



Planning Commission Department of Planning, Housing, and Zoning

County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA

January 4, 2024
1:30 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: **715 416 653#**

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

Members of the public may also watch the live video feed and view the video after the meeting at the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

MINUTES

November 2, 2023
December 7, 2023

APPLICATIONS FOR REVIEW

- 22-08 25809a Still Pond Neck, LLC – Extension of Major Site Plan Approval
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)
- 23-67 Brickyard Land Holdings/Gillespie Precast – Major Site Plan (Concept)
101 Brickyard Road, Chestertown – Third Election District – Industrial (I), Industrial Critical Area (ICA)
- 23-51 Minary's Dream Alliance Inc. – Determination of Uses
9155 American Legion Drive, Chestertown – Fourth Election District – Critical Area Residential (CAR)
- 23-51 Minary's Dream Alliance Inc. – Major Site Plan (Preliminary and Final)
9155 American Legion Drive, Chestertown – Fourth Election District – Critical Area Residential (CAR)

GENERAL DISCUSSION

Recommendation regarding the *"Planning Commission Final Version" of the Land Use Ordinance, dated January 4, 2024*

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law 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.



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: January 4, 2024
Subject: 25809a Still Pond Neck, LLC – Extension Request of Site Plan Approval

Executive Summary

Request by the Applicant

25809a Still Pond Neck, LLC is requesting a 12-month extension of its site plan approval for the installation of a utility-scale solar energy system on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at 26001 Still Pond Neck Road, in the Third Election District.

Public Process

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans. Site plans shall expire after 12 months unless otherwise extended. When the applicant can show that the project is in the process of obtaining permits from a state, local or federal agency and that these permits have been pursued diligently, the Planning Commission shall grant a 12-month extension. A site plan may receive more than one extension.

Summary of the Staff Report

A special exception for the installation by the applicant of a utility-scale solar energy system in the Agricultural Zoning District (AZD) was approved by the Board of Appeals on October 17, 2022, and the final site plan was approved by the Planning Commission at its meeting of January 5, 2023, contingent upon obtaining all state and federal permits, recordation of the Forest Conservation easement and agreement, and submission and approval of sureties for landscape maintenance and bond-related requirements for decommissioning.

A necessary change in the system size to address the cost estimated for interconnection with Delmarva and securing the required third-party decommissioning plan and bond have delayed the start of construction. A reduction in the number of panels from an estimated 2,376 to 1,300 is proposed; however the dimensions of the fence enclosure will not change. The previously approved stormwater management, Forest Stand Delineation, and Landscaping plans are to remain the same.

The applicant made a request for an extension of the special exception, and, on September 5, 2023, the Board of Appeals granted an 18-month extension from the signature date of the extension approval.

Staff Recommendation

Staff Recommends approval of a 12-month extension of the site plan approval for the installation of a utility-scale solar energy system in the AZD contingent upon obtaining all state and federal permits, recordation of the Forest Conservation easement and agreement, and submission and approval of sureties for landscape maintenance and bond-related requirements for decommissioning.



Planning Commission
Department of Planning, Housing, and Zoning

January 10, 2023

Seth Schafer, P.E.
Project Management
25809A Still Pond Neck, LLC
6865 Deerpath Road, Suite 330
Elkridge, MD 21075

RE: #22-08: Major Site Plan

Dear Mr. Schafer:

At its meeting on January 5, 2023, the Kent County Planning Commission reviewed the site plan to construct and operate a utility-scale solar energy system on the property of Raymond and Joyce Stoltzfus at 26001 Still Pond Neck Road, Still Pond, MD 21667. Following a review of relevant laws and the Comprehensive Plan, the Planning Commission voted to grant final site plan approval.

The Planning Commission based its decision on the following findings:

- The proposal is consistent with the strategies and goals of the Comprehensive Plan.
- The Countywide Standards for Utility-Scale Solar Energy Systems have been sufficiently addressed.
- The proposal will not adversely affect traffic patterns or traffic safety, abutting properties or County amenities, or environmental quality.
- The stormwater management plan has been approved.
- The landscaping plan to mitigate for visibility and glare is sufficient and meets the requirements of the Land Use Ordinance.
- The Forest Stand Delineation and the Forest Conservation Plan have been approved.

The approval is contingent upon obtaining all state and federal permits, recordation of the Forest Conservation easement and agreement, and submission and approval of sureties for landscape maintenance and bond-related requirements for decommissioning. Please submit at least three copies of the final site plan for signature.

Sincerely,
Kent County Planning Commission

F. Joseph Hickman
Chair

FJH/mc

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** 12/5/2023

Project Name: MDL-118 Still Pond Neck Road - Solar

District: Third Map: 12 Parcel: 98 Lot Size: 85 ac. Deed Ref: 424/ 342 Zoning: AZD

LOCATION: 26001 Still Pond Neck Road, Still Pond, MD 21667

PROPOSED USE: Solar Energy System

OWNER OF LAND:

Name: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

Address: 267 Riverview Road, Peach Bottom, PA 17563 Email: sell3130@gmail.com

APPLICANT:

Name: 26001 Still Pond Neck, LLC Telephone: (850) 450-9895

Address: 6865 Deerpath Rd. Suite 330 Elkridge, MD 21075 Email: jspencer@pivotenergy.net

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Becker Morgan Group, Inc. Telephone: 410-546-9100

Address: 312 West Main Street Email: thastings@beckermorgan.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: jspencer@pivotenergy.net


Water Supply: Public System On lot system N/A

Sewerage: Public System On lot system N/A

TELEPHONE SERVICED BY: N/A

ELECTRIC SERVICED BY: Delmarva Power

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

 _____ Jon Fitzpatrick, Authorized Representative 12/5/2023

Signature of Applicant _____ **Date** _____

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

December 5th, 2023

Josh Spencer
1601 Wewatta St
Suite 700
Denver, CO 80202
850-450-9895
jspencer@pivotenergy.net
Pivot Energy

Kent County Planning Commission
F. Joseph Hickman (Chair)
James Saunders
Paula Reeder
Ray Strong
William S. Sutton
Paul J. Ruge, Jr.
Bill Mackey, Director of Planning and Zoning
Cynthia McCann, Attorney
Bill Crowding, Citizen Representative

Final Site Plan Approval Extension Request (Case No: 22-08, Major Site Plan)

Dear Kent County Planning Commission,

I'm writing this letter to formally request a 1-year extension of our Final Site Plan Approval for Case No: 22-08, approved on January 5th, 2023. We have made significant progress towards finalizing the conditional approval items, however, a large unexpected challenge kept us from providing the conditional items and being construction ready within the 1-year timeframe of approval:

1. System size change – A cost estimate for Interconnection (IX), the fee we would need to pay DPL to construct system upgrades that would allow our solar array to connect to their system, was provided by Delmarva Power and Light (DPL) on November 17th, 2022 for \$1,777,777, consisting of substation improvements of \$1,267,000, distribution improvements of \$70,000 and telecom improvements of \$440,000. Normally, for a project of this size, we would expect a significantly lower number, closer to \$50,000 - \$350,000.

- a.** The pre-application inquiry from DPL, received on June 24, 2021 did not mention any necessary substation improvements and the large additional cost was totally unexpected and made the 1MW system unprofitable.
 - b.** We began coordination with DPL to determine a system size that would not trigger the large improvement requirement and on 11/22/2022 and received final word that a 525 kW system would not trigger the large improvements on 03/13/2023.
 - c.** The coordination for the reduced system size halted our Interconnection approval with DPL, which needs to be complete before we can begin construction on the site. DPL also has to wait for the Maryland Public Service Commission (PSC) to change the system size in their internal system to intake our new IX application and start coordination once again. A revised Attachment B was submitted to the Maryland PSC on 05/05/2023 and the system size has still not been updated as of 08/02/2023, thus halting our Utility Interconnection progress.
 - d.** The reduction in system size will not materially alter the project in terms of the Special Exception criteria and the findings made by the Board of Zoning Appeals. The changes will reduce the overall size of the system and the number of panels. Specifically, the Limitation of Disturbance (“LOD”) for the project will remain the same as previously approved and the number of panels reduced from an estimated 2,376 to 1,300. The only change to the approved plan is spacing the solar panels out, with less being required for the reduced system size. The reduced size system will comply with all applicable criteria for establishing and operating a solar array, including all setback requirements.
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Thank you for your consideration of this request and I will be happy to answer any questions or concerns the Board may have.

Sincerely,



Josh Spencer, P.E., PMP

GENERAL NOTES : SOLAR ENERGY SYSTEMS

- A. SETBACKS TO ACCOMMODATE REQUIRED LANDSCAPE BUFFER
 1. 200 FEET FROM ANY LOT LINE
 2. 200 FEET FROM ANY ROAD/ADJACENT OR RIGHT-OF-WAY
 3. 200 FEET FROM ANY ROAD/RIGHT-OF-WAY WITHIN 1/2 MILE OF A TOWN OR VILLAGE BOUNDARY THAT IS THE GATEWAY INTO A TOWN OR VILLAGE
 4. 200 FEET FROM ANY RESIDENTIAL USE OR ZONING DISTRICT
 5. SETBACKS MAY BE REDUCED TO 100 FEET FOR NON-RESIDENTIAL DEVELOPMENT WITH WRITTEN CONSENT FROM THE PROPERTY OWNER. IF THE SETBACK REDUCTION IS SOUGHT, THE PLANNING COMMISSION SHALL BE THE REVIEW AGENCY TO DETERMINE THE APPLICATION OF THIS PROVISION.
 6. SETBACKS SHALL BE MEASURED FROM THE OUTERMOST EDGE OF THE NEAREST SOLAR PANEL STRUCTURE WITHIN THE SOLAR ARRAY INCLUDING SUBSTATIONS.
- B. INSTALLATION AND MAINTENANCE STANDARDS

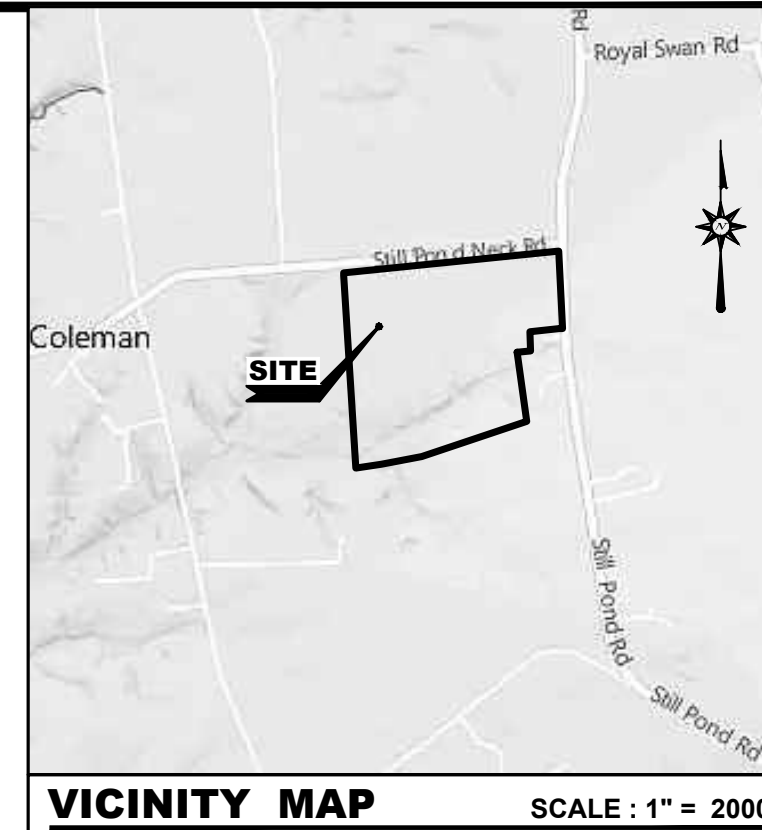
SOLAR ARRAYS SHALL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE FOLLOWING:

