimum separation requirements from existing towers or towers which have been issued a permit but are not yet constructed.*

(a) *Monopole towers shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet.*

- **Applicant's Response:** The nearest tower or monopole is more than 750 feet away.

6. *All towers shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of comparable equipment for other carriers. An application for a tower shall be accompanied by an affidavit from the applicant stating that one ten (10) foot space on the proposed tower will be specifically reserved for use by the County, and that other spaces will be made available to other future users, when possible.*

- **Applicant's Response:** The Applicant has provided an affidavit of compliance with this provision. (See Affidavit of FCC Compliance and Tower Co-Location attached as Exhibit 9). The Applicant will reserve one ten-foot space for use by the County and will have space to accommodate up to three additional wireless providers.

7. *Fencing shall be provided around the base of the tower and any associated equipment buildings.*

- **Applicant's Response:** The 50' x 50' compound will be surrounded by a 7-foot-high chain link fence topped with barbed wire as an anti-climbing device for a total height of 8 feet. (See Ex. 6, Site Plans at C-2).

8. *All sites shall be identified by means of a sign no larger than two square feet affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.*

- **Applicant's Response:** The Applicant acknowledges and will comply with this provision.

9. *Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Planning Commission or Board of Zoning Appeals. Towers shall not be lighted unless specifically required by the FAA.*

- **Applicant's Response:** The Applicant acknowledges and will comply with this provision. The proposed monopole will be painted a matte gray to blend into the skyline. It will not be lit.

10. *In order to protect the natural skyline, towers should be sited within areas of mature vegetation and should be located down slope from ridge lines, and toward the interior of the parcel whenever possible. Placement should only be considered elsewhere on the property when valid technical data supplied by the applicant indicates that there is no other suitable location.*

- **Applicant’s Response:** The Facility is located in the center of the Property and is not near any ridgelines. There is limited vegetation on the Property, but a significant number of mature trees to the west, southwest, south and east. The area surrounding the parcel is not densely populated and has rolling topography which will assist in reducing visual impact in the area. (See Ex. 8, Photo Simulations).

11. *Towers proposed to be located within the Appalachian Trail corridor special planning area as identified in the adopted Comprehensive Plan for the County, any “AO” Antietam Overlay zoning district or “HP” Historic Preservation zoning district shall utilize stealth technology as defined in Article 28A to minimize visual impact.*

- **Applicant’s Response:** The proposed Facility is not located in any of these areas.

12. *(a) A Commercial Communication Tower that is out of service for a continuous six (6) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of the Tower that is deemed to be abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operation difficulty and providing a reasonable timeframe for correction action, within thirty (30) days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the Tower has not been abandoned.*

- **Applicant’s Response:** The Applicant acknowledges and will comply with this provision.

*(b) If the Tower is determined to be abandoned, the Owner of the Tower shall remove the Tower and all related equipment at the Owner's sole expense within three (3) months of the Date of Notice of Abandonment. If the Owner fails to remove the Tower and related equipment, the Administrator may pursue legal action to have the Tower removed at the Owner's expense.*

- **Applicant’s Response:** The Applicant acknowledges and will comply with this provision.

*B. Additional Provisions for Towers Permitted by Special Exception*

*In addition to the limitations, guides and standards enumerated in Section 25.6, the Board of Zoning Appeals shall consider the following provisions when considering a request for a special exception for a commercial communications tower.*

1. *In those cases where a proposed tower is part of a grid or network, the applicant shall provide a map indicating the location of any existing or proposed towers in the grid or network within Washington County and within one (1) mile of the County boundary.*
- **Applicant's Response:** The Applicant has provided the required map. (See Ex. 5).
2. *The tower shall be compatible with and shall not adversely impact the character and integrity of surrounding properties. Consideration shall be given to the view shed associated with scenic and historic areas and to the use of stealth technology to minimize the visibility of the proposed tower.*
- **Applicant's Response:** The Applicant located the Facility in the interior of the Property, using nearby mature trees and rolling topography to reduce the visual impact. (See Ex. 8). The monopole will be painted a matte gray color which will help it blend into the skyline from areas where it is visible.
3. *The applicant shall submit a visual analysis which may include, photo simulation, field mock-up, elevations or other visual or graphic illustrations to determine visual impact. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable towers in the area, and shall identify and include all feasible mitigation measures.*
- **Applicant's Response:** The Applicant provided photo simulations of the proposed Facility. (See Ex. 8). The technician drove around the surface streets surrounding the Property and took photos from locations where the balloon was most visible. Throughout most of the radius, the balloon was not visible. Based on the balloon fly and attached simulations, the Applicant determined the Facility will not have a significant visual impact on the surrounding area. (See Ex. 8). The existence of mature trees surrounding the Property and rolling topography will further reduce any visual impact.
4. *The Board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the area affected by the proposed tower and mitigate any adverse impacts which arise in connection with approval of the special exception.*
- **Applicant's Response:** The Applicant acknowledges this provision.

