

**Board of Appeals (Thursday, May 7, 2020)***Drafted by Sherrie Young, Recording Secretary on Friday, May 8, 2020***1. CALL TO ORDER:** Meeting called to order at 6:30 pm.**2. ROLL CALL:** Attendance of Members, Presenters and Staff SupportBoard of Appeals Members on Site:

George Allan Hayden, Chairman

John E. Brown, Vice Chair

Lynn Delahay, Member

Wayne Miedzinski, Member

Rich Richardson, Member

Via Teleconference:

Dan Ichniowski, Alternate Member

Presenters & Supporting County Staff on Site:

Bill Hunt, LUGM Director, AICP

Harry Knight, LUGM Deputy Director

Sherrie Young, LUGM Recording Secretary

David Weiskopf, County Attorney

Neil Murphy, Deputy County Attorney

Steve Scott, Special Counsel to Board of Appeals

Amy Carter, Video/ Media Producer

Via Teleconference:

Stacy Clements, LUGM Environmental Planner III

**3. AGENDA:** February 13, 2020 Board of Appeals**4. PUBLIC HEARING:** CUAP 19-135-002 QUEENTREE COMMUNICATIONS TOWER; Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 91, Communication Tower, Commercial.

“In the matter of CUAP #19-135-002, Queen Tree Cell 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 for conditional use to allow a Communication Tower, Commercial (Use 91) within the Rural Preservation District.”

Subject to the following conditions per The St. Mary’s County Zoning Ordinance (SMCZO):

CZO 51.3.91.b.(4); 1. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and, or government operated antennae. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment building for other users.

CZO 51.3.91.b.(5); 2. No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

CZO 51.3.91.b.(6); 3. No commercial advertising or other language shall be permitted on the tower.

CZO 51.3.91.b.(7); 4. All obsolete or unused facilities, including building, 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.

CZO 51.3.91.b.(14); 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.

CZO 51.3.91.a (1); 6. Final site plan approval is required.

Motion: John E Brown      Second: Wayne Miedzinski      Final Resolution: Motion Carried 5-0

## **7. REVIEW AND APPROVAL OF MINUTES:**

I move to accept the minutes of the February 13, 2020 Board of Appeals meeting.

Subject to the following condition: Chairman Hayden to add “by County” stating the following: VAAP 19-2560 ALLEN PROPERTY – Case Withdrawn by County.

Motion: Wayne Miedzinski      Second: John E Brown      Final Resolution: Motion Carried 5-0

## **8. REVIEW AND APPROVAL OF ORDER: VAAP 15-132-015 - PENROD ORDER**

"I move to authorize Chairman Hayden to sign the VAAP 15-132-015 Penrod Order."

Motion: Wayne Miedzinski      Second: John E Brown      Final Resolution: Motion Carried 5-0

## **9. REVIEW AND APPROVAL OF ORDER: VAAP 19-1873 - TREMPER ORDER**

"I move to authorize Chairman Hayden to sign VAAP 19-1873 TREMPER Order."

Motion: Wayne Miedzinski      Second: John E Brown      Final Resolution: Motion Carried 5-0

## **10. ADJOURN: Meeting Adjourned at 9:47 pm.**

"I move to adjourn the May 7, 2020, Board of Appeals meeting. "

Motion: Lynn Delahay      Second: Wayne Miedzinski      Final Resolution: Motion Carried 5-0