

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: August 20, 2018  
 Time: 7:00 P.M.  
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p><b>18-20 – John H. and Sandra D. Krastel / Jeffrey S. Pettitt – Requests a special exception and site plan review for poultry houses on a parcel where the owner cannot handle the waste generated by the poultry houses.</b></p> <p>The property is located at 11505 Lynch Road in the Second Election District and is zoned, Agricultural Zoning District “AZD”</p> <p>Jeffrey S. Pettitt; Applicant</p> <p>Amy Moredock, Director</p> <p>General Public testimony was offered by Mr. Allen Davis, former Board of Appeals Member and a Kent County Farmer.</p> <p>All were sworn in.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>John Massey, Member</p> <p>Joan Horsey, Member</p> <p>David A. Hill, Observing</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p>	<p>Ms. Horsey made a motion to grant a special exception in accordance with those special and general provisions based on the following findings of fact:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with many Comprehensive Plan goals and strategies relative to supporting efforts to encourage young farmers to continue the County’s agricultural tradition; supporting agriculture as a permanent and preferred land use; and promoting Kent County as an agriculturally-friendly county.</li> <li>• Sediment and stormwater management plans have been approved by the appropriate agencies. The stormwater conveyance was reconstructed to meet the stormwater requirements per the as-built survey submitted by MDA/KSWCD staff.</li> <li>• All buildings and waste management structures are located between 600 feet and 2,140 feet from all property lines.</li> <li>• No part of the operation is located within the floodplain.</li> <li>• The operation will be managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. There has been no history or indication that phosphorus is a problem or is likely to become a problem.</li> <li>• The applicant has provided a Comprehensive Nutrient Management Plan that demonstrates that the poultry</li> </ul>	<p>Unanimous Approval</p>

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		<p>houses will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways. The Plan is dated June 2018 and is on file in the Department.</p> <ul style="list-style-type: none"> <li>• The existing poultry operation has been located on this site since 2014. The applicant does not propose to change the nature of the operation by adding buildings or poultry houses at this time.</li> <li>• The property is currently improved with 2 agricultural buildings, 1 mobile home (farm employee), 3 poultry houses, 2 manure buildings, and a pumphouse. The poultry operation is not visible from properties located to the east due to the location of the wooden blue line stream along the south and east of the parcel. While the operation is visible from MD Route 298, it is not clearly visible from offsite views to the west and south due to the natural elevation of the land in this area.</li> <li>• According to the applicant's narrative, traffic patterns will remain unchanged from those currently needed to operate the farm.</li> <li>• The property adjacent to the Village of Lynch and located behind Willard's Agri-Service; otherwise, the property is surrounded by agricultural land to the north, east, and south, with an area of Community Residential located to the south-east in the community of Bigwoods. The parcel is currently framed by a wooded blue line stream along the south and east.</li> <li>• The operation is located approximately 3,000 feet to the west of Lynch Community Church, which would be the closest place of public gathering if it were operating.</li> </ul>	

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<p><b>18-48 Kent County Board of Education -- Requests a special exception to allow a school bus parking lot on the existing bus parking lot area located adjacent to the former Worton Elementary School building.</b></p> <p>The property is located at 25301 Lambs Meadow Road and in the Third Election District and is Zoned Village (V).</p> <p>Joseph Wheeler, Supervisor of Operations for Kent County Public Schools</p> <p>Amy Moredock, Director</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>John Massey, Member</p> <p>Joan Horsey, Member</p> <p>David A. Hill, Sitting</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p>	<p>Since it is not, the closest public structure is the new Christian Chapel of Love in Bigwoods located over a mile to the south of the operation. The operation is located approximately 1,500 feet from the closest dwelling which is located at the end of Chickadee Lane. Willard's Agri-Service is located approximately 1,700 feet to the west of the poultry operation.</p> <ul style="list-style-type: none"> <li>• During the minor subdivision application process, the Krastels sent letters to County agencies requesting statements of impact of the proposed subdivision (and use onsite). The Kent County Sheriff's Department and the County Office of Emergency Services documented no undue impact of the project on community facilities and services.</li> <li>• There are no changes to the existing operation proposed by Mr. Pettitt. Therefore, there should be no undue impact on cultural and historic landmarks, significant natural features and trees.</li> </ul> <p>Mr. Massey seconded the motion; all were in favor.</p> <p>Mr. Massey made a motion to grant a special exception in accordance with those special and general provisions based on the following findings of fact:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with Comprehensive Plan strategies relative to maintenance and upgrading of existing educational facilities and programs.</li> <li>• The proposed school bus parking plan is not located in a floodplain.</li> <li>• The plan is for school bus parking only. Fueling and major repairs will not be done on site. The closest dwelling is located</li> </ul>	<p>Unanimous Approval</p>

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<p>General Public testimony was offered by Sarah Mathilda Wessel, resident of Worton.</p> <p>All were sworn in.</p>		<p>approximately 300 feet from the proposed parking area.</p> <ul style="list-style-type: none"> <li>• The area will be designated for parking. There will not be any sto products outside.</li> <li>• All county-owned vehicles are registered with the MVA and currently up to date. Any privately-owned busses parking onsite will likewise be registered with the MVA.</li> <li>• The entrance and exit of the parking lot is the same entrance and exit that was used when the facility was open as a school.</li> </ul> <p>MD State Highway Administration has determined that all access roads are capable of handling the traffic generated and that a safe route for school busses traveling to and from the facility is provided. The amount of traffic generated will not be much more than previously encountered during the school year.</p> <ul style="list-style-type: none"> <li>• The entire proposed parking area is currently paved. There are no current plans for expansion of the parking area.</li> <li>• The applicant has submitted a landscape plan to provide screening from adjacent properties and public roads.</li> <li>• Adequate restroom facilities shall be provided in the former elementary school which is currently served by County water and sewer.</li> <li>• The Worton Campus is characterized by the former Worton Elementary School building, Kent County High School and affiliated athletic fields and buildings, and the County small scale solar energy system. The 92-acre property fronts on both MD Route 298 and MD 297 and converges on Catts Corner. The site may be accessed via entrances on both roads; however, the Board of Education proposes access to and from the parking area at the MD Route 298 entrance only.</li> </ul>	

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		<p>Vehicular flow within the site between all buildings and areas is clearly delineated.</p> <ul style="list-style-type: none"> <li>• School busses will enter and exit the proposed parking area via MD Route 298 through the proposed gate that will be located in between the former Worton Elementary School and Kent County High School. Traffic patterns within the site and onto MD Route 298 remain consistent with historic uses.</li> <li>• The proposed parking lot will have no negative impact on existing landmarks and natural features, as it proposed within an existing developed area which has been used historically for school bus parking (albeit not for overnight parking, but for loading and unloading of pupils).</li> <li>• The Board has noted that between 16 and 20 employees will access the site Monday through Friday between 5:30 am and 5:30 pm.</li> <li>• The Board will implement and enforce a policy which limits school bus preparation (engines running) to 15 minutes prior to the morning and afternoon trips.</li> <li>• The proposal is consistent with the intent of the Ordinance, as amended in April 2018, including the Village District design and environmental standards.</li> </ul> <p>Ms. Horsey seconded the motion; all were in favor.</p>	
<p><b>Adjourn</b></p>		<p>At 8:30 PM, Dr. Townshend asked for motion; Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>

*Albert S. Townshend, Dr. M.A.*

*Tonya S. Thomas*

Dr. Albert Townshend, Chairman

Tonya Thomas, Clerk