### ***Section 25.6 Limitations, Guides and Standards***

*the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:*

- (a) *The number of people residing or working in the immediate area concerned.*

- **Applicant's Response:** The immediately surrounding area is not densely populated and is made up primarily of residential and agricultural properties in the P and RV districts.

*(b) The orderly growth of a community.*

- **Applicant's Response:** The Facility is necessary for the growth of the community. There is insufficient emergency and non-emergency wireless and broadband coverage in this area. This can lead to issues for residents and commuters attempting to make calls or otherwise use their cellular devices – particularly in the case of an emergency when attempting to reach first responders. The landowner, the Boonsboro Fire Department, has expressed concerns about inadequate coverage for emergency services in the area and is in support of the proposed Facility.

*(c) Traffic conditions and facilities.*

- **Applicant's Response:** The Facility will be unmanned and will only be visited by technicians a few times per year. The Facility will have no impact on local traffic.

*(d) The effect of such use upon the peaceful enjoyment of people in their homes.*

- **Applicant's Response:** The Facility will have no effect on the peaceful enjoyment of people in their homes. In fact, it will enhance enjoyment in the homes of nearby residents who will have new and improved wireless and broadband coverage in their homes. The Facility is located in the center of the property and will have a minimal visual impact on the surrounding area. (See Ex. 8).

*(e) The conservation of property values.*

- **Applicant's Response:** The proposed Facility will not have any adverse impact on property values. Rather, new and improved wireless coverage in the area may make these properties more desirable from a use and enjoyment standpoint.

*(f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.*

- **Applicant's Response:** The Facility will be unmanned, free of public facilities, and only require occasional visits from a technician for routine inspections and maintenance. The Facility will be free of odors, dust, gas, smoke, fumes, vibrations, glare, and noise.

*(g) The most appropriate use of land and structure.*

- **Applicant's Response:** This Property is an ideal location for the proposed Facility. It is a non-residential use in a heavily residential and agricultural area. The Property already provides a public benefit through the Boonsboro Fire Department, and the Facility will

further enhance emergency first responder services in the area by providing reliable and consistent wireless services.

*(h) Decision of the courts.*

- **Applicant's Response:** Other than existing case law establishing the standard of review for zoning applications (*e.g., Schultz v. Pritz*), the Applicant is not aware of any court decisions directly affecting this Property.

*(i) The purpose of these regulations as set forth herein.*

- **Applicant's Response:** The application is consistent with the letter and spirit of the Ordinance as it relates to telecommunications facilities. It brings necessary emergency and non-emergency wireless and broadband services to Washington County while limiting any adverse impacts on the surrounding community. The Facility will be located on a large, non-residential use parcel that is home to the Boonsboro Fire Department.

*(j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.*

- **Applicant's Response:** The Facility is unmanned and will not be a place for public gatherings. However, it will enhance the public use and enjoyment of the area. The Facility will provide new and improved wireless services for residents and commuters, including at the nearby Pleasant Valley Baptist Church, Pleasant Valley Park, Big Cork Vineyards, and along Route 67.

## **VII. Conclusion**

The Applicant respectfully requests that the Washington County Board of Appeals grant the requested Special Exception and two Variances for reduced setbacks. We look forward to presenting this and additional information as necessary at an upcoming hearing, and improving the wireless services for the residents, businesses, and visitors to Washington County. If you need further information, please contact our zoning attorney Doug Sampson at 410-332-8661 or [douglas.sampson@saul.com](mailto:douglas.sampson@saul.com).

# **EXHIBIT 1**



Washington County  
MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Saul Ewing LLP and Site Link Wireless, LLC  
is authorized to file an appeal with the Washington County Board of Appeals for  
a Special Exception and two Variances to build a 199' telecommunications facility on property  
located on property owned by the Boonsboro F.D. at 3417 Rohersville Road, Rohersville, Maryland 21779  
The said work is authorized by \_\_\_\_\_  
the property owner in fee.

PROPERTY OWNER

THE FIRST HOSE COMPANY OF BOONSBORO  
Name  
3417 ROHERSVILLE ROAD  
Address  
ROHERSVILLE MD 21779  
City, State, Zip Code  
GEORGE A MUEHLF  
Owner's Signature

Sworn and subscribed before me this 10 day of MARCH, 2025.

Kennedy J. [Signature]  
Notary Public

My Commission Expires: 7-8-2027

AUTHORIZED REPRESENTATIVE

Douglas A. Sampson, Saul Ewing LLP  
Name  
1001 Fleet Street, 9th Floor  
Address  
Baltimore, MD 21202  
City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

