

**BEFORE THE TALBOT COUNTY BOARD OF APPEALS**

IN THE MATTER OF \* CASE NO. SPEX-23-1  
CROWN CASTLE \* APPLICATION FOR SPECIAL EXCEPTION USE  
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The Board of Appeals (the “Board”) held a hearing on March 27, 2023 in the Bradley Meeting Room, Court House, South Wing at 11 N. Washington Street, Easton, Maryland to consider the application of Crown Castle (the “Applicant”). The Applicant requested wireless communication tower use on the property located at 10660 Old Cordova Road, Cordova, Maryland. Chairman Frank Cavanaugh, Board Members Paul Shortall, Greg Gannon, Jeff Adelman, Zakary Krebeck, and Board Attorney Lance M. Young were present. Planner Bryce Yelton and Board Secretary Christine Corkell appeared on behalf of the County.

**STATEMENT OF THE CASE**

The Applicant requested Special Exception use to construct a wireless communication tower on property that is zoned Agricultural Conservation (AC) in Cordova, Maryland. The proposed tower will be constructed on property owned by Howard T. Callahan, Sr. and Carla Callahan.

Wireless communication towers are permissible as a special exception in the AC zoning district. Pursuant to Talbot County Code § 190-56.2.C, a special exception for a wireless communication tower may be granted when this Board finds, from a preponderance of evidence, that the proposed use will satisfy the standards of §190-56.2.A 1, 2 and 5 through 10. Analysis of those standards is set forth in the Findings of Fact and Conclusions of Law below.

The Applicant proposes to construct a 199’ monopole wireless communication tower and 75’ x 75’ equipment compound on the site. The tower will be utilized by wireless communication entities to provide better wireless communication services surrounding the Cordova area.

The Talbot County Planning Commission made a favorable recommendation to the Board for approval of the special exception use subject to staff conditions. The Planning Commission additionally approved the Major Site Plan with the associated waivers for the alternative landscaping plan and screening requirements.

**SUMMARY OF TESTIMONY**

The Applicant was represented by attorney Edward L. Donohue, of the law firm Donohue, Themak, & Miller, PLC. Mr. Donohue explained that the “anchor tenant” for the tower will be AT&T. Other wireless providers will be able to utilize the tower as well. It is

expected that other wireless communication providers will utilize the tower once all necessary permits are in place.

The tower location was considered for the reason that the Cordova area is significantly lacking in strong, reliable wireless service. The site is important for the reason that most people now rely on cell phones for communication and, in particular, it is essential for emergency 9-1-1 calls in the Cordova area. The location is within Area #8 of Priority Placement Areas set forth in the County Comprehensive Plan.

The Applicant conducted community outreach and received positive feedback. In the public information session and at the previous December 7, 2022 Planning Commission meeting, Board members heard from the Principal of Chapel District Elementary who explained the school's inability to contact emergency services through a police radio or landline phone.

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

As a general matter, the Board finds that the proposed tower will provide an important public safety function by allowing wireless providers to utilize the tower and increase wireless signals. It is a much needed service in the Cordova area. The Board finds by a preponderance of the evidence that the requisite standards for granting a special exception, set forth in the Talbot County Code, § 190-56-2.A.1 are met:

*The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.* The Comprehensive Plan has considered wireless communication tower sites and has designated Priority Placement Areas. The proposed tower is located within Priority Placement Area #8. This is a previously unserved area of the County that lacks existing cell coverage with no opportunities nearby for additional collocation. Additionally, the Comprehensive Plan states that expansion of cellular service away from US 50 is inadequate. The proposal location presents opportunities to create cell coverage in the immediate underserved area and also satisfies covering the Priority Placement Area established by the Comprehensive Plan.

*The use will comply with the standards of the zoning district in which it is located, which allows for the use as a special exception.* A variance is not necessary. All zoning requirements have been reviewed through the site plan process and Major Site Plan was approved by the Planning Commission.

*The use will not have a 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.* The use will have a positive impact on public facilities in the Cordova area. The Chapel District Elementary School, in Cordova, is currently unable to contact emergency services unless through a police radio or landline phone. The tower will present an opportunity for a first responder's network to collocate on the site, thereby increasing 9-1-1 capabilities in the Cordova area.

*The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic. The project will be accessed from Old Cordova Road through a private driveway. It will not require regular access or affect traffic in any significant way.*

*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, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity. The use will not produce traffic volumes that would exceed the capacity of Old Cordova Road.*

*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 and to minimize impacts on adjacent properties and on public or private roads. Access to the site for construction, or otherwise, is provided by private driveway and traffic is not expected to be an issue for the wireless tower.*

*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. A National Environmental Policy Act ("NEPA") report was prepared and reporting federal agencies did not have any comment regarding the application. There are no environmentally sensitive areas on the proposed site, such as tidal wetlands, streams, or flood zones. The proposed site is next to a Forest Conservation Easement that will be expanded to meet the afforestation requirement for the Major Site Plan.*

*The use will not significantly adversely affect adjacent existing agricultural uses. The tower will be located on a large parcel of existing agricultural lands. It is close to an existing forest conservation easement that is not tilled for agricultural use. The site has a compact design that extends an existing road for access to the site. The design utilizes little agricultural land and does not impact actively farmed land around it.*

## **EXHIBITS**

The Applicant submitted the following exhibits on the record during the hearing:

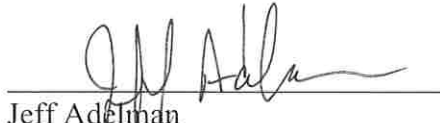
1. Power point presentation.

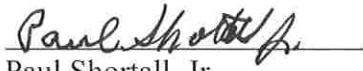
Mr. Shortall moved that the Applicant's request for Special Exception use be granted, subject to staff conditions, and the motion was seconded by Mr. Gannon. Based upon the foregoing, the Board finds, by a unanimous vote that the Applicant's request is granted subject to the following staff conditions:

1. 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.
2. The Applicants shall commence construction of the proposed improvements within eighteen (18) months of the date of this Decision set forth below.
3. The Applicant shall include all applicable information and financial surety in its application to the Office of Permits and Inspections in accordance with Talbot County Code § 190-32.3.

**IT IS THEREFORE**, this 11<sup>th</sup> day of April, 2023, **ORDERED** that the Applicant's requests for modification of a nonconforming use is GRANTED.

  
Frank Cavanaugh, Chairman

  
Jeff Adelman

  
Paul Shortall, Jr.

  
Zakary A. Krebeck

  
Greg Gannon