 1. IF SOLVENTS ARE REQUIRED FOR CLEANING OF THE SOLAR MODULES, THEY MUST BE BIODEGRADABLE. ANY UNUSED SOLVENTS MUST BE REMOVED FROM THE SUBJECT PARCEL.
 2. ALL BROKEN OR WASTE SOLAR MODULES SHALL BE REMOVED FROM THE SITE SUBJECT PARCEL WITHIN 30 DAYS OF BEING TAKEN OUT OF SERVICE, INCLUDING ANY LEACHING PANELS, AND THE SUBJECT PARCEL SHALL BE MAINTAINED IN GOOD ORDER.
 3. ALL WIRING NOT ON THE SOLAR ARRAYS SHALL BE UNDERGROUND EXCEPT WHEN NECESSARY TO CONNECT TO THE PUBLIC UTILITY.
 4. TRANSMISSION WIRES TO CONNECT THE PROJECT TO THE UTILITY INFRASTRUCTURE SHALL NOT CROSS A ROADWAY OVERHEAD.
 5. ANY REQUIRED UTILITY RIGHT OF WAY SHALL BE SECURED THROUGH AN EASEMENT, LEASE, SERVICE AGREEMENT OR OTHER LEGALLY BINDING DOCUMENT.
 6. THE SOLAR ARRAY SHALL BE ENCLOSED BY A FENCE OR OTHER APPROPRIATE BARRIER AT THE INTERIOR EDGE OF THE REQUIRED LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO THE SOLAR ARRAY. THE FENCE OR BARRIER SHALL:
 - a. SECURE THE FACILITY AT ALL TIMES TO PREVENT UNAUTHORIZED PERSONS OR VEHICLES FROM GAINING ACCESS.
 - b. ALL ACCESS GATES WILL PROVIDE A SIGN THAT IDENTIFIES THE RESPONSIBLE PARTIES OR OWNERS WITH CURRENT CONTACT INFORMATION.
 7. NOISE GENERATED BY THE FACILITY SHALL BE LIMITED BY THE PROJECT DESIGN TO 45 DBAS MEASURED AT THE PROPERTY LINE, TO BE INDICATED ON THE SITE PLAN BY THE ENGINEER, EXCEPT WHEN A BACK-UP GENERATOR IS NEEDED FOR MAINTENANCE. CONSTRUCTION ON THE SITE IS EXEMPT FROM THIS STANDARD.
 8. SOLAR ARRAYS, INCLUDING THE ELECTRICAL AND MECHANICAL COMPONENTS, SHALL CONFORM TO RELEVANT AND APPLICABLE LOCAL, STATE, AND NATIONAL CODES.
 9. TO PROTECT ADJACENT PROPERTIES, AND NOT INTERFERE WITH ROADWAYS OR CREATE A SAFETY HAZARD, EVIDENCE SHALL BE PROVIDED THAT THE SOLAR PANELS ARE DESIGNED TO AVOID GLARE AND/OR REFLECTION WITH ANTI-REFLECTIVE COATING OR NON-GLARE TECHNOLOGY AND, IF NECESSARY, HAVE BEEN EVALUATED WITH A SOLAR GLARE HAZARD ANALYSIS TOOL.
 10. NON-ARRAY USES SUCH AS POWER STORAGE ARE NOT PERMITTED.
- C. LANDSCAPE BUFFER FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS
 1. ANY UTILITY SCALE SOLAR FACILITY SHALL COMPLY WITH THE REQUIREMENTS OF THE FOREST CONSERVATION ACT. REFORESTATION PLANTINGS MAY BE INCORPORATED AS LANDSCAPINGS.
 2. THE GROSS USABLE AREA FOR PANELS WILL EXCLUDE WETLAND AREAS THAT ARE REGULATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT OR THE U.S. DEPARTMENT OF THE INTERIOR. IMPACTS ASSOCIATED WITH ACCESS OR INTERIOR ROADS AND UTILITY CROSSINGS SHALL PROVIDE THE NECESSARY AUTHORIZATION FOR ANY DISTURBANCES.
 3. EXISTING TOPSOIL SHALL NOT BE REMOVED FROM THE SITE.
 4. A VEGETATED BUFFER THAT IS A MINIMUM OF 60 FEET WIDE AROUND THE PERIMETER OF THE SITE AREA FRONTING ON ROAD OR RIGHTS OF WAY THAT ARE CONSIDERED GATEWAYS TO TOWNS OR VILLAGES AND A MINIMUM OF 50 FEET FOR ALL OTHER APPLICATIONS. THIS BUFFER MAY BE LOCATED WITHIN THE SETBACK AND SHALL EXTEND AROUND THE ENTIRE PROJECT WITH THE EXCEPTION OF ANY BOUNDARIES CONTIGUOUS TO PRESERVED, FORESTED LANDS THAT ARE RECORDED ON A PLAT.
 5. HEALTHY EXISTING VEGETATION WITHIN THE DESIGNATED BUFFER AREA MAY BE USED TO SATISFY THE SPECIFIC BUFFER STANDARDS.
 6. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS.
 7. WHERE A PHASED CONSTRUCTION PLAN IS PROPOSED, THE LANDSCAPE PLAN SHALL IDENTIFY THE PHASING OF THE PLANTINGS APPLICABLE TO EACH CONSTRUCTION PHASE.
 8. NOT MORE THAN 25% OF ANY SINGLE PLANT SPECIES SHOULD BE INCLUDED IN THE BUFFER TO PROMOTE THE GROWTH OF A NATURAL LANDSCAPE AND AVOID MONOTONY AND UNIFORMITY OF THE VEGETATION SHALL BE THICKLY PLANTED AND OF SUCH SPECIES THAT IT WILL PROVIDE AN OPAQUE VISUAL BARRIER THAT OBSCURES THE UTILITY SCALE SOLAR ARRAY FROM SIGHT ONCE THE VEGETATION REACHES MATURITY OR WITHIN FIVE YEARS, WHICHEVER COMES FIRST. A MIX OF EVERGREEN AND DECIDUOUS TREES SHRUBS AND BENEFICIAL HABITAT SHALL BE INCLUDED:
 - a. A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST 6 FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART. EVERGREEN TREE SPECIES SHALL BE A VARIED MIXTURE OF COMPATIBLE TYPES AND ACHIEVE A HEIGHT OF EIGHT FEET IN A MINIMUM OF 2 YEARS.
 - b. IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF 2-INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE OF INSTALLATION OF 1-INCH CALIPER OR 6 FEET IN OVERALL HEIGHT IF REQUIRED BY THE PLANNING COMMISSION TO ADDRESS GATEWAY AREAS.
 - c. SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 24 INCHES IN HEIGHT OR 30 INCHES IN SPREAD.
 - d. THE BUFFER SHALL INCLUDE A FLOWERING GROUND COVER FOR POLLINATORS, WARM SEASON GRASSES AND OTHER BENEFICIAL HABITAT. THE GROUND COVER SEED MIXTURE SHALL INCLUDE A MINIMUM OF 10 PLANT SPECIES WITH A MINIMUM OF 2 FLOWERING SEASONS. LAWN OUTSIDE THE REQUIRED BUFFER ARE DISCOURAGED, PLANTINGS FOR POLLINATORS ARE ENCOURAGED IN ALL PLANTED AREAS.
 - e. THE HEIGHT OF PROPOSED PLANTING MAY REQUIRE ALTERNATIVES BASED UPON THE SITE ELEVATION AND VISIBILITY FROM ADJACENT PROPERTIES AND ROADS AND/OR RIGHTS OF WAYS. IF NECESSARY, AN ELEVATION OR PERSPECTIVE ILLUSTRATION EXHIBIT SHALL BE PROVIDED WITH VIEWPOINTS FROM RELEVANT LOCATIONS AROUND THE SITE FOR THE PLANNING COMMISSION TO CONSIDER.
 9. THE LANDSCAPE BERM SHALL BE PROVIDED AT A MINIMUM OF THREE (3) FEET HIGH TO ASSIST IN SCREENING. THE DESIGN OF THE BERM SHALL BE SUCH THAT THE NATURAL DRAINAGE PATTERNS OF THE SITE WILL NOT BE ALTERED. THE BERM REQUIREMENT MAY BE WAIVED IN PART OR TOTAL SUBJECT TO THE FOLLOWING CONDITIONS:
 1. A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION ARE AT LEAST 6 FEET IN HEIGHT AND PLANTED NO MORE THAN 10 FEET APART
 2. INTERSPERSED SHADE TREES HAVE A MINIMUM SIZE AT INSTALLATION OF 2.5-INCH CALIPER
 3. UNDERSTORY STORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1.5-INCH CALIPER OR 6 FEET IN OVERALL HEIGHT
 4. SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 30 INCHES IN HEIGHT.
 5. THE LANDSCAPING PLAN IS DEEMED TO SCREEN ELEVATIONS OF THE SITE ADEQUATELY WITHIN 2 YEARS.
 10. IRRIGATION SHALL BE PROVIDED TO ASSIST IN MAINTAINING PLANT MATERIALS IN A HEALTHY CONDITION FOR ALL NEWLY CREATED LANDSCAPE BUFFER AREAS. PLANTS SHALL BE WATERED IN A MANNER ADEQUATE TO ENSURE ESTABLISHMENT AND SURVIVAL. THE LANDSCAPE PLAN SHALL INCLUDE A WATERING SCHEDULE APPROPRIATE FOR THE PROPOSED PLANTINGS, WHICH MAY INCLUDE SERVICE BY ON-SITE IRRIGATION OR WATER TRUCK, UNTIL THE PLANT MATERIAL IS SUFFICIENTLY ESTABLISHED TO SURVIVE ON NATURAL SOIL MOISTURE. AN IRRIGATION SYSTEM IS SUBJECT TO THE FOLLOWING:
 1. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT RUNOFF, LOW HEAD DRAINAGE, OVERSPRAY, OR OTHER SIMILAR CONDITIONS WHERE IRRIGATION WATER FLOWS ONTO NONTARGETED AREAS SUCH AS ADJACENT PROPERTIES, ROADWAYS, OR STRUCTURES.
 2. ALL AUTOMATIC IRRIGATION SYSTEMS SHALL BE DESIGNED TO MINIMIZE WATER USAGE AND SHALL BE MANUALLY SHUT OFF DURING WATER EMERGENCIES OR WATER RATIONING PERIODS.
 3. AN ALTERNATIVE FORM OF IRRIGATION FOR A PARTICULAR SITE MAY BE APPROVED THROUGH THE APPLICABLE REVIEW PROCESS UPON DETERMINING THAT UNDERGROUND IRRIGATION IS NOT NECESSARY OR AVAILABLE FOR THE TYPE OF PLANT MATERIAL BEING PROPOSED.
 11. A MAINTENANCE AGREEMENT FOR THE LANDSCAPE PLAN SHALL BE PROVIDED WITH A SURETY OR OTHER FINANCIAL ASSURANCE TO COVER REPLACEMENT OF THE PLANTINGS AND IRRIGATION SYSTEMS. ALL PLANTINGS SHALL BE MAINTAINED IN A LIVE, HEALTHY CONDITION FOR THE DURATION OF THE SOLAR ARRAY LIFE AND SHALL BE REPLACED BY THE SOLAR ARRAY OPERATOR AS NECESSARY WITH APPROPRIATELY SIZED PLANT MATERIAL AS NECESSARY TO MAINTAIN ALL REQUIRED BUFFERING STANDARDS.
 12. THE SURETY MAY BE PROVIDED ON A PHASED BASIS PER THE LANDSCAPE PHASING PLAN AND SHALL BE HELD BY THE COUNTY FOR A PERIOD OF THREE YEARS FOLLOWING PLANTING. AFTER WHICH THE COUNTY, UPON SATISFACTORY INSPECTION OF THE LANDSCAPE BUFFER MAY RELEASE 50% OF THE SURETY, AND THE REMAINING 50% MAY BE RELEASED AFTER AN ADDITIONAL TWO YEARS. THE COUNTY THEN RESERVES THE RIGHT TO INSPECT AND REQUIRE REPLACEMENT FOR THE DURATION OF THE SOLAR ARRAY.
 13. ENTRANCES TO THE PROJECT SHOULD BE DESIGNED TO ENSURE THAT NEIGHBORING PROPERTIES, PUBLIC RIGHTS-OF-WAYS AND ROADS ARE NOT EXPOSED TO AN UNSCREENED VIEW THROUGH THE ENTRANCEWAY. THE USE OF A WIRE MESH OR CHAIN-LINK GATE OR FENCE WITH VINYL INTERWOVEN STRIPS IS NOT ACCEPTABLE.
 14. THE PROJECT SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS, INCLUDING BUT NOT LIMITED TO OBTAINING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC SERVICE COMMISSION IF REQUIRED, AND IN THE REMOVAL AND DISPOSAL OF THE UTILITY SCALE SOLAR ARRAY AND ALL OF ITS COMPONENTS.
 15. THE PROJECT SHALL COMPLY WITH ALL OTHER APPLICABLE REGULATIONS, AS CONTAINED IN THE PUBLIC LAWS OF KENT COUNTY.
 16. THE PROJECT SHALL COMPLY WITH THE BOND-RELATED REQUIREMENTS BELOW:
 1. A BOND, SURETY LETTER, OR OTHER FINANCIAL INSTRUMENT FOR REMOVAL OF ALL SOLAR-RELATED STRUCTURES AND NON-VEGETATIVE IMPROVEMENTS ON THE SITE AND FOR THE RESTORATION OF THE SITE TO ITS PREPROJECT CONDITION SHALL BE SUBMITTED, TO BE BASED ON BONA FIDE WRITTEN ESTIMATES PREPARED BY THIRD-PARTY CONSULTANTS.
 2. THE COST ESTIMATE SHALL ADDRESS PROVISIONS FOR THE SAFE REMOVAL AND PROPER DISPOSAL OF ALL COMPONENTS OF THE PROJECT, INCLUDING ANY COMPONENTS CONTAINING HAZARDOUS OR TOXIC MATERIALS INCLUDING CACHATES.
 3. AN ESTIMATE FOR REVIEW BY COUNTY SHALL BE SUBMITTED.
 4. BOND SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 5. BONDING MAY BE IN COORDINATION WITH OTHER REQUIRED BONDING BY THE STATE OF MARYLAND, PSC, PULL, PRRP, ETC.
 6. IN THE EVENT THAT NO OTHER BONDING IS REQUIRED, THEN A BOND IN FAVOR OF THE COUNTY SHALL BE REQUIRED.
 7. SAID BONDING SHALL INCLUDE AN ESCALATOR PROVISION BASED ON CHANGES TO THE COST OF RESTORATION, WHICH SHALL BE EVALUATED AND UPDATED EVERY FIVE YEARS.
 8. SAID BOND SHALL BE FOR 110% OF THE ABOVE ESTIMATE(S) AND/OR UPDATED ESTIMATE(S) FROM FIVE-YEAR REVIEWS.
 9. SAID BOND SHALL BE REDEEMABLE BY THE COUNTY UPON A FINDING THAT THE PROJECT HAS BEEN ABANDONED, WITH OR WITHOUT NOTICE FROM PROJECT OPERATORS, IF PROJECT HAS, IN FACT, BEEN ABANDONED BY ITS OPERATORS; AND
 10. THE PROJECT WILL BE CONSIDERED TO BE ABANDONED, IF THERE IS NO ELECTRIC GENERATION PROVIDED TO THE GRID FOR A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS.
- D. A LANDSCAPE BERM SHALL BE PROVIDED AT A MINIMUM OF THREE (3) FEET HIGH TO ASSIST IN SCREENING. THE DESIGN OF THE BERM SHALL BE SUCH THAT THE NATURAL DRAINAGE PATTERNS OF THE SITE WILL NOT BE ALTERED. THE BERM REQUIREMENT MAY BE WAIVED IN PART OR TOTAL SUBJECT TO THE FOLLOWING CONDITIONS:
 1. A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION ARE AT LEAST 6 FEET IN HEIGHT AND PLANTED NO MORE THAN 10 FEET APART
 2. INTERSPERSED SHADE TREES HAVE A MINIMUM SIZE AT INSTALLATION OF 2.5-INCH CALIPER
 3. UNDERSTORY STORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1.5-INCH CALIPER OR 6 FEET IN OVERALL HEIGHT
 4. SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 30 INCHES IN HEIGHT.
 5. THE LANDSCAPING PLAN IS DEEMED TO SCREEN ELEVATIONS OF THE SITE ADEQUATELY WITHIN 2 YEARS.
- E. IRRIGATION SHALL BE PROVIDED TO ASSIST IN MAINTAINING PLANT MATERIALS IN A HEALTHY CONDITION FOR ALL NEWLY CREATED LANDSCAPE BUFFER AREAS. PLANTS SHALL BE WATERED IN A MANNER ADEQUATE TO ENSURE ESTABLISHMENT AND SURVIVAL. THE LANDSCAPE PLAN SHALL INCLUDE A WATERING SCHEDULE APPROPRIATE FOR THE PROPOSED PLANTINGS, WHICH MAY INCLUDE SERVICE BY ON-SITE IRRIGATION OR WATER TRUCK, UNTIL THE PLANT MATERIAL IS SUFFICIENTLY ESTABLISHED TO SURVIVE ON NATURAL SOIL MOISTURE. AN IRRIGATION SYSTEM IS SUBJECT TO THE FOLLOWING:
 1. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT RUNOFF, LOW HEAD DRAINAGE, OVERSPRAY, OR OTHER SIMILAR CONDITIONS WHERE IRRIGATION WATER FLOWS ONTO NONTARGETED AREAS SUCH AS ADJACENT PROPERTIES, ROADWAYS, OR STRUCTURES.
 2. ALL AUTOMATIC IRRIGATION SYSTEMS SHALL BE DESIGNED TO MINIMIZE WATER USAGE AND SHALL BE MANUALLY SHUT OFF DURING WATER EMERGENCIES OR WATER RATIONING PERIODS.
 3. AN ALTERNATIVE FORM OF IRRIGATION FOR A PARTICULAR SITE MAY BE APPROVED THROUGH THE APPLICABLE REVIEW PROCESS UPON DETERMINING THAT UNDERGROUND IRRIGATION IS NOT NECESSARY OR AVAILABLE FOR THE TYPE OF PLANT MATERIAL BEING PROPOSED.
- F. A MAINTENANCE AGREEMENT FOR THE LANDSCAPE PLAN SHALL BE PROVIDED WITH A SURETY OR OTHER FINANCIAL ASSURANCE TO COVER REPLACEMENT OF THE PLANTINGS AND IRRIGATION SYSTEMS. ALL PLANTINGS SHALL BE MAINTAINED IN A LIVE, HEALTHY CONDITION FOR THE DURATION OF THE SOLAR ARRAY LIFE AND SHALL BE REPLACED BY THE SOLAR ARRAY OPERATOR AS NECESSARY WITH APPROPRIATELY SIZED PLANT MATERIAL AS NECESSARY TO MAINTAIN ALL REQUIRED BUFFERING STANDARDS.
- G. THE SURETY MAY BE PROVIDED ON A PHASED BASIS PER THE LANDSCAPE PHASING PLAN AND SHALL BE HELD BY THE COUNTY FOR A PERIOD OF THREE YEARS FOLLOWING PLANTING. AFTER WHICH THE COUNTY, UPON SATISFACTORY INSPECTION OF THE LANDSCAPE BUFFER MAY RELEASE 50% OF THE SURETY, AND THE REMAINING 50% MAY BE RELEASED AFTER AN ADDITIONAL TWO YEARS. THE COUNTY THEN RESERVES THE RIGHT TO INSPECT AND REQUIRE REPLACEMENT FOR THE DURATION OF THE SOLAR ARRAY.
- H. ENTRANCES TO THE PROJECT SHOULD BE DESIGNED TO ENSURE THAT NEIGHBORING PROPERTIES, PUBLIC RIGHTS-OF-WAYS AND ROADS ARE NOT EXPOSED TO AN UNSCREENED VIEW THROUGH THE ENTRANCEWAY. THE USE OF A WIRE MESH OR CHAIN-LINK GATE OR FENCE WITH VINYL INTERWOVEN STRIPS IS NOT ACCEPTABLE.
- I. THE PROJECT SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS, INCLUDING BUT NOT LIMITED TO OBTAINING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC SERVICE COMMISSION IF REQUIRED, AND IN THE REMOVAL AND DISPOSAL OF THE UTILITY SCALE SOLAR ARRAY AND ALL OF ITS COMPONENTS.
- J. THE PROJECT SHALL COMPLY WITH ALL OTHER APPLICABLE REGULATIONS, AS CONTAINED IN THE PUBLIC LAWS OF KENT COUNTY.
- K. THE PROJECT SHALL COMPLY WITH THE BOND-RELATED REQUIREMENTS BELOW:
 1. A BOND, SURETY LETTER, OR OTHER FINANCIAL INSTRUMENT FOR REMOVAL OF ALL SOLAR-RELATED STRUCTURES AND NON-VEGETATIVE IMPROVEMENTS ON THE SITE AND FOR THE RESTORATION OF THE SITE TO ITS PREPROJECT CONDITION SHALL BE SUBMITTED, TO BE BASED ON BONA FIDE WRITTEN ESTIMATES PREPARED BY THIRD-PARTY CONSULTANTS.
 2. THE COST ESTIMATE SHALL ADDRESS PROVISIONS FOR THE SAFE REMOVAL AND PROPER DISPOSAL OF ALL COMPONENTS OF THE PROJECT, INCLUDING ANY COMPONENTS CONTAINING HAZARDOUS OR TOXIC MATERIALS INCLUDING CACHATES.
 3. AN ESTIMATE FOR REVIEW BY COUNTY SHALL BE SUBMITTED.
 4. BOND SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 5. BONDING MAY BE IN COORDINATION WITH OTHER REQUIRED BONDING BY THE STATE OF MARYLAND, PSC, PULL, PRRP, ETC.
 6. IN THE EVENT THAT NO OTHER BONDING IS REQUIRED, THEN A BOND IN FAVOR OF THE COUNTY SHALL BE REQUIRED.
 7. SAID BONDING SHALL INCLUDE AN ESCALATOR PROVISION BASED ON CHANGES TO THE COST OF RESTORATION, WHICH SHALL BE EVALUATED AND UPDATED EVERY FIVE YEARS.
 8. SAID BOND SHALL BE FOR 110% OF THE ABOVE ESTIMATE(S) AND/OR UPDATED ESTIMATE(S) FROM FIVE-YEAR REVIEWS.
 9. SAID BOND SHALL BE REDEEMABLE BY THE COUNTY UPON A FINDING THAT THE PROJECT HAS BEEN ABANDONED, WITH OR WITHOUT NOTICE FROM PROJECT OPERATORS, IF PROJECT HAS, IN FACT, BEEN ABANDONED BY ITS OPERATORS; AND
 10. THE PROJECT WILL BE CONSIDERED TO BE ABANDONED, IF THERE IS NO ELECTRIC GENERATION PROVIDED TO THE GRID FOR A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS.

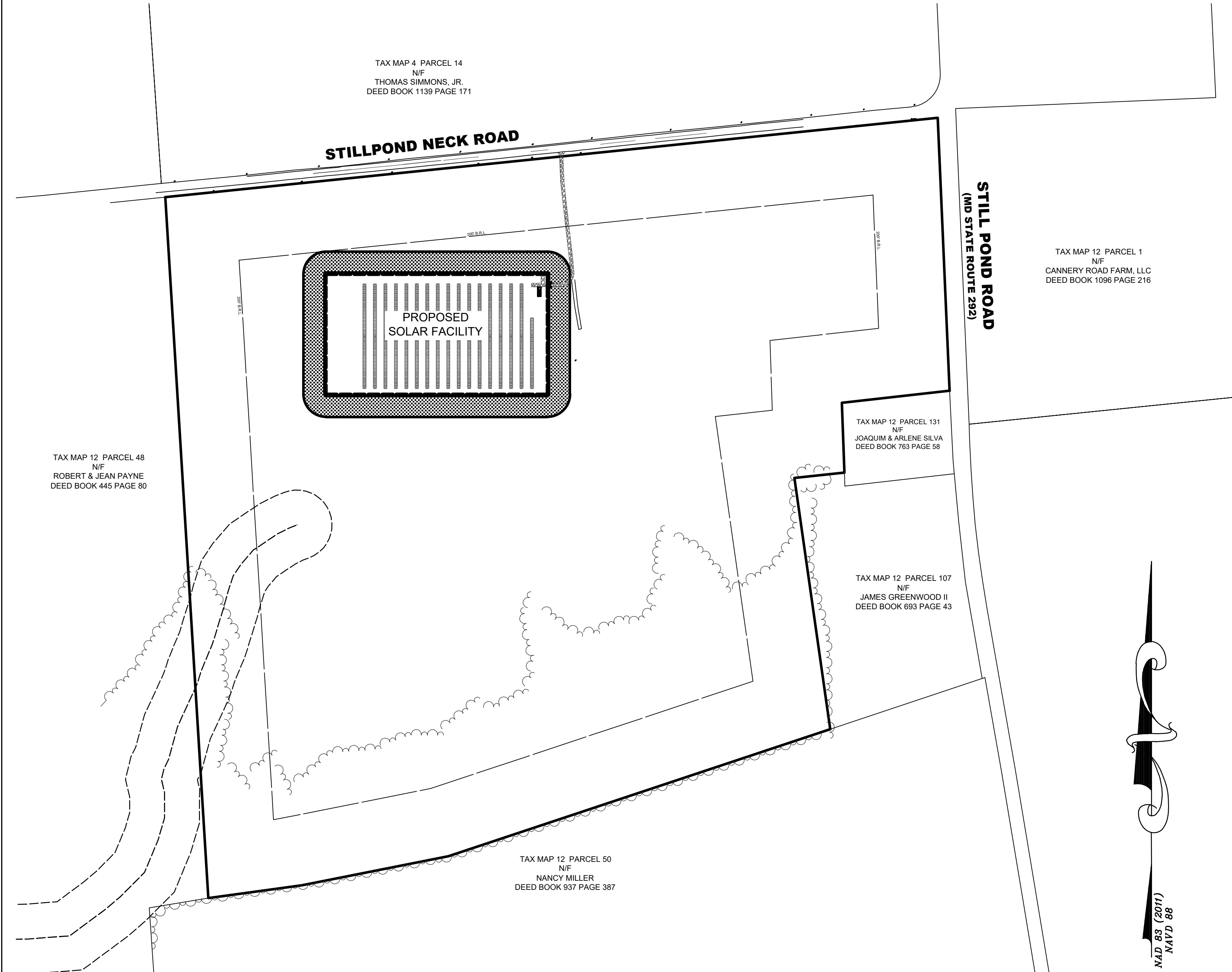
26001 STILL POND NECK ROAD SOLAR PROJECT

KENT COUNTY, MARYLAND

THIRD ELECTION DISTRICT



SITE INFORMATION	
1. SITE NAME:	MDL118 - STILL POND NECK ROAD SOLAR
2. SITE ADDRESS:	26001 STILL POND NECK ROAD (SOUTHWEST CORNER OF STILL POND NECK RD. AND STILL POND RD.) WORTON, MD 20697
3. SITE OWNER:	RAYMOND & JOYCE STOLTZFUSS 267 RIVERVIEW ROAD PEACH BOTTOM, PA 17563-9717
4. DEVELOPER:	28809A STILL POND NECK, LLC SETH SHAFER 6865 DEERPATH ROAD, SUITE 330 ELKRUNGE, MD 21075 410-779-8377
5. ENGINEER:	BECKER MORGAN GROUP, INC. C/O TED HASTINGS 312 WEST MAIN STREET, SUITE 300 SALISBURY, MD 21801 410-546-9100
6. GEOGRAPHIC COORDINATES:	LATITUDE: 39°20'31.36\"N LONGITUDE: 76°43'59\"W
7. TAX MAP:	12
8. PARCEL:	98
9. DEED BOOK/PAGE:	424/ 342
10. PARCEL AREA:	85 ACRES ±
11. LEASE AREA:	5.00 ACRES ±
12. AREA OF USE:	5.00 ACRES ±
13. LIMIT OF DISTURBANCE:	9.91 ACRES ±
14. JURISDICTION:	KENT COUNTY
15. ZONE:	AGRICULTURAL ZONING DISTRICT (AZD)
16. MINIMUM YARD AND SETBACK REQUIREMENTS FOR UTILITY SCALE SOLAR IS AS FOLLOWS:	FRONT: 200 FEET REAR: 200 FEET SIDE: 200 FEET
17. FLOOD ZONE DETERMINATION:	(BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA) FIRM MAP: 24029C0155D EFFECTIVE DATE: MARCH 16, 2015 FIRM ZONE: "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
18. WATER AND SEWER NOT PROPOSED FOR THE SITE.	



ITEM	LEGEND	
	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	EX. 10" S	10" S
SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (S.M.H.)	EX. 10" W	12" W
SANITARY SEWER CLEANOUT	EX. 10" W	12" W
WATER MAIN & SIZE	EX. 10" F.H.	12" F.H.
FIRE HYDRANT	EX. 10" W	12" W
WATER VALVE (W.V.) OR METER (W.M.)	EX. 10" W	12" W
STORM DRAIN MANHOLE (S.D.M.H.)	EX. 10" W	12" W
STORM DRAIN LINE (C.M.P. OR RCP)	EX. 10" W	12" W
CATCH BASIN	EX. 10" W	12" W
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	EX. 10" W	12" W
UNDERGROUND ELECTRIC	U.E.	U.E.
UNDERGROUND TELEPHONE	U.T.	U.T.
UNDERGROUND GAS MAIN	EX. 2" G	2" G
PAVEMENT TO BE REMOVED	N/A	
CONCRETE CURB & GUTTER	N/A	
CONCRETE SIDEWALK, SLAB / PAVING	N/A	
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	N/A	
INDIVIDUAL TREE OR BUSH	EVERGREEN	DECIDUOUS
WIRE FENCE	N/A	
AGRICULTURAL FENCE	N/A	
STOCKADE FENCE	N/A	
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	N/A	
DRAINAGE DITCH OR SWALE	N/A	
EMBANKMENT SIDESLOPES (DOWN)	N/A	
CONTOUR	N/A	
ELEVATION SPOT SPOT	43.55	25.50 (C), 25.00 (B.C.)
BENCH MARK	N/A	
PROPERTY OR RIGHT-OF-WAY LINE	N/A	
CENTERLINE	N/A	
LIGHT POLE	N/A	
CONSTRUCTION NOTE	N/A	

APPROVED:	
DATE:	KENT COUNTY PLANNING DIRECTOR
APPROVED:	
DATE:	KENT COUNTY PLANNING COMMISSION
APPROVED:	
DATE:	KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY

SHEET INDEX	
C-001	COVER SHEET
C-101	EXISTING CONDITIONS PLAN
C-201	SITE PLAN
C-401	GRADING PLAN
C-501	EROSION AND SEDIMENT CONTROL PLAN
C-502	ESC & CONSTRUCTION DETAILS
C-901	CONSTRUCTION NOTES AND DETAILS
L-001	FOREST CONSERVATION PLAN
L-101	LANDSCAPE PLAN
L-102	FENCE DETAIL

BECKER MORGAN GROUP

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North Carolina
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Wilmington, NC 28403
910.341.7600

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STATE OF MARYLAND
Professional Engineer

HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

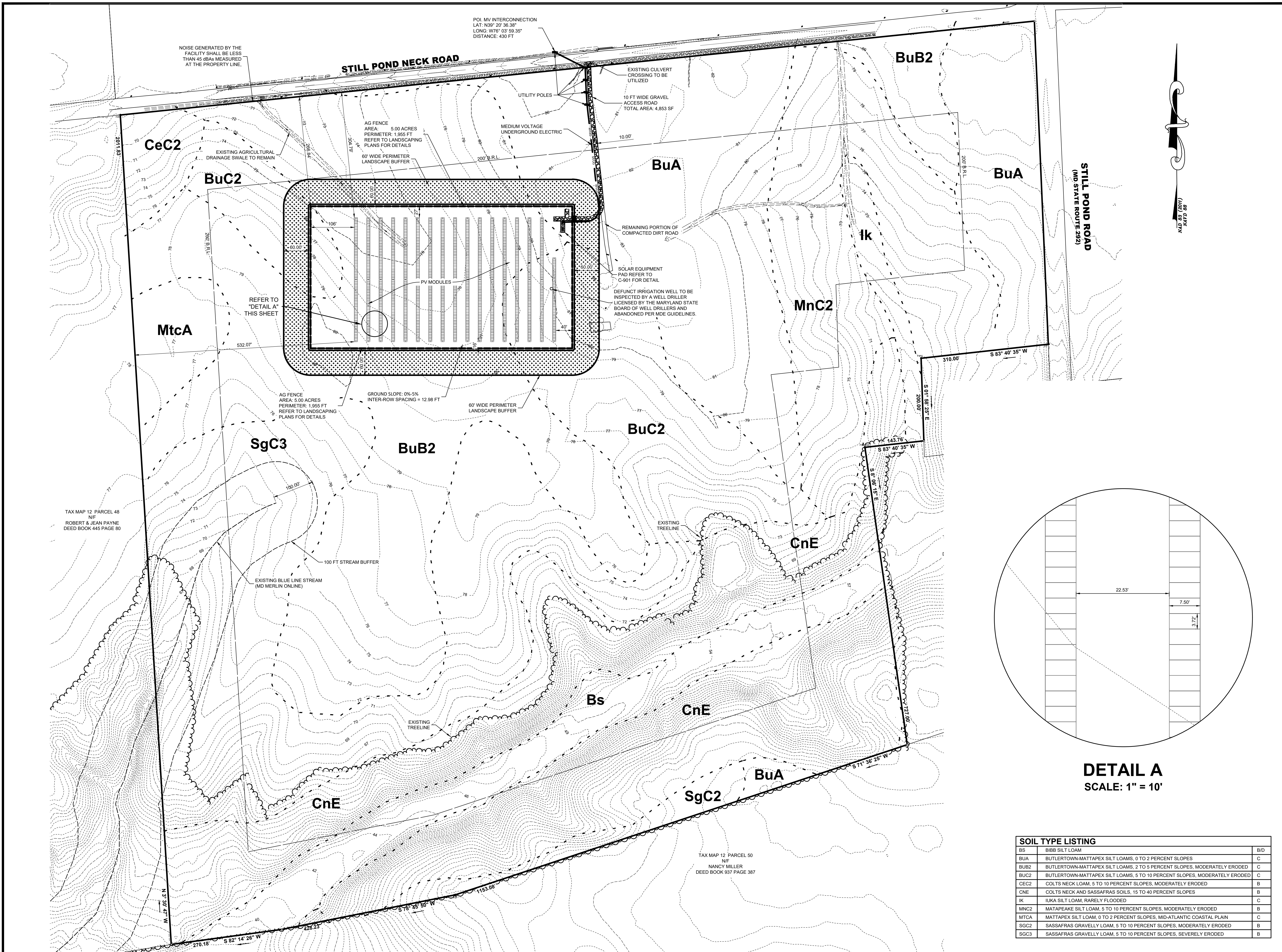
26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE

COVER SHEET

SCALE: 1" = 200'

ISSUE BLOCK		
MARK	DATE	DESCRIPTION
	06/01/23	NEW ARRAY LAYOUT
	10/24/2022	
PROJECT NO.: 2022004.00		
DATE: 10/24/2022		
SCALE: 1" = 200'		
DRAWN BY: E.M.S. / PROJ. MGR.: E.H.H.		
SHEET		
C-001		
COPYRIGHT: 2023		



TAX MAP 12 PARCEL 48
N/F
ROBERT & JEAN PAYNE
DEED BOOK 445 PAGE 80

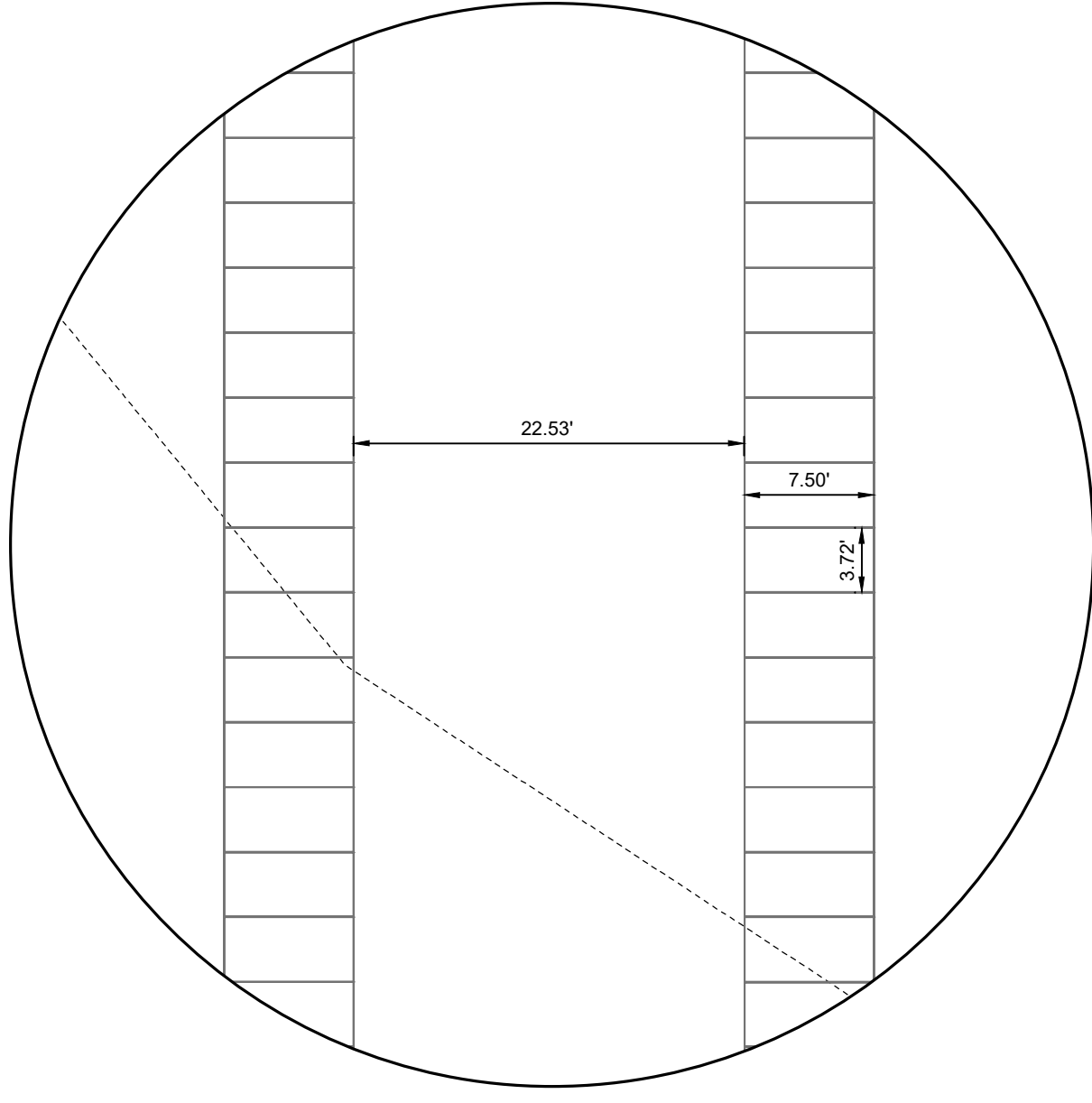
TAX MAP 12 PARCEL 50
N/F
NANCY MILLER
DEED BOOK 937 PAGE 387

NOISE GENERATED BY THE FACILITY SHALL BE LESS THAN 45 DB(A) MEASURED AT THE PROPERTY LINE.

POI, MV INTERCONNECTION
LAT: N39° 20' 38.38"
LONG: W76° 03' 59.35"
DISTANCE: 430 FT

REFER TO 'DETAIL A' THIS SHEET

STILL POND NECK ROAD
(MD STATE ROUTE 282)



DETAIL A
SCALE: 1" = 10'

SOIL TYPE LISTING		
BS	BIBB SILT LOAM	B/D
BUA	BUTLERTOWN-MATTAPEX SILT LOAMS, 0 TO 2 PERCENT SLOPES	C
BUB2	BUTLERTOWN-MATTAPEX SILT LOAMS, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	C
BUC2	BUTLERTOWN-MATTAPEX SILT LOAMS, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	C
CEC2	COLTS NECK LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
CNE	COLTS NECK AND SASSAFRAS SOILS, 15 TO 40 PERCENT SLOPES	B
IK	IUKA SILT LOAM, RARELY FLOODED	C
MNC2	MATTAPEX SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
MTC A	MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
SGC2	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
SGC3	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, SEVERELY ERODED	B

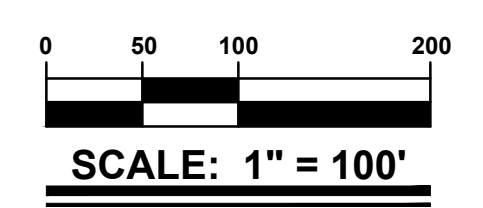
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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
28001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

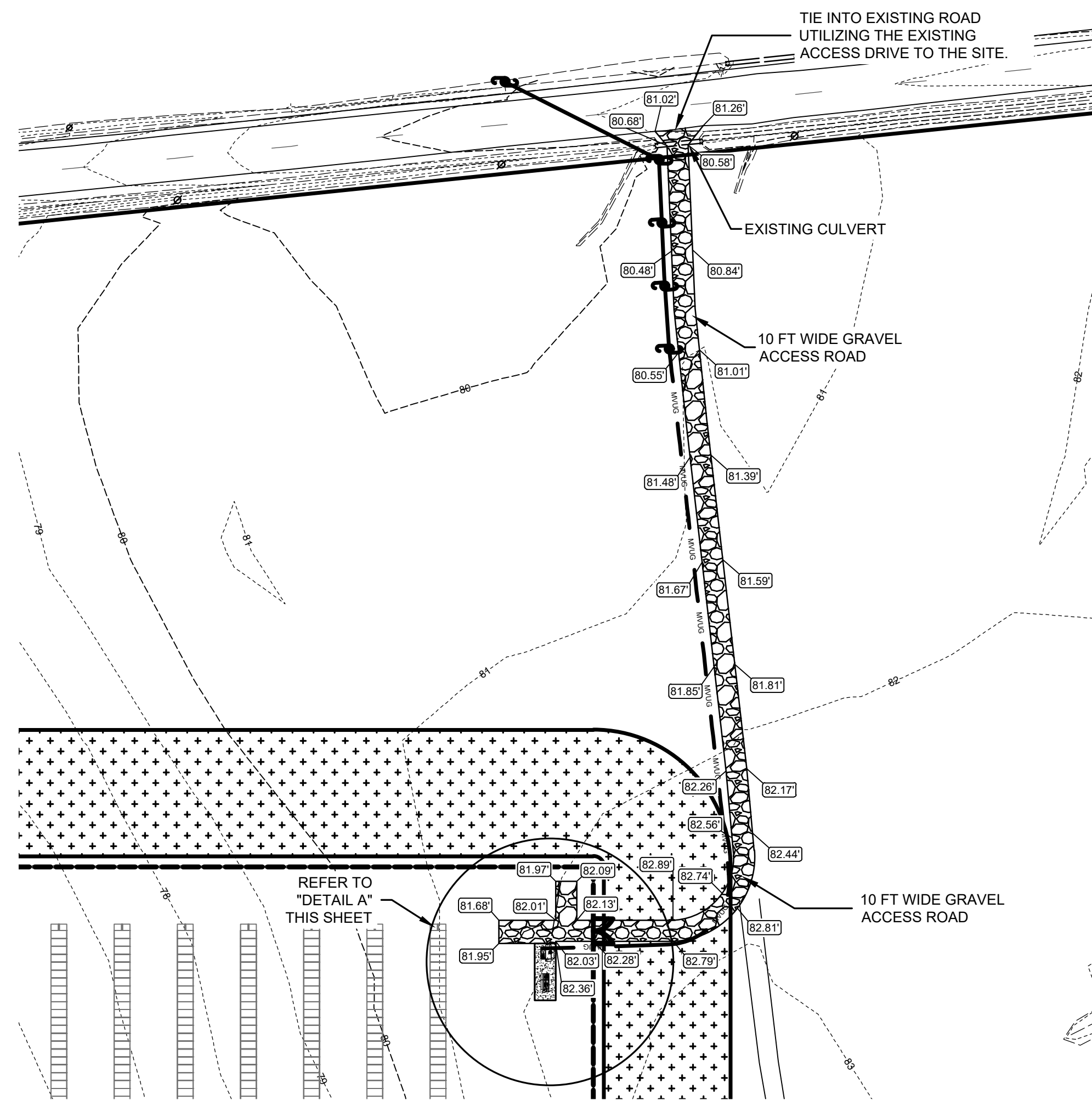
SHEET TITLE
PROPOSED SITE PLAN



ISSUE BLOCK		
MARK	DATE	DESCRIPTION
	06/01/23	NEW ARRAY LAYOUT
	10/24/2022	

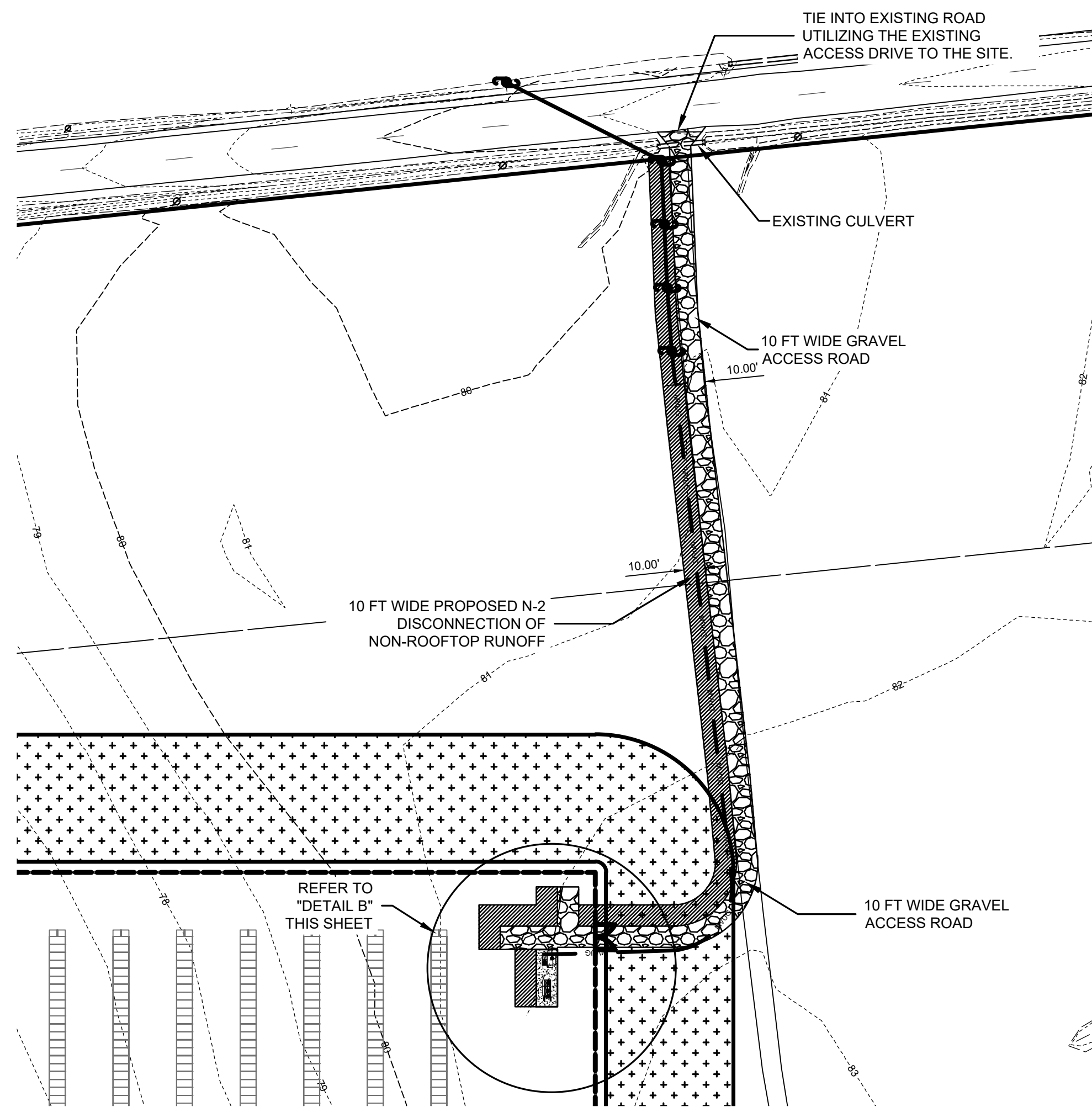
PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: 1" = 100'
DRAWN BY: E.M.B. PROJ. MGR.: E.H.H.
SHEET

C-201



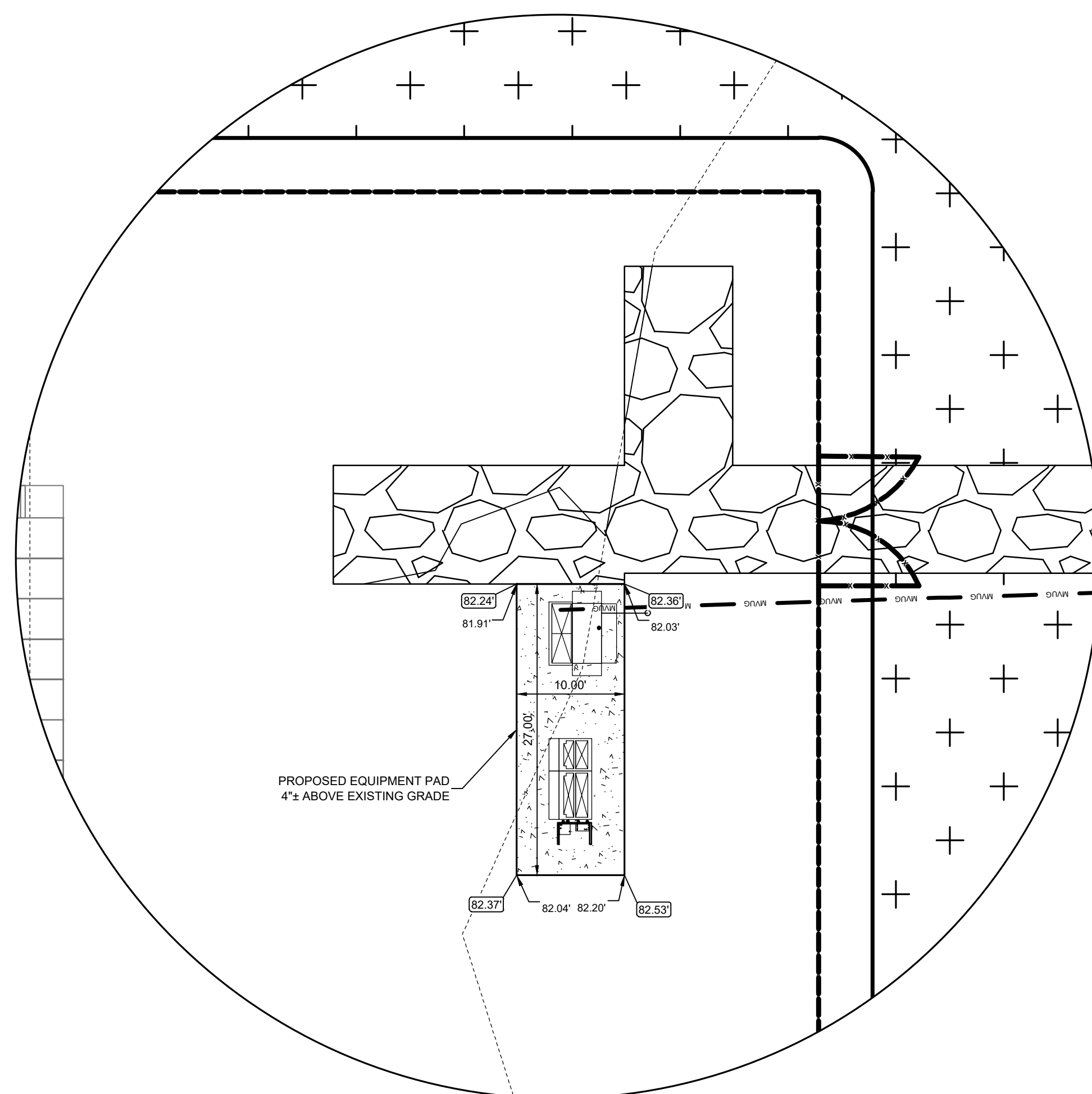
PLAN VIEW - SITE ACCESS

SCALE: 1" = 50'

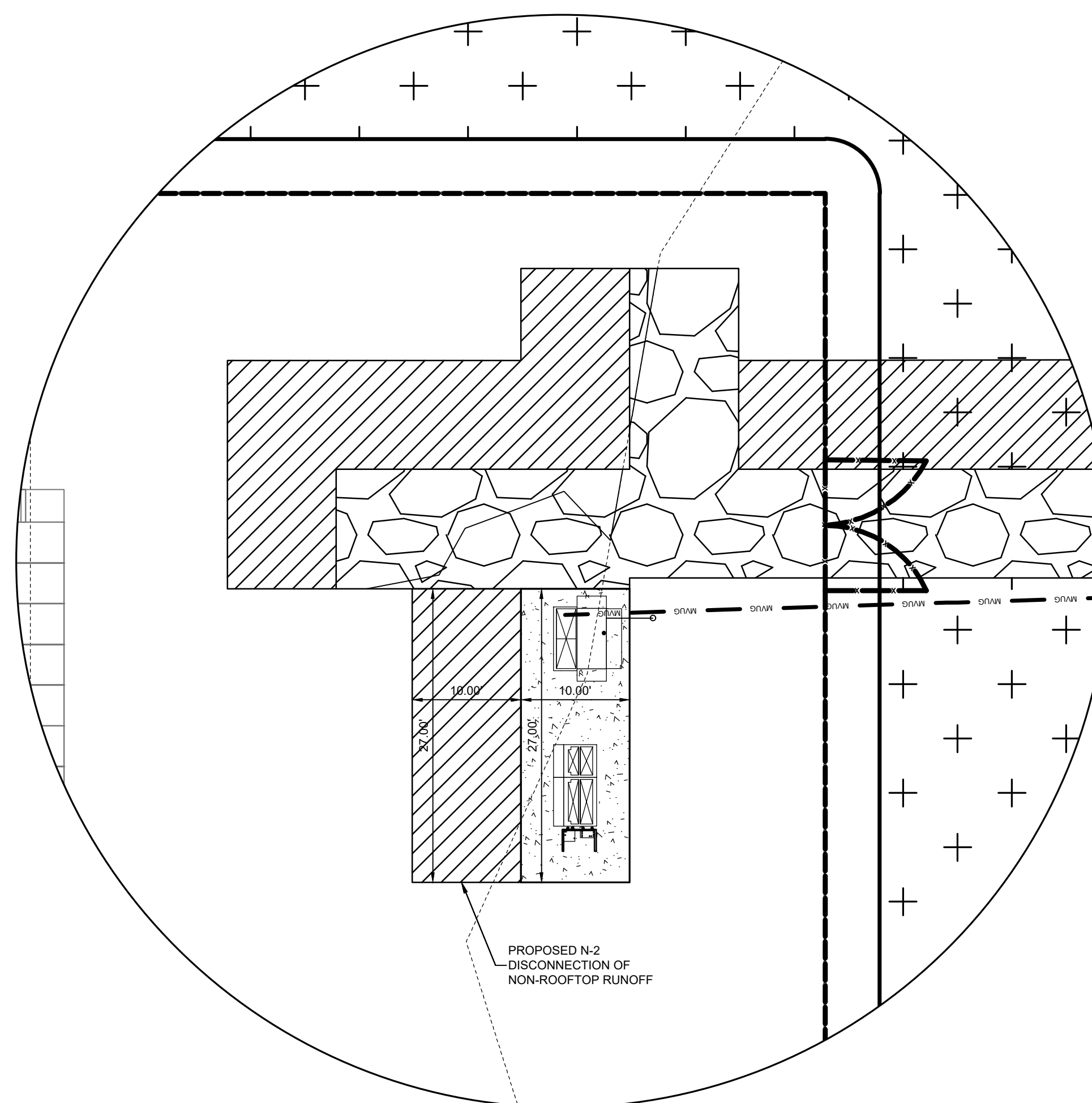


PLAN VIEW - DISCONNECT AREA

SCALE: 1" = 50'



DETAIL A
SCALE: 1" = 10'



DETAIL B
SCALE: 1" = 10'



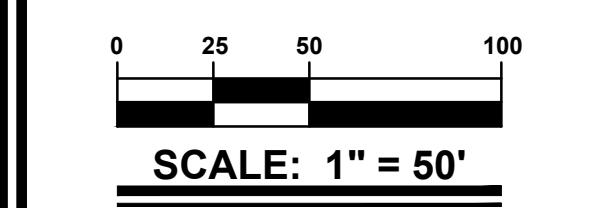
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EXPIRATION DATE: 09/23/24

PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

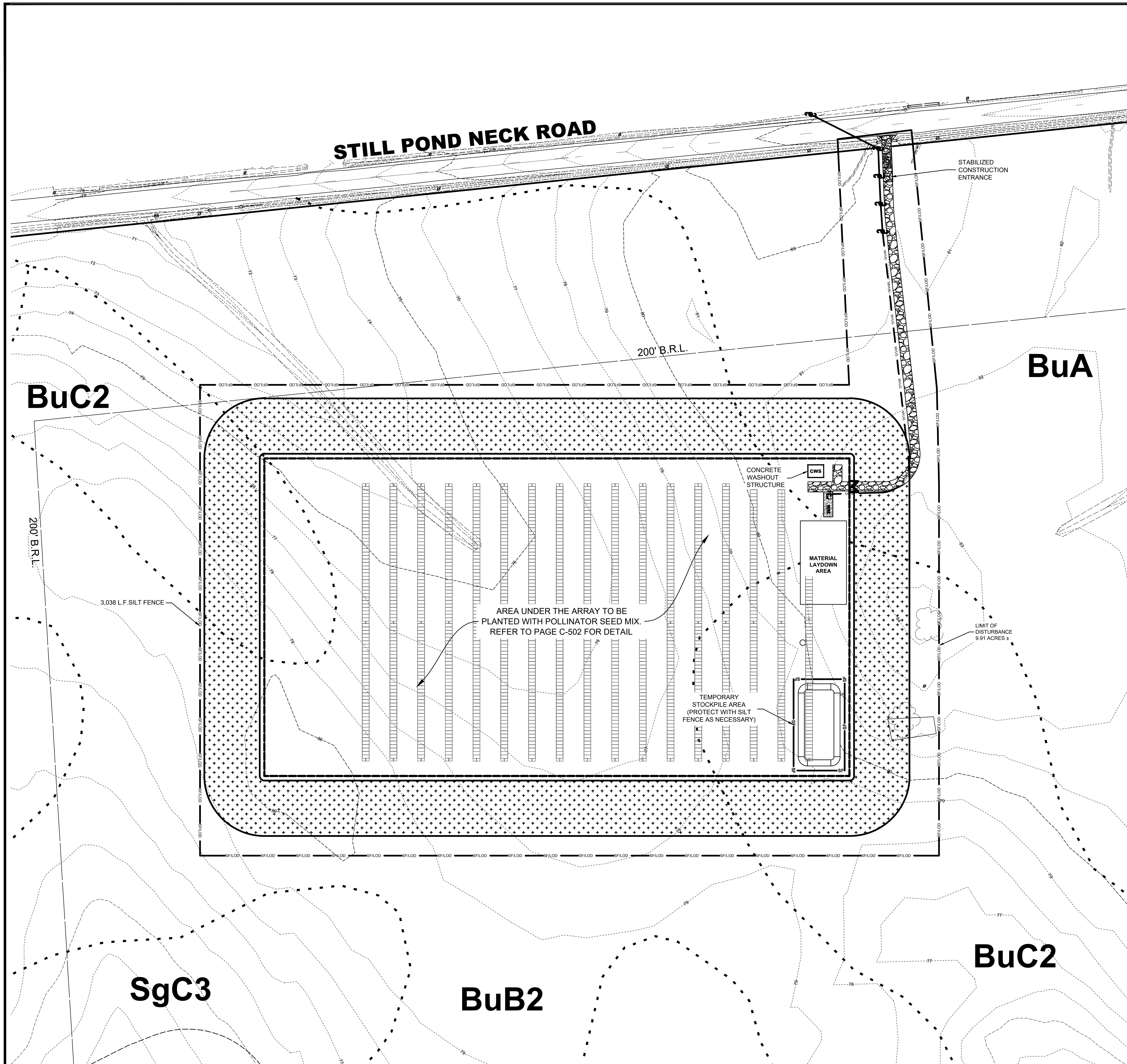
SHEET TITLE
SITE GRADING AND ACCESS ROAD CONSTRUCTION PLAN



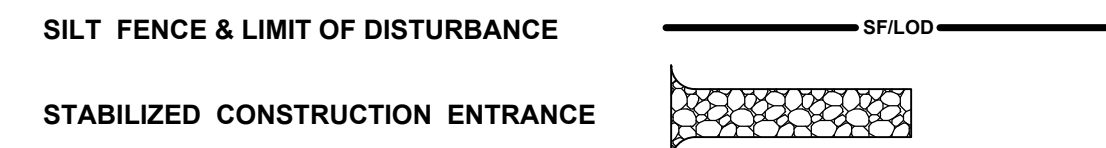
MARK	DATE	DESCRIPTION
	06/01/23	NEW ARRAY LAYOUT

PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: 1" = 50'
DRAWN BY: E.M.S. | PROJ. MGR.: E.H.H.

C-401



EROSION SEDIMENT CONTROL LEGEND



SOIL TYPE LISTING

SOIL TYPE	DESCRIPTION	RISK
BS	BIBB SILT LOAM	B/D
BUA	BUTLERTOWN-MATTAPEX SILT LOAMS, 0 TO 2 PERCENT SLOPES	C
BUB2	BUTLERTOWN-MATTAPEX SILT LOAMS, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	C
BUC2	BUTLERTOWN-MATTAPEX SILT LOAMS, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	C
CEC2	COLTS NECK LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
CNE	COLTS NECK AND SASSAFRAS SOILS, 15 TO 40 PERCENT SLOPES	B
IK	IUKA SILT LOAM, RARELY FLOODED	C
MNC2	MATTAPEAKE SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
MTCA	MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
SGC2	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
SGC3	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, SEVERELY ERODED	B

EROSION & SEDIMENT CONTROL DATA

TOTAL DISTURBED AREA:	9.91 ACRES
-----------------------	------------

MDE GENERAL PERMIT STATEMENTS

1. THIS PLAN INCLUDES STANDARD EROSION AND SEDIMENT CONTROLS AND MAINTENANCE CRITERIA TO PROTECT NATURAL AREAS.
2. CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES ARE PROVIDED ON THIS PROJECT SITE THROUGH THE USE OF A STABILIZED CONSTRUCTION ENTRANCE (EXISTING PAVEMENT).
3. SITE CLEARING ON THIS PROJECT SITE HAS BEEN EVALUATED AND LIMITED TO ONLY THOSE AREAS NECESSARY.
4. THIS PROJECT SITE IS DESIGNED TO BE CONSTRUCTED AS A SINGLE PHASE AND THEREFORE DOES NOT INCLUDE ADDITIONAL PHASING.
5. THIS PROJECT SITE DOES NOT INCLUDE SOIL AT HIGH RISK FOR EROSION. ALL AREAS PROPOSED AT GREATER THAN 3:1 SLOPE SHALL BE STABILIZED WITH STABILIZATION MATTING PER MDE STANDARDS.
6. NO STEEP SLOPES EXIST ON THIS SITE AND THEREFORE CLEARING OF SUCH AREAS DOES NOT APPLY.

EIGHT ELEMENTS OF ENVIRONMENTAL SITE DESIGN:

- THE FOLLOWING ITEMS HAVE BEEN ADDRESSED TO MEET THE REQUIREMENTS OF THE GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (NPDES NUMBER MDR10, STATE DISCHARGE PERMIT NUMBER 09GP).
- 1.) UTILIZATION OF ENVIRONMENTAL SITE DESIGN
 - 2.) MAINTENANCE OF LIMITS OF DISTURBANCE TO PROTECT NATURAL AREAS
 - 3.) CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES
 - 4.) EVALUATION AND APPROPRIATE LIMITATION OF SITE CLEARING
 - 5.) EVALUATION AND DESIGNATION OF SITE AREA FOR PHASING OR SEQUENCING
 - 6.) IDENTIFICATION OF SOILS AT HIGH RISK FOR EROSION AND ADVANCED STABILIZATION TECHNIQUES TO BE USED
 - 7.) IDENTIFICATION OF STEEP SLOPES AND DESIGNATION OF LIMITATIONS ON CLEARING THEM
 - 8.) EVALUATION AND DESIGNATION OF STABILIZATION REQUIREMENTS AND TIME LIMITS AND PROTECTION MEASURES FOR DISCHARGES TO THE CHESAPEAKE BAY, IMPAIRED WATERS OR WATERS WITH AN ESTABLISHED TOTAL MAXIMUM DAILY LOAD (TMDL).

SEQUENCE OF CONSTRUCTION

1. CONTRACTOR TO OBTAIN ALL COUNTY AND STATE PERMITS.
2. NOTIFY MDE AT 1-410-901-4020, AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION FOR A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED PLANS.
3. CLEAR AND GRUB THOSE AREAS NECESSARY FOR THE INSTALLATION OF EROSION & SEDIMENT CONTROLS.
4. INSTALL PERIMETER CONTROLS INCLUDING SILT FENCE, STABILIZED CONSTRUCTION ENTRANCE, ETC. AS INDICATED ON PLAN.
5. NOTIFY MDE THAT PERIMETER SEDIMENT CONTROLS ARE IN PLACE.
6. TEMPORARILY STABILIZE DISTURBED AREAS WITHIN THREE (3) DAYS OF INITIAL DISTURBANCE.
7. CLEAR, GRUB AND ROUGH GRADE PROPOSED DRIVEWAYS, CONCRETE PADS, ETC. STOCKPILE MATERIAL TO BE SPREAD ON-SITE OR RELOCATED TO AN APPROVED AREA.
8. PERFORM SITE STABILIZATION, ETC. PER PLAN.
9. BEGIN INSTALLATION OF SOLAR ARRAY AS SHOWN ON PLAN.
10. BEGIN PERMANENT STABILIZATION OF SITE INCLUSIVE OF POLLINATOR SEED MIX UNDER THE ARRAY DURING THE COURSE OF INSTALLATION OF THE ARRAY. BEGIN LANDSCAPING INSTALLATION.
11. COMPLETE PERMANENT STABILIZATION OF THE SITE.
12. CONTRACTOR SHALL CONTACT MDE AT 1-410-901-4020 PRIOR TO REMOVAL OF EROSION AND SEDIMENT CONTROL MEASURES. WITH INSPECTORS APPROVAL, REMOVE SEDIMENT AND EROSION CONTROL MEASURES.

BECKER MORGAN GROUP

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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE

EROSION SEDIMENT CONTROL PLAN



ISSUE BLOCK

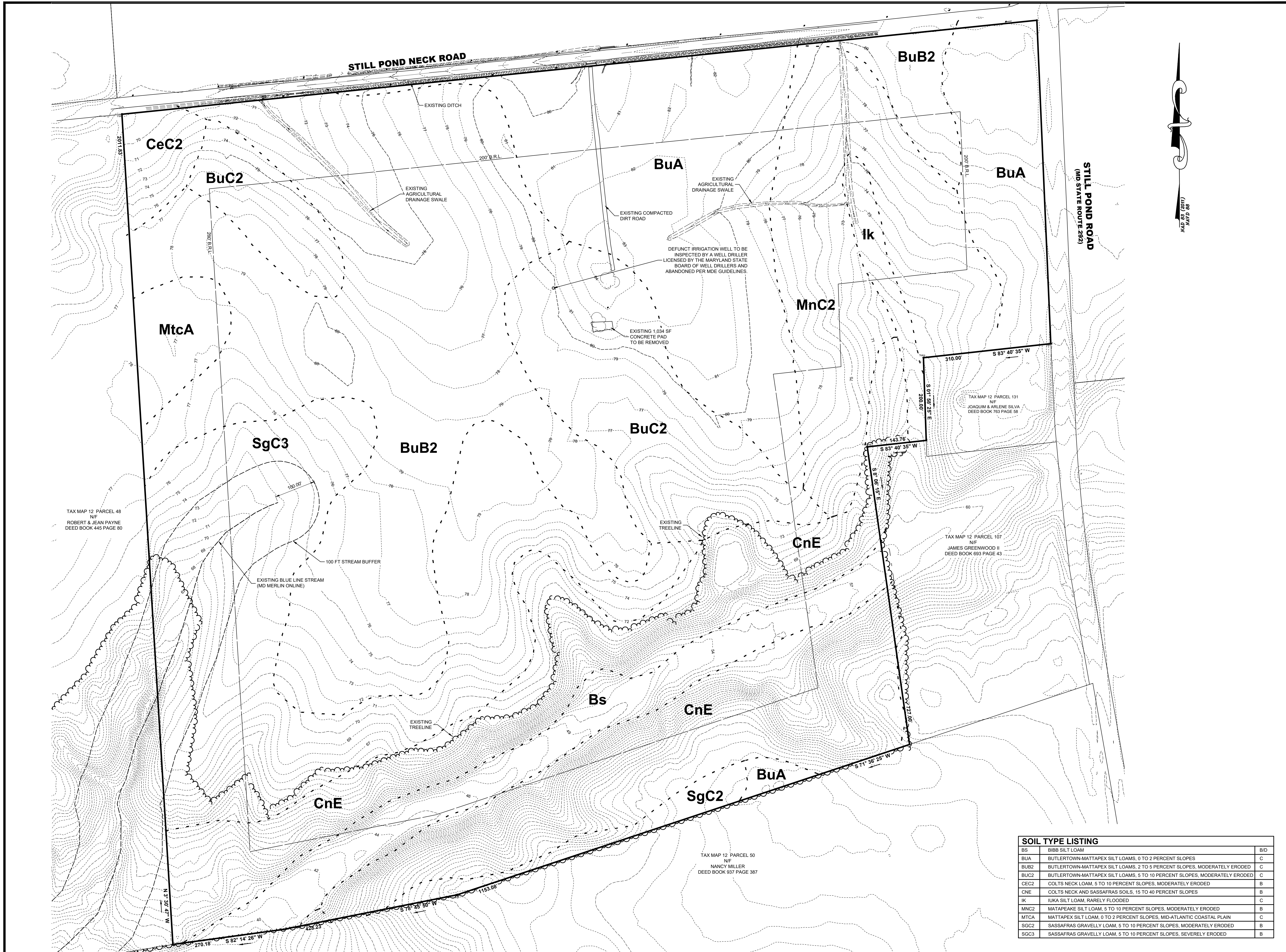
NO.	DATE	DESCRIPTION
06/01/23		NEW ARRAY LAYOUT

MARK DATE DESCRIPTION

PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: 1" = 50'
DRAWN BY: E.M.S. | PROJ. MGR.: E.H.H.

C-501

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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

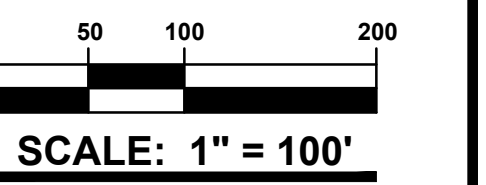
PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE

EXISTING CONDITIONS PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.: 2022004.00

DATE: 10/24/2022

SCALE: 1" = 100'

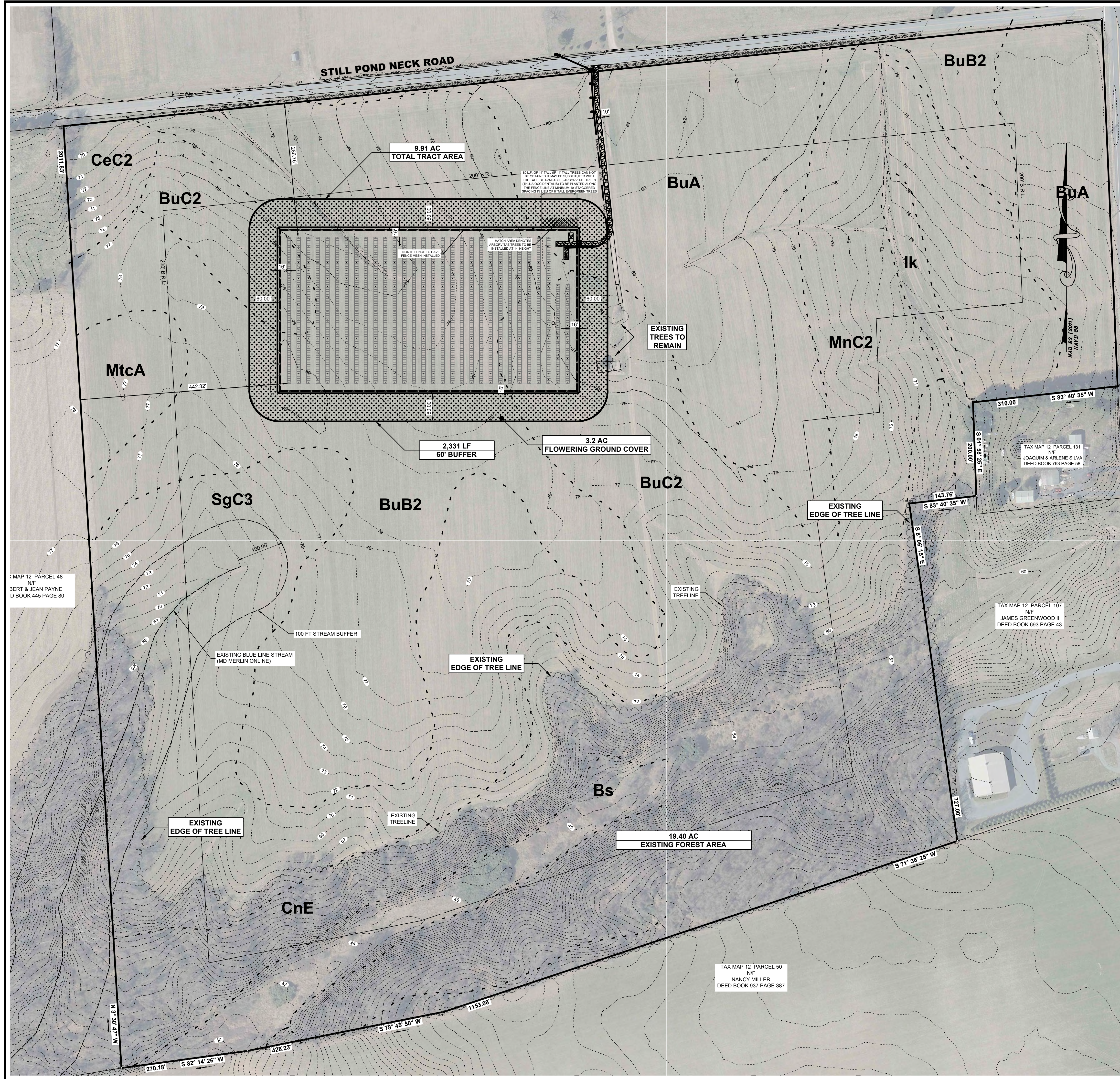
DRAWN BY: E.M.S. PROJ. MGR.: E.H.H.

SHEET

C-101

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SOIL TYPE LISTING	B/D
BS BIBB SILT LOAM	B/D
BUA BUTLERTOWN-MATTAPEX SILT LOAMS, 0 TO 2 PERCENT SLOPES	C
BUB2 BUTLERTOWN-MATTAPEX SILT LOAMS, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	C
BUC2 BUTLERTOWN-MATTAPEX SILT LOAMS, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	C
CEC2 COLTS NECK LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
CNE COLTS NECK AND SASSAFRAS SOILS, 15 TO 40 PERCENT SLOPES	B
IK IUKA SILT LOAM, RARELY FLOODED	C
MNC2 MATTAPEX SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
MTCA MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
SGC2 SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
SGC3 SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, SEVERELY ERODED	B



KENT COUNTY MARYLAND - SOLAR BUFFER REQUIREMENTS :

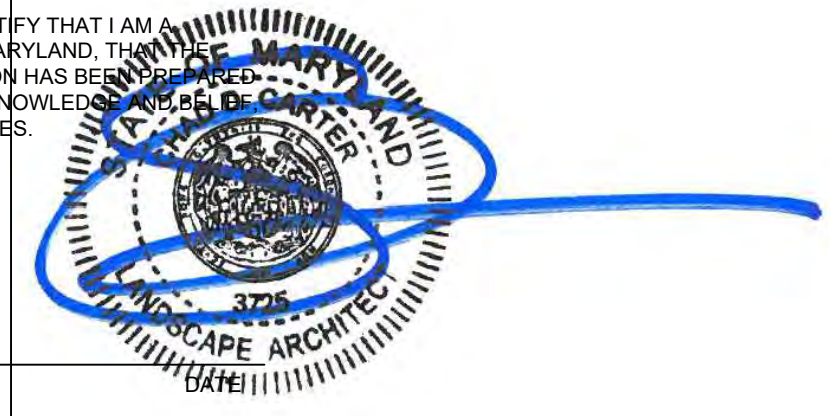
- PERIMETER BUFFER REQUIREMENT : THE REQUIRED SETBACK SHALL BE PLANTED AT (a) SIXTY FEET WIDE AND ACHIEVE A MINIMUM EIGHT (8) FOOT HIGH FOUR SEASON VISUAL BARRIER IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
 A: NOT MORE THAN 25% OF ANY SINGLE PLANT SPECIES SHOULD BE INCLUDED IN THE BUFFER TO PROMOTE THE GROWTH OF A NATURAL LANDSCAPE AND AVOID MONOTONY AND UNIFORMITY OF THE BUFFER. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS. VEGETATION SHALL PROVIDE AN OPAQUE VISUAL BARRIER THAT OBSCURES THE UTILITY SCALE SOLAR ARRAY FROM SIGHT ONCE THE VEGETATION REACHES MATURITY OR WITHIN FIVE YEARS, WHICHEVER COMES FIRST. A MIX OF EVERGREEN TREES, UNDERSTORY TREES, SHADE TREES, SHRUBS AND FLOWERING GROUND COVER SHALL BE INCLUDED.
 B: A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST 8 FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART.
 C: IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF 2 1/2-INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1 1/2-INCH CALIPER OR 8 FEET IN OVERALL HEIGHT OR GREATER IF REQUIRED BY THE PLANNING COMMISSION TO ADDRESS GATEWAY AREAS.
 E: THE BUFFER SHALL INCLUDE A FLOWERING GROUND COVER FOR POLLINATORS, WARM SEASON GRASSES AND OTHER BENEFICIAL HABITAT. THE GROUND COVER SEED MIXTURE SHALL INCLUDE A MINIMUM OF 10 PLANT SPECIES WITH A MINIMUM OF 2 FLOWERING SEASONS. LAWNS OUTSIDE THE REQUIRED BUFFER ARE DISCOURAGED; PLANTINGS FOR POLLINATORS ARE ENCOURAGED IN ALL PLANTED AREAS.
 F: THE HEIGHT OF PROPOSED PLANTING MAY REQUIRE ALTERNATIVES BASED UPON THE SITE ELEVATION AND VISIBILITY FROM ADJACENT PROPERTIES AND ROADS AND/OR RIGHTS OF WAYS. IF NECESSARY, AN ELEVATION OR PERSPECTIVE ILLUSTRATION EXHIBIT SHALL BE PROVIDED WITH VIEWPOINTS FROM RELEVANT LOCATIONS AROUND THE SITE FOR THE PLANNING COMMISSION TO CONSIDER.
- PERIMETER BUFFER PROVIDED: 2,331 LF OF OPAQUE EVERGREEN BUFFERING

- BUFFER PLANTINGS PROVIDED: 2,331 LF / 100 LF @ 60" WIDE = 23,31 BUFFER UNITS
 23,31 BUFFER UNITS X 10 EVERGREEN TREES = 233 TREES (MIN)
 23,31 BUFFER UNITS X 2 UNDERSTORY TREES = 47 TREES (MIN)
 23,31 BUFFER UNITS X 10 SHRUBS = 233 TREES (MIN)
 23,31 BUFFER UNITS X 2 SHADE TREES = 47 TREES (MIN)
 TOTAL: 233 EVERGREEN TREES
 47 UNDERSTORY TREES
 233 SHRUBS
 47 SHADE TREES
 560 TOTAL PLANTINGS
- GROUND COVER PROVIDED: 100' X 60' = 6,000 SF
 6,000 SF X 23,31 BUFFER UNITS = 139,860 SF (3.2 AC)
 TOTAL: 3.2 AC OF FLOWERING GROUND COVER
 RECOMMENDED MIX - FUZZ BUZZ MIX (ERNMX-146)

0	50	100	200
SCALE: 1" = 100'			

MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPING PRACTICES.



CHAD D. CARTER, RLA, ASLA 3725

PROJECT TITLE

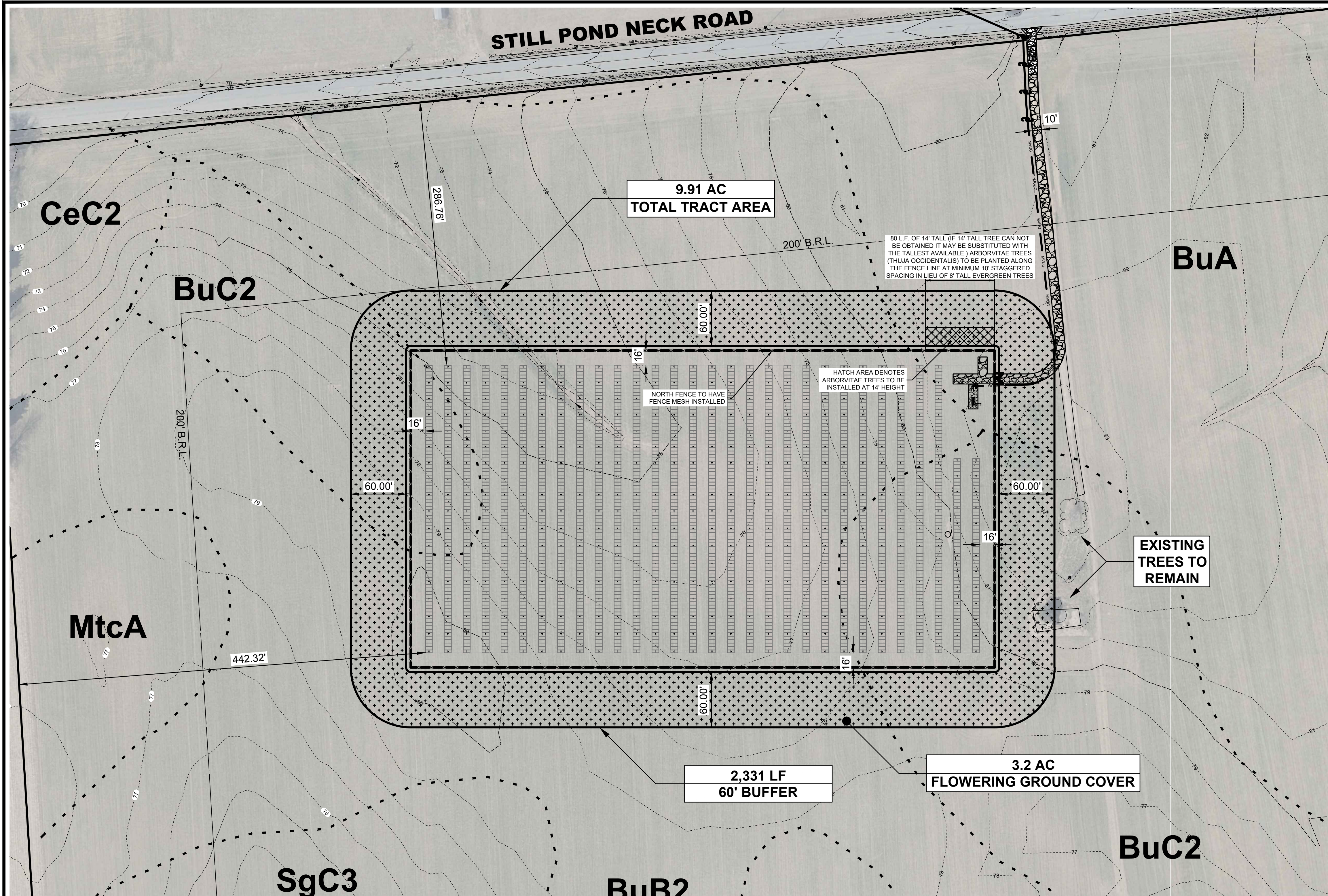
MDL-118 STILL POND NECK ROAD - SOLAR
 26001 STILL POND NECK ROAD
 STILL POND
 KENT COUNTY, MD 21667
 ELECTION DISTRICT 3

SHEET TITLE

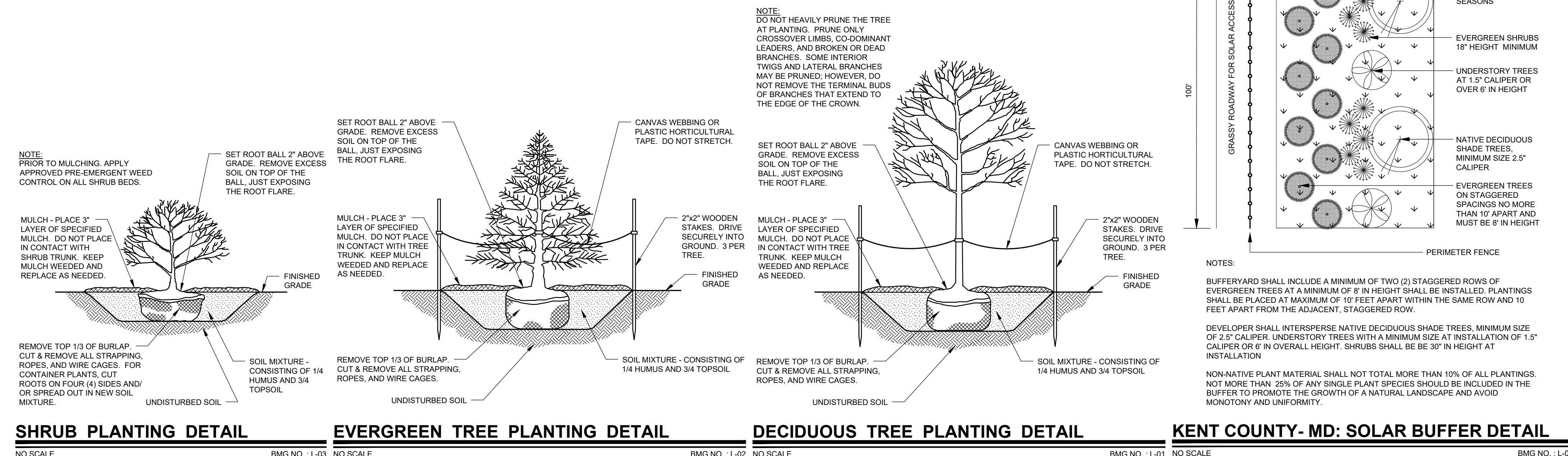
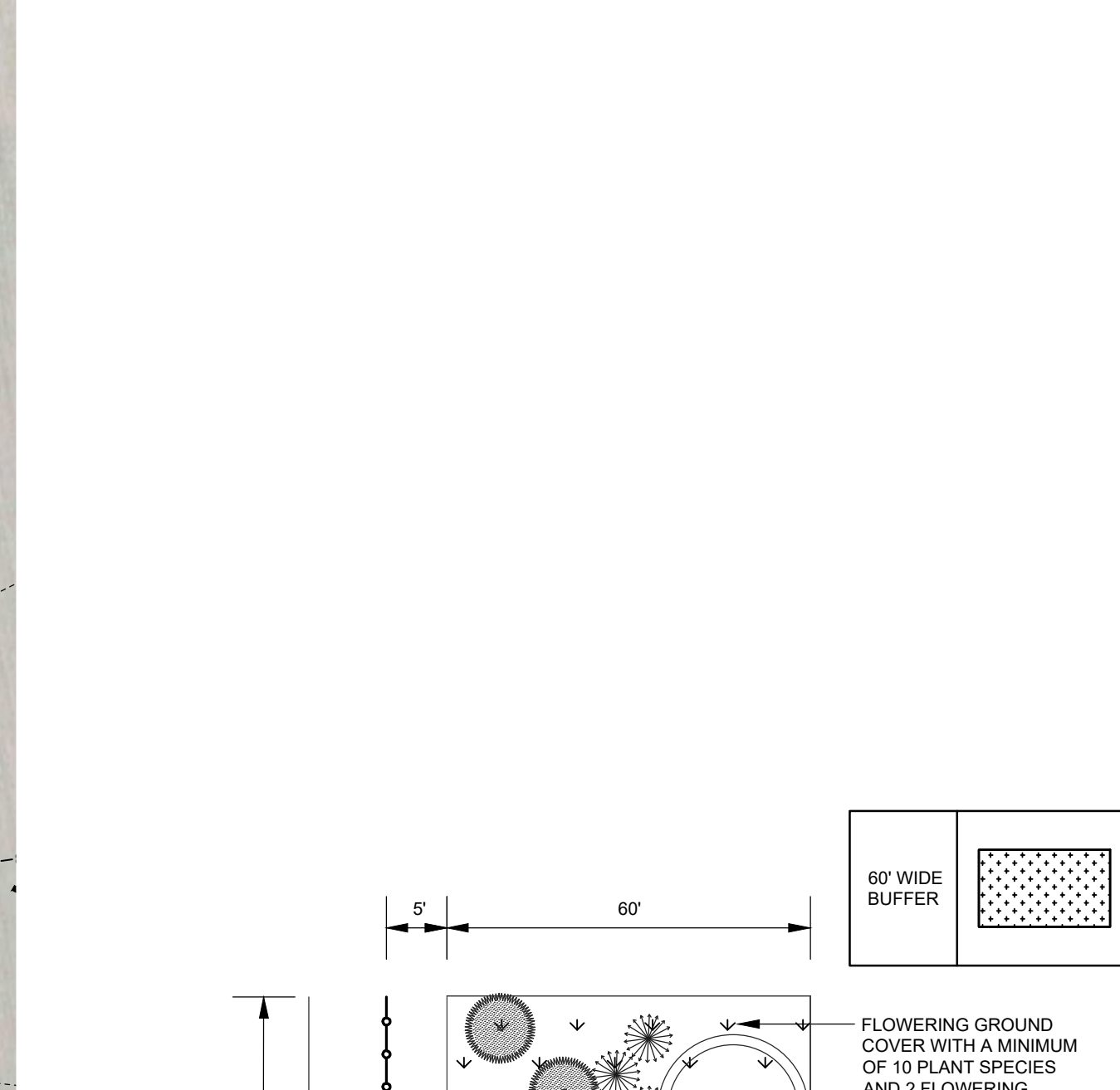
LANDSCAPE PLAN

ISSUE BLOCK

MARK	DATE	DESCRIPTION
11/18/22	TAC	
11/09/2022		
<p>PROJECT NO.: 2022004.00 DATE: 10/24/2022 SCALE: 1" = 100' DRAWN BY: S.W.A. / PROJ. MGR.: E.H.H. SHEET</p>		
L-001		
COPYRIGHT 2021		



- GENERAL LANDSCAPE NOTES :**
- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK."
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLEDUS WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
 - ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
 - ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
 - LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
 - AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 - NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
 - NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
 - NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
 - ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
 - THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY BY WAY OF A WATER TANK TRUCK TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON. UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
 - TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
 - THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
 - NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
 - ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.



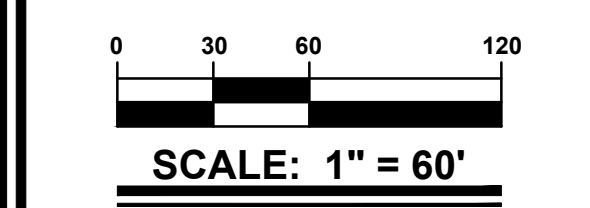
SHRUB PLANTING DETAIL NO SCALE BMG NO. : L-03
EVERGREEN TREE PLANTING DETAIL NO SCALE BMG NO. : L-02
DECIDUOUS TREE PLANTING DETAIL NO SCALE BMG NO. : L-01
KENT COUNTY- MD: SOLAR BUFFER DETAIL NO SCALE BMG NO. : L-08

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING
Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700
Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100
North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600
www.beckermorgan.com

PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE
LANDSCAPE PLAN



ISSUE BLOCK		
MARK	DATE	DESCRIPTION
11/18/22	TAC	
	11/09/2022	
PROJECT NO.: 2022004.00		
DATE: 10/24/2022		
SCALE: 1" = 60"		
DRAWN BY: S.W.A. PROJ. MGR.: E.H.H.		
SHEET		
L-101		
COPYRIGHT 2021		

PROJECT TITLE

**MDL-118 STILL
POND NECK
ROAD - SOLAR**

26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE

FENCE DETAIL

ISSUE BLOCK

NO.	DATE	DESCRIPTION

MARK	DATE	DESCRIPTION

PROJECT NO.: 2022004.00

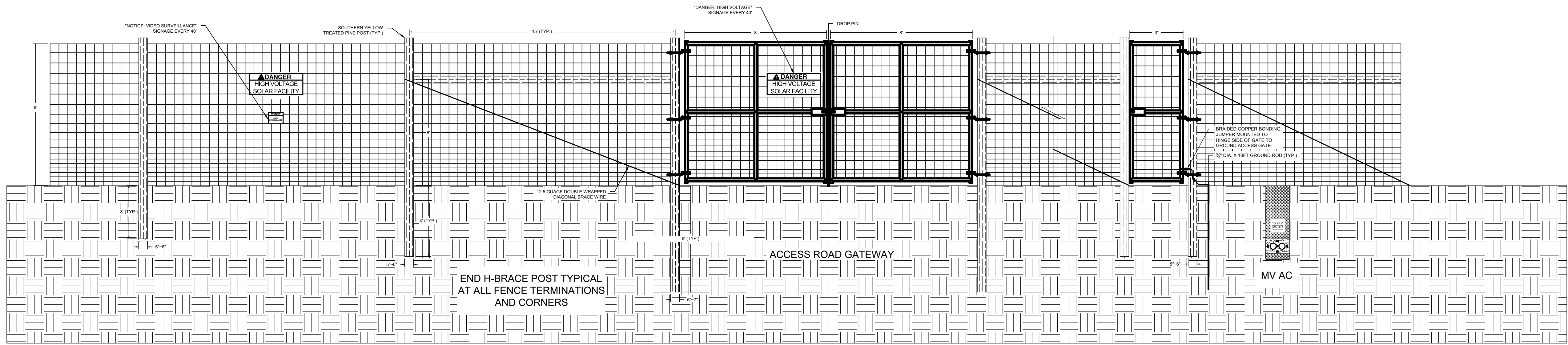
DATE: 10/24/2022

SCALE: N/A

DRAWN BY: S.W.A. | PROJ. MGR.: E.H.H.

SHEET
L-102

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AG FENCE ELEVATION

NO SCALE

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: January 4, 2024
Subject: Brickyard Landing Holdings, LLC
Concept Site Plan Review – Gillespie Precast, LLC Office Addition

Executive Summary

REQUEST BY THE APPLICANT

Brickyard Landing Holdings, LLC is requesting concept site plan review for the expansion of the Gillespie Precast, LLC office building by constructing a 2-story, 7,296-square-foot addition to the rear of the existing structure.

PUBLIC PROCESS

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

SUMMARY OF THE STAFF REPORT

Located at 101 Brickyard Road, Chestertown, Maryland, this precast facility operates across three adjacent parcels (26, 161, and 490) under the ownership and maintenance of Brickyard Land Holding, LLC. The existing office building is on Parcel 161, which is zoned Industrial (I) and Industrial Critical Area (ICA). The proposed building addition and supporting parking are to be entirely within the Industrial zoning district.

As more than 50% of the project site is within the Critical Area, staff has determined that the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10. The proposed project is a support use to the overall industrial use, and a certified engineer's report on performance standards is not required. An addition of 14 new parking spaces is proposed, resulting in a total of 34 spaces. The resultant structure, with a total gross floor area 13,222 square feet, will require 33 parking spaces. As there are to be more than 20 parking spaces, bicycle parking is required. Building elevations and floor plans have been submitted.

STAFF RECOMMENDATION

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- Citizen Participation Plan Report
- Preliminary sediment and erosion control and stormwater management plans
- Details on signs and lighting

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #23-67 – Brickyard Land Holdings, LLC
Concept Site Plan Review – Gillespie Precast, LLC Office Addition
DATE: December 28, 2023

DESCRIPTION OF PROPOSAL

Brickyard Landing Holdings, LLC is requesting concept site plan review for the expansion of the Gillespie Precast, LLC office building by constructing a 2-story, 7,296-square-foot addition to the rear of the existing structure.

Located at 101 Brickyard Road, Chestertown, Maryland, this precast facility operates across three adjacent parcels (26, 161, and 490) under the ownership and maintenance of Brickyard Land Holding, LLC. The existing office building is on Parcel 161, which is zoned Industrial (I) and Industrial Critical Area (ICA). The proposed building addition and supporting parking are to be entirely within the Industrial zoning district. With a combined area of 76.558 acres for the three parcels, 49.606 acres (approximately 65%) is in the Critical Area. As more than 50% of the project site is within the Critical Area, staff has determined that the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10.

RELEVANT ISSUES

I. Permitted Accessory Uses

- A. *Applicable Laws:* Article V, Section 15.4 of the *Kent County Land Use Ordinance* establishes that offices are a permitted accessory use in the Industrial District. A site plan is required.

Article V, Section 15.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Industrial District Industrial Critical Area District.

- B. *Staff and TAC Comments:* The proposed use is permitted. Building plans with front, side, and rear elevations of all exterior walls for the proposed office building expansion have been submitted for review. The proposed office building expansion meets the minimum setback requirements and height limitations.

II. Industrial Performance Standards

- A. *Applicable Law:* Article V, Section 15.6 of the *Kent County Land Use Ordinance* establishes the performance standards for industrial activity. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odorous matter limitations with compliance certified in an engineer's report.

- B. *Staff and TAC Comments:* The proposed project is a support use to the overall industrial use, and a certified engineer's report on performance standards is not required.

III. Industrial Environmental Standards

- A. *Applicable Law:* Article V, Section 15.8 of the *Kent County Land Use Ordinance* establishes the Industrial Environmental Standards which include agriculture, anadromous fish, forest conservation, natural heritage areas, nontidal wetlands, stream protection corridor, stormwater management, threatened and endangered species, and water quality standards.
- B. *Staff and TAC Comments:*
- Per Article VI, Section 8.2.10 of the Land Use Ordinance, the proposed activity is exempt from Forest Conservation requirements as more than 50% of the project site is within the Critical Area.
 - Preliminary sediment and erosion control and stormwater management plans are required for preliminary review.
 - Maryland’s Environmental Resource and Land Information Network (MERLIN), indicates that there are no threatened or endangered species in the vicinity of the proposed activity.

IV. Design Standards

- A. *Applicable Law:* Article V, Section 15.9 of the *Kent County Land Use Ordinance* establishes the Industrial Design Standards which address site access, on-site circulation, floodplain, landscaping, screening, lighting, site planning, and subdivision. Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses. Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers while avoiding glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard.

15.9.5 Screening - Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses.

- B. *Staff and TAC Comments:*
- Adequate spacing is provided to ensure on-site circulation for the proposed use.
 - In 2018, a landscape plan was approved and implemented on the road frontage of Parcel 161 for an addition to the existing concrete production building. No additional screening is required.
 - No exterior lighting is shown on the submitted site plans. Lighting details will be required for preliminary site plan approval.

V. Site Plan Review

- A. *Comprehensive Plan:* “Strategy: Retain and promote existing businesses and assist in their growth” (Page 8)
- B. *Applicable Law:* Article VI, Section 5 of the *Kent County Land Use Ordinance* outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with the Comprehensive Plan.
- The proposal conforms with the provisions of applicable rules and regulations.
- Areas for vehicular flow appear to be adequate for the use proposed.
- Demands on public services and infrastructure are reasonable.
- Standard waste from the office is discharged into the Chestertown sewage system.
- Preliminary soil and erosion control and stormwater management plans are required for preliminary site plan review.
- A Citizen Participation Plan is required. The sending of letters is sufficient.

STAFF RECOMMENDATION

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- Citizen Participation Plan Report
- Preliminary sediment and erosion control and stormwater management plans
- Details on signs and lighting



Davis, Moore, Shearon & Associates, LLC

November 27, 2023

Mr. William Mackey, Director
Kent County Department of Planning & Zoning
400 High Street
Chestertown, Maryland 21620

**RE: CONCEPT PLAN FOR A PROPOSED GILLESPIE PRECAST, LLC OFFICE
ADDITION ON THE LANDS BRICKYARD LAND HOLDING, LLC
KENT COUNTY TAX MAP 37, PARCEL 161
DMS & ASSOCIATES JOB #2023163**

Dear Mr. Mackey,

Attached please find the following information in support of the above referenced concept plan:

- One copy of the Site Plan application
- Two copies of the Concept Plan
- Two copies of the Architectural Elevations
- One copy of the Project Narrative
- Fee check for Concept Plan review of \$200
- Fee check for Health Department review of \$50

Gillespie Precast, LLC is proposing to add a 2-story, 7,296-sf office addition to the back of their existing office building located at 101 Brickyard Road, Chestertown, Maryland. Please see the Project Narrative for additional information.

We ask that you please review this information for placement on the next available TAC meeting agenda. If you have any questions, please feel free to contact me at 443-262-9130.

Sincerely,

DMS & Associates, LLC

A handwritten signature in blue ink, appearing to read "K. Shearon", written over a blue horizontal line.

Kevin J. Shearon, P.E., LEED AP

Enclosures

pc: Mr. Andrew Gillespie, Gillespie Precast, LLC (via email)

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** 11/27/2023

Project Name: Gillespie Precast, LLC Office Addition

District: 4th Map: 37 Parcel: 161 Lot Size: 12.141ac. Deed Ref: 1002/110 Zoning: I / ICA

LOCATION: 101 Brickyard Road, Chestertown, Maryland 21620

PROPOSED USE: Office building in support of Contractor's Yard / Manufacturing of Concrete and Ceramics

OWNER OF LAND:

Name: Brickyard Land Holding, LLC Telephone: 410-778-0940

Address: P.O. Box 450, Chestertown, MD 21620 Email: agillespie@gillespieprecast.com

APPLICANT:

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates c/o Kevin Shearon Telephone: 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 Email: kjs@dmsandassociates.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: kjs@dmsandassociates.com

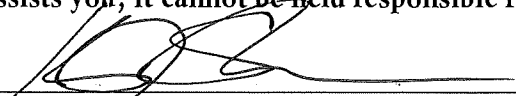
Water Supply: Public System On lot system

Sewerage: Public System On lot system

TELEPHONE SERVICED BY: Verizon

ELECTRIC SERVICED BY: Delmarva Power

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.


Signature of Applicant

11/28/23
Date

Concept Plan Approving Authority: _____ Date: _____

Preliminary Approving Authority: _____ Date: _____

Final Approving Authority: _____ Date: _____

PROJECT NARRATIVE

Gillespie Precast Office Addition Lands of Brickyard Land Holding, LLC 101 Brickyard Road, Chestertown, Maryland

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

This project involves the expansion of the Gillespie Precast, LLC office building located at 101 Brickyard Road, Chestertown, Maryland. The 2-story, 7,296-sf addition is proposed to be constructed on the back of the existing building. The 12.141 acre property is zoned Industrial and Industrial Critical Area. The building addition and supporting parking fall entirely within the Industrial zoning district.

As this project is a support use to the overall industrial use, we have not provided comment on the Industrial General Standards found in Article V, Section 15:7.1 or the Industrial Performance Standards found in Article V, Section 15.6 of the Zoning Ordinance. These standards have been met with previous applications for concrete manufacturing buildings and storage yards.

The property is intended to remain under the ownership and maintenance of Brickyard Land Holding, LLC.

