



Board of Zoning Appeals
Department of Planning, Housing, and Zoning

MINUTES

April 20, 2026

5:00 PM

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The Board of Appeals met April 20, 2026, at 5:00 p.m. in the County Commissioners' Hearing Room.

Board members in attendance were Chair John Massey, Member David Hill, and Alternate Member Ben Legow. Member Rob Davis was away.

Elissa Levan, Esq., Board Attorney; Carla Gerber, AICP, Director; Holly Baldwin, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk, attended.

Representatives for Network Towers II, LLC included Sean Hughes, Esq.; Sam Avena, Land Use Manager for Network Towers; Paul Dugan, Radio Frequency Consulting Engineer; and Yaw Bonsu, Structural Engineer.

The meeting was called to order at 5:05 p.m. by Chair Massey.

MINUTES

Motion: Mr. Hill moved to approve the minutes from the meeting of December 15, 2025. Mr. Legow seconded, and the motion passed unanimously.

APPLICATIONS FOR REVIEW

26-07: Network Towers II, LLC / Olan H. Simpkins – Special Exception – Personal Wireless Facility Tower Cypress Road, Millington (Map 33, Parcel 3)

Public Notice Information: Ms. Grieb read into the record the public notice that was published in the Kent County News on April 9, 2026. Ms. Grieb also noted letters were sent to adjacent property owners on March 13, 2026, and the property was posted on March 16, 2026. No correspondence was received.

Applicant Testimony: Sean Hughes, Esq., attorney for Network Towers II, LLC, appeared on behalf of the applicant. Mr. Hughes summarized the application, noting the extensive record assembled to meet all code criteria for the special exception and the tower-specific code sections.

Adopted on May 18, 2026

Mr. Hughes described the proposal as a 195-foot monopole (199 feet to the tip of the lightning rod) designed for Verizon Wireless as the anchor tenant, with capacity for at least three additional co-locators (T-Mobile, AT&T, and potentially others). The tower would be located on the 153-acre Simpkins farm on Cypress Road, tucked into a mature wooded area, and would generate only approximately one maintenance visit per month. The facility would be unmanned and passive in operation, with no customers on site and no on-site staff.

Mr. Hughes noted that a letter of support was submitted from the Millington Volunteer Fire Department, signed by Wayne J. Starkey, dated March 30, 2026, stating that cell service on Route 291 from Millington to Delaware is very limited and that the tower would enhance safety for residents and travelers who need to make emergency calls in the area. Mr. Hughes read the letter briefly into the record and submitted copies.

Regarding FAA compliance, Mr. Hughes and Mr. Averna explained that FAA and FCC screening was completed for the site, and that the tower does not require FAA marking, lighting, or registration.

Paul Dugan, Radio Frequency Consulting Engineer with Millennium Engineering PC (West Chester, PA), testified regarding the technical need for the proposed tower. He explained that the proposed tower would provide approximately 2 to 3 miles of coverage in all directions. He confirmed that the 199-foot height was selected as the optimal height to maximize coverage without generating unnecessary interference with adjacent sites. He explained that Verizon exhausted all co-location options on existing structures before concluding that a new tower was necessary.

Staff Report: Holly Baldwin, Associate Planner for Kent County, testified regarding the Planning Commission's April 2, 2026, review. The Planning Commission voted to forward a favorable recommendation for approval of the special exception.

Board Discussion: Board members discussed the application and noted the strong safety rationale for the tower, including the importance of 911 connectivity in a rural area with limited cell service. Members noted that approximately 80% of 911 calls nationally are placed from wireless devices, making coverage in dead zones a significant public safety concern.

Board members confirmed that the tower would be built to accommodate a minimum of four wireless platforms (Verizon as anchor tenant at the top, with space for AT&T, T-Mobile, and potentially additional carriers below), consistent with Kent County's preference to minimize the proliferation of new towers by requiring co-location capacity.

The Board reviewed the findings of fact set forth in the staff report and the testimony presented by the applicant's representatives. Members confirmed that the special exception criteria set forth in the zoning ordinance and the tower-specific provisions of the code had been addressed.

Motion: Mr. Hill moved to accept the Planning Commission's findings of fact as their findings with the supplement of findings as recited by staff and the testimony presented tonight as to satisfying the criteria of the zoning ordinance and to approve the special exception for a cellular tower for Network Towers II,

LLC / Olan H. Simpkins, located at Cypress Road, east of Millington. Mr. Legow seconded, and the motion passed unanimously.

GENERAL DISCUSSION

Staff reported that the next Board of Appeals meeting is scheduled for May 18, 2026. Staff noted that one application for a setback variance is expected for that meeting. Board members acknowledged that the date falls the week before Memorial Day, which falls early this year.

ADJOURN

Mr. Hill moved to adjourn the meeting. Mr. Legow seconded. The motion passed unanimously.

The meeting was adjourned at approximately 5:45 p.m.

/s/ John Massey
John Massey, Chair

/s/ Carla Gerber
Carla Gerber, AICP, Director DPHZ

Please note 95% of this document was created by Claude from Anthropic using a transcript from MS Teams.