



Historic Preservation Commission Department of Planning, Housing, and Zoning

**County Commissioners Hearing Room
400 High Street
Chestertown, Maryland**

AGENDA

March 14, 2024
5:00 p.m.

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **810 407 578 #**

Members of the public are asked to mute their phones/devices, until the Chair opens the floor for comments.

Members of the public may also watch the live video feed and view the video after the meeting at the County's YouTube channel: @kentcountygovernment2757.

ELECTION OF OFFICERS

MINUTES

Adoption of the minutes from June 22, 2023. Please note there was no quorum at the planned meeting on August 30, 2023; a presentation on Cypress Branch Dam was recorded and is available on the County's YouTube channel at <https://www.youtube.com/watch?v=lqHHY2WCSDQ&list=PL2Rnjclel5LpPRSLmeHJFpJlmf4bFr836&index=21>.

GENERAL DISCUSSION

- Welcome and Orientation for New Members
- Brice's Mill Farm
- Cypress Branch Dam Removal Project
- Trileaf Section 106 Review–Rock Hall Water Tower

APPLICATIONS FOR REVIEW

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Historic Preservation Commission meetings can be held in closed session under the authority of the Maryland Open Meetings Act by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings. All applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

**Kent County Historic Preservation Commission
Meeting Summary**

The Kent County Historic Preservation Commission (HPC) met on Thursday, June 22, 2023, at 6:00 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following HPC members were in attendance: Jeremy Rothwell (remotely), Max Ruehrmund (remotely), Jennifer Moore (remotely), and Melinda Zupon (remotely). Staff in attendance were William Mackey, DPHZ Director; Carla Gerber, DPHZ Deputy Director; Mark Carper, Associate Planner; and Campbell Safian, Planning Specialist.

Jeremy Rothwell called the meeting to order at 6:00 p.m.

MINUTES

Mr. Ruehrmund moved to accept the minutes of April 6, 2023, as presented. Ms. Moore seconded the motion, and the motion passed with all in favor.

APPLICATIONS FOR REVIEW

John Kennedy House – Certificate of Appropriateness Application – Installation of Solar Panels
11943 Augustine Herman Hwy, Kennedyville

- All four Commission members that were present spoke in opposition to the installation of solar panels on the front gable side of the roof that faces Maryland Route 213.
- Mr. Rothwell noted that solar panels are not advised on the front face of the side gabled roof according to the Secretary of the Interior's Standards for Rehabilitation.
- Mr. Rothwell cited a Preservation Brief from the National Park Service, which states that "solar panels installed on a historic property in a location that cannot be seen from the ground will generally meet the Secretary of the Interior's Standards for Rehabilitation. Conversely, an installation that negatively impacts the historic character of a property will not meet the Standards."
- Mr. Ruehrmund moved that the Certificate of Appropriateness would not allow solar panels on the front gable side facing Maryland Route 213. It is recommended that the panel boxes be moved to the side rear section of the house, as far back away from the street as possible. It is requested that updated drawings be submitted, which reflect these changes to the project. The motion was seconded by Ms. Moore, and the motion passed unanimously, 4-0.

GENERAL DISCUSSION

Discussion about the invitation to serve as a consulting party in the Cypress Branch Dam Removal Project:

- The purpose of the dam removal is to restore Cypress Branch to riverine conditions to ensure fish and aquatic species can pass upstream and downstream without impediments.
- The Cypress Branch Mill Pond Dam has been determined eligible for listing in the National Register of Historic Places (NRHP).
- The Commission is interested in participating in the Cypress Branch Dam Removal Project.

GENERAL DISCUSSION

Discussion of member appointments:

- Ms. Beckley and Mr. Ruehrmund are both interested in continuing to serve.
- Mr. Rothwell recommended Darius Johnson and Joan Horsey.
- Mr. Ruehrmund recommended John Hutchison.
- Ms. Moore recommended A. Elizabeth Watson.

ADJOURNMENT

Mr. Ruehrmund moved to adjourn the meeting. The motion received a second from Ms. Zupon. The meeting adjourned at approximately 6:55 p.m.

Jeremy Rothwell, Acting Chair

Campbell Safian, Planning Specialist

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***Kent County Historic Preservation Commission
Bylaws***

Section 1. Annual Meeting

The annual meeting of the Historic Preservation Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled.

Section 2. Regular Meetings

Regular meetings of the Historic Preservation Commission shall be held in the County Commissioners' Hearing Room, *Kent County Government Center, 400 High Street, Chestertown, Maryland* on the Tuesday of the week prior to the Planning Commission of each month and shall be open to the general public. At such meetings, the Commission shall consider all matters properly brought before them without the necessity of prior notice thereof to any members. A regular meeting may be canceled or rescheduled as deemed appropriate by the Historic Preservation Commission. Notice of canceled, relocated, or rescheduled meetings shall be posted at the Department of Planning, Housing and Zoning.

Section 3. Special Meetings

Special meetings of the Historic Preservation Commission shall be held only by a decision of the majority of the Historic Preservation Commission members or by request of the Board of County Commissioners of Kent County. The Historic Preservation Commission shall determine the time and place of the special meeting. Notice of such meetings shall be given to all the members and the public not less than forty-eight hours in advance thereof.

Section 4. Quorum

At any meeting of the Historic Preservation Commission, a quorum shall consist of four members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

Section 5. Voting

At all meetings of the Historic Preservation Commission each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind that would affect their ability to render a decision of a matter then before the Commission based solely on the evidence, he shall disclose his interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of those members voting shall be necessary. A tie vote shall fail passage of a motion.

Section 6. Proceedings

A. At any regular meeting of the Historic Preservation Commission, the following shall be the regular order of business:

- ☞ The Chairman will call the meeting to order.
- ☞ The Chairman will state that the members have had an opportunity to review the agenda and will ask if a member has anything to disclose.
- ☞ The minutes will be read; changes noted; and a vote taken on the minutes.
- ☞ Each agenda item will be taken and will be followed in order:
 - 1) Staff report will be taken;
 - 2) Applicant will present case;
 - 3) Historic Preservation Commission will ask questions;
 - 4) Opposition may present its case;
 - 5) Citizens ask questions or present comments on the proposal;
 - 6) Applicants make a final statement;
 - 7) Staff will present any additional recommendations or comments;
 - 8) Historic Preservation Commission will have a general discussion;
 - 9) Motion will be made and seconded;
 - 10) Motion will be discussed; and
 - 11) Vote will be taken by all members.
- ☞ Officers and Staff will present reports.
- ☞ Additional discussion.
- ☞ Adjourn.

B. Each formal action of the Historic Preservation Commission required by law, rule, or regulations shall be embodied in a formal motion duly carried and entered in full upon the Minute Book after a vote as provided in Section 5 hereof.

Section 7. Rules of Procedure

All meetings of the Historic Preservation Commission shall be conducted in accordance with Robert's Rules of Order and Maryland's Open Meetings Law. Rules of evidence shall be relaxed, however the burden of proof shall remain with the applicant. All witnesses (including staff) who are testifying for those cases that are executive functions of the Historic Preservation Commission shall testify under oath.

Section 8. Officers

The Officers of the Historic Preservation Commission shall consist of a Chairman and Vice Chairman voted upon by the Commission members at the annual meeting for a term of one year.

Section 9. Duties of Officers

The duties and powers of the officers of the Historic Preservation Commission shall be as follows:

- A. Chairman
 - 1) Preside at all meetings of the Commission; and
 - 2) Call special meetings of the Commission in accordance with these bylaws.

- B. Vice Chairman
 - 1) During the absence of the Chairman, the Vice Chairman shall exercise or perform all the duties and shall be subject to all responsibilities of the Chairman.
 - 2) During the absence, disability, or disqualification of the Chairman and the Vice Chairman, the member who has served on the board the longest shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

- C. Department of Planning, Housing and Zoning
 - 1) Keep the minutes of all meetings of the Commission in an appropriate Minute Book.
 - 2) Give or serve all notices required by law or these bylaws.
 - 3) Prepare the agenda for all meetings of the Commission. Projects will not be placed on the agenda unless the Department of Planning, Housing and Zoning receives a complete application a minimum of ten days before the meeting. The Technical Advisory Committee shall review applicable projects at least once before the Historic Preservation Commission meeting.
 - 4) Be custodian of Commission records, all of which shall be open to the public. Appropriate fees may be charged for copies.
 - 5) Inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence when directed by the Commission.
 - 6) See that all actions of the Commission are properly executed.
 - 7) All deed, covenants and restrictions shall be approved and signed by the Planning Commission attorney before recordation.

Section 10. Responsibilities of Members of the Historic Preservation Commission

- 1) Attend and freely participate in discussions at regular and special meetings. If a member misses three consecutive meetings without the permission of the Chairman, then that shall constitute a resignation by the member.
- 2) Develop understanding of Article 66 B of the Public General Laws of Maryland; the Kent County Comprehensive Plan, the Historic Preservation Ordinance, and the Land Use Ordinance within the spirit and intent of these documents.

- 3) Recommend courses of action to the County Commissioners and respond to requests for action by them.
- 4) Introduce subjects for the Commission's consideration.
- 5) Gain an understanding of applicable State and Federal agencies.
- 6) Gain an understanding of the workings of other local administrative bodies.
- 7) Take appropriate actions to demonstrate a vigorous, thoughtful, and positive influence of the County's well being within its authority.
- 8) Make personal inspections, when necessary, of land and other situations that require Commission action.
- 9) Help the general public to understand and accept the Historic Preservation Ordinance.

Section 11. Vacancies

Should any vacancy occur among the members of the Commission by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given to the County Commissioners by the Department of Planning, Housing and Zoning. Should any vacancy occur among the officers of the Commission, the vacant office shall be filled by election at the next scheduled meeting, in accordance with Section 8 of these bylaws, such officer to serve the unexpired term of the office in which such vacancy shall occur.

Section 12. Amending Bylaws

These Bylaws may be amended at any meeting of the Historic Preservation Commission provided that notice of said proposed meeting is given to each member in writing at least five days prior to said meeting. A copy of these bylaws will be provided to the County Commissioners of Kent County.

These bylaws were adopted by the Historic Preservation Commission at its January 11, 2007 meeting.

As Amended – January 10, 2008

Historic and Cultural Preservation

The Upper Eastern Shore is one of the oldest working landscapes in North America and one of the last intact colonial and early American landscapes. Historic buildings and old churches that continue to serve as the focus of a community and place of gathering along with traditional landscapes are evidence of Kent County's long and significant history. The County's historic sites and structures remind us of our cultural richness and provide a reassuring sense of time and place. They also remind us of the importance of building to a human scale, and exemplify quality design and craftsmanship in construction.



Figure 41: Historic preservation aids community cohesiveness and economic development

Kent County's traditional lifestyles centered on our fertile farmlands and rich and healthy waterways. This relationship continues today. Preserving our rural landscapes and historic buildings will support the County's natural resource-based industries, our growing tourism economy, and working landscapes. This will help preserve our links with the past ensuring our cultural and historical legacy endures.

Through local, regional, and national efforts, many residences, traditional out-buildings, commercial buildings, churches, and landscapes have been restored (or rehabilitated) and protected. Countless County historic buildings have been put to new uses with updated functionality, and often with the assistance of local, State and Federal public or private organizations.

Historic preservation goes far beyond the preservation of historic buildings and structures—it is also preservation of the context in which they are found. Kent County's past is not only reflected in the architecture of individual buildings but in the working landscapes of towns, villages, farms, and waterways. It is present in archeological sites and cultural events. Striving to protect the man-made elements and their surroundings that is the full historical tapestry benefits current and future generations.

Preservation of the objects that possess integrity of location, design, setting, materials and association preserves the County's character and promotes a sense of community.