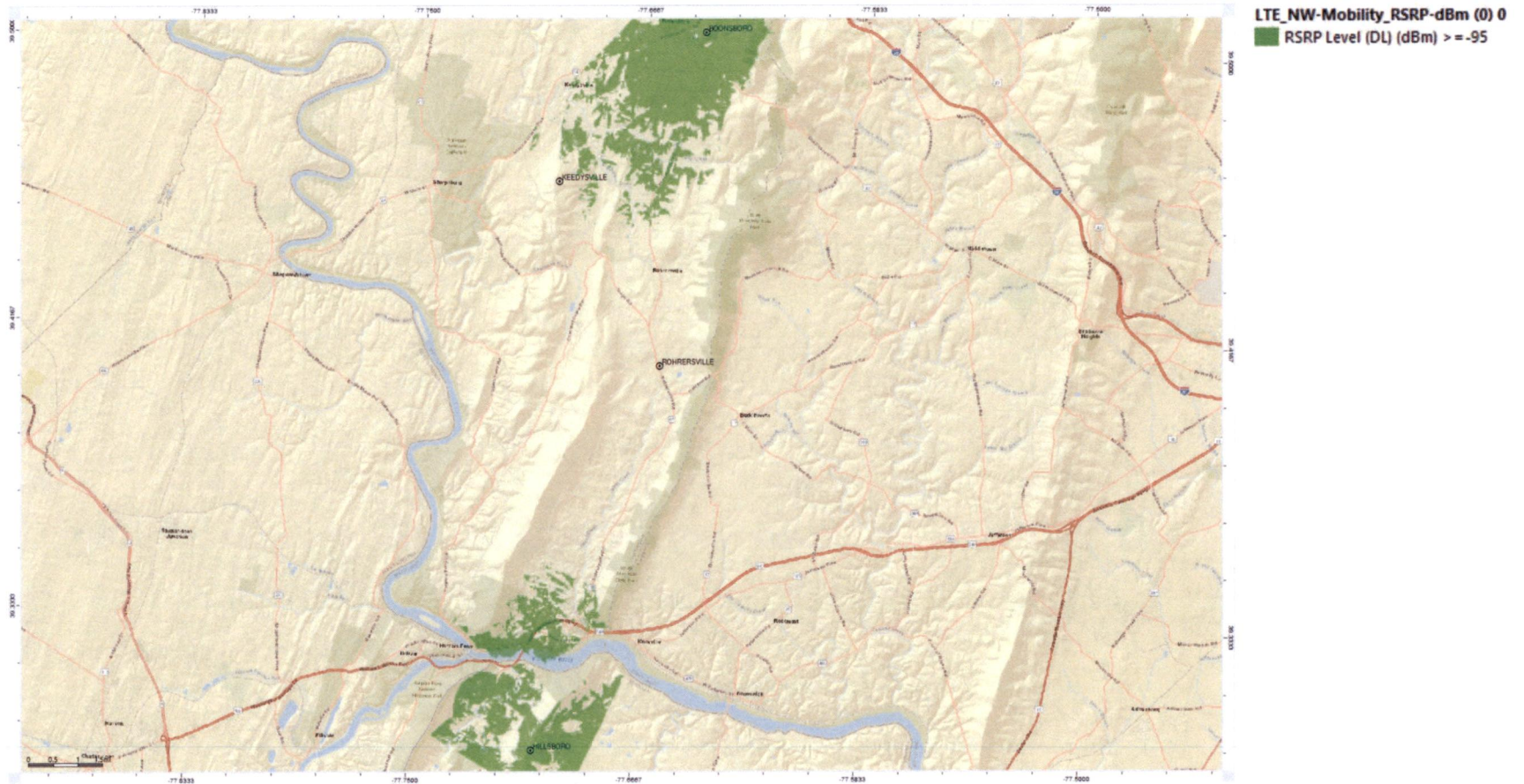
\_\_\_\_\_  
Notary Public

My Commission Expires:



# **EXHIBIT 2**

# Existing 700 Coverage



Confidential and proprietary materials for Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

# **EXHIBIT 3**



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November 14, 2024

**Statement of Certified Engineer  
Site Selection and Performance Standards**

Site Name: Rohrersville

Site Address: 3417 Rohrersville Road, Rohrersville, MD 21779

Latitude: 39.407965

Longitude: -77.65978

The proposed communications tower was selected by Verizon Wireless (VZW) to improve wireless coverage in Rohrersville and Gapland, MD.

The main coverage objective is to bridge the gap between Park Hall, MD and Augusta, MD and enhance wireless coverage on US Route 67. In addition, the site will help offload existing VZW sites in the area which will in turn improve in-building coverage for residents and businesses in the area. Verizon Wireless is committed to providing state of the art wireless services that benefit your community.

Sincerely

*Hamed Semati*

Hamed Semati  
RF Engineer – Washington/Baltimore/Virginia  
10170 Junction Drive  
Annapolis Junction, MD 20701

# **EXHIBIT 4**

# Proposed 700 Coverage



Confidential and proprietary materials for Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