CONCEPTUAL SITE PLAN FOR GILLESPIE PRECAST OFFICE ADDITION NEAR THE TOWN OF CHESTERTOWN FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : BRICKYARD LAND HOLDING, LLC

SITE STATISTICS

GROSS AREA (PARCEL 161)	= 12.143 acres± (528,954 sq. ft.±)
NON-CRITICAL AREA (ZONE - I)	= 11.749 acres± (511,806 sq. ft.±)
CRITICAL AREA (ZONE - INDUSTRIAL CRITICAL AREA)	= 0.393 acres± (17,148 sq. ft.±)
AREA IN FLOODPLAIN	= 0.00 acres±
NON-CRITICAL AREA:	
FLOOR AREA (EXISTING) (21.7%)	= 2,548 acres± (111,008 sq. ft.±)
FLOOR AREA (TO BE REMOVED)	= 0.000 acres± (0,000 sq. ft.±)
FLOOR AREA (PROPOSED)	= 0.084 acres± (3,648 sq. ft.±)
FLOOR AREA (TOTAL) (22.4%)	= 2,632 acres± (114,656 sq. ft.±)
IMPERVIOUS AREA (EXISTING) (83.9%)	
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 acres±
IMPERVIOUS AREA (PROPOSED)	= 0.10 acres±
IMPERVIOUS AREA (TOTAL) (84.8%)	= 9.96 acres±
LANDSCAPE AREA (EXISTING) (16.1%)	
LANDSCAPE AREA (PROPOSED) (15.2%)	= 1.79 acres±
CRITICAL AREA:	
FLOOR AREA (EXISTING)	= 0.000 acres± (0,000 sq. ft.±)
FLOOR AREA (TO BE REMOVED)	= 0.000 acres± (0,000 sq. ft.±)
FLOOR AREA (PROPOSED)	= 0.000 acres± (0,000 sq. ft.±)
FLOOR AREA (TOTAL)	= 0.000 acres± (0,000 sq. ft.±)
IMPERVIOUS AREA (EXISTING) (89.7%)	
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 acres±
IMPERVIOUS AREA (PROPOSED)	= 0.00 acres±
IMPERVIOUS AREA (TOTAL) (89.7%)	= 0.35 acres±
LANDSCAPE AREA (EXISTING) (10.3%)	
LANDSCAPE AREA (PROVIDED) (10.3%)	= 0.04 acres±
FOREST CALCULATIONS (ALL PROPERTIES):	
AREA OF EXISTING FOREST (OVERALL)	= 19.086 acres±
15% OF GROSS AREA (OVERALL)	= 10.327 acres±
PERCENTAGE OF FOREST ONSITE (OVERALL)	= 27.7%
AREA OF EXISTING FOREST (NON-CRITICAL AREA)	
15% OF GROSS AREA (NON-CRITICAL AREA)	= 1.344 acres±
PERCENTAGE OF FOREST ONSITE (NON-CRITICAL AREA)	= 7.0%
AREA OF EXISTING FOREST (CRITICAL AREA)	
15% OF GROSS AREA (CRITICAL AREA)	= 17.742 acres±
PERCENTAGE OF FOREST ONSITE (CRITICAL AREA)	= 35.8%

NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON FOR PARCEL 161 IS TAKEN FROM A PLAT ENTITLED "LOT LINE ADJUSTMENT OF THE LANDS OF BRICKYARD LAND HOLDING, LLC" PREPARED BY DMS & ASSOCIATES, LLC, DATED SEPTEMBER, 2017 AND RECORDED IN PLAT BOOK LIBER M.L.M. 5/164 A-B AND A PLAT ENTITLED "LOT LINE ADJUSTMENT OF THE LANDS OF BRICKYARD LAND HOLDING, LLC AND DAVID A. BRAMBLE, INC." PREPARED BY DMS & ASSOCIATES, LLC DATED NOVEMBER, 2022 AND RECORDED IN PLAT BOOK LIBER S.L.K. 61/127 A-B.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 1002, FOLIO 110.
- CURRENT ZONING - I (INDUSTRIAL)
- ICA-LDA (INDUSTRIAL CRITICAL AREA - LDA)
- PARCEL 161 IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - LDA.
- PARCEL 161 IS NOT LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24049C0281D. (ZONE "X") (UNSHADED)
- SOILS SHOWN ONSITE ARE SCALED FROM <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY, MARYLAND.
- NONTIDAL WETLANDS ARE NOT PRESENT ON PARCEL 161 AS SCALED FROM THE U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE WETLAND INVENTORY MAP OF CHESTERTOWN, MARYLAND.
- PERENNIAL/INTERMITTENT STREAMS DO NOT APPEAR ON THE PARCEL 161 AS SCALED FROM U.S. GEOLOGICAL SURVEY, CHESTERTOWN, MARYLAND TOPOGRAPHIC QUADRANGLE MAP.
- STEEP SLOPES DO NOT APPEAR TO OCCUR ON PARCEL 161.
- EXISTING IMPROVEMENTS AND CONTOURS AROUND THE PROPOSED DEVELOPMENT AREA ARE TAKEN FROM EXISTING PLANS AND VERIFIED BY A SITE VISIT.
- EXISTING PUBLIC SEWER AND AN EXISTING WELL WILL BE UTILIZED FOR SEWAGE DISPOSAL AND POTABLE WATER SUPPLY.

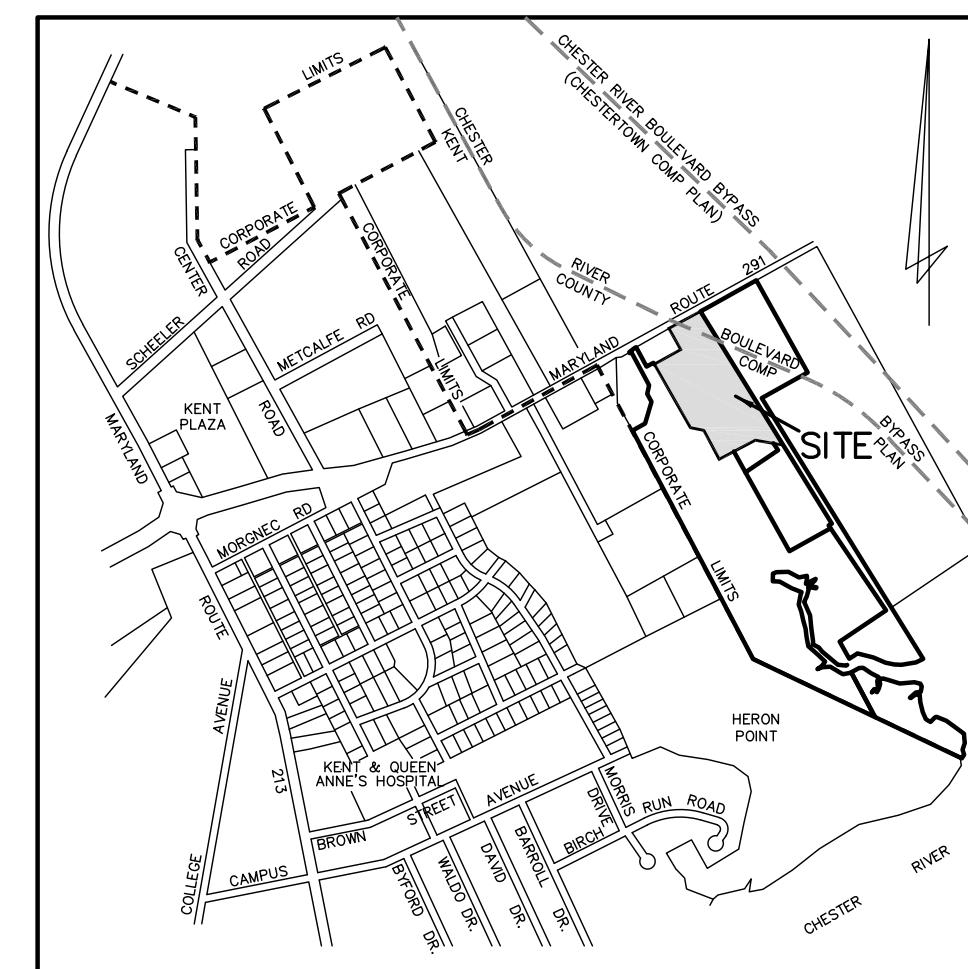
PARKING REQUIREMENTS

EXISTING OFFICE BUILDING:
1 space/400 sq. ft. X 5,926 sq. ft. FLOOR AREA = 15 SPACES
PARKING SPACES (REQUIRED) = 15 SPACES (1 HANDICAP)

PROPOSED OFFICE ADDITION:
1 space/400 sq. ft. X 7,296 sq. ft. FLOOR AREA = 18 SPACES
PARKING SPACES (REQUIRED) = 18 SPACES (1 HANDICAP)

PARKING SPACES (REQUIRED) = 33 SPACES (1 HANDICAP)
PARKING SPACES (PROVIDED) = 34 SPACES (2 HANDICAP)

* - EXISTING 20 SPACES WERE APPROVED AND PROVIDED FOR THE ORIGINAL OFFICE BUILDING. 14 ADDITIONAL SPACES ARE TO BE PROVIDED IN THE REAR BY THE NEW ADDITION



VICINITY MAP

SCALE 1" = 1200'

TABLE OF CONTENTS

SHEET C-1	- TITLE SHEET
SHEET C-2	- CONCEPTUAL SITE PLAN
SHEET C-3	- DETAILED CONCEPTUAL SITE PLAN

OWNER/DEVELOPER

BRICKYARD LAND HOLDING, LLC
P.O. BOX 450
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-0940

ENGINEER

DMS & ASSOCIATES, LLC
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

ARCHITECT

PHILLIPS & DONOVAN ARCHITECTURE, LLC
P.O. BOX 160
3160 BEDMINISTER ROAD
BEDMINISTER, PENNSYLVANIA 18910
PHONE No. 1-215-795-2400

GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:

Delmarva Power & Light Company ----- 1-800-375-7117
Miss Utility ----- 1-800-441-8355
DMS & Associates, LLC ----- 1-443-262-9130
Kent County Dept. Public Works ----- 1-410-778-7439
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7423
Town of Chestertown Utilities ----- 1-410-778-0500
Maryland Department of the Environment-----1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE SOUTH SIDE OF MARYLAND ROUTE 291 (MORGNEC ROAD) AND IS THE CURRENT LOCATION OF A PRECAST CONCRETE PRODUCTION FACILITY, STORAGE YARDS AND AN OFFICE BUILDING. THE INTENT OF THE PLAN IS TO CONSTRUCT A NEW ADDITION ONTO THE BACK OF THE EXISTING OFFICE BUILDING.

THE PURPOSE OF THIS CONCEPT PLAN IS TO OBTAIN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED ADDITION ON PARCEL 161 AS REPRESENTED ON THESE PLANS.

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: _____

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

A. ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.

B. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.

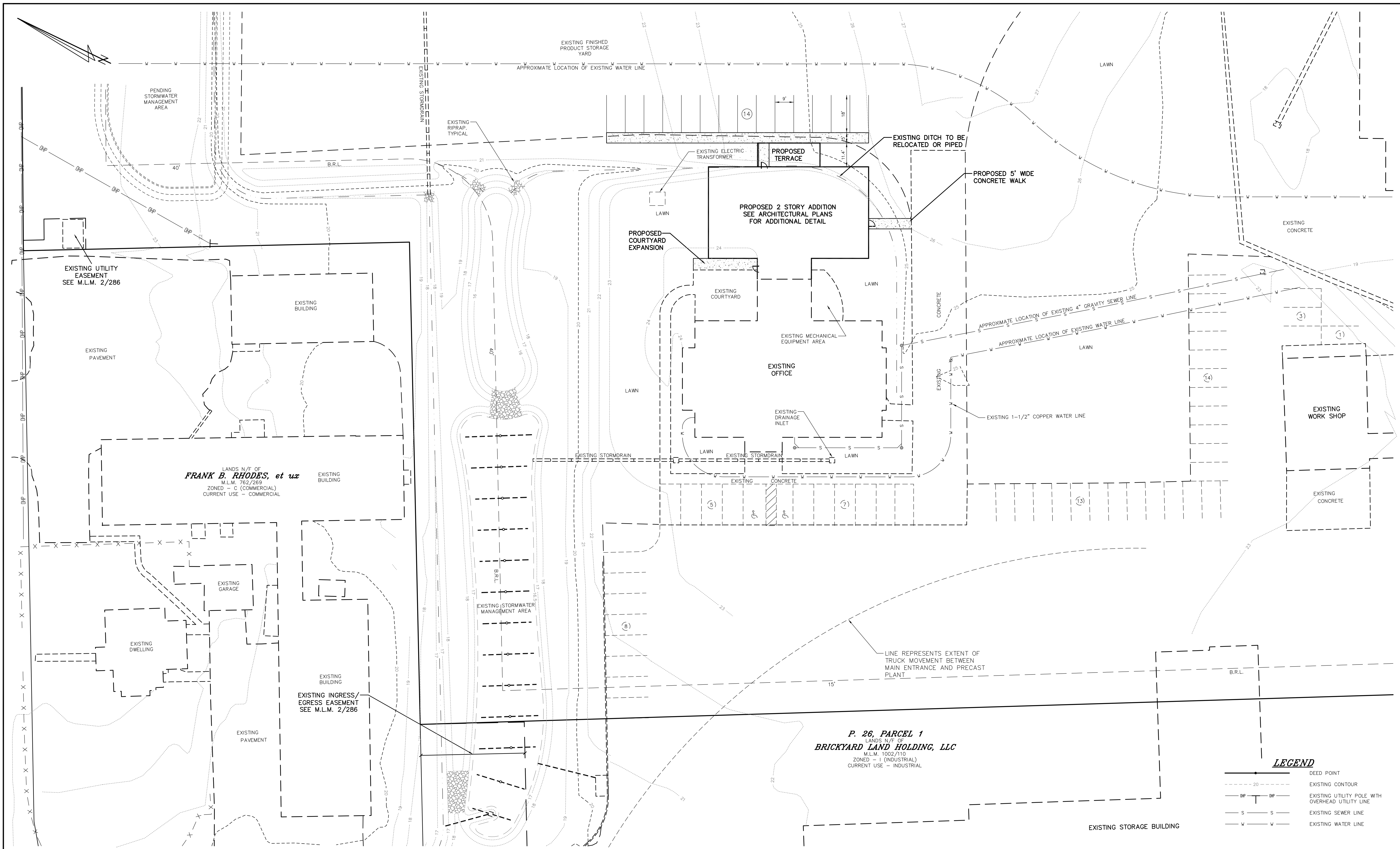
C. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

KENT COUNTY PLANNING AND ZONING KENT COUNTY PLANNING COMMISSION	KENT COUNTY HEALTH DEPARTMENT TOWN OF CHESTERTOWN UTILITIES		DAVIS, MOORE, SHEARON & ASSOCIATES, LLC ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148
DATE _____ REVISION _____		TITLE SHEET FOR GILLESPIE PRECAST OFFICE ADDITION NEAR THE TOWN OF CHESTERTOWN FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND TAX MAP - 37, GRID - 3F, PARCEL - 161 PREPARED FOR : BRICKYARD LAND HOLDING, LLC	
DATE NOVEMBER '23 AS SHOWN JOB No. 2023163 DRAWN BY WJM FOLDER Ref. 37-2023163 DESIGNED BY KJS		SHEET No. - C-1 CADD FILE - 23163-C1	

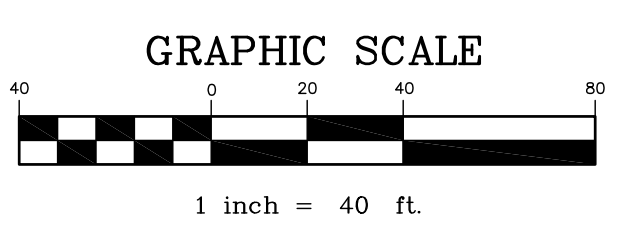


LANDS N/F OF
FRANK B. RHODES, et ux
 M.L.M. 762/259
 ZONED - C (COMMERCIAL)
 CURRENT USE - COMMERCIAL

P. 26, PARCEL 1
BRICKYARD LAND HOLDING, LLC
 LANDS N/F OF
 M.L.M. 1002/110
 ZONED - I (INDUSTRIAL)
 CURRENT USE - INDUSTRIAL

LEGEND

- DEED POINT
- - - - - EXISTING CONTOUR
- DP—DP— EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
- S—S— EXISTING SEWER LINE
- W—W— EXISTING WATER LINE



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY PLANNING AND ZONING	KENT COUNTY PLANNING COMMISSION
KENT COUNTY HEALTH DEPARTMENT	TOWN OF CHESTERTOWN UTILITIES

PROFESSIONAL CERTIFICATION:
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE No. 2004690, AND MY LICENSE IS IN FULL FORCE AND EFFECT. EXPIRATION DATE: 9-2-25

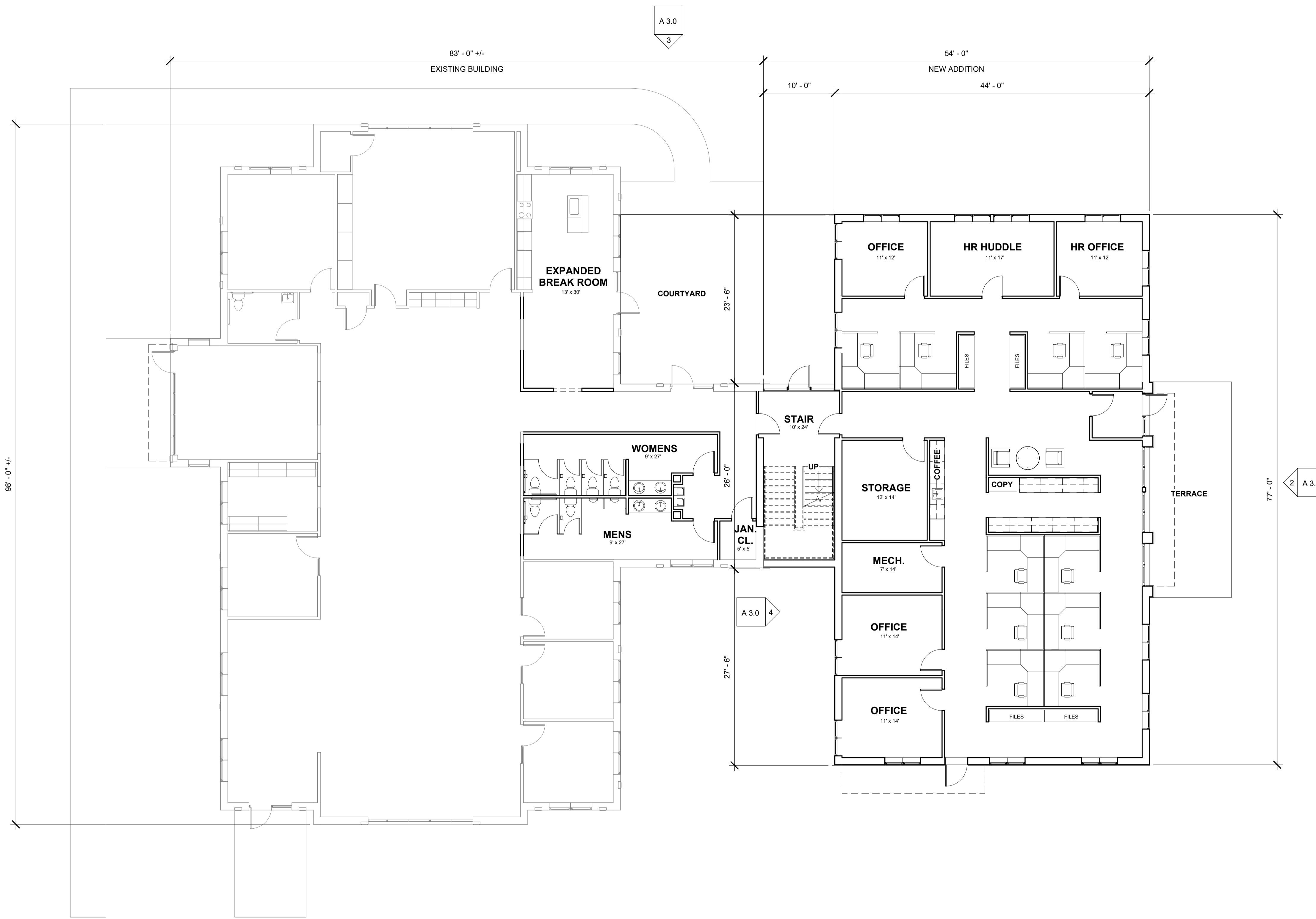
DATE _____ SEAL _____

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE : 1-443-262-9130
 FAX : 1-443-262-9148

DATE	REVISION

DETAILED CONCEPTUAL SITE PLAN
 FOR
GILLESPIE PRECAST OFFICE ADDITION
 NEAR THE TOWN OF CHESTERTOWN
 FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 TAX MAP - 37, GRID - 3F, PARCEL - 161
 PREPARED FOR : BRICKYARD LAND HOLDING, LLC

DATE	SCALE
NOVEMBER '23	1" = 20'
JOB No. 2023163	DRAWN BY WJM
FOLDER Ref. 37-2023163	DESIGNED BY KJS
SHEET No. - C-3	
CADD FILE - 23163-C3	



1 GROUND FLOOR PLAN
A2.0 1/8" 1'-0"



PHILLIPS & DONOVAN ARCHITECTS, L.L.C.
PhillipsDonovanArchitects.com
P.O. Box 160, 3160 Bedminster Road, Bedminster, PA 18910 Phone: 215-795-2400
210 West Broad Street, Bethlehem, PA 18018 Phone: 610-317-0221

