

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, April 9, 2015**

Members present were George Allan Hayden, Chairman; William Greene, John Brown, Wayne Miedzinski and Ronald Payne. Alternate James Andreacci was excused. Department of Land Use & Growth Management (LUGM) staff present were Bill Hunt, Deputy Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

VAAP #14-1771 – Masica Property

Chairman Hayden indicated Mr. Donnelly is not present therefore this hearing will be pushed to the end of the agenda.

CUAP#14-135-004 Hermanville Commerical Communication Tower

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower. The property contains 14 acres; is zoned Residential, Low-Density-Transitional (RL-T) District; and is located at Hermanville Road, Lexington Park Maryland; Tax Map 51, Grid 23, Parcel 361.

Owner: Alamo Properties, LLC
Present: Mr. Wyrrough, Mr. Fisher, Mr. Mudd and Mr. Dureja

The property and conditional use approval request were advertised in The Enterprise on March 25, 2015 and April 1, 2015. Ms. Chaillet submitted the certification of publication, certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated March 30, 2015 and the applicable regulations pertaining to the application. Ms. Chaillet submitted the staff report with (4) attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Paige Wyrrough submitted the following applicants' exhibits for the record, *hereby labeled as Exhibits 1-10 respectively by the Recording Secretary*.

- AP Exhibit 1 – PowerPoint Presentation
- AP Exhibit 2 – AT&T Letter of Intent for Co-Location to Proposed Site
- AP Exhibit 3 – Verizon Wireless Letter of Intent for Co-Location to Proposed Site
- AP Exhibit 4 – Radio-Frequency (RF) Analysis and Report
- AP Exhibit 5 – National Environmental Policy Act (NEPA) Report
- AP Exhibit 6 – Federal Aviation Administration (FAA) Letter of Height Approval
- AP Exhibit 7 – Maryland Aviation Administration (MAA) Letter of Height Approval
- AP Exhibit 8 – St. Mary's County 911 Non-User Letter
- AP Exhibit 9 – Site Plan
- AP Exhibit 10 – ROHN Certification

Mr. Mudd, Mr. Dureja and Mr. Fisher were sworn for the record. Mr. Fisher gave a brief PowerPoint presentation explaining the project request. Mr. Dureja gave an overview of enclosure to be installed on top of on-site back-up generator. Mr. Mudd gave an overview of the ingress and egress, buffers, and stormwater management measures to be taken.

Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Brown made a motion in the matter of CUAP# 14-135-004, Hermanville Commercial Communication Tower, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.91 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to build a monopole style commercial communication tower at a height of 195 feet above ground level, subject to the following conditions:

- 1. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and, or, government operated antennae. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.***
- 2. No signals, lights, or illumination shall be permitted on the tower unless required by the Federal Communication Commission, the Federal Aviation Administration, or the County.***
- 3. No commercial advertising or other language shall be permitted on the tower.***
- 4. All obsolete or unused facilities, including buildings, towers, and all other improvements associate with the tower, shall automatically be deemed abandoned upon 24 months of continuous cessation of operations and shall be removed at such time without cost to the County. The Applicant shall provide a bond, letter of credit, or other appropriate surety at time of approval as approved by the County to cover the cost for demolition of the facility and site restoration.***
- 5. Contact information shall be prominently displayed on the fence enclosing each facility. This information shall be current and shall identify the company name, responsible individual, and phone number for the contact person.***
- 6. Final site plan approval is required.***

Mr. Greene seconded and the motion passed by a 5-0 vote.

VAAP #14-1771 – Masica Property

Chairman Hayden indicated the board received a request for reconsideration however there is no one present to provide additional testimony. Chairman Hayden asked the Board if they would like to affirm or reverse their original March 12, 2015 decision.

Mr. Sparling indicated nothing in the original motion or decision was in error.

Mr. Miedzinski made a motion to deny the request for reconsideration and Mr. Brown seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of April 9, 2015 were approved as amended.

The Board authorized the Chair to review and sign the following orders:
CUAP #14-135-003-Telecom Capital Group St. Ingoes

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Shelia Smith

Shelia Smith, Recording Secretary

Approved in open session: June 11, 2015



George Allan Hayden
Chairman