# **EXHIBIT 5**

# Washington County, MD - Verizon Site Plan

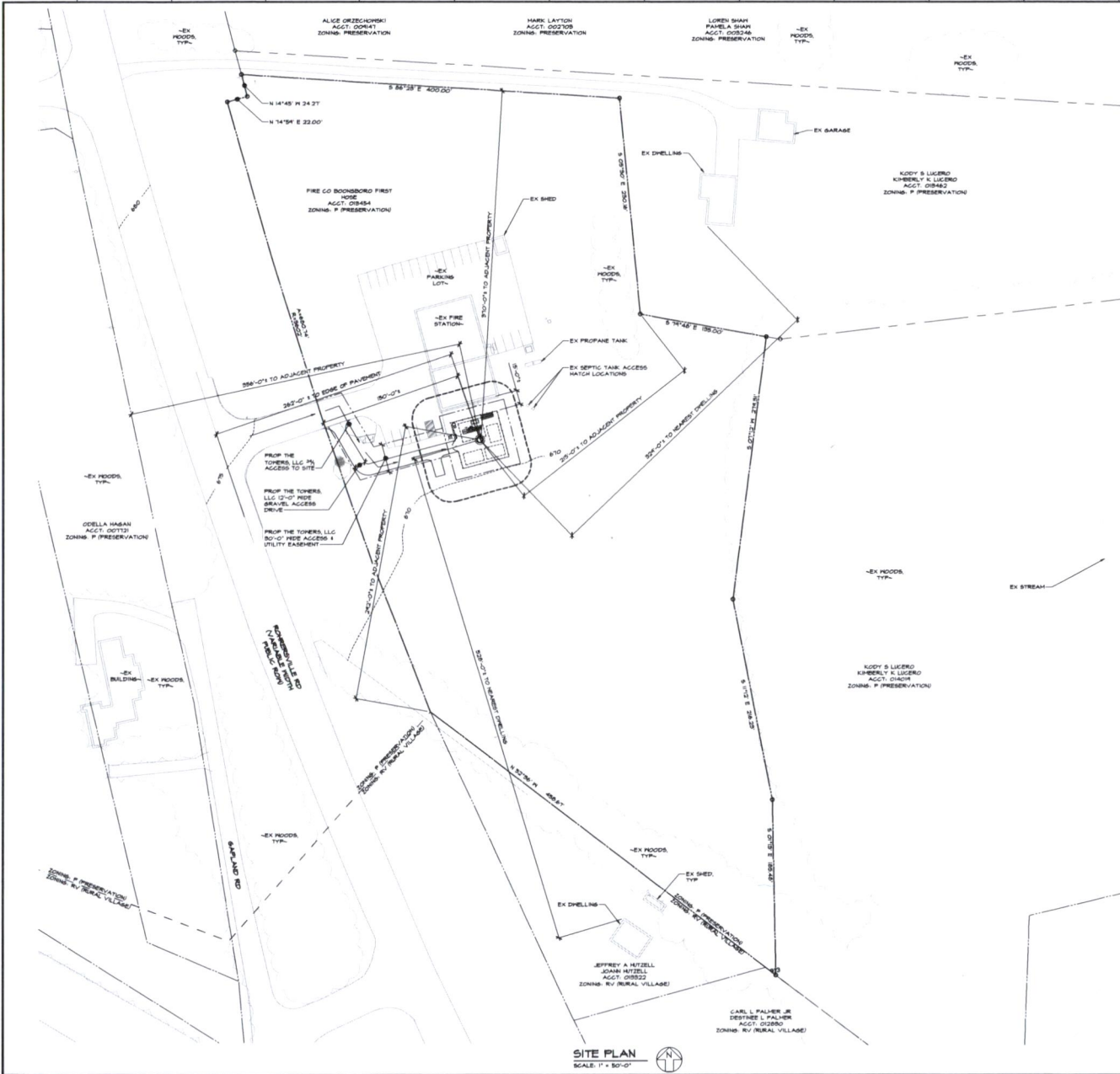


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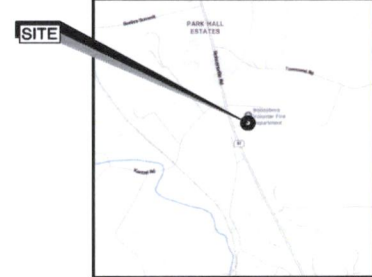


# **EXHIBIT 6**

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



**SITE PLAN**  
SCALE: 1" = 50'-0"



**SITE NOTES:**

1. APPLICANT: THE TOWERS, LLC, 700 STATE OF LOUISIANA DRIVE, SUITE 300, BOCA RATON, FLORIDA, TEL: 561-448-8457
2. TENANT: VERIZON WIRELESS, 6700 JACOBS DRIVE, STE 500, ANAPOLIS, MONTGOMERY CO, MD 21412, TEL: 410-301-3000, FAX: (800) 501-3088
3. PROPERTY OWNER: FINE GO BOONERBROOK FINE HOSE & EQUIPMENT, 10401 WOODLAND AVE, JUPITER, FL 33457, TEL: 561-286-5000
4. SITE DATA: MAP: 0084 A462, 0004 PARCEL, 0084 DEED BOOK 02724 PAGE 0084, PARCEL TO CORNER: 1.28 ACRES, DISTRICT: 08, ADDRESS: 3441 BURNERSVILLE ROAD, BURNERSVILLE, HAWKLAND DISTRICT, EXISTING USE: OFFICE COMMERCIAL.
5. ZONING: P PRESERVATION
6. HORIZONTAL AND VERTICAL CONTROL: SHOWN HEREON IS BASED ON A GPS LATITUDE BY HORRIS & RITCHE ASSOCIATES, INC. DATED NOVEMBER 2014.
 

