

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, July 12, 2007**

Members present were George Allan Hayden, Chair; Wayne Miedzinski, Veronica Scriber, Ronald Delahay, and George Edmonds. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Christy Holt Chesser, County Attorney 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VAAP #06-132-028 – Charlotte Hall Station –Application Withdrawn Applicant will Reschedule

CUAP #06-135-001 – Valley Lee Telecommunications Tower

The applicant is requesting a conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower. The property contains 30.4 acres; is zoned Rural Preservation District (RPD); and is located at 45359 Drayden Road, Valley Lee, Maryland; Tax Map 61, Block 05, Parcel 376.

Owner: Michael Edward and Kathleen Ann Long
Present: Jackie Meiser, P.C.

The property was advertised in St. Mary's Today on May 27, 2007 and June 3, 2007 and in the Enterprise on May 30, 2007 and June 6, 2007.

Ms. Meiser gave an overview of the project and addressed each standard for the requested variance. Mr. Hayden asked if raising the height of the tower would increase the amount of coverage area. Ms. Meiser stated this is a technical question that would be better answered by her colleague who is running a little late for the meeting. Mr. Hayden stated he would hold his question until Ms. Meiser's colleague arrived. Ms. Chaillet read the staff report which recommended approval. After discussion, **Mr. Miedzinski made a motion to accept the staff report and Ms. Scriber seconded. The motion passed by a 5-0 vote.**

Mr. Hayden opened the hearing to public comment. Peter Antonovitch testified he was compensated by Telecom Consulting Group for granting an easement through his property so that the applicant could reach proposed the tower site. Mr. Antonovitch stated he has no objections to the proposed tower and that the tower would not affect his property at all.

Robert Evans testified he objects to the proposed tower stating his property is directly adjacent (75 feet from the property line) to the proposed site. Mr. Evans stated his home is a log cabin tucked back in the woods. Mr. Evans stated to look out of his house or walk around his property and see a communication tower would destroy the quiet natural setting. Mr. Evans stated the location of the tower puts his house within the fall zone which limits his selling possibilities. Mr. Evans stated he has Direct TV and is concerned that the tower will affect his connection. Mr. Evans also stated he is concerned that the entrance the trucks will be using is not large enough and an entrance widening permit has not been obtained from DPW&T.

Mr. Evans Submission Exhibit A: Photo of log cabin taken from Evans driveway, owned by Robert Evans
Mr. Evans Submission Exhibit B: Photo of proposed tower site taken from Evans front porch, owned by Robert Evans

Mr. Evans Submission Exhibit C: Photo of proposed tower site taken from Evans deck, owned by Robert Evans
Mr. Evans Submission Exhibit D: Photo of Drayden Road taken from Long Property entrance, owned by County.

Noni Evans testified that she is not only concerned about the property value but she has small children that visit her on the weekends. Ms. Evans stated the proposed tower would be a concern to the safety of her grandchildren. Ms. Evans stated while she watches them closely, there is always a chance of the children entering the property containing the tower. Ms. Evans stated the tower would create an unwarranted burden on the surrounding properties and their families.

Ms. Meiser stated Mr. Evans property is 300 feet from the proposed tower site and that because of the wooded area surrounding the site Mr. Evans would have a small view of the fence but not a full view. Ms. Meiser stated while it is possible a child could enter the property it is unlikely that a child would be willing to climb the 10 foot tall chain link fence surrounding the site. Ms. Meiser further stated if a child was not deterred by the fence and entered where the base of the tower is located, there is nothing that is inherently dangerous within the area. Ms. Meiser addressed the Direct TV stating that a tower of this type does not emit a signal strong enough to interfere with a cable line or satellite TV system.

Ms. Meiser Submission Exhibit E: Map of Proposed Monopole showing each location of the following pictures.
Ms. Meiser Submission Exhibit F: Document showing Valley Lee photo locations
Ms. Meiser Submission Exhibit G: Photo 1 taken off Flat Iron Road – No pole visible
Ms. Meiser Submission Exhibit H: Photo 2 taken off Mallard Creek Court – Pole visible
Ms. Meiser Submission Exhibit I: Photo 3 taken off Andover Estates Road – No pole visible
Ms. Meiser Submission Exhibit J: Photo 4 taken off Piney Point Road – Pole visible
Ms. Meiser Submission Exhibit K: Photo 5 taken off Drayden Road – Pole visible
Ms. Meiser Submission Exhibit L: Photo 6 taken off Blake Creek Road – Pole visible
Ms. Meiser Submission Exhibit M: Thumbnail of all 6 photos above

Mr. Hayden asked if raising the height of the tower would increase the service area. Manish Dureja stated raising the height of the tower would not increase the service area. Mr. Dureja stated monopoles send out a very small frequency of only 3 to 4 miles in radius. Mr. Dureja stated the radius of the frequency in some places will travel further due to the topographical conditions and in some places the frequency would not travel the 3 miles. Mr. Hayden asked why this site was chosen instead of the fully wooded section near the rear of the property. Mr. Dureja stated the section near the rear of the property was not offered by the owner.

After further discussion, it was the consensus of the Board to have Telecom Consulting Group provide a new balloon test inside the Valley Lee area. It was also requested to have Mr. Long present at the next meeting to answer questions about the property and the location. The Board further requested that Telecom Consulting Group give the Board and Mr. and Ms. Evans at least one week's notice of the balloon test. **Mr. Edmonds made a motion in the matter of CUAP #06-135-001, Valley Lee Telecommunications Tower to continue the case to September 13, 2007 to collect additional information and Ms. Scriber seconded. The motion passed by a 5-0 vote.**

ZAAP #06-110-152 – Matthews Minor Subdivision – Application Withdrawn Applicant will Reschedule

MINUTES AND ORDERS APPROVED

The minutes of June 14, 2007 were approved with amendments and the minutes of June 28, 2007 were approved as recorded.

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

VAAP #04-2045, Lot 88 – Hickory Hills North Subdivision
VAAP #04-2048 – Hickory Hills Subdivision, Lot 91N

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: July 26, 2007

George Allan Hayden
Chairman