

**MEETING MINUTES
BOARD OF ZONING APPEALS
FOR CAROLINE COUNTY, MARYLAND**

DATE: APRIL 14, 2009

PLACE: HEALTH & PUBLIC SERVICES BUILDING
403 S. 7TH STREET, 1ST FLOOR, ROOM 111
DENTON, MARYLAND 21629-1335

BOARD MEMBERS

(PRESENT): W.A. STEWART WRIGHT, JR., CHAIRMAN
STEVEN K. MELVIN, VICE-CHAIRMAN
DR. ROWLAND S. HOLSINGER, DDS, MEMBER

ALSO PRESENT: KAREN P. RUFF, ATTORNEY
CRYSTAL L. PORTER, ASST. DIRECTOR OF CODES
DENNIS PLUTSCHAK, CODES ENFORCEMENT OFFICER

W.A. Stewart Wright, Jr., Chairman, called the regularly scheduled meeting of the Caroline County Board of Zoning Appeals to order.

**TELECOM CAPITAL GROUP, LLC. – APPLICATION NO. 200800023 –
SPECIAL USE EXCEPTION (CONTINUATION)**

The following documents are included as part of the file:

- Exhibit #1 – Application for Special Use Exception (3 pgs.)
- Exhibit #2 – SDAT Property Data Sheet (Account ID #04-009886)
- Exhibit #3 – Copy of Tax Map 59, Parcel 23
- Exhibit #4 – Application for Water Supply and/or Sewage Verification (2 pgs.)
- Exhibit #5 – List of Notified Adjoining Property Owners (2 pgs.)
- Exhibit #6 – Notice of Public Hearing for 12/16/08
- Exhibit #7 – Aerial Photograph (3 pgs.)
- Exhibit #8 – Photographs of Posted Sign and Property (7 pgs.)
- Exhibit #9 – Detailed Application in Black Binder
- Exhibit #10 – Package from Caroline County Historical Society
- Exhibit #11 – Letter of Postponement from Applicant (2 pgs.)
- Exhibit #12 – Addendum to FCC Form 620 Submission Package from EBI Consulting
- Exhibit #13 – Notice of Public Hearing for 2/10/09
- Exhibit #14 – Map Showing Existing Tower Sites in Caroline County
- Exhibit #15 – Photograph of Sign Posted on 1/26/09
- Exhibit #16 – Aerial Showing Zoning Boundary and Distance from Stream

- Exhibit #17 – Map Showing Distances from 3 Closest Towers in Caroline County
- Exhibit #18 – Letter from Department of Emergency Services
- Exhibit #19 – Copy of Official Zoning Map
- Exhibit #20 – Staff Report (3 pgs.)
- Exhibit #21 – Aerial Photograph from Google Earth Showing Surrounding Land Use
- Exhibit #22 – Revised Landscaping Plan including information regarding existing vegetation
- Exhibit #23 – Photographs of Proposed Site Location (3 pgs.)
- Exhibit #24 – Stormwater Management Report (5 pgs.)
- Exhibit #25 – Letter from U.S. Fish & Wildlife Service
- Exhibit #26 – Professional Site Plan (5 pgs.)
- Exhibit #27 – Site Acquisition Letters from Verizon & Spectrum Sciences (2 pgs.)
- Exhibit #28 – Resume for Robert Linn, EBI Consulting (2 pgs.)
- Exhibit #29 –Maryland Historical Trust "Inventory of Historic Sites in Caroline County"
- Exhibit #30 – Photo Simulations (13 pgs.)
- Exhibit #31 – Environmental Site Assessment from EBI Consulting Dated 9/10/08
- Exhibit #32 – Letter from Maryland Historical Trust dated 2/6/2009
- Exhibit #33 – Consulting Appraisal from Appraisal Source, LLC (17 pgs.)
- Exhibit #34 – Resume for David Coddington, Wireless RF Engineering Consultant (2 pgs.)
- Exhibit #35 – Exhibits Charts Showing Cellular Measurements & Projected Signals (16 pgs.)
- Exhibit #36 – Health & Safety Considerations Information (5 pgs.)
- Exhibit #37 – Caroline County Comprehensive Plan
- Exhibit #38 – African-American Stories & Site Pamphlet
- Exhibit #39 – Underground Railroad Site Pamphlet
- Exhibit #40 – Gate Entrance to the Leverton Property Documents (3 pgs.)
- Exhibit #41 – Acceptance Letter for the Leverton Dwelling into the Underground Railroad Network to Freedom
- Exhibit #42 – Copy of Pages from a Harriet Tubman Biography by Beverly Lowry (3 pgs.)
- Exhibit #43 – Copy of Pages from a Harriet Tubman Biography by Kate Larson (3 pgs.)
- Exhibit #44 – Website Document about William T. Kelley and the Leverton's (2 pgs.)
- Exhibit #45 – Photograph of Posted Sign and Property
- Exhibit #46 - Notice of Public Hearing for 3/10/09
- Exhibit #47 – Letter from Eastern Shore Land Conservancy dated 3/9/09 (2 pgs.)
- Exhibit #48 – Letter from Michael Bourne dated 3/8/09

- Exhibit #49 – Letter from Terry Maxwell, State Highway Administration dated 3/9/09
- Exhibit #50 – Property Maps depicting Historic Properties and Byways in vicinity of proposed cell tower location (5 pgs.)
- Exhibit #51 – Harriet Tubman Underground Railroad Byway Map
- Exhibit #52 – The Underground Railroad – Maryland’s Network to Freedom
- Exhibit #53 – Tonda Williams – March 10, 2009 Talking Points
- Exhibit #54 – DVD – Jacob Leverton House
- Exhibit #55 – Map of Radio Frequency Coverage - Alternative Cell Tower Sites on Taylor Property
- Exhibit #56 – Correspondence dated 2/13/09 to George Jamar, Caroline County Park & Capital Projects Supervisor and his response dated 3/10/09 (3 pgs.)
- Exhibit #57 – Correspondence dated 2/27/09 from State Highway Administration re: scenic byways
- Exhibit #58 - Harriet Tubman Special Resource Study dated November 2008, completed by the National Park Service
- Exhibit #59 – Photograph of Posted Sign and Property
- Exhibit #60 - Notice of Public Hearing for 4/14/09
- Exhibit #61 – Photographic Examples of Existing Camouflaged Telecommunication Poles (6 pgs.)
- Exhibit #62 – Sherwin Williams paint sample – SW6461 “Isle of Pines”
- Exhibit #63 – Sherwin Williams paint sample – SW6069 “French Roast”

Chairman Wright introduced the continuation of APPLICATION NO. 200800023 – TELECOM CAPITAL GROUP, LLC – SPECIAL USE EXCEPTION. He noted that additional information on camouflaging of telecommunication poles had been requested from the applicants at the March meeting.

The Notice of Public Hearing (Exhibit #60) was read into record; it is a continuance of the February 10, 2009 and March 10, 2009 hearings. No testimony will be heard other than the presentation of the additional information on the camouflaging of telecommunication poles. The hearing was opened for testimony.

Mr. Ryan Showalter, applicant attorney presented the additional information requested by the Board depicting paint schemes that aid in blending the tower into the surrounding landscape. This information was requested by the Board as recommended in the State Highway Administration correspondence dated 2/27/09 (Exhibit #57). He stated that the Telecom Capital Group consulted with industry colleagues for examples of camouflaged towers. The information provided includes photographs of towers from the Fredericksburg, VA Civil War historic battlefield area. He testified that the industry uses two basic color schemes for the base of the towers. They are generally an evergreen color or a dark brown color. The color for the top of the tower is usually specified as a blueberry haze.

Mr. Showalter stated that generally a 15' transition zone is provided between the dark and light colors. In this application, **Mr. Showalter** stated that the transition zone is proposed to be painted by hand with a sponge, blending the two colors. The top of the transition zone is intended to be consistent with the height of the surrounding vegetation. Since there are evergreen trees in the surrounding landscape, as well as the row of evergreens proposed in the screen planting, the applicant is recommending the base of the tower to be painted a dark green color.

Chairman Wright questioned what color the fence would be around the base of the tower and building. **Mr. Showalter** stated that the fence will be behind the white pine screen planting. At installation, the white pines will be 6 to 7' in height and will quickly screen the fencing. He further stated that the applicants would be receptive to black or green vinyl fencing instead of the originally proposed galvanized fencing.

Using Exhibit #8, page 4 **Chairman Wright** noted that the proposed site is near the large oak and there are existing pines in the woodlands.

Chairman Wright questioned the slope of the property, asking if the elevation of the proposed site is above or below the road elevation. **Mr. Showalter** stated that his recollection was that there was a crown in the field and then the field sloped off towards the woodlands. Referring to Exhibit #22 - Landscape Plan, **Mr. Showalter** noted that the topography shown near the woodland edge shows the site sloping off to the Northwest.

Chairman Wright asked if there would be any additional fill material added to the pad location. **Mr. Showalter** noted that there is some fill as shown on the landscape plan but no additional grading is proposed for the access road.

Chairman Wright asked what color coating other than green could be used on the fence. **Mr. Showalter** noted that black vinyl is also available.

Mr. Showalter referred to Exhibit #22 - Landscape Plan which specifies the white pine plantings will be a minimum of 6' in height at 15' on center. Two staggered rows of pines are proposed so a tree will be located every 7.5'

Chairman Wright stated that he would like to see a color on the lower portion of the tower that was more in line with the bark of the surrounding trees. **Mr. Showalter** noted that the industry standard color is Sherwin Williams - French Roast - SW 6069, which is a dark brown (Exhibit #63). The evergreen color is similar to Isle of Pines - SW 6461 as shown on Exhibit #62.

The Board discussed the simulation shots and noted that most only showed the top of the proposed tower.

Chairman Wright opened the hearing to the opposition for cross examination of Mr. Showalter's testimony.

Kathleen Mackel, 201 5th Avenue, Denton, MD testified as the Director of Tourism for Caroline County. She asked for clarification on how the base of the tower and structures will be screened. **Mr. Showalter** stated that the base will be screened with pines and inkberry hollies.

Chairman Wright closed the hearing for APPLICATION 200800022 - B.S. SPORTING CLUB, LLC - SPECIAL USE EXCEPTION.

MICHAEL J. KRIEGER - APPLICATION NO. 200900002 - VARIANCE

The following documents are included as part of the file:

- Exhibit #1 - Application for Variance (2 pgs.)
- Exhibit #2 - SDAT Property Data Sheet (Account ID #04-003101)
- Exhibit #3 - Copy of Tax Map 53, Parcel 2
- Exhibit #4 - Plat showing the proposed addition
- Exhibit #5 - Application for Water Supply and/or Sewage Verification (2 pgs.)
- Exhibit #6 - List of Notified Adjoining Property Owners (2 pgs.)
- Exhibit #7 - Aerial Photographs of Property (2 pgs.)
- Exhibit #8 - Photographs of Posted Sign and Property (6 pgs.)
- Exhibit #9 - Floor Plan of Existing Dwelling & Proposed Addition
- Exhibit #10 - Notice of Public Hearing for 4/14/09

Chairman Wright introduced the hearing for APPLICATION NO. 200900002 - MICHAEL I. KRIEGER - VARIANCE. The Notice of Public Hearing (Exhibit #10) was read into the record and the hearing was opened for testimony.

Appearing in favor of the application was:

Michael I. Krieger of 23853 Grove Road, Preston, MD testified as the property owner. He stated that he is proposing to construct a 14' x 24' recreation room addition. The addition is proposed to be placed on the right side of the property since the well and several large trees are located on the left side. The residence was built in 1956 and Mr. Krieger purchased the property in 2003.

Chairman Wright referred to Exhibit 8, page 2 which depicts the location of the proposed addition. He noted that the existing driveway extends up to the front of the proposed addition.

Mr. Krieger testified that the residence is a standard-style rancher with no additions and three people currently live in the home. The current dirt driveway layout is a horseshoe shape.

Using Exhibit #5, page 2 **Mr. Krieger** noted the existing septic system location. **Mr. Krieger** stated that he has not had any problems with the septic system and did not anticipate moving it.

Chairman Wright asked if the adjacent property owner had been questioned about possibly selling a portion of land to Mr. Krieger. The adjacent property owner, Mrs. Dietrich had been approached by Mr. Krieger and did not want to sell any land.

Chairman Wright questioned whether Mr. Krieger was anticipating the need for any other additions to the residence in the long term. **Mr. Krieger** stated that this location was the most logical location for the proposed addition due to the layout of the residence.

Mr. Krieger stated that no additional bathrooms are proposed for the residence. The same color and type of siding and roof materials will be used for the proposed addition.

Mr. Krieger noted that the closest residence is about 500' to the east and was identified as Parcel 168 on the Tax Map. He further described Parcel 212 to the west as mostly open land.

Since there was no additional testimony and no appearing in opposition to the variance, the hearing was concluded.

Deliberations followed for the variance of APPLICATION NO. 200900002 - MICHAEL I. KRIEGER - VARIANCE.

Motion was made by **Mr. Melvin** and seconded by **Dr. Holsinger** to approve the variance with the condition that the applicant obtains a building permit. The motion unanimously carried (3-0).

Deliberations followed for the special use exception of APPLICATION 200800023 - TELECOM CAPITAL GROUP, LLC.

Motion was made by **Mr. Melvin** and seconded by **Dr. Holsinger** to approve the special use exception with conditions. The motion unanimously carried (3-0).

OTHER BUSINESS

Dr. Holsinger made a motion to approve the minutes from the March 10, 2009 meeting. The motion was seconded by **Mr. Melvin**. The motion unanimously carried (3-0).

Ms. Dadds provided to the Board for signing the Written Opinion and Decision for the VARIANCE APPLICATION - TILLIE METZ AND CHRISTOPHER METZ APPLICATION NO. 200800025 and the Written Opinion and Decision for

the VARIANCE APPLICATION - KIMBERLY McCONNELL AND JAMES McCONNELL NO. 200900001. Both documents were signed by the Board members.

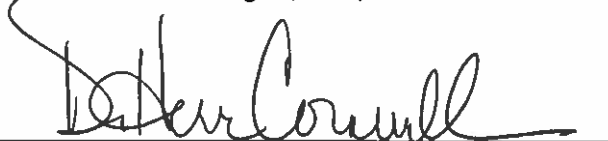
Mr. Showalter presented a letter to the Board on behalf of B.S. Sporting Club requesting the bifurcation of the two Special Use Exception applications. He asked that the Board proceed with deliberations on the private club application.

Chairman Wright requested that the B.S. Sporting Club Application be added to the May Agenda for discussion.

The meeting was adjourned at 9:35 PM.

This hearing was tape recorded for reference.

BOARD OF ZONING APPEALS
W.A. Stewart Wright, JR., Chairman

A handwritten signature in black ink, appearing to read "Deborah Herr Cornwell", written over a horizontal line.

Minutes prepared by:
Deborah Herr Cornwell