LATITUDE: 18M1 24' 28.841" (94.07447)	(GROUND ELEVATION (AHL))	813.5 AHL
LONGITUDE: 77W1 04' 38.000" (-77.0782222)	PROPOSED FINISH FLOOR HEIGHT	819.0 AHL
	TOP OF LIGHTING ROD (HIGHEST POINT), W/4" AHL	815.0 AHL
	TOTAL ELEVATION (AHL)	815.0 AHL
7. TOTAL DISTURBED AREA = 4,300 SF
8. THE PROPOSED FACILITIES WILL CONSIST OF CONCRETE EQUIPMENT PADDS AND ASSOCIATED EQUIPMENT WITHIN A ROUGH FINISHED CONCRETE curb OR APPROXIMATELY BE TYPICAL OF A FINISHED FLOOR OR FINISHABLE WITH A ROAD CENTER ELEVATION OF 90'-0" ABOVE GRADE FOR THE RECEPTION OF VERIZON WIRELESS COMMUNICATIONS.
9. THE APPLICANT WILL PROVIDE A CERTIFICATION FROM A REGISTERED ENGINEER THAT THE STRUCTURE WILL MEET THE APPLICABLE DESIGN STANDARDS FOR WIND LOADS PER THE REQUIREMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.
10. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.
11. STORMWATER MANAGEMENT NOTE: STORMWATER MANAGEMENT IS REQUIRED FOR THIS SITE. (SEE ATTACHED REFERENCED 2024)
12. ALL DETAILS SHOWN ARE "STANDARD" OR "TYPICAL" FOR REFERENCE ONLY. FOR ACTUAL DETAILS, SEE ARCHITECTURAL, STRUCTURAL, OR CONSTRUCTION PLANS BY OTHERS.
13. STRUCTURAL ANALYSIS/DESIGN SHALL BE PERFORMED BY OTHERS AT CLIENT AND/OR OWNER'S DISCRETION PRIOR TO COMMENCEMENT OF ANY WORK.
14. THE SUBMISSION SITE SHALL BE DRAINAGE WITH INTERESTED VISITS FOUR OR FIFTEEN PER YEAR BY MAINTENANCE PERSONNEL, AND WITH ACCESS AND PARKING FOR NO MORE THAN ONE VEHICLE. THE PROPOSED FACILITY IS NOT FOR REGULAR VISITATION AND THEREFORE HANDICAP ACCESS IS NOT REQUIRED.

**GENERAL NOTES:**

1. CONTRACTOR SHALL NOTIFY "THIS UTILITY" (SU) 48 HOURS PRIOR TO DOING ANY EXCAVATION IN THIS AREA. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITY LOCATOR FOR LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY EXISTING UTILITY LOCATIONS BY TEST PIT AND EXISTING UTILITY LOCATIONS ON THIS PLAN ARE APPROXIMATE AND FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENSING WORK, AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. DAMAGE TO UTILITIES OR PROPERTY OF OTHERS BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE REPAIRED TO PRE-CONSTRUCTION CONDITIONS BY THE CONTRACTOR.
2. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES, THE LATEST EDITION THEREOF.
3. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADDRESSING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS. CONTRACTOR SHALL COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE UTILITY OWNERS.
4. THESE PLANS ARE NOT FOR RECORDATION OR COMPLYANCE.
5. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY CONTRACTOR WHICH ARE NOT TO BE REMOVED SHALL BE REPAIRED TO PRE-CONSTRUCTION CONDITIONS BY THE CONTRACTOR.

LOCATION	PROVIDED	REQUIRED
NEAREST DWELLING	300'	400'
SETBACK FROM RURAL VILLAGE REV ZONING	343'-0"	400'
SETBACK TO ADJACENT PROPERTIES	3'-0"	300'
NORTH PROPERTY	25'-0"	300'
SOUTH PROPERTY	25'-0"	300'
WEST PROPERTY	50'-0"	300'

**MRA MORRIS & RITCHE ASSOCIATES, INC.**  
Chief / Licensed Engineer  
3384 S. West Loop, Suite 400, West  
Houston, Maryland 21888  
EOB 1992  
EOB 05-1718 Pa.

**STATE OF MARYLAND PROFESSIONAL ENGINEER**

PROFESSIONAL CERTIFICATION  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 53846. EXPIRATION DATE 07/31/2028.

