



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

MINUTES
July 20, 2026
5:00 PM

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

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

Karen Rupp, Esq., Board Attorney; Carla Gerber, AICP, Director; Jordan Johnson, Planning Specialist, serving as Clerk, attended.

For Application 26-04, the applicant Towerco was represented by Sean Hughes, Esq., along with witnesses Jacob Toroney (civil engineer, MRA Engineering), Paul Dugan (radio frequency engineer, Millennium Engineering), Carrie Fazzolari (Towerco representative, Director of Zoning), Chris Harold (real estate, REACS Management), and Erin Gould (environmental engineer, EBI Consulting).

For Application 26-27, the applicant Town of Galena was represented by Marissa Passapia, Town Administrator, and Michael Gibson, Maintenance Coordinator. A T-Mobile representative and Reggie Mariner, engineer with GMB, participated by phone.

The meeting was called to order at 5:00 p.m. by Chair Massey.

MINUTES

Motion: Mr. Hill moved to accept the minutes from the meeting of May 18, 2026. Mr. Legow seconded, and the motion passed unanimously.

APPLICATIONS FOR REVIEW

26-04: Towerco/Stephen and Mary Etta Stoltzfus — Special Exception — Personal Wireless Facility Tower Morgnec Road, Kennedyville (Map 30, Parcel 5)

Public Notice Information: The Clerk read into the record the public notice published in the Kent County News on July 9, 2026, announcing the hearing on this application. Letters were sent to adjacent property owners on June 12, 2026, and the property was posted on June 15, 2026. Thirteen (13) pieces of correspondence were received regarding Project 26-04.

Applicant Testimony: Sean Hughes, Esq., counsel for Towerco, gave an opening statement describing the proposal as a 195-foot monopole (199 feet including a 4-foot lightning rod) to be constructed on a 220-acre agricultural parcel owned by the Stoltzfus family on Morgnec Road, within a 50-by-50-foot

Adopted on August 17, 2026

fenced compound. He stated that Verizon would be the anchor tenant, with T-Mobile committed as a second tenant, and that the site had received a favorable staff report and a unanimous recommendation of approval from the Planning Commission on July 2, 2026. He noted that the Planning Commission had asked the applicant to be prepared to discuss why this location on the farm was selected and why alternative locations were not, and stated the applicant would address that topic through its witnesses. He cited statistics regarding wireless-only households and 911 call volume, and noted a letter of support from the Kent County Office of Emergency Services.

Jacob Toroney, civil engineer with MRA Engineering, was accepted to testify and described the site plan, access road, and topography, noting the tower site sits on an elevated plateau (approximately 72 feet above mean sea level) surrounded by mature trees roughly 40–50 feet in height, providing partial screening of the compound though not of the full tower height. He testified that proposed setbacks substantially exceed code minimums in all directions (by approximately 10 to 15 times the required distance in most directions), that the tower would be an unguyed monopole designed to ANSI/TIA structural standards, that utilities (power and fiber) would be run underground within public rights-of-way and the site's own access easement, and that no off-site dwellings, churches, or other structures exist within 500 feet of the site. He also corrected the record to note the tower elevation drawings inadvertently showed 199 feet without the lightning rod noted separately, and offered a corrected sheet for the record.

Paul Dugan, radio frequency engineer with Millennium Engineering, testified regarding the need for the facility, presenting propagation maps (Figures 1 and 2 of his report) depicting current and projected signal coverage at 700 MHz. He testified that he personally field-tested signal strength and data throughput in the area and found service to be poor to non-existent near the proposed site, that the facility would fill an identified coverage gap along River Road (Route 291), Route 298, and Morgnec Road, and that the site was evaluated as part of a network of existing and planned Verizon facilities in the region, including sites in Millington, Crompton, Chestertown, and Hill Pond. He testified that radio-frequency emissions at the site would comply with FCC safety standards by a wide margin, and that towers under 200 feet in height (such as this one, proposed at 199 feet including the lightning rod) do not require FAA lighting, which is also beneficial to migratory birds. Board members questioned Mr. Dugan extensively about whether the facility duplicates existing coverage to the south rather than extending service further north in the county, and about the underlying data supporting claimed public need; Mr. Dugan maintained that each new site functions as a building block within the broader network and that the site's location and height were suited to the specific coverage objectives identified by Verizon.

Carrie Fazzolari, representing Towerco, testified regarding the site-selection process, explaining that Towerco first considered a nearby parcel that was excluded because it lies within a conservation district, and then evaluated the subject site and a location near existing grain silos on the Delmarva Feed complex, which was rejected because the landowner did not want to interrupt active farm operations and because the silos are not tall enough (approximately 80 feet) and at a lower elevation. She confirmed that Towerco does not co-own other towers in the county, that a letter of non-interference was provided to the county's Office of Emergency Management, that no signage beyond a required informational placard is proposed, that the facility would be visited roughly once per month, and that under county code the tower must be removed within 90 days of a cessation of use exceeding six months. She also confirmed that a community meeting was held on March 24, 2026, that notices were sent to property owners within one mile of the site (approximately 30 parcels held by roughly 16 different owners) based on a distance developed in consultation with county staff, and that two people attended that community meeting.

Chris Harold, a real estate professional, testified regarding a study he prepared analyzing residential property values near existing communication towers in Kent County. He testified that of thirteen FCC-registered towers in the county, seven had a sufficient volume of sales (a minimum of 20 sales within a two-mile radius over a six-year period) to support analysis, and that comparing property-value growth near those towers to county-wide growth over the same periods showed no consistent negative correlation; in four of the seven cases values near the tower lagged county-wide growth, and in three of the seven cases they exceeded it.

Erin Gould, an environmental professional with EBI Consulting, testified regarding a preliminary National Environmental Policy Act (NEPA) screening prepared for the project. He testified that the site is not located in a wilderness area or wildlife preserve, that no listed endangered species were identified (though two proposed, not-yet-listed species were noted), that no state or federally registered historic properties exist within a mile of the site, that no tribal lands, flood zones, or wetlands would be affected, and that the Maryland Department of Natural Resources responded on June 19, 2026, that it had no records of listed or protected species in the project area. He also testified that keeping the tower under 200 feet, and therefore unlit, is preferable for migratory birds, and that no bald eagle nests were documented within five miles of the site according to the Maryland Bald Eagle Nest Monitoring Program.

Public Testimony: Several members of the public testified in opposition to the application as sited, while stating they did not oppose improved wireless service generally.

Michelle Bonetta, 29134 River Road, Millington, whose property adjoins the Stoltzfus farm, testified that her family has owned their farm for 51 years, that she operates an apiary on the property, and that the tower as sited would be highly visible from her home, porch, barn, pond, and apiary. She stated that the Planning Commission's staff report recommended that the applicant look at an alternate site on the 220-acre farm before returning to the Board, and that she found no evidence in the record that additional alternative sites (as opposed to the rejected Delmarva Feed silo location) had been evaluated. She asked that the Board require the applicant to identify the names of persons invited to the March 24, 2026 community meeting, noting that at least two nearby property owners stated they were not invited or notified. She also questioned the precision of the setback figures cited by the applicant, noted that portions of the environmental and FAA screening reports are described therein as preliminary, and asked that the Board consider requiring a financial-assurance mechanism for eventual tower removal, similar to requirements she said are used in other Maryland counties.

Debbie Nickerson, 8551 Broadneck Road, Chestertown, testified that she had understood from the July 2, 2026 Planning Commission meeting that the applicant would be evaluating an alternate location on the same farm, and questioned whether the demonstrated public need justified the proposed location given the limited number of residences directly served.

Diane Hague, owner of a farm at 28519 River Road, Millington (located just over one mile from the site), stated she had submitted written testimony for the July 2, 2026 Planning Commission meeting and reiterated that she felt strongly that the Planning Commission's suggestion to evaluate an alternate site near the existing silos should be followed.

A letter from Mardel Pilar, a nearby property owner who was unable to attend, was read into the record. The letter stated that the writer was not informed of or invited to the March 24, 2026 community meeting, that the proposed tower would be visible from her property, and asked that the

applicant be required to explore alternate locations with appropriate impact evaluations provided to all adjacent property owners.

Written comments previously submitted by Janet Christensen Lewis were also referenced and entered into the record; those comments raised similar concerns regarding alternative-site evaluation, visual impact, and the preliminary nature of certain environmental findings.

Staff Report: Carla Gerber, Planning Director, testified that the Planning Commission reviewed the application at its July 2, 2026 meeting, made findings of fact related to the special exception requirements, and voted to forward a favorable recommendation for approval, along with a recommendation that the applicant provide information on alternative sites considered. In response to Board questions, she stated that a proposal to locate the tower further north in the county would be subject to the same special exception standards, and that any zoning district permitting the use by special exception could be considered by an applicant. The Planning Commission's letter of July 7, 2026, the preliminary staff report of June 25, 2026, and the applicant's June 4, 2026 submission were entered into the record.

