

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

CUAP # 25-0401

DRAYDEN MONOPOLE

SECOND ELECTION DISTRICT

DATE HEARD: May 14, 2026

ORDERED BY:

**Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Ms. Weaver**

PLANNER: SIANLI BLASCO

DATE SIGNED: June 11, 2026

Pleadings

Telecom Capital Group (“Applicant” or “TCG”) seeks conditional use approval for Use Type 91 – Communication Tower, Commercial.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on April 24 and May 1, 2026. The file contains the certification of mailing to all adjoining landowners, including those located across a street, all properties within 200’ of the subject property, and contains proof physical postings were made on the property as required. The agenda was also posted on the County’s website by Wednesday, April 29, 2026. Therefore, the St. Mary’s County Board of Appeals (“Board”) finds and concludes this matter has complied with all applicable notice requirements.

Public Hearings

A public hearing was held at 6:30 p.m. on May 14, 2026 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically.

The Property

The property is situate 46212 Uplands Lane, Drayden, Maryland 20630 (hereinafter “the Property”). The Property consists of 63.58 acres, more or less, is zoned Rural Preservation District (“RPD”) and may be found at Tax Map 62, Grid 9, Parcel 30.

The St. Mary’s County Comprehensive Zoning Ordinance

Pursuant to Schedule 50.4 of the CZO, Use Type 91, “Communication Tower, Commercial” is defined as:

Communication tower that supports commercial uses or non-commercial uses when the structure exceeds 100 feet in height.

Use Type 91 is permitted as a conditional use in the Rural Preservation District. In addition to general standards applicable to all developments, CZO § 51.3.91.b contains conditional standards specifically applicable to Use Type 91.

Staff Report & Testimony

Sianli Blasco, a Planner from the St. Mary's County Department of Land Use and Growth Management ("LUGM"), presented the staff presentation, which included the following:

- The Property is 63.58 acres in size, according to the Maryland Department of Assessments and Taxation. The Property is residential parcel with a single-family house built in 1900. It is included in a Rural Legacy Area.
- The Applicant is requesting Conditional Use approval for a 175' tall (with 4' lightning rod) Commercial Communications Tower (hereinafter the "Tower"), within the Rural Preservation District. The Tower will be located on a 50' X 50' equipment compound with access from Uplands Lane, a private road from Drayden Rd., a public road. The Applicant is leasing the space from the Property Owner. The entire equipment compound will be surrounded by an 8' chain-link fence with 1' of barbed wire.
- The Maryland State Highway Administration and the Department of Natural Resources Wildlife and Heritage Service, the St. Mary's County Health Department, the St. Mary's County Metropolitan Commission, and the Soil Conservation District, have no objection. The Department of Public Works and Transportation has approved with a minor comment. The Department of Land Use and Growth Management approval is pending the outcome of this hearing.
- The following Attachments to the Staff Report were introduced:

Attachment 1: Location Map

Attachment 2: Land Use Map

Attachment 3: Zoning Map

Attachment 4: Site Plan

Attachment 5: Letter of Intent and Narrative Supporting Conditional Use Application

Attachment 6: FAA-1A letter

Attachment 7: FAA Application

Attachment 8: FAA No Hazard

Attachment 9: FCC Registration

Attachment 10: ASR Application A1316886

Attachment 11: Radio Frequency Report

Attachment 12: Tower Simulation

Attachment 13: NEPA Screening Report

Attachment 14: Geotechnical Report

Attachment 15: MPE Statement PE Stamped

Applicants' Testimony and Exhibits

Applicant was represented before the Board by Mark Fisher, who identified himself as the Managing Member of Telecom Capital Group, and Ryan Showalter, of McAllister, Detar, Showalter & Walker, LLC as legal counsel. Narendra Mangra, an engineer for the project, provided testimony to the board remotely. Applicant presented slideshows and exhibits depicting the site, the planned tower, photo simulations of what the tower will look like when constructed, and responded to questions posed by the Board. Also included, and among the attachments to the staff report, were a letter of intent and narrative supporting the conditional use application that detailed with particularity the Applicant's belief the project satisfies all conditional use standards.

The following items, in particular, are highlighted from the testimony presented:

- The monopole tower will be designed to be self-collapsing, limiting the potential for injury or accident in the event the tower should fall.
- The proposed location is 566' away from the nearest adjacent parcel and over 1,000' from the nearest public road.
- The Applicant shared coverage maps and a Radio Frequency Engineering Study, which indicate the Property is located in an existing "coverage gap."
- The proposed tower will be built to accommodate up to "4 or 5" different carriers.
- Increasing coverage will allow more immediate reporting of emergencies by phone and other communication devices that depend upon wireless signals.
- The project is consistent with Vision 7 (F) of the Comprehensive Plan, which is "Communications systems throughout the County need to be upgraded. In today's world of internet based education, telecommuting, and internet based commerce, countywide access to high speed internet and cellular service is a must."
- The only structures within the 175' setback are accessory agricultural structures owned by Stanley Boothe, the property owner and lessor to the Applicant.

Public Testimony

No member of the public appeared to offer testimony in relation to the project, and no written testimony was received.

