

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

Members present were George Allan Hayden, Chairman; William Greene, John Brown, Wayne Miedzinski and Ronald Payne. Alternate James Andreacci was also present. Department of Land Use & Growth Management (LUGM) staff present was Yvonne Chaillet, Zoning Administrator. 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**

**CUAP #14-135-003 – St. Inigoes Commercial Communication Tower**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a conditional use approval to construct a commercial communication tower. The property contains 54.849 acres; is zoned Rural Preservation District (RPD) and Resource Conservation Area (RCA) Overlay; and is located at outparcel A of the Fenhagen Property (Liber 57 – Folio 3) on the east side of Jutland Road in St. Inigoes, Maryland; Tax Map 67, Grid 21, Parcel 255.

Owner: Joseph E. and Kay E. Fenhagen  
Present: Paige Wyrough, Telecom Capital Group Agent and Patt Mudd

The property and variance request were advertised in The Enterprise on February 25, 2015 and March 4, 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 2, 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. Wyrough indicated a package was presented to LUGM and given to the Board prior to the meeting including the following items. Mr. Wyrough asked that these items be included in the record, *hereby labeled as exhibits by the Recording Secretary as follows*.

*Exhibit 3 – PowerPoint Presentation  
Exhibit 4 – Radio-Frequency (RF) Analysis Report  
Exhibit 5 – National Environmental Policy Act (NEPA) Report  
Exhibit 6 – Federal Aviation Administration (FAA) Letter of Height Approval  
Exhibit 7 - Maryland Aviation Administration (MAA) Letter of Height Approval  
Exhibit 8 – Department of the Navy Support Letter of 150' Structure  
Exhibit 9 – St. Mary's County 911 Non-User Letter  
Exhibit 10 – ROHN Tower Structural & Foundation Design  
Exhibit 11 – AT&T Letter of Intent for Co-Location to Proposed Site  
Exhibit 12 – Site Plan*

Mr. Fisher, Mr. Mudd and Mr. Dureja were sworn for the record. Chairman Hayden asked if the light on the top of the tower would be a steady glow or a strobe. Mr. Fisher indicated the light would be a strobe during the day and a red beacon at night. Mr. Wyrough explained that the applicants received approval from the FAA for up to 190 feet however the Navy objected to that height so the applicants lowered the height to 150 feet in which the FAA and the Navy approved.

Mr. Fisher gave a brief PowerPoint presentation explaining the project request. Mr. Dureja gave an overview of the enclosures to be installed on top of the on-site back-up generator. Mr. Mudd gave an overview of the ingress and egress, buffers and stormwater management measures being taken. Mr. Dureja provided the board with signed copies of the PE sealed site plan, *hereby*

*labeled as Exhibit 13 by the Recording Secretary.* Chairman Hayden asked if the PE sealed site plan has been amended since its submittal. Mr. Dureja indicated the PE sealed site plan has not been amended. Mr. Miedzinski questioned page 13 of the RF document indicating the title is misleading because there are existing structures within a two mile radius. Mr. Dureja indicated the intention of the document is to say that there are no existing structures that could support a monopole within a two mile radius.

Chairman Hayden opened the hearing to public comment.

Mr. John Harwood

Mr. Harwood was sworn for the record. Mr. Harwood indicated he lives a quarter mile away from the site and is in support of the proposal. Mr. Harwood testified that the cell service in this area is poor and fully supports a tower in this area.

Chairman Hayden closed the hearing to public testimony. Mr. Andreacci asked how many carriers would be using the pole. Mr. Fisher indicated there would be five carriers. Mr. Green asked if the lowering of the pole from 190 feet to 148 feet affects the signal strength. Mr. Dureja indicated the 42 foot height difference does weaken the signal strength in regards to the distance the signal will travel.

***Mr. Brown made a motion in the matter of CUAP #14-135-003, St. Inigoes 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 148 feet above ground level with the following conditions:***

- 1. No signal lights or illuminations shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.***
- 2. No commercial advertising or other signage shall be permitted on the tower.***
- 3. 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.***
- 4. No commercial communication tower shall be constructed within the Critical Areas as shown on the official Zoning Maps.***
- 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. Miedzinski seconded and the motion passed by a 5-0 vote.***

**TEN MINUTE INTERMISSION**

**MINUTES AND ORDERS APPROVED**

The minutes of February 12, 2015 were approved as recorded.

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

VAAP #14-1771 – Masica Property

CUAP #14-135-002 – Patuxent River Assembly of God Commercial Communication Tower

**ADJOURNMENT**

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

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Jada Stuckert, Recording Secretary

Approved in open session: April 9, 2015

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George Allan Hayden  
Chairman