Preservation provides economic and cultural benefits. It promotes the revitalization and economic well-being at several levels including: individual properties, neighborhoods, villages, towns, and the countryside. Economically, historic preservation increases property values, stimulates heritage tourism, and fosters supportive commercial services. Culturally, preservation continues and adds to the community fabric enriching the County's quality of life. Heritage tourism is a low environmental impact industry.

Past and Present Preservation Efforts—State and Federal

Some of the first preservation efforts in Kent County can be traced to the Great Depression when Congress created the Historic American Buildings Survey, known as HABS. Created in 1933 as part of the New Deal, HABS documented 28 structures in the County during this period with photographs and architectural floor plan and elevation drawings.

The next great effort was the National Historic Preservation Act of 1966. This Act created the National Register of Historic Places, led to the formation of State historic preservation offices (SHPOs), and continues to provide the intergovernmental framework for local-State-Federal historic preservation efforts nationwide.

Since 1966, there have been 40 individual properties in Kent County listed on the National Register of Historic Places, 32 of which are outside incorporated municipalities. In addition, National Register Historic Districts have been established in Chestertown and Betterton, and the unincorporated village of Still Pond.

While being listed on the National Register of Historic Places does not prevent the demolition of the respective historic structures, the designation establishes structures as historically or architecturally significant and offers the ability to seek generous Federal tax credits for their rehabilitation or restoration.

The Maryland Historical Trust, created by the Maryland General Assembly in 1966 as the State historic preservation office (SHPO), provides technical assistance to local governments across the State,

including Kent County, and is the repository for the Maryland Inventory of Historic Properties (MIHP). The purpose of the latter is to identify and document structures, properties, and resources for historical and architectural significance.

Since its creation in 1974 by the Maryland General Assembly, more than 700 properties and structures have been documented in Kent County through the MIHP. The majority of these surveys were completed in the 1970s and 1980s. These listings on the MIHP only reflect approximately 17% of the historic structures in the County. The vast majority of historic structures remain undocumented.

The Maryland Historical Trust (MHT) also accepts and administers donated easements on properties and structures throughout the State, which are subject to review by MHT staff for exterior (and sometimes interior) modifications. As of 2016, the Maryland Historical Trust holds easements on 25 properties in Kent County.

In 1991, as part of the Intermodal Surface Transportation Efficiency Act, Congress created the National Scenic Byways Program (NSBP). Locally, the Chesapeake Country National Scenic Byway was established as a partnership between Cecil, Kent, and Queen Anne's Counties, and the Maryland State Highway Administration (SHA).

The Byway was designated as a State scenic byway in 1998 and a national scenic byway in 2002. Stretching from Chesapeake City in Cecil County to Stevensville in Queen Anne's County, the Chesapeake Country National Scenic Byway includes all of MD Route 213 through Kent County. The Byway also includes a spur along MD Route 20 and MD Route 445 to Rock Hall and Eastern Neck National Wildlife Refuge.

As part of and concurrent with the designation of the Chesapeake Country Scenic Byway, a Corridor Management Plan was developed to provide a framework and coordination of efforts to protect historic and cultural resources along the Byway.

Lastly, in 1996, the Maryland General Assembly created the Maryland Heritage Areas Authority to provide grants and technical assistance to local governments and private organizations for the purpose of preserving, documenting, and enhancing the State's historic and cultural resources. The Stories of the Chesapeake Heritage Area, serving Cecil, Kent, Queen Anne's, and Caroline Counties, was established soon thereafter, and provides grant funding to local governments and organizations on the Upper Shore.

Past and Present Historic Preservation Efforts—Local

The Kent County Historical Society, founded in 1936, was the County's first historic preservation organization. In 1958, it purchased and later rehabilitated the Geddes-Piper House in Chestertown, which served as its headquarters until moving to the nearby Bordley Building in 2014.

The Society started the Chestertown Historic House Walk in 1970, coordinated with Maryland Historical Trust in the documentation of hundreds of historic structures within the County in the 1970's and 1980's, and worked with local architectural historian Michael Bourne in the 1990's to publish *Historic Houses of Kent County*, the only comprehensive catalogue of historic structures and resources in the County.

The incorporated municipalities of Chestertown and Betterton created their own

historic districts and historic district commissions to ensure high standards for contributing buildings' treatments within their respective communities. The Chestertown Historic District Commission is currently the only Certified Local Government (CLG) in Kent County designated by the Maryland Historical Trust and the National Park Service. This designation allows the Commission to obtain additional grant funding and technical assistance for historic documentation, outreach, and education.

In response to the increasing interest in heritage tourism, new attractions have been developed and existing sites have been improved. The Historical Society operates a museum and genealogical research center from their headquarters in the Bordley Building on High Street in Chestertown.

The C.V. Starr Center for the Study of the American Experience and the Center for the Environment and Society, both at Washington College have since their founding in the 1990's provided undergraduate students with hands-on practical learning opportunities through public-private community projects. Most recently, for example, staff and students from these two centers have assisted in the research and restoration of the Charles Sumner Post GAR (Grand Army of the Republic) Hall on Cross Street in Chestertown.

There are three museums in Rock Hall. The Rock Hall Waterman's Museum honors the watermen who formed the backbone of the County's marine-oriented heritage. The Rock Hall Museum interprets elements of the region's general culture and history. The Tolchester Revisited Museum provides a historic look at the Tolchester Amusement Park.

The Town of Betterton houses the Betterton Heritage Museum. The Kent Museum located at Turners Creek celebrates the County's rural and agricultural traditions. In 2001, the schooner Sultana began its voyage as a floating classroom dedicated to ecology and colonial history. Additional sites include the African American Schoolhouse Museum, Charles Sumner GAR Hall, Cliffs City Schoolhouse, and the Massey Air Museum.

Kent County Historic Preservation Ordinance and Commission

On November 14, 2006, the Kent County Commissioners adopted the County's first historic preservation ordinance, which remains in effect to the present day. The ordinance allows property owners and citizens to voluntarily petition the County to designate landmarks, sites, structures, or districts for listing in the Kent County Register of Historic Places.

To be designated, the respective structure or resource must be determined to be of historic, archeological, and cultural significance by the Kent County Historic Preservation Commission. The County Commissioners holds the final authority to designate structures, resources or properties and list them in this register. As of 2016, there are seven properties listed on the Kent County Register of Historic Places.

If designated and listed in the County register, a perpetual easement is placed upon the property and/or structure which is recorded in the County land records. Those properties on the County register are subject to the administrative review and approval from the Kent County Historic Preservation Commission for all exterior alterations to the structure or property. The Commission is

required by the County Code to use the Secretary of Interior's Standards for the Rehabilitation of Historic Structures, as the basis for their review and approval of exterior alterations.

The Kent County Historic Preservation Commission, created concurrently in 2006 with the County Historic Preservation Ordinance, is comprised of seven members serving three-year terms, six of whom must be residents of Kent County. As required by the County Code, all members shall possess an interest or background in historic preservation or related field, and at least two members shall meet the Secretary of Interior Standards of Professional Qualifications.

In addition to its role reviewing applications for the Kent County Register of Historic Places, the Kent County Historic Preservation Commission also reviews demolition permits for structures more than 75 years old or otherwise determined to be of historic significance and to document those structures prior to demolition.

The Kent County Historical Society, the Kent County Historical Trust, Preservation Maryland, the two municipal historic district commissions, the Kent County Historic Preservation Commission, and other local organizations all continue to play a major role in preserving the County's historic and cultural resources. The remainder of this chapter provides the goals, strategies, and proposals to preserve, maintain, and improve Kent County's historical and cultural resources.

Goal: Preserve the Cultural, Historical, and Archeological Resources of Kent County

Strategy: Encourage listing of properties, structures, and sites of historic, archeological, and cultural significance in the Kent County Register of Historic Places.

Unlike other historic designations, listing on the Kent County Register of Historic Places protects the historic integrity of the structure(s) and prevents demolition by neglect. With the exception of historic preservation easements held through the Maryland Historical Trust, the Kent County Register of Historic Places is the only other program available to property owners in Kent County which perpetually protects historic structures and resources. The County Historic Preservation Commission will partner with other preservation organizations and private citizens to identify potential properties for inclusion in the program, and provide educational outreach opportunities with property owners.

Strategy: Investigate preservation policies that will enable County residents to qualify for State and Federal tax credits.

Tax credits are a proven technique for promoting the restoration and rehabilitation of structures. The County will identify the existing tax credit programs available from the State and Federal governments, review the program requirements, and explore policies that will enable County residents to take advantage of these programs.

Strategy: Assure that new development complements and enhances the County's rural and historic character.

New development can either enhance or erode the County's historic character. Therefore, the County will consider the applicant's effort to design developments to

complement or enhance our rural and historic resources.

Strategy: Facilitate a partnership between the County, preservationists, and the development community.

A partnership between the County, preservation, and development communities (developers, builders, financial institutions) is essential to achieve the goal of preserving the County's cultural, historical, and archeological resources. This partnership will seek to promote the retention and reuse of historic and cultural resources; to advance construction and development techniques that protect historic, cultural, and archeological resources; and to identify and to develop effective incentives to generate a variety of historic preservation activities. This partnership will also review fundraising opportunities to create a preservation revolving loan fund.

Strategy: Complete and adopt a County Historic Preservation Plan.

With the assistance and guidance of the Historic Preservation Commission the County will explore options and opportunities, such as grant funding, to prepare a Historic Preservation Plan. This plan will address the current State of heritage resource preservation in the County by summarizing past survey and evaluation efforts and identifying known gaps or outdated information. The plan will also develop strategies and recommendations on how and where to assign priorities for the documentation of additional County historic resources and structures. It will also identify known threats for each resource type and contain goals, objectives, and a priority listing of activities for each resource. Lastly, the plan will offer recommendations on how it can strengthen and better protect historic resources in the County.

Strategy: Encourage the update and expansion of listings on the Maryland Inventory of Historic Properties (MIHP).

The County, in partnership with the preservation and development communities, will seek funding to review and update the existing inventory, and to expand the number of Kent County listings on the MIHP. Included in this update are all eligible historic and cultural sites, buildings, communities, land and under-water archeology, landscapes, shorelines, and historic transportation corridors within the County. Map 15 below identifies the County's Heritage Resources.

Strategy: Assist property owners in preserving historic and archeological resources.

The County will work with local organizations to develop education and outreach programs to help citizens better understand the benefits and values of owning historic properties. The partnership will make owners of historic properties aware of tax credits, grant and loan programs for restoring historic buildings, and provide information on their proper maintenance and repair.

The County will maintain a clearinghouse of available resources to help citizens make informed decisions about alterations and rehabilitation of their properties. In addition, the County will continue to promote the compatible adaptive reuse of significant historic structures through the use of flexible protocols.

Strategy: Promote the listing of structures, sites, and districts on the National Register of Historic Places.

The County will support the efforts of local historic preservation interest groups to assist property owners and communities in

understanding the benefits of, and preparing nominations for, the National Register of Historic Places. The County will also encourage the development of a County-wide context statement for use in nominations.

Strategy: Commit to preserving County-owned cultural and historic structures and sites.

The County will set the example for preservation of historic and cultural structures and sites through designation, maintenance, and compatible use of County-owned sites and areas.