Closing Arguments: Counsel for the applicant reiterated that the proposed setbacks substantially exceed code minimums, that need had been established through testimony and supporting documentation including the letter from the Office of Emergency Services, and that the applicant had, in its view, addressed the Planning Commission's request regarding alternative locations. Ms. Bonetta, in rebuttal, disputed certain distance figures cited by the applicant and reiterated that alternative locations on the property had not, in her view, been adequately evaluated, and asked that the Board not approve the application until those concerns were addressed.

Board Discussion: Board members discussed the application at length. Several members expressed concern that the coverage maps presented appeared to show substantial overlap with existing coverage to the south of the proposed site rather than extending new coverage further north into areas of the county with weaker service, and that the record did not include sufficiently specific data to evaluate public need. Members also discussed the Planning Commission's recommendation that the applicant evaluate alternative sites on the 220-acre property, and generally agreed that the record would benefit from additional detail on that topic before a decision was made.

Motion: Mr. Davis moved to table Application 26-04 (Towerco/Stephen and Mary Etta Stoltzfus) until the Board's regular meeting on August 17, 2026, for the purpose of allowing the applicant to provide additional information regarding (a) alternative sites considered and exhausted on the subject property, and (b) further detail supporting the demonstrated public need for the facility. Mr. Hill seconded the motion, and the motion passed unanimously.

*26-27: Town of Galena — Special Exception — Personal Wireless Facility Tower
13265 Augustine Herman Highway, Galena*

Public Notice Information: The Clerk read into the record the public notice published in the Kent County News prior to the hearing. Letters were sent to adjacent property owners on June 15, 2026, and the property was posted accordingly. No correspondence in opposition was received. [CLERK'S NOTE: The exact posting date for the Kent County News notice was not clearly audible on the recording; please confirm from the file.]

Applicant Testimony: Marisa Pisapia, Town Administrator for the Town of Galena, and Michael Gibson, Maintenance Coordinator, testified on behalf of the application. Ms. Pisapia explained that the Town's existing water towers, which currently host Verizon and AT&T facilities, have reached structural capacity and can no longer accommodate additional carriers, and that T-Mobile approached the Town approximately one year ago seeking a location. She testified that the County had separately donated to the Town a previously unused monopole (originally intended for a location near Tolchester) for installation at the Town's wastewater treatment plant, which is owned by the Town but located outside town limits and operated jointly with the County under a 70/30 cost-sharing arrangement. She testified that lease revenue from the new tower would be directed to the Town's sewer enterprise fund and would help offset the Town's share of treatment plant costs. She confirmed that the Town has no intention of selling either of the two parcels involved and intends to combine them through a lot-line adjustment. She stated that T-Mobile would be the primary carrier, that the Town has also received interest from a second carrier, and that the Town would give priority to any future request from the County's Department of Emergency Services. The Planning Commission's recommendation dated July 7, 2026, the preliminary staff report dated June 25, 2026, and a letter from the Town's Mayor and Council dated July 20, 2026, were entered into the record.

A T-Mobile representative, participating by phone, indicated he had nothing to add absent Board questions. Reggie Mariner, an engineer with GMB, also participating by phone, likewise stated he had nothing to add unless the Board had questions. In response to Board questions regarding public need, Ms. Pisapia stated that T-Mobile approached the Town roughly a year ago and that residents have reported difficulty obtaining reliable wireless service, particularly T-Mobile service, within town limits, and that only Verizon and a fiber-based provider are currently reliably available.

Staff Report: Carla Gerber, Planning Director, testified that the Planning Commission reviewed the application and made a favorable recommendation, finding that it met the requirements for approval. In response to a Board question, she confirmed that the monopole being relocated to the site had never been placed into service.

Board Discussion: Board members asked about the location of the proposed tower relative to an on-site septic system and expressed that the location did not appear likely to be detrimental to surrounding properties.

Motion: Mr. Davis moved to approve the special exception request of the Town of Galena for a personal wireless facility tower at 13265 Augustine Herman Highway, Galena, based on the finding that the application meets the conditions set forth for approval of a special exception for a personal wireless facility tower. Mr. Hill seconded the motion, and the motion passed unanimously.

GENERAL DISCUSSION

Staff reported that one additional application — a lot-coverage variance related to a pool enclosure — is scheduled for the Board's August meeting. Staff also advised the Board that an additional wireless communications company has begun evaluating potential tower sites in the county, and that further tower applications may be forthcoming.

ADJOURN

Motion: Mr. Hill moved to adjourn the meeting. Mr. Davis seconded, and the motion passed unanimously.

/s/ John Massey
John Massey, Chair

/s/ Jordan Johnson
Jordan Johnson, Planning Specialist

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