Decision

County Requirements for Granting Conditional Uses

The St. Mary's County Comprehensive Zoning Ordinance § 25.6 sets forth eight separate standards that must be met for a conditional use to be granted:

1. The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use;
2. The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare;
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood;
4. The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district;
5. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
6. Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets;
7. The proposed conditional use is not contrary to the goals, objectives, and policies of the St. Mary's County, Maryland Comprehensive Plan ("Comprehensive Plan"); and
8. The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in the Ordinance.

Id. Moreover, CZO § 51.3.91 lists fourteen (14) separate standards that must be satisfied to grant a conditional use. Upon review of the facts and circumstances, the Board concludes that the Applicants have met the general standards for granting a conditional use under CZO § 25.6 and

the specific conditional standards under CZO § 51.3.91. Several factors support this decision.

General Standards under CZO § 25.6

To the first standard, the proposed use is allowed in the Rural Preservation District as a conditional use. Staff presented a report, and Applicant presented voluminous materials and testimony of its own, showing the proposed project comports with both the general and conditional standards prescribed by the Comprehensive Zoning Ordinance.

To the second standard, the Board believes this project will, on the whole, advance the general public health, safety, and welfare. Conditional uses, like uses permitted-by-right, share a presumption of compatibility with neighboring properties and of promotion of the general welfare when proposed in a permitted zoning district and conforming to the standards prescribed for that district. The judicial gloss applied to conditional uses over the decades is that they are “a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislation has determined to be permissible absent any fact or circumstance negating the presumption.” *People’s Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54, 88 (2008) (quoting *Schultz v. Pritts*, 291 Md. 1, 11 (1981)) (emphasis added). Applicant satisfied the applicable development criteria and Applicant showed a “coverage gap” in telecommunications coverage in the general neighborhood this project will contribute towards narrowing. Closing the coverage gap will provide nearby residents and travelers with better communications services.

The third standard requires the Board find that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for “the purposes already permitted,” and that it will not substantially diminish or impair property values within the neighborhood. The Board does not find other properties will be materially or substantially affected

such that denial is warranted. The project is over 500' from the nearest adjacent property and over 1,000 feet from the nearest public road. Photosimulations showed the proposed cell tower will be visually unobtrusive.

To the fourth standard, this project does not appear to pose greater adverse impacts to adjacent properties or the general neighborhood as one would expect from any similar cell tower proposed in the Rural Preservation District. As explained in our discussion of the second standard, conditional uses are projects that, generally speaking, the local governing body has legislatively predetermined to be compatible with adjoining properties. It allows for case-by-case denials when a conditional use is proposed on a particularly challenging site or in neighborhoods with a heightened sensitivity to the proposed use. We do not find any such unique conditions about place or neighborhood before us in this matter. It is located on an amply sized lot with few neighboring properties in vicinity. The conditions and potential impacts of this project, such as they are, appear to be of a variety that would be encountered throughout the Rural Preservation District and are not localized or unique to the site or its neighborhood.

To the fifth standard, the site plan addresses and ensures that adequate facilities will be provided. The permit site plan review process, administered by LUGM, will ensure that adequate utilities, road access, and stormwater management will be provided.

Sixth, the existing point of ingress and egress shall be maintained. A communications tower will not generate additional traffic or road congestion beyond the minimal traffic necessary to periodically maintain the structure.

Seventh, expanding adequate cellular and digital communications compatibility comports with the Comprehensive Plan, which seeks to “[p]rovide the infrastructure to ensure adequate capacity” by “[a]ccommodat[ing] efficient and equitable distribution of . . . communication utility services to meet the needs of the population and support the land use, design, and environmental concepts of this plan.”

Comprehensive Plan, §§ 10.2.2.A, 10.2.2.A.ii. A wireless tower such as that proposed will improve communications, connectivity, and the overall quality of life and safety of residents and travelers.

ORDER

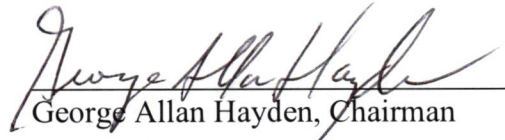
PURSUANT to the application of Telecom Capital Group, requesting conditional use approval pursuant to Chapter 25 of the St. Mary’s County Comprehensive Zoning Ordinance for Use Type 91, Communications Tower; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is

ORDERED, by the St. Mary’s County Board of Appeals, that the Applicants are granted a conditional use to allow Use Type 91 at the Property.

This Order does not constitute a building permit. In order for the Applicants to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Date: June 11, 2026

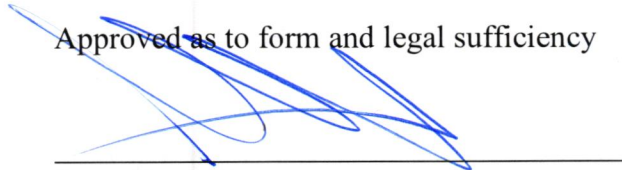

George Allan Hayden, Chairman

Those voting to grant the conditional use:

Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Ms. Weaver

Those voting to deny the conditional use:

Approved as to form and legal sufficiency



Steve Scott, Esq.,
Attorney to the Board

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Petition for Judicial Review with the Circuit Court of St. Mary's County.

Further, St. Mary's County Comprehensive Zoning Ordinance § 25.9 provides, "Subject to an extension of time granted by the Board of Appeals for cause, no conditional use permit shall be valid for a period longer than one year unless a site plan is approved, a building permit is issued, construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is issued and use commenced within that period."

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order; otherwise, they will be discarded.