**US-VD-510 ROHRERSVILLE 3441 ROHRERSVILLE ROAD ROHRERSVILLE, MD 21788 WASHINGTON CO**

**verticalbridge THE TOWERS, LLC**

REVISIONS

NO.	DESCRIPTION	DATE

DESIGNED BY: RES  
DRAWN BY: C-JS  
REVIEWED BY: RES  
PROJECT NO.: 1847.019  
DATE: 10/15/2024

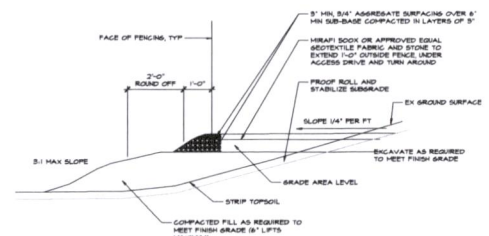
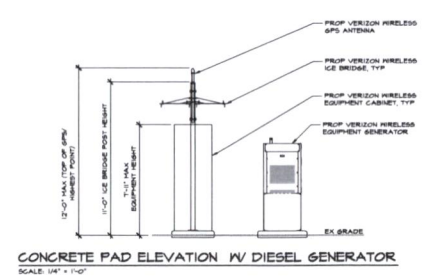
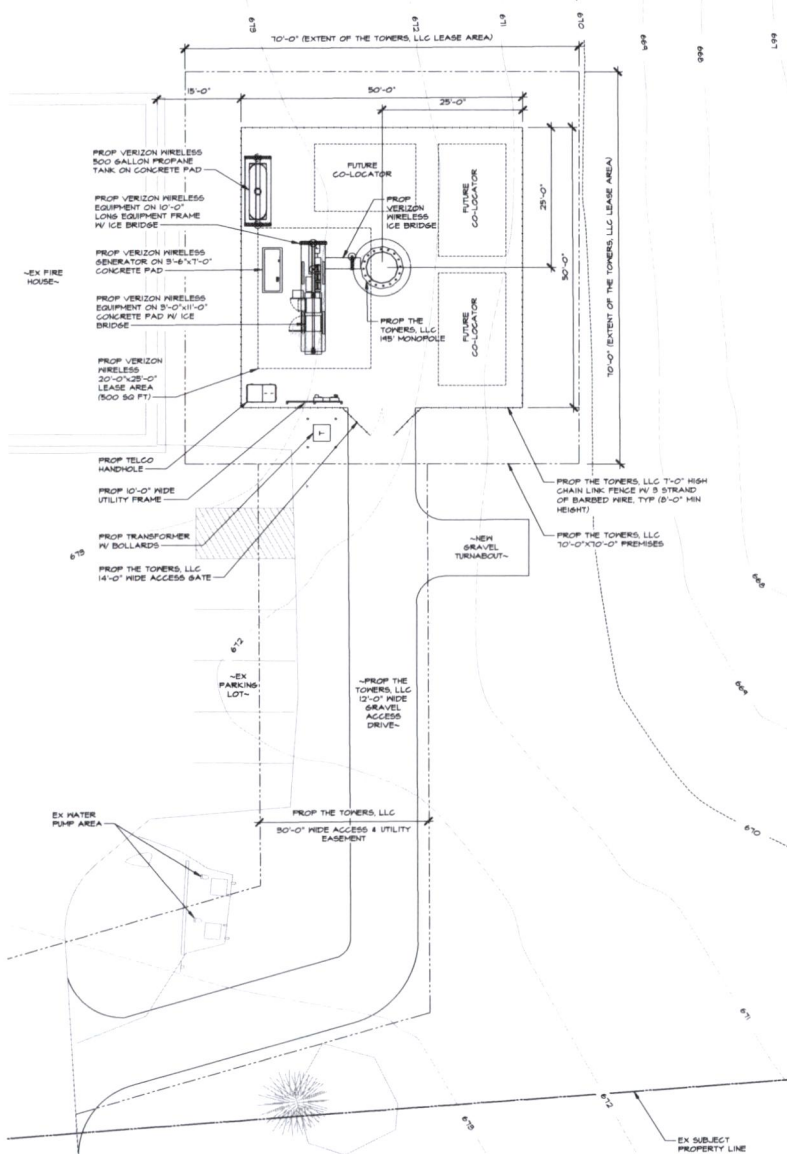
TITLE: **Site Plan**

SHEET: **C-1**



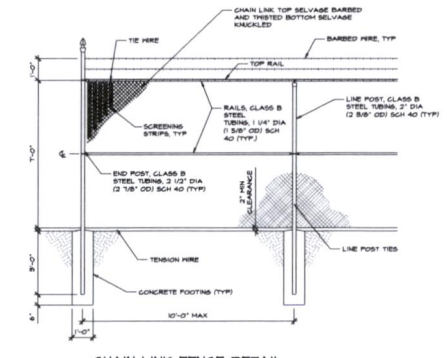
**811**  
Know what's below.  
Call before you dig.  
PROJECT NUMBER: 2024-0324  
THIS DRAWING DOES NOT INCLUDE NECESSARY CONSTRUCTION FOR SUBSURFACE UTILITY LOCATOR. ALL UTILITY LOCATIONS, DEPTHS AND WELLS ARE NOT TO BE DEPENDENT ON ANY UTILITY LOCATOR.

