

**ST. MARY'S COUNTY BOARD OF APPEALS**

In the Matter of Telecom Capital Group  
40483 Parsons Mill Road  
Leonardtown, Maryland

Case No. CUAP #15-135-002

**DECISION AND ORDER****Introduction**

Telecom Capital Group (hereinafter "Applicant") filed an application for a conditional use permit pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding property described as 40483 Parsons Mill Road, Leonardtown, Maryland (hereinafter the "Property"). The application seeks a permit to construct a commercial communications tower.

After due notice, a public hearing was held at 6:30 p.m. on June 11, 2015, and September 10, 2015, at the St. Mary's County Governmental Center at 41770 Baldrige Street in Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn and documentary evidence was received. The proceedings were recorded electronically.

**Legal Standard**

The Board shall not approve a conditional use unless it finds, based on the evidence, that:

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 Comprehensive Plan; and

8. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in Chapter 51.

### **Findings of Fact**

The Property is primarily a large agricultural parcel extending from Point Lookout Road on its northwest side to Parsons Mill Road on its north to northeast side. Woodlands border the Property's southern and northeastern boundaries, and steep slopes are located in the central part of the Property.

A single-family dwelling and several outbuildings including barns, sheds, and a block garage are located on the eastern side of the Property. The Property's western frontage along Point Lookout Road is zoned Village Center Mixed Use (VMX) and the remainder of the Property is in the Rural Preservation District (RPD).

The Applicant proposes to construct a monopole style, commercial, communication tower (the "Tower") at an elevation of 195 feet above ground level (AGL). The Tower will be constructed in the area of the Property zoned RPD, within a gravel lease area measuring 70 feet by 70 feet or 4,900 square feet. The lease area will be enclosed by a 10-foot high, chain link fence.

The existing gravel driveway off Parsons Mill Road, which currently serves the Property, will also serve as access to the Tower. Traffic to the Tower site will be minimal once construction has been completed. Any equipment problem can typically be handled remotely. On average one visit every month or two may occur.

The Tower's design and structural capacity will support five (5) service providers.

According to the site plan, the Tower will be located approximately 260 feet, at its closest point, from the Property's frontage with Parsons Mill Road. The setbacks from all property lines exceed the 195-foot height of the Tower, and the Tower will be surrounded by a minimum of two rows of fast growing evergreens in accordance with the conditional standards for a commercial communication tower.

Drainage will be addressed through the site plan process and in accordance with stormwater management and erosion and sediment control regulations.

The County does not plan to place antennae on the Tower as the Tower site is not needed to support 911 service.

Additional specific findings are as follows: