



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410- 939-1800

WWW.HAVREDEGRACEMD.COM

DEPARTMENT OF PLANNING STAFF REPORT Board of Appeals – March 5, 2026

BOA CASE NO.: 559
PROJECT: Conditional Use – Public Utility Structure / Telecommunications Antenna
APPLICANT: Kevin Fremming, Smart Link / T-Mobile
LOCATION: 1725 Chapel Road (Bulle Rock Water Tower)
Tax Map: 44 / Parcels: 296 (the “Property”)
AREA: 0.43 Acres
ZONING: R-1/Residential



I. Background Information

Site Description

The Property is 0.43 acres or 18,730 square feet and is currently being used as a Public Utility/Water Tower. Vehicular access is through a paved access road off of Chapel Road/Bulle Rock Parkway with onsite parking.

II. Applicant's Request:

The Applicant is requesting approval of a conditional use for a Public Utility Structure (T-Mobile Antenna) per §205-18F of the Zoning Code. Consisting of approximately 17' by 23' or 390+/- square feet utility cabinet on the ground with a 12'+/- Antenna on the existing water tower.

III. Analysis

Environmental Features

The Property is not located in the Chesapeake Bay Critical Area nor encumbered by the 100-year floodplain or floodways. There is no existing forest on the Property and no known environmental sensitive areas.

Zoning:

The Property is zoned R-1/Residential and is intended to allow for various residential and supporting uses. "Public Utility Structures" is defined as "*A building or structure used to facilitate the distribution of such public commodities or services as communications, electric, gas, sanitary sewer, storm sewer, and water. Such structures shall include, but are not limited to, capacitor banks, capacitor rack units, gas regulator stations, pumping stations, substations, switchgear, telecommunication towers, transformers, utility poles, and water towers. This definition does not include transmission lines or structures, maintenance or storage buildings, and maintenance or storage yards.*" PUS uses are permitted as a conditional use per §205-18F "*provided that any such structure is located a distance not less than its height away from any residential lot,*" with Board of Appeals approval under §25-17(B).

Comprehensive Plan:

The Comprehensive Plan refers to Public Utilities and Services throughout the document essentially stating "*To have Public services and facilities provided in a more economical and efficient manner.*" through a fiscally-sound government; as the city grows the demand for services also grows and contribute to sustainable growth and development.

Land Uses Within the Neighborhood

The surrounding land use is mixed residential within several subdivisions and the proposed telecommunications antenna will not result in adverse impact to the existing neighborhoods beyond what is typical for this use as found in the subsequent analysis.

IV. Findings: Detailed Analysis and Response Below Provided by Department of Planning Staff
(Applicant Response Provided as Attachment 4)

Section 25-17(B): Conditional Use – Public Utility

A Conditional Use may be granted when the Board of Appeals finds from the evidence of record that the proposed use:

1) Is a permissible Special Exception within the zone and that the petition complies with all procedural requirements set forth in this chapter;

Public Utility Structures / Telecommunications Antenna are allowed as a conditional use in the R-1 zoning district per §205-18F, subject to Board of Appeals review and approval.

2) Complies with all standards and requirements specifically set forth for such use as may be contained in this chapter and the development standards for the zoning district within which the intended use will be located;

More specific use requirements are described below under §205-18F regarding height and setbacks in the R-1 zoning district.

3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity;

Public Utility Structures are required elements of urban growth and development, as they provide wireless communications cellular coverage and better service to area residents and visitors in the area. The proposed public utility structure/telecommunications tower will not result in adverse impact beyond what is typical in an urban environment. There will be no increase to off-street parking, nor adverse impacts from dust, vibration, fumes, odors, toxicity or glare. The telecommunications will be silent while operating.

4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures; as well as the intensity and character of activity, traffic and parking conditions and number of similar uses;

The Public Utility Structure will be approximately 17 feet by 23 feet on the ground and approximately 13 feet tall antenna on top of the existing 146.75 foot in height water tower, which is similar to such facilities in other residential developments and on water towers in other jurisdictions. The ground structures will be fenced in and screened from adjacent residential properties so as to not cause objectionable visual impacts to the surrounding community. Therefore, it will be in harmony with the character of the adjacent neighborhoods along Chapel Road/ Bulle Rock Parkway with no effect to parking conditions.

5) Will be consistent with the comprehensive plan or other planning guides or capital programs for the physical development of the district;

The Comp Plan refers to Public Utilities and Services throughout the document essentially stating “To have Public services and facilities provided in a more economical and efficient manner.” through a fiscally-sound government; as the city grows the demand for services also grows and contribute to sustainable growth and development. The T-Mobile antenna will provide better network connectivity and coverage for all users.

6) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

Public Utility Structures are required elements of residential development and commonly found in close proximity to dwellings. Non-ionizing radiation from 156’ RAD Center. Signage to be posted in compliance with local and federal guidelines. Therefore, the proposed structure will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements; and

The proposed Public Utility Structure is not subject to Adequate Public Facilities requirements. Moreso, by utilizing existing fiber and power to the subject property, no extensive new trenching will be required. Site is currently accessible by existing Chapel Road.

8) Will consider the environmental impact, the effect on sensitive features and opportunities for recreation and open space.

The Property is not located in the Chesapeake Bay Critical Area and not encumbered by the 100-year floodplain or floodways. A Forest Conservation Plan is not required and there are no known environmentally sensitive areas. A Phase I study has been completed and there is no significant impact. Ground equipment is self-contained and presents no environmental impact or hazard. A backup emergency generator could be installed and would utilize diesel fuel, but would also be self-contained and only used in case of extreme emergency situations and properly screened and buffered from adjacent properties. Therefore, the proposed Public Utility Structure will not adversely impact environmentally sensitive areas. Recreation and open space areas are not required for Public Utility Structures.

9) Will consider the preservation of cultural and Historic Landmarks.

A State Historic Preservation Office (SHPO) report has been completed by the Applicant. The property does not contain any locally designated cultural or historic landmarks that require preservation and is outside of the National Register Historic District.

10) *That the petitioner has demonstrated a need for the requested use.*

§25-16J of the City Code: *“The petitioner for a special exception, variance or administrative review shall have the burden of proof that shall include the burden of going forward with the evidence and the burden of persuasion on all issues of fact which are to be determined by the Board of Appeals.”*

The Applicant is responsible for demonstrating to the satisfaction of the Board the need for a Public Utility Structure at this location. Benefits the residents with better service and E-911 emergency services.

Section 205-18F: Public Utility Structures

Public utility structures, provided that any such structure is located a distance not less than its height away from any residential lot.

- 1) The Applicant provides the following response: *“Regarding sub-section 205-18F of the Zoning Code, the highest point of all proposed equipment is 12’ higher than the existing 146.75’ water tank. The tank itself is already out of compliance, as this itself is a residential parcel. The proposed installation to the tank does not dramatically impact the existing special exception of the tank itself.”*

The existing 146.75 feet in height water tank is approximately 115 linear feet from the nearest residential lot and therefore, already out of compliance with this definition. No further action is necessary.

Department of Planning
BOA Staff Report
1725 Chapel Road
Conditional Use - Public Utility Structure

RECOMMENDATION

The Department of Planning has examined the appropriateness of the Applicants' request and per §25-16E of the City Code recommends **APPROVAL** for the **conditional use** request for a **Public Utility Structure / Telecommunications Antenna** with supporting infrastructure on the Property located at 1725 Chapel Road for the reasons found in the above analysis.