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



**CONSTRUCTION NOTES:**

1. CLEAR AND GRUB THE LAND ALONG THE ACCESS DRIVE
2. REMOVE ALL EXISTING ORGANIC MATERIAL TO SUITABLE SUBGRADE
3. PLACE GEOTEXTILE FABRIC OVER SUBGRADE AND THEN PLACE AGGREGATE BASE
4. GRAVEL SUBGRADE SPECIFICATION: MARYLAND DOT - SECTION 304 GRADED AGGREGATE BASE COURSE VIRGINIA DOT - SECTION 310 AGGREGATE BASE COURSE



**TYPICAL HOV-3 FENCE NOTES:**

1. GATE POST: CORNER, TERMINAL OR RAIL POST 2 1/2" DIA (2 1/8" ODI) SCHEDULE 40 FOR GATE POSTS UP TO 8 FEET OR 12 FEET FOR DOUBLE SWING GATE PER ASTM-F1055
2. LINE POST: 2" DIA (2 3/8" ODI) SCHEDULE 40 PIPE PER ASTM-F1055
3. GATE FRAMING: 1 1/4" DIA (1 5/8" ODI) SCHEDULE 40 PIPE PER ASTM-F1055
4. TOP RAIL & BRACE RAIL: 1 1/4" DIA (1 5/8" ODI) SCHEDULE 40 PIPE PER ASTM-F1055
5. FABRIC: 4 GA CORE WIRE SIDE 2' HIGH CONFORMING TO ASTM-A952
6. TIE WIRE: HIGHER II 6A GALVANIZED STEEL AT POSTS AND RAILS, A SINGLE WRAP OF FABRIC, 16 GA CORE WIRE SIDE BY SIDE RINGS SPACED MAX 24" INTERVALS
7. TENSION WIRE: 16A GALVANIZED STEEL
8. BARBED WIRE: DOUBLE STRAND 12-2 1/2" ODI TWISTED WIRE TO MATCH WITH FABRIC, 16 GA 4-PY BARS SPACED TO APPROXIMATELY 4' CENTER
9. GATE LATCH: 1/2" DIA PLUNGER ROD WITH MESHROOF TYPE CATCH AND LOCK, KEYS AWAY FROM ALL SIDES IN A GIVEN DIRECTION
10. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIRED SHALL BE COMPLIED WITH IF REQUIRED
11. CHAIN LINK FENCE SHALL INCLUDE VERTICAL PVC SCREENING SLATS, ALL SIDED (COLOR: DARK GREEN OR BLACK)



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR APPROVED BY ME AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 23003 EXPIRATION DATE 07/01/2028.

US-MD-510  
**ROHRERSVILLE**  
 3411 ROHRERSVILLE ROAD  
 ROHRERSVILLE, MD 21131 WASHINGTON, CO

**verticalbridge**  
 THE TOWERS, LLC

REVISIONS	NO	DESCRIPTION	DATE

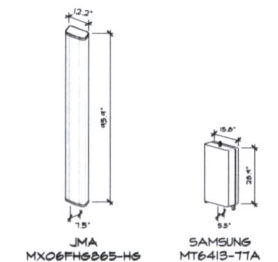
DESIGNED BY: C-JS  
 DRAWN BY: C-JS  
 REVIEWED BY: BES  
 PROJECT NO: 1841.015  
 DATE: 10/15/2024

TITLE:  
 Site Details

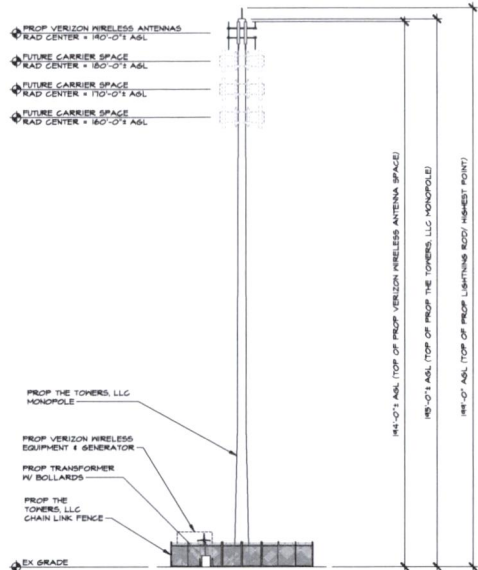
SHEET:  
**C-2**

**811**  
 Know what's below.  
 Call before you dig.  
 PROJECT NUMBER: ONE THREE NINE SEVEN SIX SEVEN  
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMMENTS OR SPECIFICATIONS. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL LOCAL AND STATE REQUIREMENTS.  
 MADE IN THE U.S.A.

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



**VERIZON WIRELESS ANTENNA DETAILS**  
NOT TO SCALE



**MRA**  
**MORRIS & RITCHE ASSOCIATES, INC.**  
Chief / Structural Engineer  
2300 N. East Avenue, 24, Suite 402E  
Towson, Maryland 21286  
410-881-1800  
410-881-1748 Fax



PROFESSIONAL CERTIFICATION  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND ONLY I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 28008. EXPIRATION DATE: 07/07/2026.