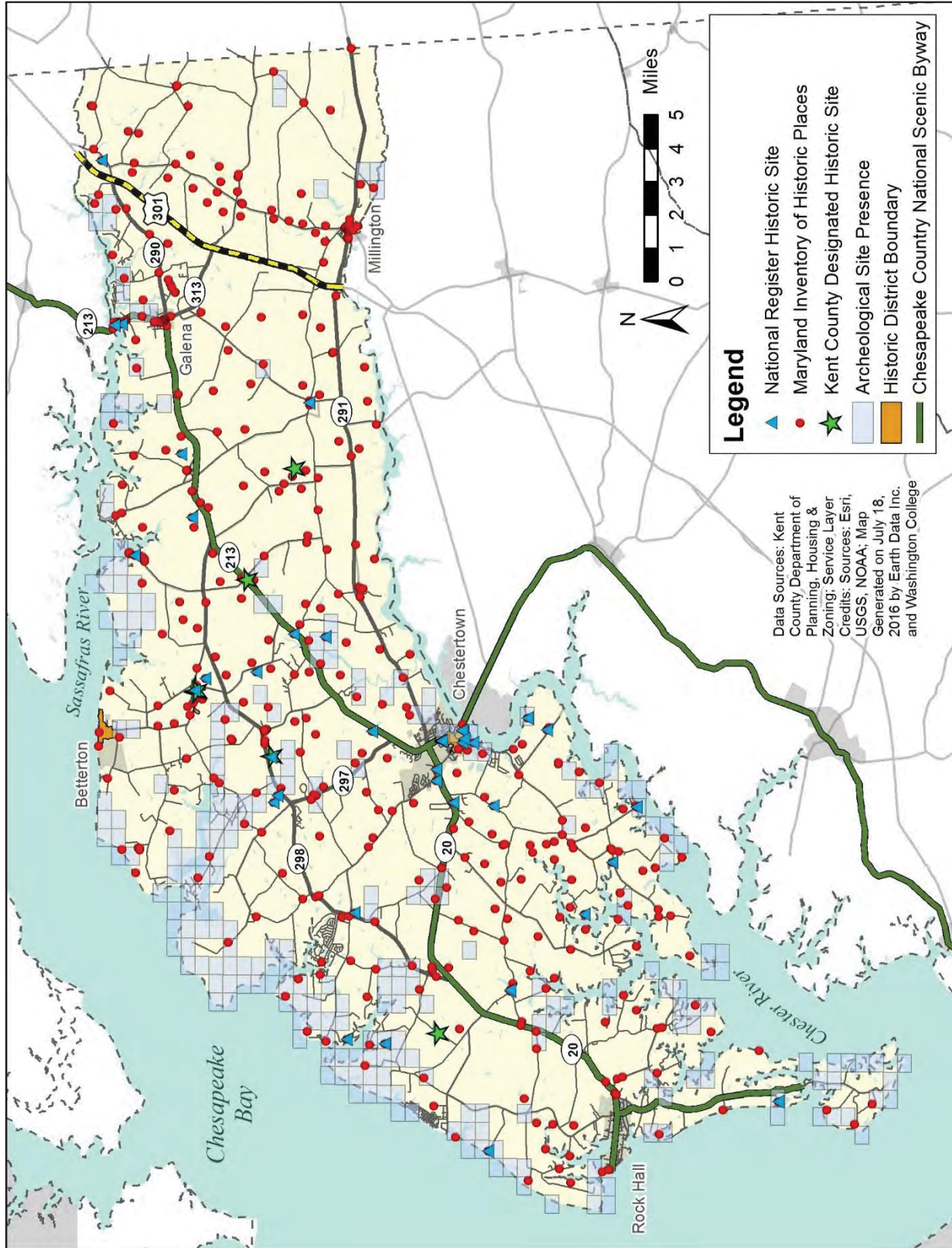
Strategy: Promote community awareness of local culture and history through the development of education programs.

The County will encourage the Board of Education to work cooperatively with local historic preservation groups to develop education programs for both students and adults which emphasize Kent County history and the importance of preserving our historic landscapes and buildings. As part of these programs the County will actively support the development of a preservation and restoration component in the building trades vocational education program.

Strategy: Explore designation of significant landscapes as Rural Historic Districts.

Preserving landscapes can be as important as preserving structures. The National Register of Historic Places provides for the designation of rural historic districts. Such districts could include large tracts of agricultural land surrounding small crossroads communities that are important to preserving the cultural heritage of Kent County. The scenic assessment conducted for the Stories of the Chesapeake Heritage Area could be a starting point for selecting areas.

Map 15 – Heritage Resources



Strategy: Work with local organizations to gather oral histories.

Oral histories are an important component to understanding and archiving our historic and cultural past. Traditional lifestyles are disappearing and the histories are slowly fading away as older community members pass on. Many local organizations are already gathering oral histories. The County will encourage these organizations to work together to establish a standard methodology and central depository for collected histories.

Strategy: Promote preservation of the County's archeological resources.

The County's rich past is evident not only in its numerous historic structures but also in its numerous archeological sites which range from Native American settlements and burial sites to colonial and early American sites. Identifying and protecting these resources is important.

Strategy: Explore, and earn if practicable, status as a Certified Local Government (CLG) through the National Park Service.

This designation would enable the County to apply for additional funding opportunities to survey and document (or develop strategies for) historic resources in the County. The program will also provide technical assistance and educational opportunities to the County from the Maryland Historical Trust and the National Park Service. In return, the County agrees to maintain a Historic Preservation Commission and Ordinance as required by the National Park Service.

Strategy: Explore the adoption of local incentives for property owners who voluntarily enter into the Kent County Register of Historic Places.

While those properties listed in the Kent Register of Historic Places are eligible for State and Federal historic preservation tax credits, no local tax credit or other incentive is provided by the County. Local incentives may include, but are not limited to, property tax abatement and credits, the waiving of building permit fees for qualified renovations, and additional scoring points on the application for those property owners who seek to preserve farmland through the Maryland Agricultural Land Preservation Foundation (MALPF) program.

Strategy: The Kent County Historic Preservation Commission shall be responsible for the periodic review and stewardship of those structures and properties listed on the Kent County Register of Historic Places.

The County strives to maintain an active and cooperative relationship with property owners on the Kent County Register of Historic Places to ensure that structures and resources in the program are adequately maintained. The Historic Preservation Commission will conduct periodic site visits to properties on the County's Register to ensure compliance with the historic designation and make recommendations to the property owner related to the rehabilitation and maintenance of their historic structure or resource.

Strategy: The County seeks the adaptive reuse of historic structures and resources, as appropriate, through the development review process.

New projects proposed by subdivisions and site plans in the County should be sited and constructed to avoid any negative impacts to historic structures or resources, especially those on or deemed eligible for the National Register of Historic Places. The Kent County Historic Preservation Commission should be consulted by the Technical Advisory Committee (TAC) and Planning Commission when a development application proposes the demolition of or significant alteration of an historic structure or resource.

Goal: Promote Heritage Tourism as a Means to Enhance the County's Economy through Investment in Historic, Archeological, Cultural and Scenic Resources.

Strategy: Encourage development of heritage-related services as supplemental sources of income.

Interpreting the County's history through guided tours and demonstrations, agri-tourism for example, would allow residents and visitors to experience first-hand the County's traditional lifestyles and gain a better appreciation for rural life. It could also provide supplemental income to those employed in natural-resource based industries during the off seasons. The *Kent County Land Use Ordinance* should be revised where appropriate to allow agri-tourism and heritage-based tourism activities in the Agricultural and Village zoning districts.

Strategy: Develop marketing approaches to promote and encourage heritage tourism.

The County will encourage local historic preservation groups to explore alternatives for promoting regional heritage tourism and the history and culture of Kent County. These groups will initiate and promote local events and museums that celebrate our local heritage, as well as recognize State and national events such as National Historic Preservation Week.

Strategy: Recognize The Stories of the Chesapeake Heritage Area Management Plan as a means to further opportunities for heritage tourism and economic development.

The *Heritage Area and Tourism Areas Act of 1996, Chapter 601 of the Laws of 1996*, requires that each jurisdiction included in a certified heritage area incorporate into its Comprehensive Plan by reference the management plan for the heritage area. The Maryland Heritage Area Authority certified, with conditions, the Stories of the Chesapeake Heritage Area, thereby recognizing heritage areas in Kent, Queen Anne's, Talbot, and Caroline Counties and their municipalities and offering a mechanism for coordinated and enhanced heritage tourism in these counties.

The *Stories of the Chesapeake Heritage Area Management Plan*, certified by the Maryland Heritage Areas Authority in April 2005, as amended, is by this reference incorporated into this Comprehensive Plan to guide both public and private investment in the heritage of Kent County in order to gain added tourism and economic benefits and to strengthen regional conservation efforts. The "Stories" add meaning to the lives of residents, young and old, and shape the visitor's experience.

- 5.5 A demolition permit may not be issued for any parcel or lot unless a *historic structure* review has been completed in accordance with the following process:
- a. Tier 1. The Planning Director, or Planning Director’s designee, shall determine if the *structure* meets the definition of a *historic structure*.
 - b. Tier 2.
 - i. If the *structure* is found to be more than seventy-five years old or otherwise thought to be of historic significance, then the permit shall require the following documentation.
 - a) The applicant shall provide a basic floor plan that includes interior and exterior dimensions of the *structure(s)*.
 - b) The Department shall conduct a site inspection for the purpose of photographing the *historic structure(s)*, which may include the exterior and interior of the *structure(s)*. The Chair of the Historic Preservation Commission, or the Chair’s designee, may accompany staff on the site inspection.
 - ii. Subject to the review of documentation, the Planning Director, or the Planning Director’s designee, and the Chair of the Historic Preservation Commission, or the Chair’s designee, shall determine if Tier 3 review and documentation is required. The decision shall be made within 30 days of the receipt of the required floor plan by the Department of Planning, Housing and Zoning. It shall require only one “yes” vote, for the application to proceed to Tier 3 review.
 - c. Tier 3.
 - i. Pursuant to a determination of historic significance, Tier 3 review and documentation shall be completed by staff within 45 days of the Tier 2 determination, which may result in completion of a Maryland Inventory of Historic Places form developed by the Maryland Historical Trust.
 - ii. Tier 3 review and documentation shall consist of the following:
 - a) Photographs of exterior details, including but not limited to features such as chimneys, wall coverings, windows, and doors;
 - b) Photographs of any outbuildings;
 - c) Access to the interior shall be granted in order to obtain detailed photographs of the interior spaces to capture any unique elements in the rooms that may help date the *structure*, including but not limited to woodwork, window surrounds, fireplaces, stairways, mantels, doors, and newel posts. Applicants shall make any hazards known, and only staff shall enter *structures* at staff’s risk, based on staff’s best judgment.
 - d) Overall measurements of the *structure*.
 - iii. The Historic Preservation Commission will review the documentation.
 - d. Failure to complete Tier 3 documentation within 45 days of the Tier 2 determination shall not delay the issuing of a permit unless another agency with review authority has failed to approve the permit or an extension is granted by the property owner. Failure of the applicant to grant interior access within the review time shall not result in the issuing of a permit.
 - e. Emergency provisions. These requirements may be waived or modified by the Planning Director, or the Planning Director’s designee, when a *structure* is deemed to be an imminent threat to health, safety, and welfare of the adjoining properties and persons.*
6. The *Administrator* may place any condition on a permit that is deemed necessary to assure compliance with and to provide enforcement of this Ordinance.

[HISTORY: Adopted by the County Commissioners of Kent County 11-14-2006 by Bill No. 3-2006.]

GENERAL REFERENCES

Building construction — See Ch. 73.

Nuisances — See Ch. 116.

Unsafe property — See Ch. 122.

Agricultural preservation districts — See Ch. 171.

Housing standards — See Ch. 192.

§ 187-1 Purpose.

- A. The voluntary preservation of sites, structures, and districts of historical, archaeological, or architectural significance, together with their appurtenances and environmental settings, is a public purpose in the County. The Comprehensive Plan recognizes that the preservation of the County's cultural, historical and archaeological resources is essential to maintaining our sense of place. This chapter complies with and supports the implementation of the Comprehensive Plan.
- B. It is the further purpose of this chapter to:
- (1) Safeguard the heritage of the County by preserving sites, structures, or districts which reflect elements of the County's cultural, social, economic, political, architectural, or archaeological history;
 - (2) Stabilize and improve property values of such sites, structures, or districts;
 - (3) Foster civic beauty;
 - (4) Strengthen the economy of the County;
 - (5) Preserve and enhance quality of life;
 - (6) Promote the preservation and appreciation of the sites, structures, and districts for the education and welfare of the residents of the County;
 - (7) Develop an awareness among property owners of the value of preserving, protecting, and restoring areas of historical, archaeological, or architectural significance; and
 - (8) Enable the County to identify and officially designate sites, structures, and districts of historical, archaeological, or architectural importance to the County in order to make such sites, structures, and districts eligible for specific benefits that may be available from various local, state, or federal programs.

§ 187-2 Definitions.

For the purposes of the Historic Preservation Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

ALTERATION

Any exterior change that would affect the historic, archaeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including, but not limited to, construction, reconstruction, moving, or demolition.

APPURTENANCES AND ENVIRONMENTAL SETTINGS

All that space of grounds and structures thereon which surround a designated site or structure and to which it relates physically or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces, and rocks.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, moving, or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated preservation district.

DEMOLITION BY NEGLECT

Any willful neglect in the maintenance and repair of an individually designated landmark, site, or structure, or a site or structure within a designated preservation district, that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:

- A. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist.
- B. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

EXTERIOR FEATURES

The architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs, or similar items found on or related to the exterior of an historic structure.

LANDMARK

Any designated site or structure outside the boundaries of a preservation district that is of exceptional historic, archaeological, or architectural significance.

PRESERVATION DISTRICT

A significant concentration, linkage, or continuity of sites, structures, or objects united historically, architecturally, archaeologically, or culturally by plan or physical development. A preservation district shall include all property within its boundaries as defined and designated by the County Commissioners.

RECONSTRUCTION

The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

REHABILITATION

The process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

RENOVATION

See "rehabilitation."

RESOURCE

Any building, structure, site, or object that is part of or constitutes an historic property.

RESTORATION

The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

SITE

The location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, architectural, archaeological, or cultural significance.

STRUCTURE

A combination of material to form a construction that is stable, including but not limited to buildings, stadiums, reviewing stands, platforms, stages, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words "or part thereof."

§ 187-3 Historic Preservation Commission.

- A. Historic Preservation Commission. The County hereby creates a commission to be called the "Kent County Historic Preservation Commission."

- B. Membership.** The Historic Preservation Commission shall consist of seven members appointed by the County Commissioners. At least six members of the Commission shall be residents and/or property owners of Kent County. All members shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines.
- (1) A nonresident appointee to the Commission must possess professional or academic qualifications.
 - (2) At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 CFR Part 61. A good-faith effort to locate and appoint such professionals will be made, and documentation as to how this effort was accomplished shall be retained by the County.
 - (3) The County Commissioners may consult other private societies or agencies to request the names of possible members on the Commission. Geographic diversity within the County shall be a goal.
- C. Commission membership qualification criteria.** The requirement for Commission membership under the category of "demonstrated special interest" may be satisfied by formal training in one or more of the fields listed in Subsection B. The requirement for membership under the category of "specific knowledge" may be satisfied by formal post-secondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of "professional or academic training" may be satisfied by, at a minimum, two years' experience as a professional or a Bachelor's degree in one or more of the above-listed fields.
- D. Terms.** Commission members shall be appointed for terms of three years, except that the terms of the initial appointments shall be staggered so that three members shall serve terms of three years, two members shall serve terms of two years, and two members shall serve terms of one year, so that not more than three appointments shall expire in a given year. Commission members may be reappointed.
- E. Commission officers.** The Commission shall elect, from its membership, a Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall serve for one-year terms and shall be eligible for reelection.
- F. Vacancy.** Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment of the initial members of the Commission. Any vacancy on the Commission shall be filled by the appointing authority within 60 days. In the case of expiration of term, a member may continue to serve until the member's successor is appointed. Unexcused absence at three consecutive meetings shall constitute resignation by the member and shall create a vacancy.
- G. Removal for cause.** A member may be removed from the Commission for cause, upon written charges, and after a public hearing, by the County Commissioners.
- H. Compensation.** The Board of County Commissioners shall determine from year to year what, if any, expenses and/or salaries shall be paid the Commission members, and what, if any, budget shall be set.
- I. Meetings.** The Commission shall hold such regular meetings and hearings as necessary to discharge its duties.
- J. Staff.** Consistent with the County's policies and procedures, employees may be assigned to the Commission, and such services and facilities shall be made available as the County deems necessary or appropriate for the proper performance of its duties.

§ 187-4 Powers and duties of Historic Preservation Commission.

- A.** As part of its powers and duties, the Historic Preservation Commission:
- (1) Shall adopt rules for the organization and conduct of meetings;
 - (2) Shall act upon applications for certificates of appropriateness;
 - (3) Shall inform the citizens of the County concerning the historic and architectural heritage of the County;
 - (4) May conduct an ongoing survey to identify historically and architecturally significant sites, properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state and County;

- (5) Shall review all petitions for designation to the Kent County Register of Historic Places and submit recommendations to the Board of County Commissioners;
 - (6) Shall keep a register of all properties, sites and structures that have been designated as landmarks or historic districts, including all information required for each designation;
 - (7) For areas which are located within a designated historic site, structure, or district, or which have preservation easements, the Commission shall review any application for a special exception, variance, site plan or subdivision, and any legislation or other proposals, including preparation and amendment of master plans, and may make recommendations thereon to the appropriate authorities;
 - (8) Shall be able to accept and use gifts and services for the exercise of its functions which are given to the Board of County Commissioners specifically for use by the Historic Preservation Commission;
 - (9) Shall recommend for adoption rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, repair, moving and demolition of property in designated districts or individually designated sites or landmarks which are consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties. Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that do not require review by the Commission because they are minimal in nature and do not affect historic, archaeological, or architectural significance. These design guidelines shall be used in the Historic Preservation Commission's review of applications for certificates of appropriateness;
 - (10) May determine an appropriate system of markers and make recommendation for the design and implementation of specific markings of the street and routes leading from one site, landmark, or historic district to another; may confer recognition upon the owners of landmarks, sites or property or structures within historic districts by means of certificates, plaques or markers;
 - (11) May advise and assist owners of landmarks, sites, historic properties or structures within historic districts on physical and financial aspects of preservation, reconstruction, restoration, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places.
 - (12) May, with the written permission of the property owner(s), nominate landmarks, sites and historic districts to the National Register of Historic Places and review and comment on any National Register nomination submitted to the Commission for review;
 - (13) May consider applications for economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
 - (14) May research sources of funding for historic preservation projects and recommend to the Board of County Commissioners the acceptance of any grant, loan or aid, in any form, from federal, state or private sources on behalf of the County;
 - (15) May, at the request of an owner or applicant, offer consultation with respect to changes to interior features; and
 - (16) Shall review and recommend for action by the Board of County Commissioners the acquisition of historic preservation easements on designated landmarks, structures, or sites and, when deemed appropriate by the Commission, sites or structures located in, or adjacent to, a designated district, consistent with the County's ordinances, resolutions, local public law, policies and procedures.
- B. In addition, the Historic Preservation Commission shall have all the powers and authority enumerated in the Annotated Code of Maryland, Article 66B, §§ 8.01 through 8.17., as presently codified and as may be amended from time to time.

§ 187-5 Designation of landmarks, sites, structures or districts.

- A. Designation. Upon the receipt of the written permission of the property owner(s), the County Commissioners of Kent County may designate boundaries for landmarks, sites, structures, or districts of historic, archaeological, or architectural significance after a public hearing thereon, consistent with adopted criteria for such designation.
- B. Criteria for designation. In considering any property for designation to the Kent County Register of Historic Places, the reviewing agencies, boards, or commissions shall consider the following criteria:

- (1) Historic, archaeological, and cultural significance.
 - (a) The property has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, state, or nation;
 - (b) The property is the site of an historic event;
 - (c) The property is identified with a person or group of persons who influenced society; or
 - (d) The property exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities.
- (2) Architectural and design significance.
 - (a) The property embodies the distinctive characteristics of a type, period, or method of construction or architecture;
 - (b) The property represents the work of a master craftsman, architect, or builder;
 - (c) The property possesses significant artistic value;
 - (d) The property represents a significant and distinguishable entity whose components may lack individual distinction;
 - (e) The property represents an established and familiar visual feature of the neighborhood, community, or County, due to its singular physical characteristics, landscape, or historical event; or
 - (f) The property is a rare example of a particular period, style, material, or construction technique.

C. Procedure for petitioning for designation.

- (1) Petitions for designation or expansion shall be filed with, and on forms provided by, the Kent County Department of Planning and Zoning.
- (2) The Planning Department shall refer the petition to the Historic Preservation Commission to determine if the property contained in the petition meets the requirements for historic designation. The Planning Department may also notify other appropriate agencies for comment.
- (3) A petition for a proposed individual site shall be filed by, or with the written consent of the legal owner or owners of such site.
- (4) A petition for a proposed historic district shall be filed by a legal owner or owners of properties within the district. Designation shall require the written approval of all owners of properties within the district. Noncontributing structures may be included within multiple-property districts.
- (5) The Historic Preservation Commission, in a public meeting, shall determine if the property contained in the petition does or does not meet the requirements for historic designation as set forth in this section.
- (6) The recommendation of the Historic Preservation Commission shall be forwarded to the Planning Commission for a recommendation. The Department of Planning and Zoning shall forward the recommendations of the Historic Preservation Commission and the Planning Commission to the Board of County Commissioners for approval or disapproval.
- (7) Areas of special merit. If a property or district within Kent County shall be deemed by the Historic Preservation Commission to possess unusual and special historic value to the citizens of Kent County, the Historic Preservation Commission may initiate a petition for historic designation. In this instance, the petition shall first be sent to the Maryland State Historic Preservation Officer for his or her concurrence that said property has unusual and special historic value. If the Maryland State Historic Preservation Officer does concur with the Historic Preservation Commission, then the petition shall follow the procedure for designation. A petition for designation of an Area of Special Merit shall require a favorable vote of the County Commissioners and the concurrence of the property owner(s) in the proposed area of special merit to receive historic designation.

D. Limitations on filing of petitions. If the Board of County Commissioners declines to designate a property proposed for designation, the identical petition for designation may not be refiled within one year of the final decision by the County Commissioners. If the Board of County Commissioners declines to expand the boundary of a previously designated historic

property, a petition for expansion which is identical to the rejected petition may not be refiled within one year of the final decision by the County Commissioners.

§ 187-6 Application for certificate of appropriateness and Commission review.

Before the construction, alteration, reconstruction, moving, or demolition is undertaken of a designated landmark, site, or structure, or site or structure within a designated district, if an exterior change is involved which would affect the historic, archaeological, or architectural significance of a designated landmark, site, or structure, or structure within a designated district, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of appropriateness with the Commission for permission to construct, alter, reconstruct, move, or demolish the landmark, site, or structure. Every application shall be referred to and considered by the Commission or, where applicable, staff, and accepted or rejected by the Commission or, where applicable, staff. An application which is identical to a rejected application may not be resubmitted within a period of one year after the rejection. No certificate of appropriateness shall be granted until the Commission or, where applicable staff, has acted thereon as hereinafter provided.

A. Application review.

- (1) In reviewing applications, the Commission shall give consideration to the historic, archaeological, or architectural significance of the designated landmark, site, or structure and its relationship to the historic, archaeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a designated landmark or structure to the remainder of the landmark or structure and to the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the designated landmark, site, or structure and to the surrounding area; and any other factors, including aesthetic factors, which the Commission deems to be pertinent.
- (2) The Commission shall consider only exterior features of a landmark or structure and shall not consider any interior arrangements.
- (3) The Commission shall not disapprove an application except with respect to the several factors specified in Subsection A above.
- (4) The Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic, archaeological, or architectural significance. The Commission shall be lenient in its judgment of plans for sites or structures of little historic, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, archaeological, or architectural significance of surrounding sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.
- (5) Plans for preserving sites and structures.
 - (a) If an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to Kent County or of unusual importance to the state or the nation, the Commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the site or structure. Unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archaeological, or architectural significance of the site or structure, the Commission shall reject the application, filing a copy of its rejection with the Department of Planning and Zoning.
 - (b) If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have 90 days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.
 - (c) In the case of a site or structure considered to be valuable for its historic, archaeological, or architectural significance, the Commission shall approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of Subsection (B)(5) of this section if:

- [1] The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the County;
 - [2] Retention of the site or structure would cause undue financial hardship to the owner; or
 - [3] Retention of the site or structure would not be in the best interests of a majority of persons in the County.
- B.** Commission decision. The Commission shall file with the Department of Planning and Zoning a certificate documenting its approval, modification, or rejection of each application and plans submitted to the Commission for review. Work shall not be commenced and no building permit shall be issued on any project until notification of approval of a certificate of appropriateness has been received by the Department of Planning and Zoning from the Commission. The failure of the Commission to act upon a completed application within 45 days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.
- C.** Delegation of certificate of appropriateness to staff. Staff shall be authorized to issue certificates of appropriateness for alterations to structures and environmental setting that will not significantly change the exterior features of an historic site or contributing structure within an historic district or its environmental setting and that will have no significant effect on its historical, architectural, cultural, or archaeological value. Certificates of appropriateness decisions will comply with the Secretary of the Interior's Standards for Rehabilitation, where applicable. At the staff's discretion, an application may be submitted to the Historic Preservation Commission for approval. The above category shall include, but not be limited to, such structural work items as:
- (1) Projects that have been reviewed and approved by the Maryland Historical Trust (MHT), which, in the opinion of staff, meet the conditions for a certificate of appropriateness.
 - (2) In-kind replacement of existing features and minor repairs and/or modifications to the property that do not significantly alter its visual character. This shall include such items as:
 - (a) Repair or replacement of roof coverings where there is no change in material;
 - (b) Repair or replacement of masonry foundations where the original foundation material is retained or where new material matches the original as closely as possible; installation of metal foundation vents on side and rear only and replacement of wood access doors; installation of foundation access door that cannot easily be seen from the public right-of-way;
 - (c) Repointing and other masonry repairs when the color and composition of the mortar matches the original and any new brick or stone used in the repair work matches the original as closely as possible;
 - (d) Removal of asbestos, asphalt, or other artificial siding when the original siding is to be repaired and, where necessary, replaced in kind;
 - (e) Replacement of missing or deteriorated siding and trim and porch floors, ceilings, columns, railings, balusters, and brackets or other architectural details with new materials that are identical to the original;
 - (f) Replacement of missing architectural details, provided that at least the following conditions are met:
 - [1] At least one example of the detail to be replaced exists on the house; or
 - [2] Physical or documentary evidence exists that illustrates or describes the missing detail or details; or
 - [3] Within an historic district, the proposed replacement detail is very similar to original details found on at least one structure within the district that is comparable in terms of style, size, and age.
 - (g) Signs that do not require a sign permit.
 - (h) Additions that are not readily visible from a public right-of-way and/or easily removable, provided that the addition will not result in the loss of original fabric, impacts to archeological remains, or substantial changes to the overall character of the structure.
 - (i) Installation of gutters painted to match the house or trim, as long as no significant architectural features are removed.

- (j) Construction of fences that are compatible with the visual character of the historic site or the historic district in terms of material, height, location and design; in-kind replacement of existing fences or minor alterations to the same that do not significantly change the original appearance or the material used.
 - (k) The construction or replacement of brick, stone, concrete, or gravel walkways, parking areas, patios, driveways, or other paved areas that are not readily visible from a public right-of-way and/or are compatible in material, location, and design with the visual character of the historic site or district; also, minor repairs to the above that do not significantly change their appearance or the material used.
 - (l) Landscaping, or the removal or modification of existing plantings, which is compatible with the visual character of the historic site or historic district in terms of type, height and location.
 - (m) Construction or replacement of storage and accessory buildings that are not visible from a public right-of-way, provided that the addition will not result in the loss of original fabric, impacts to archaeological remains, or substantial changes to the overall character of the structure.
- D. General policies. The Commission may, if it so chooses, review all certificates of appropriateness administered by staff at the next meeting. Property owners shall retain a right of appeal to the Commission from staff sign-off. Staff shall refer an application to the Commission if any uncertainty exists as to whether the application meets the criteria for issuing a certificate of appropriateness.
- E. Routine maintenance. Nothing in this chapter shall be taken or construed to prevent maintenance that will have no material effect on the exterior fabric or features of a designated landmark, site, structure, or district, or to prevent customary farming operations or landscaping that will have no material effect on the historic, archaeological, or architectural significance of a designated landmark, site, structure, or district.

§ 187-7 Demolition by neglect.

- A. In the event of demolition by neglect, the Commission may request the Department of Planning and Zoning to notify, in writing, the property owner of record as reflected on the tax rolls of Kent County, and the occupant or other person responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.
- B. Prior to the issuance of a written notice, the Commission may request the Department of Planning and Zoning to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.
- C. The notice shall provide that corrective action shall commence within the time specified by the Commission and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the property, or any person of record with any right, title, or interest therein, may, within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon 30 days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.
- D. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request Department of Planning and Zoning corrective action to comply with the notice within 30 days of the date of the Commission's determination.
- E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified, to take the corrective action specified in the notice within the time required, the Commission may request that the Department of Planning and Zoning institute any of the remedies and penalties provided by law for such violations.

§ 187-8 Economic hardship.

An applicant for a certificate of appropriateness or owner of a designated property cited for demolition by neglect may request that the Commission consider economic hardship in making its decision.

- A. In order to meet the burden of establishing economic hardship, the applicant must present documentary evidence of the cost of maintaining or relocating the structure, the estimated cost of the demolition, the estimated cost of restoring or stabilizing the building, all other financial information on which the applicant relies to establish financial hardship, and, if the applicant relies on evidence of the lack of structural integrity of the structure, a report on the structural integrity prepared by an

engineer licensed in the State of Maryland, based on the engineer's in-person observations of the interior and exterior of the structure.

- (1) Costs that are estimated must be supported by written estimates by persons qualified to provide such estimates and in sufficient detail to permit the Commission to verify the reasonableness of the estimate.
 - (2) The Commission may find that retention of the structure would cause the applicant financial hardship if it determines that the building has been demolished by neglect or natural disaster and there is no feasible way to restore the building short of rebuilding.
- B. The Commission may endeavor to arrange with the applicant an economically feasible plan to preserve the structure. The Commission may pursue this by asking questions of the applicant or requesting assistance from the Department of Planning and Zoning and other parties, public or private, in creating such a plan.
- C. If, within 45 days of the initial meeting, no economically feasible plan can be agreed upon, the Commission may act on the application. In the event the Commission allows demolition due to an economic hardship, the Commission shall be permitted to make measured drawings and photographs, or on-site documentation by some other method, within a mutually agreeable period of time.

§ 187-9 Maryland Historical Trust.

The Commission may designate the Maryland Historical Trust to make an analysis of and report recommending the preservation of sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the County. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

§ 187-10 Appeals.

In the event that any party is aggrieved by a decision of the Historic Preservation Commission or the Board of County Commissioners, the party has the right of appeal to the Circuit Court in accordance with the Maryland Rules of Procedure 7-201 and following and in accordance with the provisions of Maryland Annotated Code, Article 66B.

§ 187-11 Violations and penalties.

- A. Any person, firm, or corporation, or agent of such, who or which violates a provision of this chapter by willfully performing or allowing to be performed any construction, alteration, moving, demolition (including demolition by neglect) or repair of any structure within an historic district without first obtaining a certificate of appropriateness (as required), failing to comply with any final notice issued pursuant to this subtitle, or disobeying or disregarding a decision of the Historic Preservation Commission, may be liable for a civil monetary fine of up to \$500, and each day's violation of the provision hereof shall constitute a separate offense.
- B. In addition to other remedies and penalties:
- (1) Any person or entity who or which demolishes a building or causes a demolition (including demolition by neglect) in violation of this chapter may be liable civilly in a sum equal to the replacement value of the building,
 - (2) Where there is any violation of this chapter, the Department of Planning and Zoning and the Historic Preservation Commission shall institute appropriate action, where applicable, to prevent, enjoin, abate or remove such violations.
- C. The Planning Director or the Planning Director's designee is hereby authorized to enter upon any open land in Kent County for the purpose of enforcing and implementing this chapter.

§ 187-12 Changes and amendments.

The Historic Preservation Commission will review this chapter every five years to ensure that its provisions meet the current needs of Kent County. In addition, this chapter may from time to time be amended, supplemented, changed, modified, or repealed by the Board of County Commissioners. Any person or officer, department, board, commission or bureau of the County may petition for such change or amendment; however, no such change or amendment shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. The Board of County

Commissioners shall, prior to any public hearing, refer all proposed changes and amendments to this chapter to the Historic Preservation Commission for report and recommendations.

§ 187-13 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this chapter which can be given effect without the invalid provision or application, and to this end, all the provisions of this chapter are hereby declared to be severable.

§ 187-14 Applicability.

The provisions of this chapter shall apply to all unincorporated lands within the territorial limits of the County.

From: Mark Carper
Sent: Thursday, February 29, 2024 4:27 PM
To: Elizabeth Beckley <ebeckley@preserveworks.com>; Jennifer Moore <jmooreprs2007@gmail.com>; maxr3@verizon.net; melz1331@yahoo.com; rothwell@udel.edu; darius.johnson@goucher.edu
Cc: Carla Gerber <cgerber@kentgov.org>; William Mackey <wmackey@kentgov.org>; Robert Tracey <rtracey@kentgov.org>
Subject: Brice's Mill

Dear Historic Preservation Commission Chair and Members,

I hope this email finds you well and in good spirits.

I am writing regarding the recent permit activities associated with the [Brice Mill Farm](#) property at 7710 Brice's Mill Rd in Chestertown. The 45-acre property is zoned Resource Conservation District (RCD) by the County, and SDAT information indicates that its use is agricultural. The property is listed in the Maryland Historic Inventory of Properties (MIHP); however, no historic easements exist on this parcel. The property has been improved by a frame barn; a brick frame barn; a block frame shed, barn, and silo; a wood frame garage; an accessory farm dwelling (replaced in 2016 by permit), and a principal structure (ca. 1800), to which an addition was constructed in the 1930s (see Exhibit A). Our office reviewed and approved three demolition permits in accordance with Article XII, Section 3.5.5 of the [Kent County Land Use Ordinance](#).

It is the Department's understanding that the property owners' goals for their property have been the restoration of colonial- and near-colonial-era structures and the removal of later additions to those historic structures. The builder's expressed concerns were always for the preservation of the historic brick home; however, during the restoration process structural flaws were uncovered.

On May 9, 2023, permit applications for the removal of the frame barn (See Exhibit B) and construction of a replacement were approved. The frame barn did not appear to meet the definition of "historic structure" as defined in Article XI, Section 2.154 of the County's Land Use Ordinance. Also approved at that time was a permit for restoration of the historic brick frame barn, which included removal of wood frame additions (See Exhibits C, D, & E). Site plans accompanying the application included detailed drawings and pictures of the existing structure with wood frame additions as well as the proposed renovation.

On September 6, 2023, a demolition permit application for the removal of a wood-frame garage (See Exhibit F) and for removing the 1930s addition to principle historic structure (See Exhibit G) was received, as was a permit application for the renovation of the principle historic structure and construction of an addition to this structure. Notification of the proposed demolitions was sent to the Chair and Chair's Designee for consideration, and DPHZ received confirmation that the site had been visited and the structures documented. The demolition permit was approved on October 11, 2023.

Following excavation and removal of the 1930's addition to the home, the contractor notified our office of safety concerns related to the stability of the structure following a mid-winter

rainstorm (See Exhibit H) and requested an expedited approval of the renovation and building permit in order to stabilize the historic principal structure. The Middle Department Inspection Agency (MDIA), who conducts the County's building inspections, confirmed the contractor's concerns and recommended that stabilization measures be taken immediately. The permit was approved on December 18, 2023.

Shortly into the new year, the renovation processes revealed that the foundational brickwork of the historic principal structure was largely unstable and unsafe (See Exhibit I). Based on this information, the property owner made the difficult decision to submit another demolition permit for the removal of the main house. Under the emergency provision of the Land Use Ordinance (Article XII, Section 3.5.5.e), the required review process for demolition of historic properties may be waived or modified by the Planning Director when a structure is considered to be an imminent threat to the health, safety, and welfare of adjoining properties and persons. Building collapse was considered imminent. A demolition permit was quickly issued. Soon after, a building permit application for the construction of a replica of the historic structure was received, reviewed, and approved.

We hope this information is helpful in clarifying recent activities at the subject property. Please let us know if you have any questions.

Thank you again for your time and your service to your community.

Sincerely,



Mark Carper, LEED Green Associate

Associate Planner
Kent County, Maryland
400 High Street,
Chestertown, MD 21620
(410) 810-2220
mcarper@kentgov.org

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Brice's Mill Photo Exhibits

Exhibit A

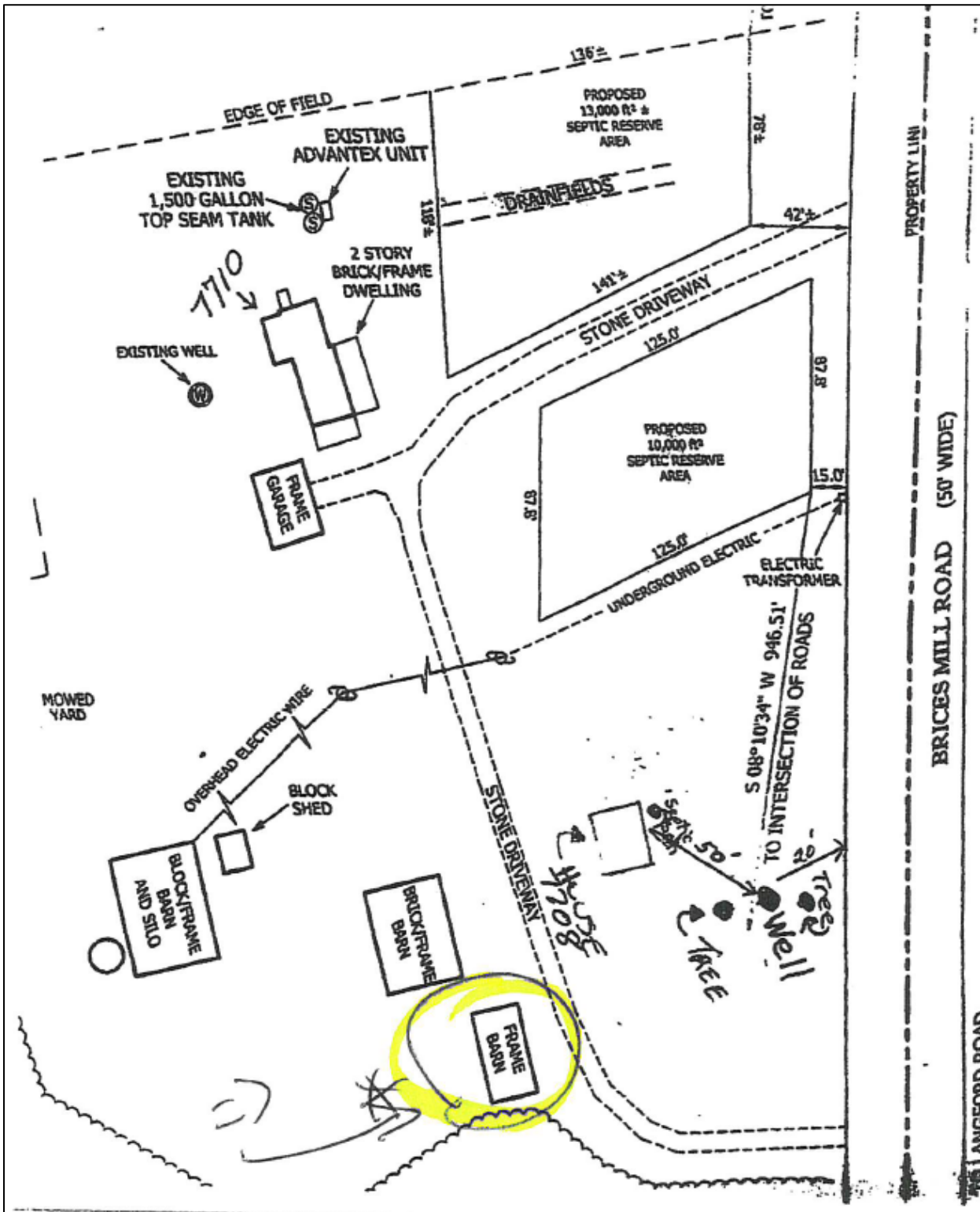


Exhibit B



Exhibit C



Exhibit D



Exhibit E



Exhibit F



Exhibit G



Exhibit H

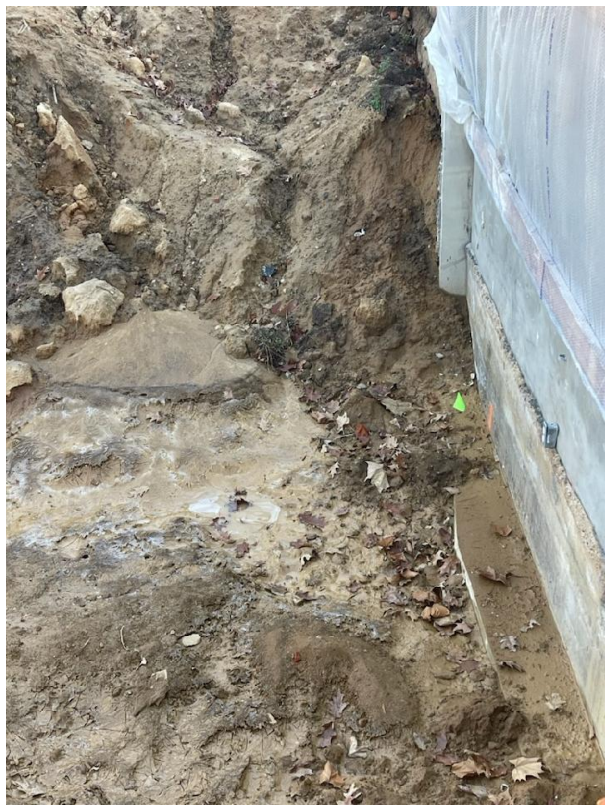
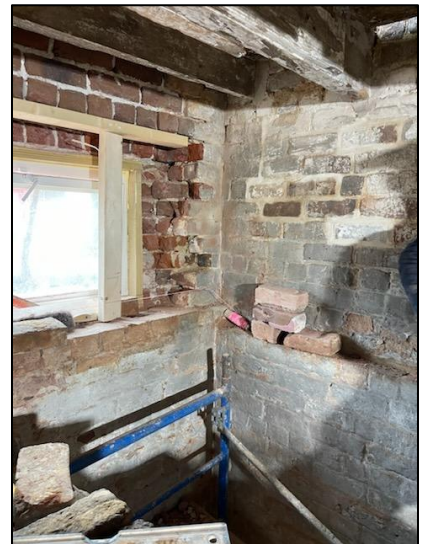
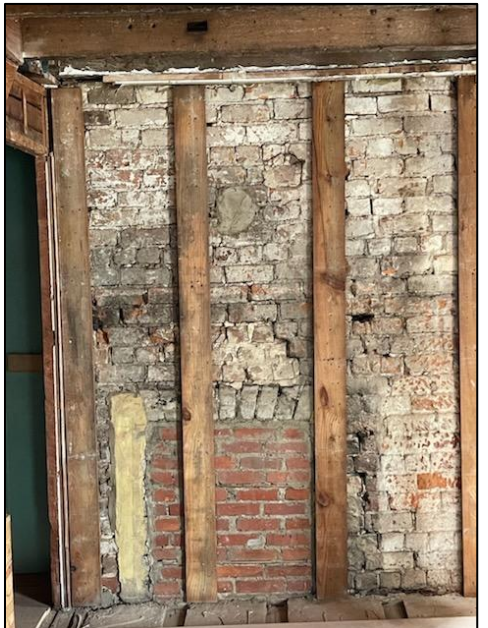


Exhibit I



**MEMORANDUM OF AGREEMENT
AMONG THE
U.S. FISH AND WILDLIFE SERVICE, MARYLAND DEPARTMENT OF
NATURAL RESOURCES, AMERICAN RIVERS, AND THE MARYLAND
STATE HISTORIC PRESERVATION OFFICER
FOR THE
CYPRESS BRANCH DAM REMOVAL PROJECT, KENT COUNTY,
MARYLAND**

WHEREAS, the U.S. Fish and Wildlife Service (USFWS) and the Maryland Department of Natural Resources (DNR) are proposing the removal of Cypress Branch Dam to restore a free-flowing riverine system for migratory and resident fish passage and to eliminate a public safety hazard within the Cypress Branch State Park; and,

WHEREAS, the DNR is the owner of Cypress Branch Dam in Kent County, Maryland, and agrees that the dam be removed (Undertaking); and,

WHEREAS, American Rivers is proposing to assist DNR and hire a contractor (Contractor) for the removal of Cypress Branch Dam and other work associated with the project to restore a free-flowing riverine system for migratory and resident fish passage and to eliminate a public safety hazard within the Cypress Branch State Park; and,

WHEREAS, the USFWS has determined that its assistance to the Cypress Branch Dam Removal Project through the National Fish Passage Program annual allocations and Hurricane Sandy Disaster Relief funded activities authorized by the Disaster Relief Appropriations Act is subject to the requirements of Section 106 of the National Historic Preservation Act (54 U.S.C. §306108) and its implementing regulations at 36 CFR Part 800 (Section 106); and,

WHEREAS, in accordance with the requirements of Section 106, USFWS has consulted with the Maryland State Historic Preservation Office (MD SHPO); and,

WHEREAS, the area of potential effects includes the project footprint (dam, impoundment immediately upstream of the dam, and new access road and staging areas encompassing approximately 3.48 acres) (figure 1) and all areas within view of the project footprint; and,

WHEREAS, USFWS has determined, in consultation with the MD SHPO, that the Cypress Branch Dam (Maryland Inventory of Historic Properties (MIHP) No. K-708) is eligible for listing in the National Register of Historic Places under Criteria A for trends in history related to the mill history of the area and the Town of Millington; and,

WHEREAS, USFWS has determined that the removal of the Cypress Branch Dam will have an adverse effect on the Cypress Branch Dam and has consulted with the MD SHPO pursuant to 36 CFR Part 800; and,

WHEREAS, USFWS has consulted with DNR and American Rivers regarding the removal of the Cypress Branch Dam (MIHP No. K-708) and, because DNR and American Rivers have responsibilities assigned under the terms of this Memorandum of Agreement (MOA), has invited DNR and American Rivers to sign this MOA as invited signatories; and,

WHEREAS, in accordance with 36 CFR 800.6(a)(1), USFWS has invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation via email on 7/27/2023 and the ACHP indicated that on 2/2/2024 that it has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and,

WHEREAS, USFWS, DNR, and American Rivers have identified and consulted with the following parties in the Section 106 process: Town of Millington, Stories of the Chesapeake Heritage Area, Kent County Historic Preservation Commission, and Historical Society of Kent County, regarding the effects of the Undertaking on historic properties and have invited these parties to participate in the Section 106 consultation process via email on 5/18/2023; and,

WHEREAS, the Town of Millington, Stories of the Chesapeake Heritage Area, and Historical Society of Kent County declined to participate in consultation; and,

WHEREAS, USFWS and American Rivers joined a public facing meeting held by Kent County Historic Preservation Commission on 8/30/2023 to discuss the project, and neither the public or Kent County Historic Preservation Commission had objections to the project; and,

WHEREAS, Kent County Historic Preservation Commission has agreed to participate in the MOA review process; and,

WHEREAS, USFWS has contacted the Delaware Nation and Delaware Tribe of Indians via email on 5/22/2023 to the acting historic preservation officers of the organization; and,

WHEREAS, USFWS received notice from the Delaware Nation indicating no concern with the project on 6/29/2023; and,

WHEREAS, USFWS is working with the Delaware Tribe of Indians, who has shown interest in consulting on the project and [DOES/DOES NOT] wish to be a signatory; and,

NOW THEREFORE, the USFWS, DNR, American Rivers, and MD SHPO agree that the Undertaking will be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties:

Stipulations

The USFWS will ensure that the following measures are carried out:

- I. Public Interpretation Project

- A. DNR shall develop, design, and implement an interpretive project that provides the public with the history and significance of the Cypress Branch Dam and Mill Pond and milling in the region. It shall also provide information on the fishery on Cypress Branch and need for the Undertaking to restore fish habitat. This interpretive project shall be in the form of a website, webpage, interpretive panel at Cypress Branch State Park, or other publicly available media, to be at the discretion of DNR. Information for the interpretive project will draw from the existing historic documentation completed on the property, available historic photographs and narratives on Millington, DNR files on the fishery, and project documents on removal of the dam and habitat restoration.
- B. Prior to implementation of the public interpretation project, DNR shall submit to the MD SHPO for their review the design, text, layout, and location of the chosen project. The MD SHPO shall have thirty (30) days after receipt to provide written comments. If no comments are received, DNR may proceed with final design and implementation of the public interpretation project.
- C. DNR shall complete implementation of the public interpretation project within 1 year of completion of construction activities related to removal of the dam and restoration of Cypress Branch. DNR shall notify the Signatories and the public when implementation is complete.

II. Unidentified Historic Properties

- A. In the event that previously unidentified archaeological resources are discovered during construction activities, American Rivers will order the discontinuation of all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface resources can reasonably be expected to occur and immediately notify USFWS, DNR, and MD SHPO of the discovery.
- B. USFWS, DNR, American Rivers, and the MD SHPO will ensure a qualified archeologist approved by the signatories will inspect the work site without unreasonable delay and determine the area and nature of the affected archeological resource. Construction work may then continue in the area outside the archeological resource as defined by the USFWS and the MD SHPO, or their designated representative.
- C. Within ten (10) working days of the original notification of discovery, the USFWS, in consultation with the MD SHPO, will determine the National Register of Historic Places (NRHP) eligibility of the resource.
- D. If the resource is determined eligible for the NRHP, USFWS will prepare a plan for its avoidance, protection, or recovery of information. USFWS and

MD SHPO will approve such a plan prior to implementation, consulting with any other entities that might be deemed appropriate depending on the nature of the discovery.

- E. Work in the affected area will not proceed until either:
 - 1. the development and implementation of appropriate data recovery or other recommended mitigation procedures, or
 - 2. the determination is made that the located resources are not eligible for inclusion on the NRHP.
- F. Any disputes over the evaluation or treatment of previously unidentified resources will be resolved as provided in the section of this MOA entitled Dispute Resolution.

III. Coordination with the Maryland Historical Trust Act of 1985

The MD SHPO agrees that the fulfillment of the terms of this MOA will satisfy the responsibilities of any Maryland state agency under the requirements of the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article 5A-325 and 5A-326 of the Annotated Code of Maryland, for those components of the Project that require licensing, permitting and/or funding actions from Maryland agencies.

IV. Dispute Resolution

- A. Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USFWS shall consult with such party to resolve the objection. If the USFWS determines that such objection cannot be resolved, the USFWS will:
 - 1. Forward all documentation relevant to the dispute, including the USFWS's proposed resolution, to the ACHP. The ACHP shall provide the USFWS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USFWS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The USFWS will then proceed according to its final decision.
 - 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the USFWS may make a final decision on the dispute and proceed accordingly. Prior to reaching a final

decision on the dispute, the USFWS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

3. The USFWS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

- B. If at any time during the implementation of the measures stipulated in this MOA, should an objection pertaining to this MOA or the effect of the Undertaking on Historic Properties be raised by a member of the public or consulting parties, the USFWS shall notify the Signatories and take the objection into account, consulting with the objector and, should the objector so request, with any of the Signatories to attempt to resolve the objection. This MOA will not create any rights or responsibilities of any third party not a signatory hereto.

V. Limitations and Assurances

This MOA is not a fiscal or fund obligating document and no funds are transferred hereunder. USFWS will ensure that American Rivers gains best professional estimates for all activities proposed in this Undertaking. USFWS agrees to not proceed with the Undertaking until American Rivers and project partners have obtained adequate funding, based on best professional estimates, to fulfill obligations under this MOA.

VI. Duration

This MOA will continue in full force and effect until five (5) years after the date of the last signature to this MOA. Prior to such time, USFWS may consult with the other signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation XI below.

VII. Amendments

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date of the last signature to the amendment.

VIII. Termination

- A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other parties to attempt to develop an amendment per Stipulation XI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment

cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

- B. In the event that the MOA is terminated, USFWS will either execute an MOA with signatories pursuant to 36 CFR 800.6 (c) or request the comments of the ACHP under 36 CFR 800.7 (a).

Execution of this MOA by USFWS, DNR, American Rivers, and the MD SHPO and its subsequent filing with the ACHP, and implementation of its terms evidences that USFWS has afforded the ACHP an opportunity to comment on the removal of the Cypress Branch Dam, and that USFWS has taken into account the effects of the Undertaking on historic properties.

**MEMORANDUM OF AGREEMENT
AMONG THE
U.S. FISH AND WILDLIFE SERVICE,
MARYLAND DEPARTMENT OF NATURAL RESOURCES,
AMERICAN RIVERS, AND THE
MARYLAND STATE HISTORIC PRESERVATION OFFICER
FOR THE
CYPRESS BRANCH DAM REMOVAL PROJECT,
KENT COUNTY, MARYLAND**

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date: _____
Rick Jacobson, Assistant Regional Director for Fish and Aquatic Conservation, Northeast
Region, United States Fish and Wildlife Service

MARYLAND STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Elizabeth Hughes, Director /State Historic Preservation Officer, Maryland Historical
Trust

MARYLAND DEPARTMENT OF NATURAL RESOURCES

By: _____ Date: _____
David Goshorn, Ph.D., Deputy Secretary, Maryland Department of Natural Resources

AMERICAN RIVERS

By: _____ Date: _____
Kristin May, Chief Financial Officer, American Rivers

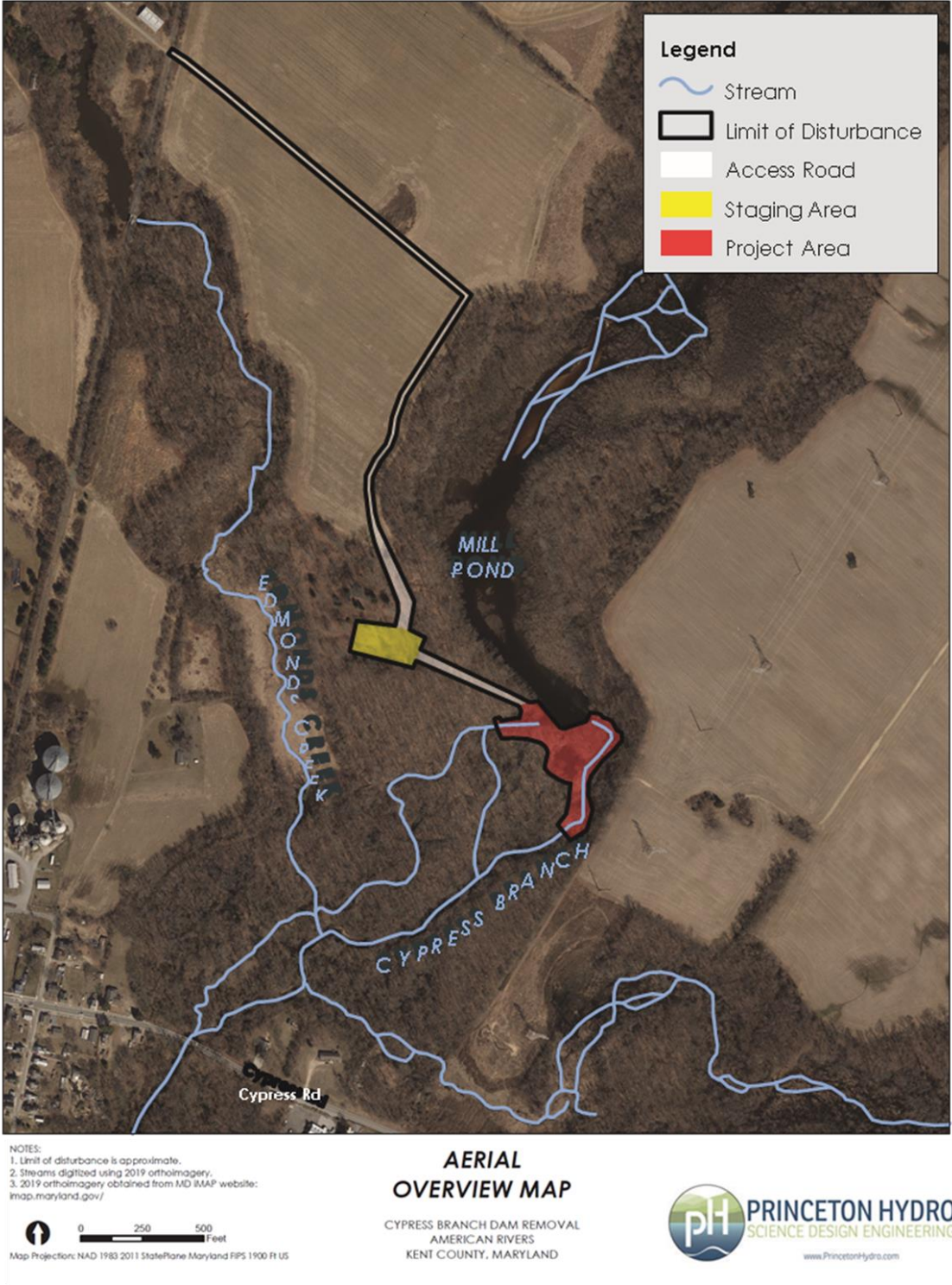


Figure 1: Project area and expected limit of disturbance.



8600 LaSalle Road, Suite 301, Towson, Maryland 21286 - 410.853.7128 - www.trileaf.com

February 8, 2024

Kent County Historic Preservation Commission

400 High Street
Chestertown, MD 21620
Phone: 410-778-7423
Email: kentcounty@kentgov.org

RE: **Cellco Partnership and its controlled affiliates doing business as Verizon Wireless (Verizon Wireless) – Rock Hall / 17256273 / Trileaf Project # 739571**
5768 Liberty Street, Rock Hall, MD 21661
Kent County, Rock Hall Quadrangle (USGS)
Latitude: 39° 08' 13.00" N, Longitude: 76° 14' 11.72" W

To whom it may concern:

Trileaf Corporation is in the process of completing a Section 106 Review at the referenced property. Our client proposes to install new antennas at an overall height of 13 feet on an existing 10-foot equipment shelter associated with an adjacent 143-foot water tank with existing antennas. No ground disturbance is proposed. The antenna will be licensed by the Federal Communications Commission (FCC).

Our investigation includes determining if the site is contained in, on or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places or located in or on an Indian Religious Site.

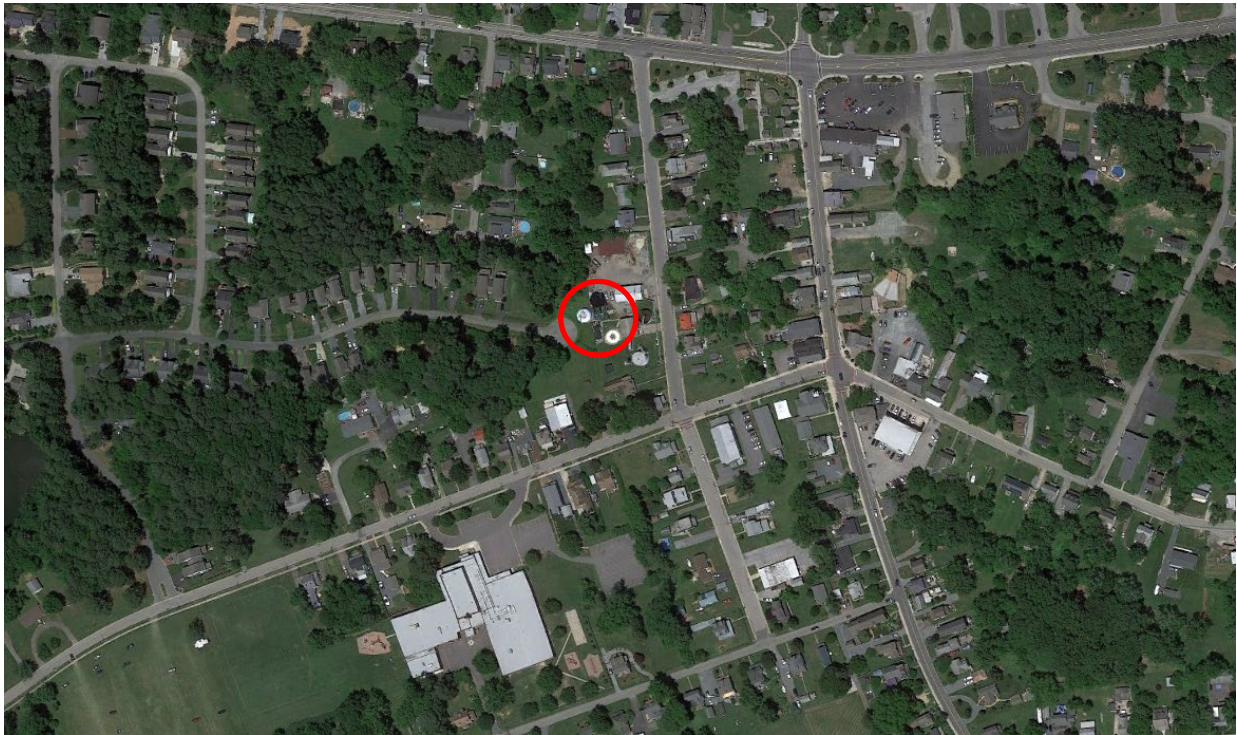
Trileaf is requesting information regarding this tower's potential effect on Historic Properties. All information received will be forwarded to the State Historic Preservation Office (SHPO) as part of the Section 106 review process. *Additionally, this invitation to comment is separate from any local planning/zoning process that may apply to this project.*

If you wish to comment or be considered a consulting party, please respond within thirty (30) days of the date of this letter. If a response is not received within thirty (30) days, it will be assumed that you have no objections to this undertaking. A site topography map and aerial photograph are enclosed for your reference.

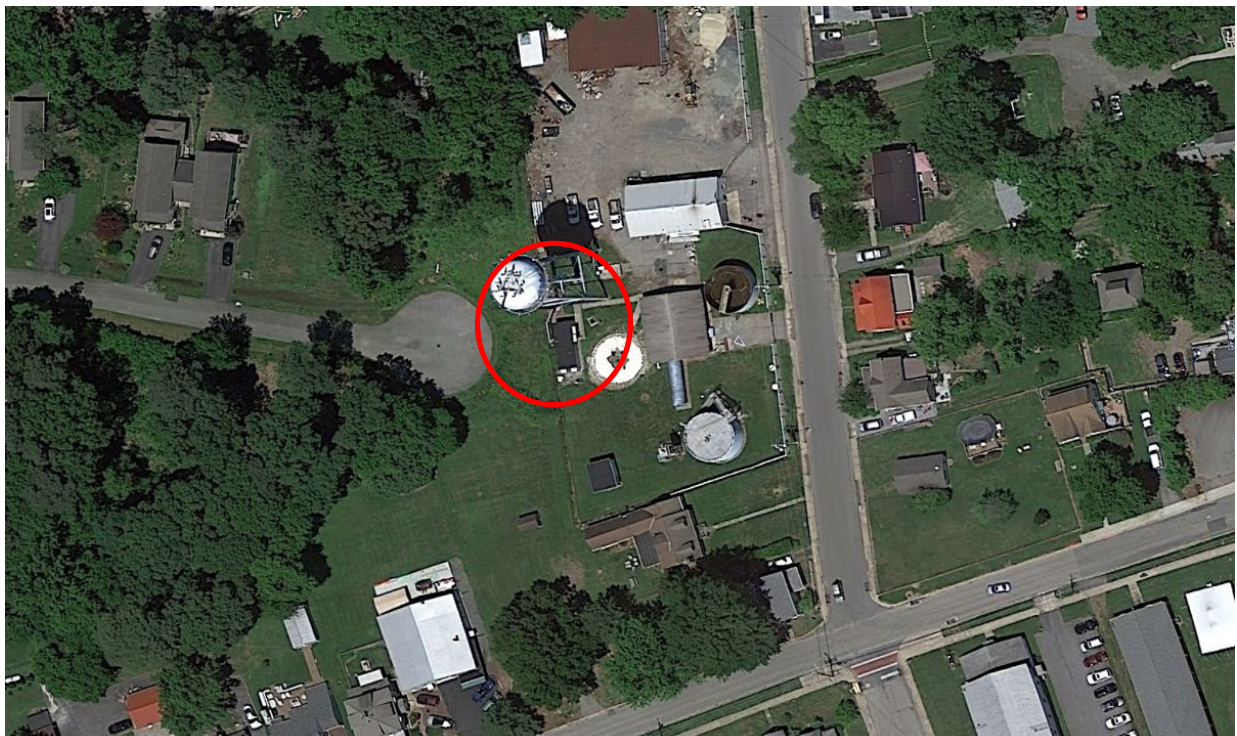
Please call me at (410) 853-7128 or email m.grasham@trileaf.com if you need additional information or have any questions. Thank you for your assistance in this regard.

Sincerely,

McKayla Grasham
Project Scientist II



Site Location & Surrounding Properties



Site Location

Aerial Photographs (2023)

Verizon Wireless – Rock Hall
5768 Liberty Street
Rock Hall, MD 21661



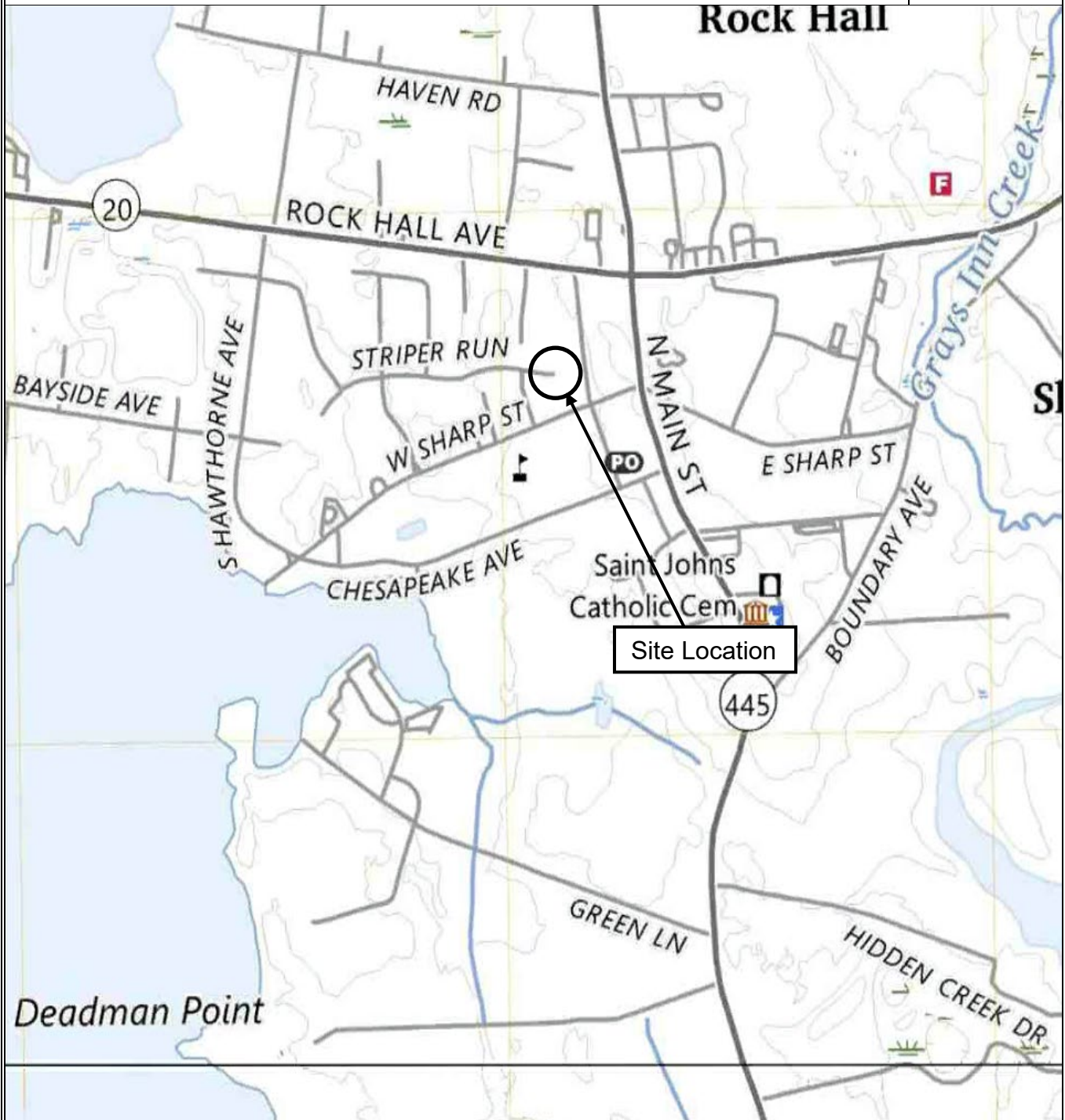
Rock Hall Quadrangle, Maryland (2023)

Contour Interval = 5 Feet

Latitude: 39° 08' 13.00" N, Longitude: 76° 14' 11.72" W



North



Site Vicinity Map

Verizon Wireless – Rock Hall
5768 Liberty Street
Rock Hall, MD 21661



From: William Mackey
To: m.grasham@trileaf.com
Cc: Carla Gerber
Subject: Cellco Partnership and its controlled affiliates doing business as Verizon Wireless (Verizon Wireless) – Rock Hall / 17256273 / Trileaf Project # 739571
Date: Friday, March 8, 2024 1:33:00 PM
Attachments: CLG Letter.pdf
HPC Agenda 2024-03-14.pdf

Good afternoon, Ms. Grasham,

Thank you for your correspondence and the invitation to be a consulting party.

Kent County's Historic Preservation Commission will be meeting on Thursday, March 14, to discuss your correspondence.

Please consider this letter an initial response to be considered a consulting party. I'll follow up with you after the meeting.

If you would like to participate in the meeting in person or remotely, please refer to the attached agenda for information.

If you have any questions, please let me know.

Sincerely,

Bill



William A. Mackey, AICP

Director, Department of Planning, Housing, and Zoning

Kent County, Maryland

400 High Street, Suite 103

Chestertown, MD 21620

410-778-7423, ext. 9

wmackey@kentgov.org