

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, November 12, 2015**

Members present were; George Allan Hayden, Chairman; William Greene, John Brown, Wayne Miedzinski and Ronald Payne. Alternate Peter Stuart Egeli was also present. Yvonne Chaillet, Bill Hunt and Ashley Renshaw present from the Department of Land Use and Growth Management. Also, Patrick Thomas, a guest attorney was present as well.

PUBLIC HEARINGS

Application/Case: VAAP #15-0902, Sohl Property, Continued from 09/10/2015

Property owner: Paul A. and Kathryn R. Sohl

Location: 44825 Three Coves Road, Hollywood, MD

Parcel ID: tax map: 27 grid: 10 parcel: 127

Election District: 6

Zoning: Rural Preservation District (RPD), Limited Development Area (LDA)

Acreage: 1.32 acres

Action requested: Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a shed.

Surveyor: Little Silences Rest 41650 Courthouse DR, Unit 101, Leonardtown, Maryland 20650

Owner: Paul A. and Kathryn R. Sohl 44825 Three Coves Road, Hollywood, Maryland 20636

A continuance was requested by the applicant and granted by Chairman Hayden.

Application/case: CUAP #14-135-005, Dorsey Park Property, Commercial Communication Tower-rescheduled from 10/08/2015

Property owner: Commissioners of St. Mary's County

Location: 24337 Hollywood RD, Hollywood, MD

Parcel ID: tax map: 26 grid: 15 parcel: 226

Election District: 6

Zoning: Rural Preservation District (RPD), Airport Environs (AE) Overlay.

Acreage: 78.964 acres

Action requested: Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower.

Surveyor: Morris Ritchie & Associates 1220-C East Joppa RD, Suite 505 Towson, MD 21286

Owner: Comm. of St. Mary's County 23150 Leonard Hall Drive, Leonardtown, Maryland 20659

Agent: Harold Bernadzikowski, Network Building & Consulting, LLC
Steven Resnick, Legal Counsel

*A motion was made by Mr. Brown in the matter of CUAP #14-135-005, Dorsey Park Property, 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 125 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 Communications 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 associated 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 with the condition that the fall zone to the ball field goal post be at least 135 feet.*

Application/case: CUAP #15-135-004, Strickland Property, Commercial Communication Tower

Property owner: Bruce Norman and Sharon Louise Strickland

Location: 45992 Strickland RD, Great Mills, MD

Parcel ID: tax map: 43 grid: 19 parcel: 574 lot: 1

Election District: 8

Zoning: Residential, Low-Density District (RL)

Acreage: 74.93 acres

Action requested: Conditional Use pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower.

Surveyor: Pat Mudd 18341 River Road, PO Box 261 Tall Timbers, Maryland 20690

Owner: Bruce and Sharon Strickland 45878 Strickland Road, Great Mills, Maryland

Agent: Page Wyrrough, Attorney

*A motion was made by Mr. Egeli in the matter of CUAP #15-135-004, Strickland Property, 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 Communications 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 associated 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. Payne recused himself from this project for personal reasons.

Application/case: CUAP #15-135-003, Cartwright Property, Commercial Communication Tower

Property owner: Gene and Dorothy Cartwright

Location: Cooney Neck RD, Mechanicsville, MD

Parcel ID: tax map: 05 grid: 09 parcel: 025

Election District: 5

Zoning: Rural Preservation District (RPD)

Acreage: 249 acres

Action requested: Conditional Use pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower.

Surveyor: Pat Mudd 18341 River Road, PO Box 261 Tall Timbers, Maryland 20690

Owner: Gene and Dorothy Cartwright 39250 Cooney Neck RD, Mechanicsville, Maryland 20659

Agent: Page Wyrrough, Attorney

*A motion was made by Mr. Greene in the matter of CUAP #15-135-003, Cartwright Property, 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 Communications 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 associated 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."*

MINUTES AND ORDERS APPROVED

The minutes of October 8, 2015 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:

VAAP # 15-1379 Attard & Swainson Property
VAAP # 15-0902 Sohl Property

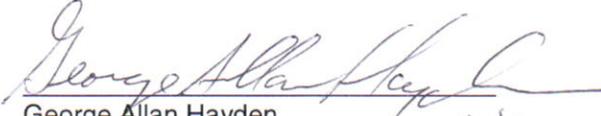
ADDITIONAL BUSINESS

A motion was made by Mr. Brown in the matter of CUAP #15-135-004, and CUAP #15-135-003 and CUAP #14-135-005, I move that the Chair be authorized to sign an order approved for form and legal sufficiency by counsel and reflecting the Board's decision in the absence of objection by any Board member after distribution and review of the proposed order.

ADJOURNMENT

The meeting was adjourned at approximately 8:35 p.m.

Approved in open session: January 14, 2016


George Allan Hayden
Chairman 1/14/16


Ashley Renshaw
Recording Secretary 1/14/16