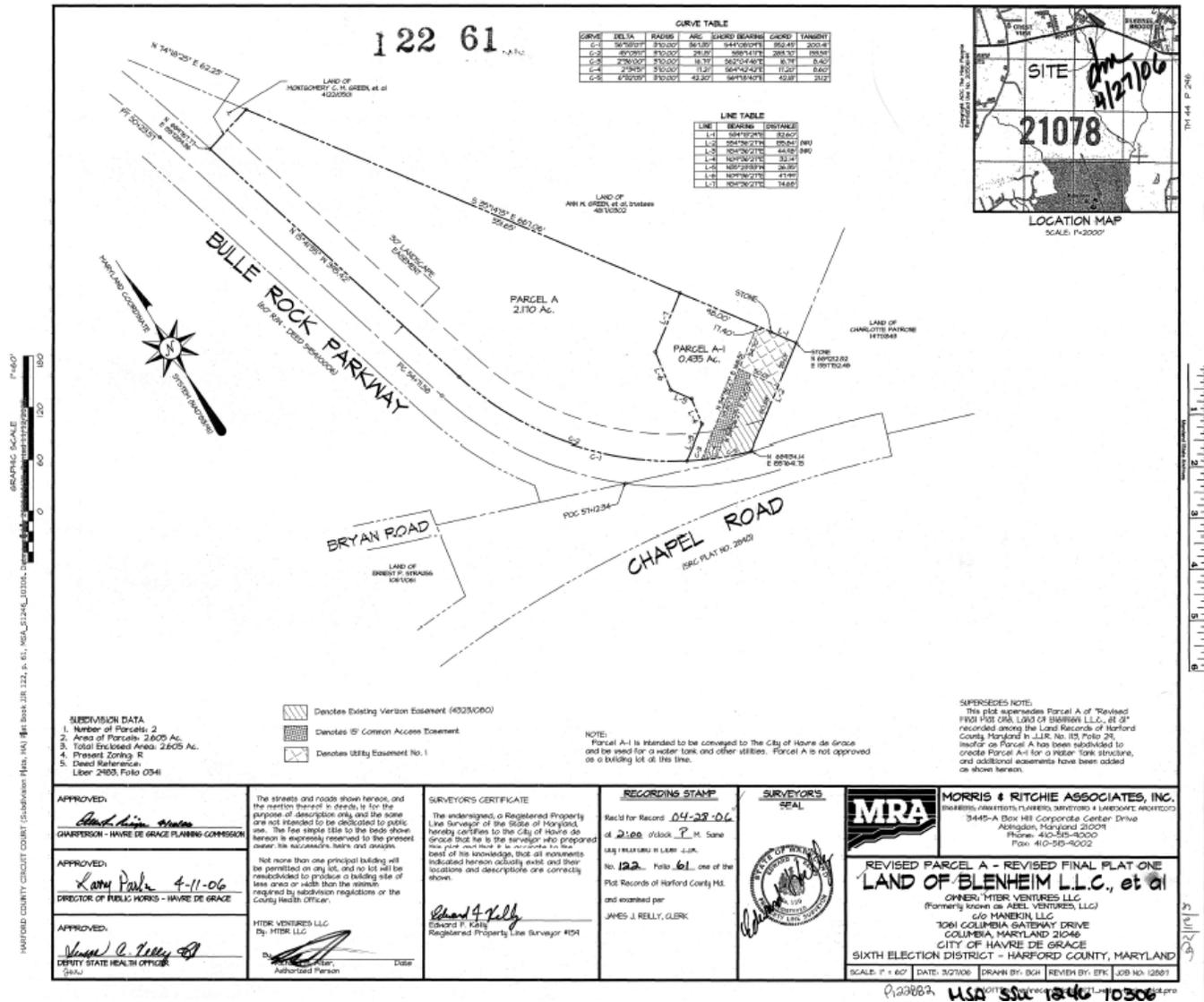
Sincerely,

Eric V. Lawrence, MLA & MUDP Date
City Planner / Project Manager
Department of Planning

cc: Board of Appeals Members
Department of Planning Staff
Department of Public Works Staff
City Administration Staff
City Attorney

