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## OC Council Moves To Officially Deny Residential Cell Towers Request

Oct 28, 2021 by Shawn Soper

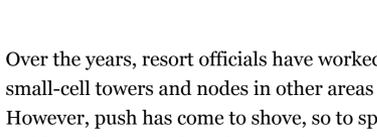
OCEAN CITY — Resort officials denied another private-sector request to place three small-cell towers in the Montego Bay community, this time agreeing to formalize the denial by resolution.

The Mayor and Council had before them on Tuesday a request from Crown Castle to install three small-cell towers in the north Ocean City residential community. Crown Castle installs small cell towers and nodes around the resort area and contracts with wireless providers, such as Verizon and AT&T, for example, to provide hardware.

In March, the council reviewed an informal request to place three small cell towers in Montego Bay in what amounted to be a feeling-out of sorts. The council at that time denied the conceptual request. In August, Crown Castle submitted formal applications for the three tower sites in Montego Bay with a November deadline for the town to formally respond in writing, per Federal Communications Commission (FCC) guidelines.

On Tuesday, the Mayor and Council heard a presentation from City Engineer Terry McGean along with Crown Castle Government Relations Manager Carly Didden. Even before the council reached the Crown Castle agenda item, Montego Bay residents flooded the council chambers, and several spoke in opposition to the proposed small-cell towers. The community's residents presented a petition including 978 signatures in opposition to the proposed towers.

McGean outlined the timeline for Crown Castle's proposed deployment of the three small-cell towers in Montego Bay.



“At the March 30 meeting, the council denied the request to approve the locations due to Montego Bay being a community of unique character, the importance of aesthetics to the community, no above-ground utilities in the community and the community has a 15-foot height restriction,” he said. “However, under the town code, that did not prevent Crown Castle from submitting a full application for the same or different locations.”

Over the years, resort officials have worked closely with Crown Castle on the placement of small-cell towers and nodes in other areas around the resort including along the Boardwalk. However, push has come to shove, so to speak, when the company has sought to place them in residential area. In fact, the town is currently in an active civil suit with the company over denial of a proposed placement of towers in north-end residential neighborhoods.

The FCC rules are complicated and there have been other suits filed over the placement of towers in other areas around the country. McGean explained there are strict deadlines in place for jurisdictions such as Ocean City to respond to formal applications.

“The council is now being asked to make a final decision as to whether to approve or deny the applications,” he said. “Absent an agreement by Crown Castle to extend the time for action, that final action should be taken by Nov. 4, and if not, the town will be presumed to have violated federal deadlines for action on applications for new small wireless facilities.”

Crown Castle and similar wireless service providers are generally allowed to place facilities within jurisdictions in order to enhance and improve wireless service in those areas. However, jurisdictions such as Ocean City reserve the right to turn down certain locations or work with providers on the aesthetics of the facilities.

Such has been the case with the Montego Bay requests. The town code limits building heights to 15 feet in the community, and the three proposed towers would each be over 30 feet tall.

“There are no existing street lights in the public right-of-way on South Ocean Drive adjacent to any of the proposed locations and lighting on private property is limited to identical six-foot coach lights,” he said. “The proposed style of the antenna post and light does not match the style of the adjacent private street lights.”

According to McGean, under federal law, a decision on a wireless application must be in writing and based on substantial evidence in a written record. Given the proposed facilities would be located in the town's MH zoning district, applying just the town code and the Distributed Cellular Antenna System, or DAS, design standards, Crown Castle's applications should be denied, he said.

“There are sound reasons for the limitation in the MH-zoned district,” he said. “Among them, there are no city or utility-owned street lights or above-ground utility poles or an aerial plant near the proposed facilities. Staff believes the proposed structures and their placement are not aesthetically or architecturally compatible with the surrounding environment.”

For her part, Didden attempted to make a case for Crown Castle's applications for Montego Bay to no avail.

“To review why this is so important,” we have proposed three tall towers,” she said. “Through the process, we have gone through redesigns to limit the visual impact. If we went with shorter towers we would need more of them. We would need five instead of just three. We have to have above-ground equipment.”

Even before the Mayor and Council reached the Crown Castle agenda item, Montego Bay residents turned out in force and several spoke in opposition to the applications. One resident referenced the petition signed by nearly 1,000 residences.

“We have 978 properties that support no cell towers,” he said. “That's 64% of the properties in Montego Bay. We predict a 20% drop in property values if they drop one of these towers in front of your property. We have the largest voting bloc in Ocean City. You might want to consider that.”

Montego Bay resident Tim Gates pointed out the distance the proposed small cell tower would be from his home.

“A cell tower would be 13 feet from my house,” he said. “The regulation is 20 feet. That would be right next to my bedroom. I don't want to sleep with one of these towers just 13 feet from my bedroom. We should shelve this until we know how safe they are.”

Another Montego Bay resident, a board-certified nurse practitioner, said there are radiation concerns with the small cell towers based. Montego Bay resident Holly Donovan referenced a lawsuit ruling in Oregon in 2020. Donovan pointed out the 15-foot height restriction in Montego Bay and said 80-90% of the residents live in single- or double-wide homes.

“Today is the fifth appeal to enter our community,” she said. “Our community has to be very clear. We implore the town of Ocean City to take the advice of the consultant. We sincerely suggest you reject those tower requests and ask Crown Castle to cease and desist. It has become harassment.”

After the formal presentations and recommendations from McGean and staff, Council Secretary Tony DeLuca motioned to adopt the staff recommendations and deny the three applications for small-cell towers in Montego Bay. The motion passed unanimously. The denial will come in the form of a formal resolution, meeting the FCC requirements for denying applications in writing within certain deadlines. That resolution will be presented at the next Mayor and Council meeting.

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## About The Author: Shawn Soper



Shawn Soper has been with The Dispatch since 2000. He began as a staff writer covering various local government beats and general stories. His current positions include managing editor and sports editor. Growing up in Baltimore before moving to Ocean City full time three decades ago, Soper graduated from Loch Raven High School in 1981 and from Towson University in 1985 with degrees in mass communications with a journalism concentration and history.

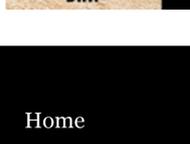
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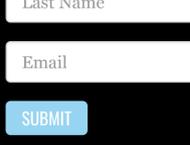
SNOW HILL -- Citing the need for more information, county officials opted not to grant local fire companies a new response allocation. The Worcester County Commissioners voted 5-2 on Tuesday not to create a new per run allocation for local fire companies. They said they wanted to see companies' financial information before making a change... [Read More >](#)

### Ocean City Compost Program Impresses With 40 Tons Of Waste Reported



OCEAN CITY -- Ocean City's private sector food waste composting program is exceeding expectation, resort officials learned this week, but there is still plenty of room to grow. In July, Hobbit Restaurant owner and Ocean Compost LLC representative Garvey Heiderman pitched his pilot food waste composting program to the Mayor and Council. The concept calls... [Read More >](#)

### Principals Explain Margaritaville Vision At Public Hearing



OCEAN CITY -- While no formal action was taken and there are many details to wade through, resort planners this week were generally pleased with the presentation of plans for the proposed Margaritaville Hotel and Resort complex. In August, the Ocean City Planning Commission reviewed the conceptual plans for the proposed resort, which, if approved,... [Read More >](#)

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