US-MD-510  
**ROHRSVILLE**  
2411 ROHRSVILLE ROAD  
ROHRSVILLE, MD 21144 WASHINGTON CO

**verticalbridge**  
THE TOWERS, LLC

NO.	DESCRIPTION	DATE

DESIGNED BY: BES  
DRAWN BY: C.J.S.  
REVIEWED BY: BES  
PROJECT NO.: 14041.015  
DATE: 10/15/2024

TITLE:  
**Antenna Details & Elevation**

SHEET:  
**C-3**



Know what's below.  
Call before you dig.

PROJECT NUMBER: 14041.015  
DRAWN DATE: 10/15/2024  
THIS DRAWING DOES NOT INCLUDE NECESSARY CONSIDERATIONS TO THE OPERATING ENTITY. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL LOCAL AND STATEWORKERS COMPENSATION LAWS.  
DATE: 10/15/2024

# **EXHIBIT 7**

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



January 15, 2025

Ms. Laura Hughes  
The Towers, LLC  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487-3650

Re: US-MD-5101 - Rohrsersville  
3417 Rohrsersville Road  
Rohrsersville, MD 21779 (Washington Co)  
Latitude: 39.407964° Longitude: -77.659722°  
MRA Job No. 19847.015

Dear Laura:

The purpose of this letter is to certify that the proposed 195'-0" monopole structure will be designed by the manufacturer to meet the requirements of the 2018 International Building Code (2021 IBC) and the ANSI/TIA-222-H Standard.

Per the TIA-222-H Standard, ASCE 7-16, and 2021 IBC requirements, the monopole shall be designed under the following minimum loading conditions:

TIA-222-H: 115 mph Wind (3-second gust) + No Ice  
TIA-222-H: 40 mph Wind (3-second gust) + 1" Radial Ice

Note: The monopole shall also be designed to resist seismic loading per TIA-222-H in conjunction with site specific soil parameters determined from a geotechnical investigation.

In addition to the minimum loading conditions above, we note that the monopole shall also be designed by the manufacturer such that should failure of the monopole occur under extreme weather conditions, the maximum "fall zone" radius will not exceed **150'-0"** from the center of the monopole's base. While failure is extremely rare in any kind of tower, it is especially so for monopoles. The proposed monopole shall be designed by the manufacturer such that if failure were to occur, it would occur in a specific portion of the monopole to meet the maximum "fall zone" radius requirement previously defined.

We also note that in addition to the above, the monopole will be designed to support a maximum of four (4) wireless carriers.

1220-B East Joppa Road, Suite 400K, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Leesburg, VA ♦ Raleigh, NC  
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

The Towers, LLC  
Re: US-MD-5101 - Rohrsersville  
January 15, 2025  
Page 2

Monopole design documents shall be submitted from the manufacturer as part of the Building Permit submission. If you should have any questions or require any additional information, please do not hesitate to call our office.

Sincerely,  
MORRIS & RITCHIE ASSOCIATES, INC.



Brian E. Siverling, PE  
Principal

# **EXHIBIT 8**





PHOTO #1

US MD 5101 ROHRERSVILLE  
PROPOSED MONOPOLE



PHOTO #2

US MD 5101 ROHRERSVILLE  
PROPOSED MONOPOLE



PHOTO #3

US MD 5101 ROHRERSVILLE  
PROPOSED MONOPOLE



PHOTO #4

US MD 5101 ROHRERSVILLE  
PROPOSED MONOPOLE



PHOTO #5

US MD 5101 ROHRERSVILLE  
PROPOSED MONOPOLE

# **EXHIBIT 9**

Washington County  
Board of Zoning Appeals  
80 West Baltimore Street  
Hagerstown, MD 21740  
240-313-2460

1/21/2025


**Appeal for Special Exception for 199' Telecommunications Monopole at  
3417 Rohersville Road, Rohersville, Maryland 21779**

**AFFIDAVIT OF FCC COMPLIANCE AND TOWER CO-LOCATION**

Pursuant to Washington County Zoning Ordinance 4.22(A)(6) the undersigned does hereby declare and affirm under the penalties of perjury, and agrees on behalf of The Towers, LLC d/b/a Veritcalbridge ("Applicant"), concerning the Appeal for a Special Exception to build a new telecommunications facility (the "Facility") on a portion of the property located at 3417 Rohersville Road, Rohersville, Maryland 21779 (the "Property") as follows:

1. The Undersigned is a duly appointed agent of the Applicant, and as such is authorized to give this Affidavit and bind the Applicant to this Agreement.
2. The Facility, will at all times, comply with applicable Federal Communications Commission ("FCC") standards and requirements to provide the proposed services. The antennas, as proposed and designed for this Facility, comply with all applicable FCC requirements.
3. Pursuant to Washington County Zoning Ordinance 4.22(A)(6), the Applicant certifies that it will reserve one ten (10) foot space on the proposed tower specifically for use by the County and that the Facility will have space to accommodate up to three additional wireless carriers. Cellco Partnership d/b/a Verizon Wireless has already agreed to locate its antennas on the Facility at a height of 190 feet above ground level.

The Towers, LLC d/b/a Vertical Bridge

By:  (SEAL)  
 Matt Grugan  
 Director, Site Development