Kevin Fremming, Smart Link

ATTACHMENT 1.a – SITE PLAN



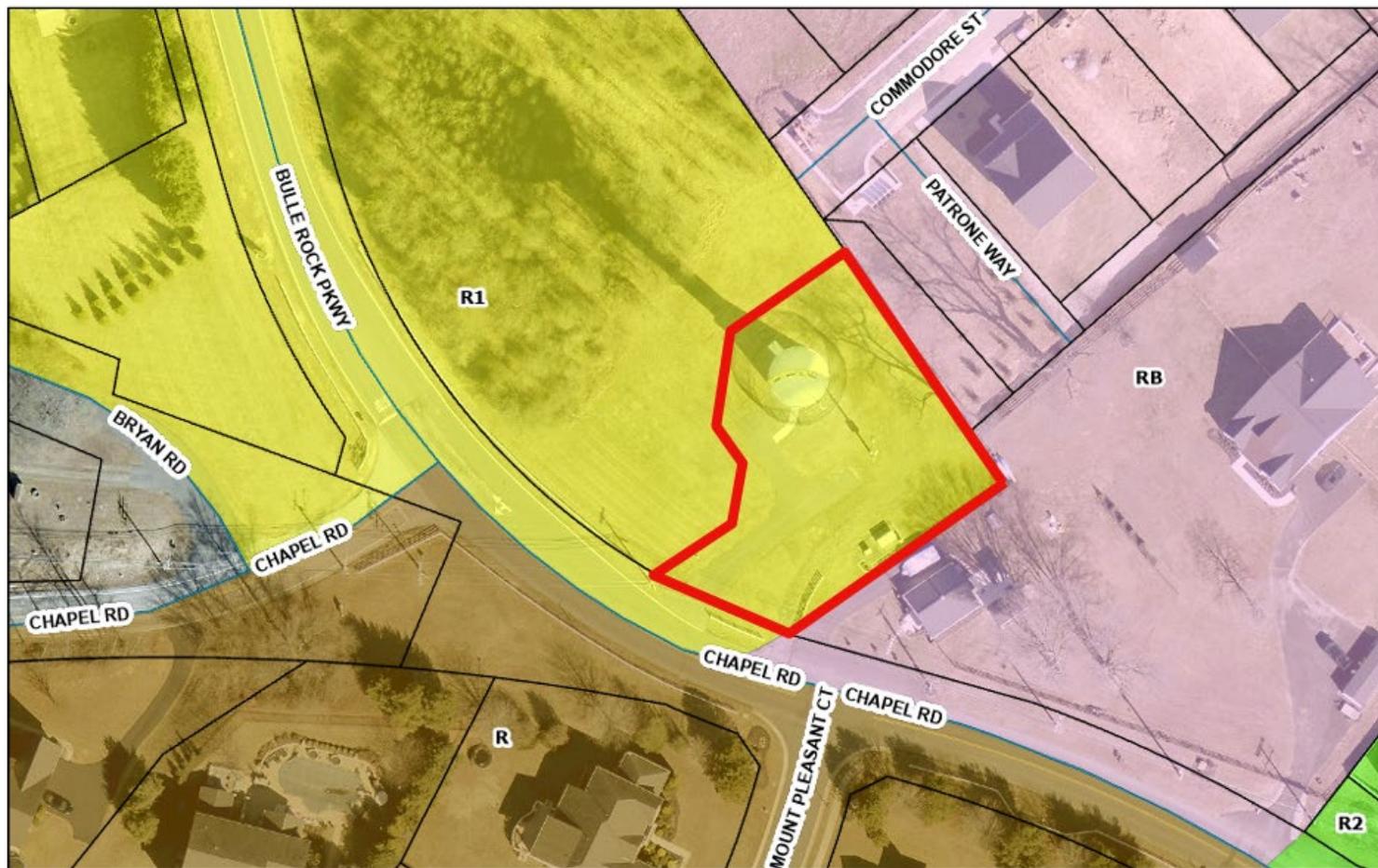
ATTACHMENT 1.b- SITE PLAN



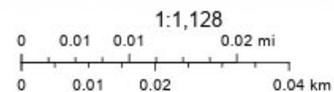
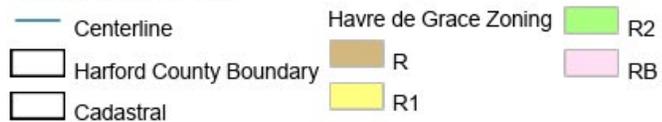
SITE PLAN
SCALE 1" = 20'-0"
TRUE NORTH

ATTACHMENT 2 – ZONING MAP

1725 Chapel Road



12/10/2025, 10:22:37 AM



Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland,

ATTACHMENT 3 – ANTENNA CONCEPT



ATTACHMENT 4 – APPLICANTS RESPONSE

B. Special exceptions. A special exception may be granted when the Board of Appeals finds from the evidence of record that the proposed use:

- (1) Is a permissible special exception within the zone and that the petition complies with all procedural requirements set forth in this article;
- (2) Complies with all standards and requirements specifically set forth for such use as may be contained in this article and the development standards for the zoning district within which the intended use will be located;
- (3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity;
- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures, as well as the intensity and character of activity, traffic and parking conditions and number of similar uses;
- (5) Will be consistent with the Comprehensive Plan or other planning guides or capital programs for the physical development of the district;
- (6) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;
- (7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements; and
- (8) Will consider the environmental impact, the effect on sensitive features and opportunities for recreation and open space.
- (9) Will consider the preservation of cultural and historic landmarks.
- (10) That the petitioner has demonstrated a need for the requested use.

1. **Confirmed. In zone R-1, construction of a public utility is a conditional use.**
2. **Confirmed. In zone R-1, construction of a public utility is a conditional use.**
3. **Confirmed. The installation is silent while in operation and generates no fumes, odors, dust, or vibrations.**
4. **Confirmed. Pod is just under 8' above top of existing handrail. No affect to parking conditions.**
5. **Confirmed. The proposed installation does not go against the Comprehensive Plan and can only help the local citizens via better network connectivity.**
6. **Confirmed. Non-ionizing radiation from 156' RAD Center. Signage to be posted in compliance with local and federal guidelines.**
7. **Confirmed. Utilizing existing fiber and power to the compound, no extensive new trenching will be required. Site is currently accessible by local road.**
8. **Phase I study complete. No significant impact. Ground equipment is self-contained and presents no environmental impact or hazard. A backup emergency generator could be installed and would utilize diesel fuel, but would also be self-contained and only used in case of extreme emergency situations.**
9. **SHPO report complete. No historic landmarks in the general vicinity.**
10. **Benefits the residents with better service and E-911 emergency services.**

ATTACHMENT 4 – APPLICANTS RESPONSE

Regarding sub-section 205-18F of the Zoning Code, the highest point of all proposed equipment is 12' higher than the existing 146.75' water tank. The tank itself is already out of compliance, as this itself is a residential parcel. The proposed installation to the tank does not dramatically impact the existing special exception of the tank itself.