



The Talbot County Planning Commission issued a favorable recommendation for the modification. All members of the Board visited the site prior to the hearing.

### **SUMMARY OF TESTIMONY**

Steven Nichols, an engineer with Davis, Bowen, and Friedel, Inc., appeared on behalf of the Applicant. Mr. Nichols provided the Board a general description of the project, which is more specifically detailed in the application materials. Mr. Nichols explained that the school and its expansion continues to meet the criteria for the grant of a special exception as follows:

1. The use is consistent with the purposes and intent of the Talbot County Comprehensive Plan. The use of the property is not changing but is merely expanding to meet the current and future needs of the community. The comprehensive plan also encourages expansion of existing facilities rather than creating new facilities.

2. The use will comply with the standards of the zoning district in which it is located. It is a special exception use in the VM district. The school serves the residents and nearby areas of the community. The project will comply with all other permit and zoning requirements.

3. The scale, bulk and general appearance of the use will be compatible with adjacent land uses and with existing and potential uses and will not be detrimental to the economic value of the neighboring property. The adjacent properties are largely agricultural with some rural residential properties nearby. The project will not harm the economic value of adjacent properties.

4. The use will not constitute a nuisance to other properties and will not have significant adverse impacts on the surrounding area due to trash, odors, noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances. The use is not changing and will not result in additional impacts as described above. Water pollution will be improved by additional stormwater management. Lighting will increase safety.

5. The use will not have significant adverse impact on public facilities or services, including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services. There will be no changes in use. The site will continue to utilize onsite septic and water. The fire suppression system is being upgraded. There will be no adverse impact on public roadways as site entrances will be utilized with one additional bus entrance to reduce traffic on the roadway during pick up and drop off times.

6. The use will not have significant adverse effect on marine, pedestrian or vehicular traffic and, in fact, will improve traffic with the improvements.

7. The use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County, based on the road classifications established in Chapter 134 of the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity. There will be no changes in use. Although enrollment at the school is projected to increase, there will be no immediate increase in traffic volumes that result from the project and

the project will provide an increased area for rider queueing and better site circulation to help offset future increase in student enrollment.

8. Any vehicle access to proposed off street parking areas and drive in facilities will be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic to minimize impacts on adjacent properties and on public or private roads. Mr. Nichols explained the improved circulation that will result from the project.

9. The use will not significantly adversely affect wildlife with respect to the site's vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife. The site's use as a school will not change. If any trees need to be removed, they will be replaced onsite with additional native plantings and disturbed grassed areas will be restored to existing conditions.

10. The use will not significantly adversely affect adjacent existing agricultural uses.

William Cep, an adjacent landowner, testified in support of the modification. He requested that the 1993 condition, for which the Applicant must relocate his water well in the event of contamination, continue to be upheld. Kevin Schaeffer, the Director of Operations for the Board of Education testified that the Applicant would continue to honor that condition.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

There is no better proxy for the community than the health of its schools. The Board finds that the requested modification to the existing special exception are necessary and important for the school and its community.

The improvements are especially important because of the projected increase in enrollment at the school. The Board of Education is making necessary improvements by expanding the existing facility, as opposed to creating a new facility, consistent with the comprehensive plan. The Board finds that the improvements are being constructed in a non-intrusive manner. The improvements will increase safety for the school and its faculty, students, and surrounding neighborhood.

The Board is satisfied that the special exception use, which was granted as early as 1993, remains unchanged. The requested modifications do not change the use and are consistent with the current standards for the grant of a special exception set forth in Chapter 190 of the Talbot County Code.

### Documents on Record

1. Application for Special Exception.
2. Tax Map with subject property highlighted.
3. Notice of public hearing for advertising.
4. Newspaper confirmation.
5. Notice of public hearing with list of adjacent property owners attached.
6. Special Exception standards.
7. Staff Report, prepared by Andrew Nixon.
8. Planning Commission recommendation.
9. Sign maintenance agreement/sign affidavit.
10. Comments from State Highway Administration, Henry Dierker.
11. Authorization letter from Kevin Schaefer, Talbot County Public Schools, dated 3/7/24.
12. Independent Procedures Disclosure and Acknowledgement Form.
13. Aerial photo.
14. Site plan.
15. Floor plan and Elevations.
16. Board of Appeal Decision, Appeal No. 902.
17. Board of Appeal Decision, Appeal No. 1171.
18. Board of Appeal Decision, Appeal No. 1126.
19. Email from Sandy and William Cep, dated 3/5/24.
20. Site Plan Large Plats.

Vice Chairman Dorsey moved to grant the modification of Special Exception subject to staff conditions and the condition that the Applicant continue to be bound to relocate the well of William Ceps, at the expense of Applicant, if the well is ever contaminated by the school's septic system. The motion was seconded by Mr. Krebeck. Based upon the foregoing, the Board, by a unanimous vote, grants the Special Exception modification subject to the following conditions:

1. The Applicant shall obtain Major Site Plan approval from the Department of Planning and Zoning.

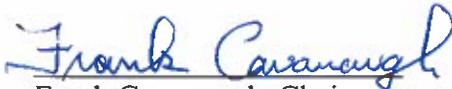
2. The Applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.

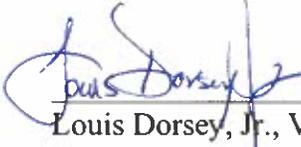
3. The Applicant shall commence construction of the proposed improvements within eighteen (18) months of the date of the Board of Appeals approval. This approval is only for the requested improvements and additions in this application and does not cover or permit any other changes or modifications. Items not specifically addressed in this application may require additional approvals.

4. The condition set forth in Appeal No. 902 shall continue to apply, which states: "Should the applicants proposed septic systems render impotable [contaminate] the water from the well of William Cep of 11569 Old Cordova Road, whose well is fairly close to said systems, the Talbot County Board of Education shall bear the cost of relocating said well to a place where potable water can be obtained ..." Additionally, the Applicant shall be responsible for testing the

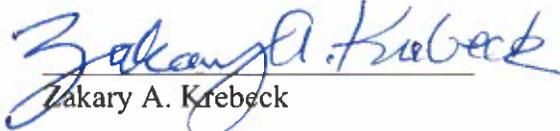
water quality of William and Sandra Cep's well, or their successors or assigns, at the Applicant's expense, on a routine basis. The water quality testing schedule shall be determined by amicable agreement between Applicant and William and Sandra Cep.

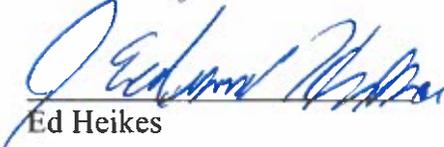
**IT IS THEREFORE**, this 10<sup>th</sup> day of May, 2024, **ORDERED** that the Applicant's request for modification of the special exception is **GRANTED**.

  
Frank Cavanaugh, Chairman

  
Louis Dorsey, Jr., Vice-Chairman

  
Patrick Forrest

  
Zakary A. Krebeck

  
Ed Heikes