



cemetery. The proposed funeral home will be integrated into the existing cemetery and crematorium operations without the need for new construction; instead, existing office space within the current structure will be reconfigured.

Regarding operational impacts, Mr. Mulaney emphasized that the funeral home would remain subordinate to the primary cemetery use. While the Property currently hosts 30–40 burials annually, the Applicant anticipates only 10–15 funerals and 5–10 memorial services per year. Consequently, traffic and parking demands are expected to remain consistent with historical usage.

Addressing environmental concerns raised by County Planning and Zoning staff regarding outdoor storage near non-tidal wetlands, the Applicant testified that the Maryland Department of the Environment (MDE) has confirmed the area in question is not designated as wetlands.

In concluding his testimony, Mr. Mulaney addressed the Special Exception criteria, asserting that the use is consistent with the Comprehensive Plan as it supports a long-established local business. He noted that the application requires no variances, meets all scale and bulk requirements, and, given the nearly 70-year history of the site, will not result in any detriment or nuisance to adjacent properties. He further noted that the site is served by onsite water and sewer, creating no additional demand on public utilities, and will have no impact on wildlife or neighboring agricultural operations.

Andrew Nixon, County Planner, testified that the Health Department and Fire Marshal have reviewed the proposal and verified the adequacy of the existing septic disposal area and overall site capacity.

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

The Board finds by a preponderance of the evidence that the request satisfies the requirements of the Talbot County Code, § 190-56.2.

1. The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

*Economic Development Policy 7.1* directs the County to support the retention and expansion of existing businesses and to market the region for innovative businesses that capitalize on area assets while preserving rural character. The Board finds that allowing funeral services to be conducted within the existing, recently constructed building on the cemetery grounds allows an established business to evolve to meet community needs. This co-location of services is a logical extension of the existing use and serves to preserve the rural character of the AC district.

2. The use will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance.

Pursuant to Talbot County Code § 190-29.23(A), a funeral home in the AC district must be located on a cemetery property of at least 40 acres situated along a principal or minor arterial

roadway. The Board finds that Woodlawn Memorial Park meets these standards, as it consists of approximately 48.5 acres and maintains frontage on Ocean Gateway (Route 50). No variances are requested or required.

3. The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses, with existing and potential uses in its general area, and will not be detrimental to the economic value of the neighboring property.

The Board finds that because the proposed use involves the interior reconfiguration of an existing structure, there will be no change to the scale or bulk of the Property. The cemetery is a long-standing fixture in the community, surrounded by forest and farmland to the east. The use is compatible with the presence of the Tuckahoe Steam and Gas Engine Association across the roadway. There is no evidence suggesting that adding funeral services to an existing cemetery/crematorium will negatively impact neighboring property values.

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 features (resulting from the structure).

The Board received no evidence or testimony suggesting the proposed use would generate any nuisances. The funeral home will operate entirely within an existing structure and is inherently compatible with the burials and cremations already performed on-site.

5. The use will not have significant impact on public facilities or services, including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

The Board finds that the use will not strain public infrastructure. No new structures are proposed, and the existing onsite water and septic systems are private.

6. The use will not have a significant, if any, adverse effect upon marine, pedestrian, or vehicular traffic.

As the funeral home will serve only occasional services, the Board finds the traffic impact will be minimal. The Property is located on a major arterial roadway designed to handle significant volumes. There is an absence of nearby pedestrian traffic.

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, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity.

The Board finds that Ocean Gateway, being one of the County's primary thoroughfares, maintains more than sufficient capacity to accommodate the limited number of funeral and

memorial services anticipated. The State Highway Administration has reviewed the application and expressed no concern regarding the capacity of the roadway to handle the proposed use.

8. Any vehicle access to proposed off-street parking areas and drive-in facilities will be designed to minimize conflicts between vehicle, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads.

The property has an existing turn lane off the eastbound lanes of Ocean Gateway, a generous amount of shoulder space off the westbound lanes, and a median crossover at the entrance. Off street parking will be addressed during the Major Site Plan approval process as no parking lots or areas currently exist on the property. There will be no hazards to residential areas created by this use. Pedestrian and Bicycle traffic are not a concern in this area.

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.

Because the proposal involves no new construction, land disturbance, or expansion of the existing footprint, the Board finds there will be no adverse impact on local wildlife or natural resources.

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

Nearby agricultural uses will not be impacted.

The Board finds that the funeral home use is compatible with the surrounding agricultural landscape. No testimony was presented to suggest that the intensification of the existing cemetery use would interfere with neighboring farming operations.

#### 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's Recommendation.
9. Sign Maintenance Agreement/Sign Affidavit.
10. Comments from Henry Dierker of SHA, dated 3/11/26.
11. Authorization letter, dated 10/8/25.
12. Independent Procedures Disclosure and Acknowledgement Form.
13. Aerial Photo.
14. Plat by Lane Engineering, LLC – job no. 200475.
15. Minor Revision Plat by Lane Engineering, LLC.
16. Floor Plans and Elevations.
17. Talbot County Legislation Bill no. 1621.

- 18. Board of Appeals Decision no. 5.
- 19. Wetlands Delineation from Lane Engineering, dated 3/9/26.
- 20. Photos submitted by Andrew Nixon.
- 21. Applicant Ex. #1 – updated architectural plans.
- 22. Applicant Ex. #2 – Lane Engineering parking drawing.


Mr. Krebeck moved to grant the Special Exception subject to staff conditions. Vice Chairman Dorsey seconded the motion. Based upon the foregoing, the Board, by unanimous vote, grants the Special Exception subject to the following conditions:

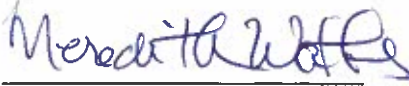
1. The Applicant shall make an application to the Planning and Zoning Department, and follow all rules and procedures as outlined regarding Major Site Plan approvals.
2. Upon receiving final approval for the required Major Site Plan, the Applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and inspection timelines regarding after-the-fact commercial building permits for the shed located on the property within thirty (30) days of the date of the Major site Plan approval.
3. 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.


On May 4, 2026, the Board heard testimony from County Staff that the project implementation will face delays due to Health Department approvals and anticipated site plan processes. Mr. Krebeck moved to permit the Applicant an extension, not to exceed an additional 18-months (36 months total) to commence the use for which the special exception was granted. Vice Chairman Dorsey seconded the motion, and it was unanimously approved.


**IT IS THEREFORE**, this 11<sup>th</sup> day of May 2026, **ORDERED** that the Applicant’s request for modification of the special exception is **GRANTED**.

  
 Frank Cavanaugh, Chairman

  
 Louis Dorsey, Jr.

  
 Meredith Watters

  
 Zakary A. Krebeck

  
 Jeff Adelman