

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, May 27, 2010**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. 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

VAAP #07-132-003 – Lexington Village (Kohl's) continued from 4/22/10

Mr. Chris Longmore, legal council for the applicant, asked that the hearing be continued to June 24, 2010 to give the applicant time to complete the Planning Commission process.

Mr. Miedzinski made a motion in the matter of VAAP #07-132-003 Lexington Village, to continue the case to June 24, 2010 and Ms. Neale seconded. The motion passed by a 5-0 vote.

CUAP #10-135-001 – Verizon Wireless at Hermanville

The applicant is requesting conditional use approval to add cellular antennae to an existing water tower. The property contains 8,308 square feet; is zoned Residential, Low Density (RL) District, Shannon Farms Planned Unit Development, Limited Development Area (LDA) Overlay, Accident Potential Zone 2 (APZ-2); and is located at 48061 Long Lane at its intersection with Wills Wharf Court, Lexington Park, Maryland; Tax Map 52, Grid 3, Parcel 425.

Owner: St. Mary's County Metropolitan Commission
Present: Charles Salamone

The property and conditional use were advertised in The Enterprise on May 12, 2010 and May 19, 2010. Ms. Chaillet submitted the 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 May 20, 2010 and the General Standards for Granting Conditional Uses in Section 51.3.89 of the Ordinance. Ms. Chaillet submitted the staff report dated May 20, 2010 for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Edmonds asked if the site specific RF analysis and structural analysis were received. Ms. Chaillet stated yes they have been received.

Mr. Charles Salamone gave a brief overview of the coverage these antennas would provide in the Lexington Park area and stated Ms. Chaillet has done a thorough job in explaining the application. Mr. Miedzinski asked if this and the hand-held are the only items in the limits of disturbance. Mr. Salamone stated yes.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Edmonds made a motion to accept the staff report as written and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

Mr. Guy made a motion in the matter of CUAP #10-135-001, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.89 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the

request to place cellular antennae on top of an existing water tank based on the second and third paragraphs of Section V.a, V.b, V.c; the second paragraph of Section V.d; and the sole paragraphs of Sections V.e, V.f, V.g, V.h and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of April 22, 2010 were approved as recorded.

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

VAAP #08-1529 – Hicks

VAAP #08-1530 – Dorsey

VAAP #08-1531 – Vause

VAAP #08-1532 – Morgan

VAAP #09-0097 – Southern MD Tri-County Community Action Committee, Inc.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: June 24, 2010

Howard Thompson
Chairman