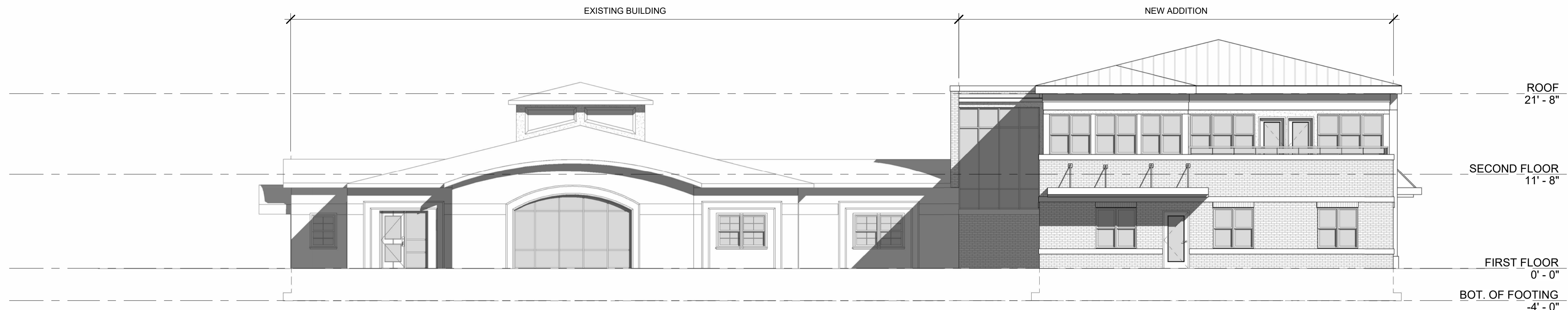
revisions

NO.	DATE	DESCRIPTION

GROUND FLOOR PLAN
GILLESPIE PRECAST OFFICE ADDITION
GILLESPIE & SON, INC.
102 BRICKYARD RD. CHESTERTOWN, MD

dwg. no.:
A2.0
date: 09-05-23
drawn by JLF checked by JML

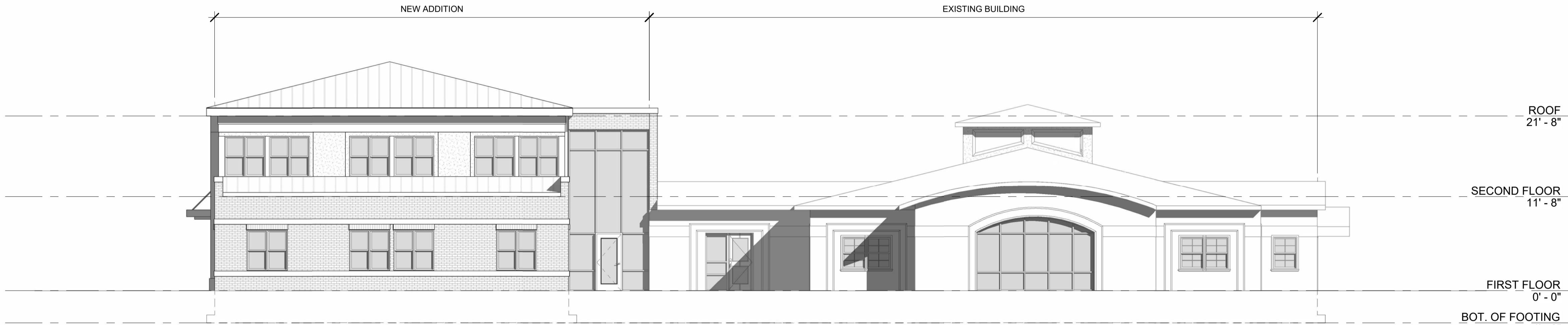
project no.
23-35



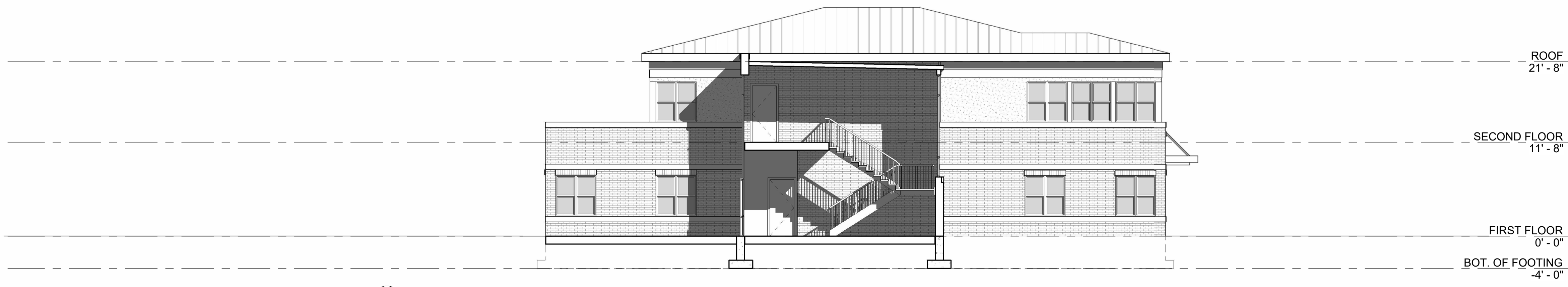
1 EAST ELEVATION
A3.0 1/8" 1'-0"



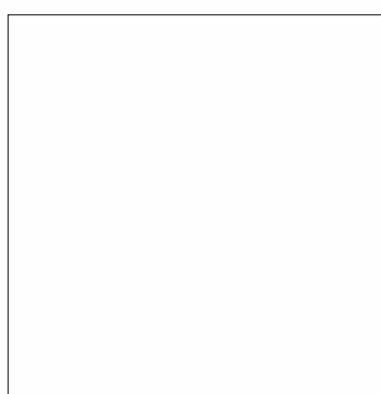
2 NORTH ELEVATION
A3.0 1/8" 1'-0"



3 WEST ELEVATION
A3.0 1/8" 1'-0"



4 SOUTH ELEVATION
A3.0 1/8" 1'-0"



PHILLIPS & DONOVAN ARCHITECTS, LLC.
PhillipsDonovanArchitects.com
P.O. Box 160, 3160 Bedminster Road, Bedminster, PA 18910 Phone: 215-795-2400
210 West Broad Street, Bethlehem, PA 18018 Phone: 610-317-0221

revisions	

ELEVATIONS
GILLESPIE PRECAST OFFICE ADDITION
GILLESPIE & SON, INC.
102 BRICKYARD RD. CHESTERTOWN, MD

dwg. no.:
A3.0
date: 09-05-23
drawn by JLF checked by JML

project no.:
23-35



To: Kent County Planning Commission
From: William Mackey, AICP, Kent County Zoning Administrator and Director, DPHZ
Date: December 29, 2023 (for inclusion in the packet and posted online for the public)
Subject: Decision and Determination re Major Site Plan Application of Minary's Dream Alliance

DECISION AND DETERMINATION

The property subject of this decision and determination is located at 9155 American Legion Drive, Chestertown, Maryland, and is zoned Critical Area Residential (CAR) per the Official Zoning Map of Kent County, Maryland, which was adopted in 2002 in conjunction with the Kent County Land Use Ordinance (LUO). An unofficial digital copy of the map is available online [here](#).

Minary's Dream Alliance (MDA) has submitted a site plan for improvements at the property. As noted in the Department's Preliminary Staff Report, dated September 29, 2023, under Relevant Issues, 1. Uses:

"The Zoning Administrator has the authority to determine if uses are permitted. Determinations on proposed uses will be made following review of the concept site plan."

Article VII, Section 1.1 of the Kent County Land Use Ordinance (LUO) provides, in relevant part:

1.1 Continuance

The lawful use of land, including existing nonconforming uses, existing on the effective date of this Ordinance, although such use does not conform to the *regulations* specified for the district in which such land is located, may be continued provided:

- a. The use is not enlarged, increased, or extended to occupy a greater area than that occupied by such use on the effective date of this Ordinance...

It is my opinion and determination that MDA's proposal is not an enlargement of the existing, legal nonconforming use because each of the proposed improvements and uses on the site plan are permitted-by-right in the CAR zoning district. If a use is permitted by right, then it may be allowed on a property independent from any other use or uses, as long as all other pertinent regulations for such uses are complied with and any required approval processes are followed. The proposed improvements and uses are as follows:

On MDA's site plan, proposed improvements and uses are identified and keyed to a Land Use Key on page L0.1 of the site plan prepared by Miles Barnard, ASLA, RLA of South Fork Studio, Inc. The submitted narrative and site plan are attached for reference.

1. Sacred Place Sitting Area and Labyrinth and Outdoor Classroom/Performance Area.

These improvements are shown in the green area on the Land Use Key. This use is labeled **Public or Private Park**. The specific Sacred Space and Labyrinth improvements are shown in detail on page L1.2 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 7 of the LUO, Public or Private Parks are permitted by right in the CAR zoning district.

Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.

Interpretation: The use indicated in green on the proposed site plan is the same use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law and is therefore not subject to the limitations for legal nonconforming uses.

2. Existing Camping and Picnic Area

This area is shown in the salmon colored area of the Land Use Key. The existing camping/picnic area is an established use area that predates MDA's ownership of the property. No improvements are proposed for this area.

3. Relocation of Existing Garden and Proposed Greenhouse and Accessory Structure.

These improvements are shown in the lavender area on the Land Use Key labeled **Garden, Greenhouse and Garden Storage**, and in more detail on page L.10 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 5 (see excerpt below) of the LUO, greenhouses are permitted by right in the CAR zoning district.

Greenhouses, wholesale or retail, provided structures are 200 feet from all property lines and are adequately landscaped.

Gardens are expected on residentially zoned property, as are small structures to store gardening supplies as well as garages. Additionally, per Article XI. Definitions, Section 2. Definitions, #2, of the LUO, the following definition provides for accessory structures that are expected in all zoning districts.

2. Accessory Structure A detached structure on the same parcel as the principle structure or use and which is incidental and subordinate to the principal structure or use in area, extent and purpose, i.e. shed, or detached garage.

Interpretation: The use indicated in lavender on the proposed site plan is a similar use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. In this case, greenhouses are permitted by right on the property; however, a variance may be needed. Gardens, garden storage, and garages are uses anticipated on residentially zoned property; accessory structures are assumed by the LUO to be permitted by right in the CAR and are regulated by Article V. District Regulations, Section 5. Critical Area Residential, § 5.5 Density, Area, Height, Width and Yard Requirements.

4. Living Shoreline.

The proposed Living Shoreline improvement is shown in the blue area of the Land Use Key.

A living shoreline stabilization is a type of erosion, sediment, and flood control. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 4 of the LUO, *erosion and flood control structures* are permitted by right in the CAR zoning district.

Interpretation: A living shoreline is similar to an erosion and flood control structure which is permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. Additionally, a living shoreline is also the State's and the County's preferred methodology for shoreline treatments.

5. Existing Building.

The existing building is shown in the yellow area of the Land Use Key. No change to the existing building is proposed.

6. Parking Lot Reconstruction.

The parking lot reconstruction improvements are shown in the gray area on the Land Use Key labeled **Accessory off-street Parking**, and in more detail on page L1.2 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.4 Accessory Uses, # 2 (excerpt below) of the LUO, the following use is permitted by right in the CAR zoning district.

Accessory off-street parking and loading of non-commercial vehicles that have current licenses and are operable.

Interpretation: The use indicated in gray on the proposed site plan is the same use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. In this case, the use is permitted by right on the property, and is therefore not subject to the limitations for legal nonconforming uses.

Please note this decision and determination represents an administrative determination. If a member of the public or the applicants wish to appeal this determination, they may do so by filing an appeal within thirty (30) days from the date of the determination. Please note such an appeal may be sent directly to planning@kentgov.org. Appeals are reviewed by the Kent County Board of Appeals. Further information is available regarding the Kent County Board of Appeals and the formal appeal process, which is posted online [here](#).

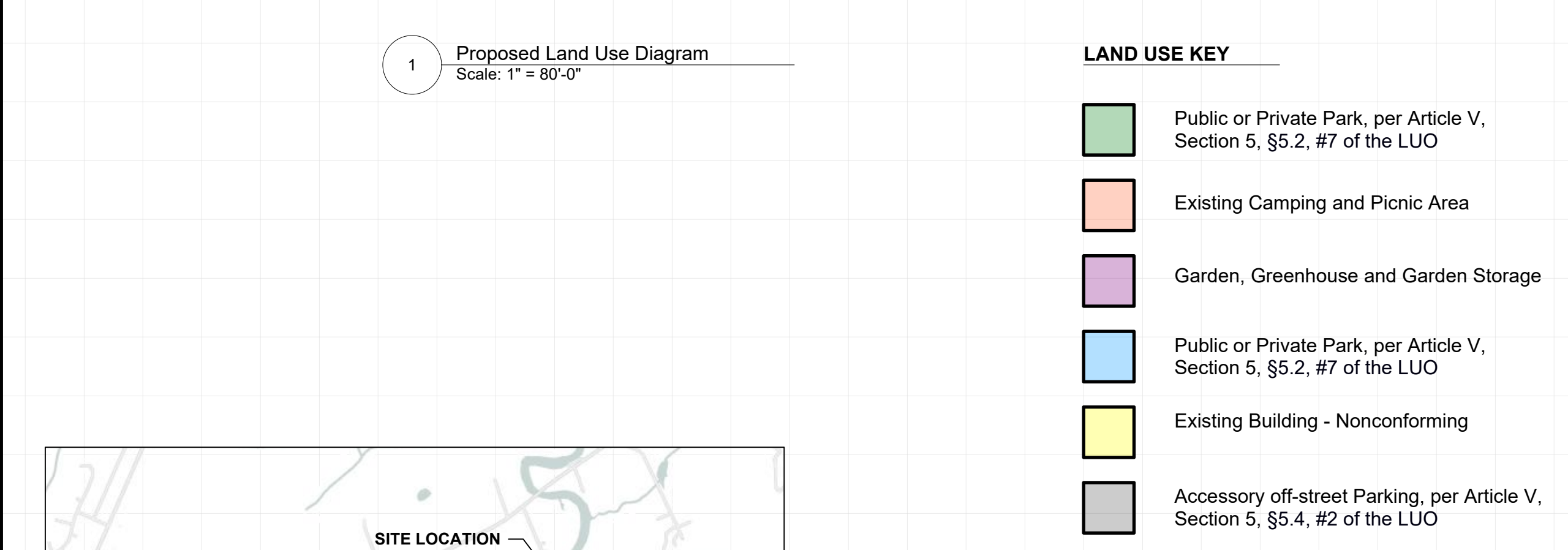
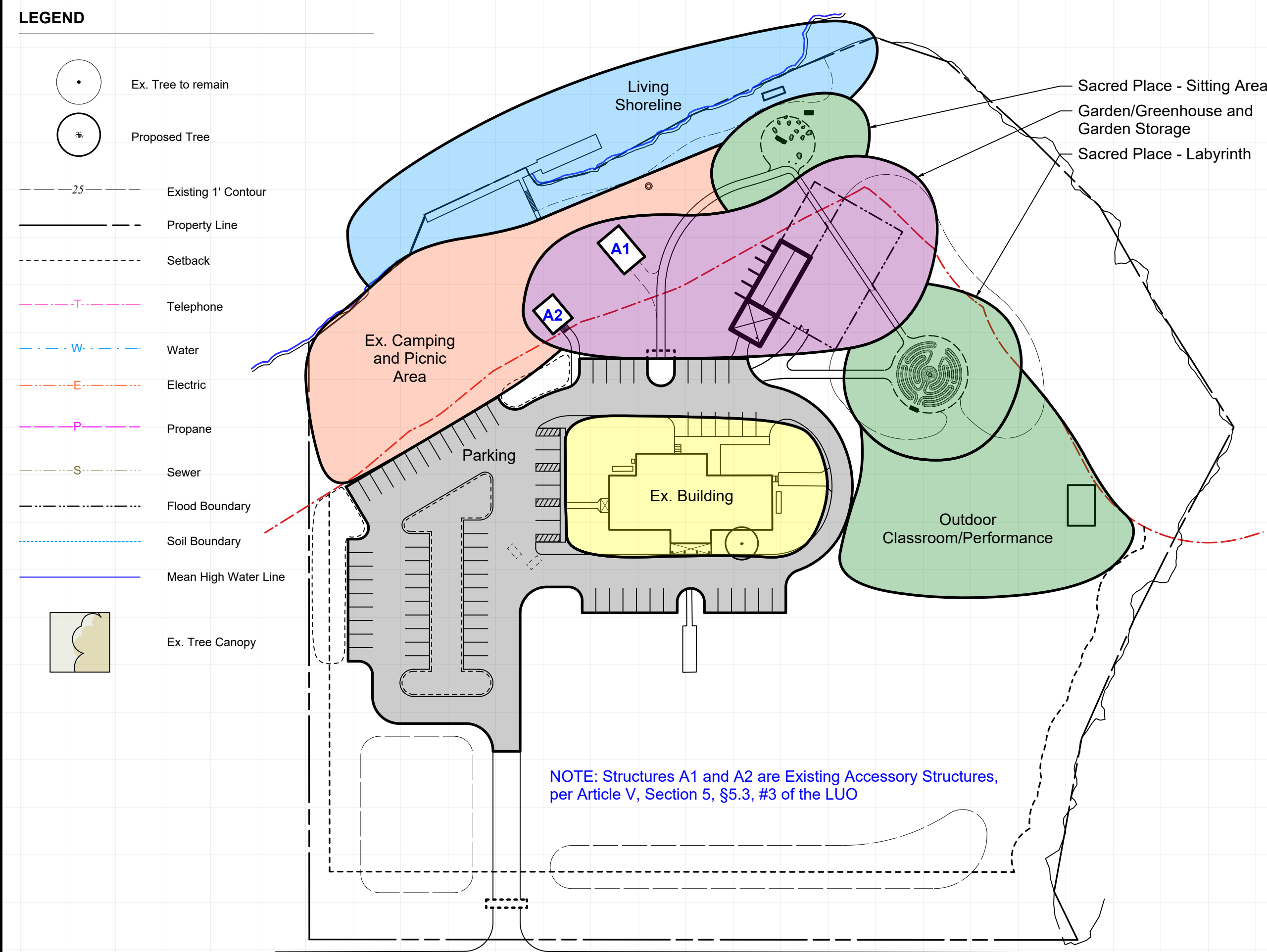
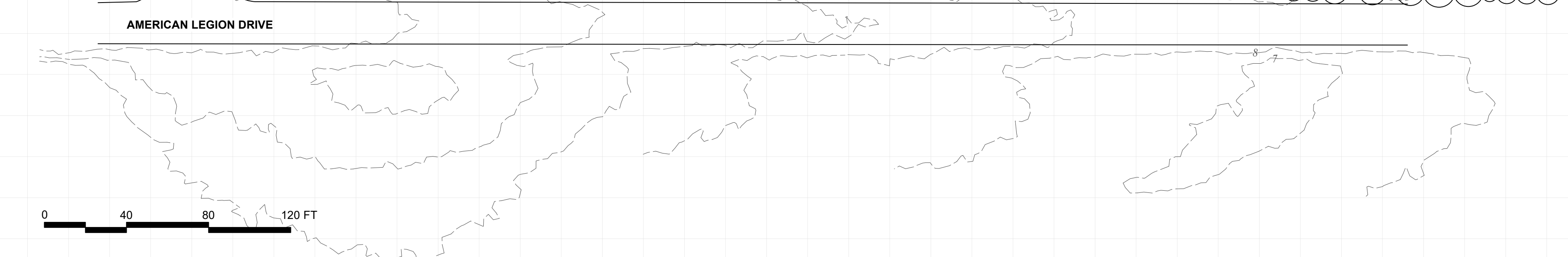
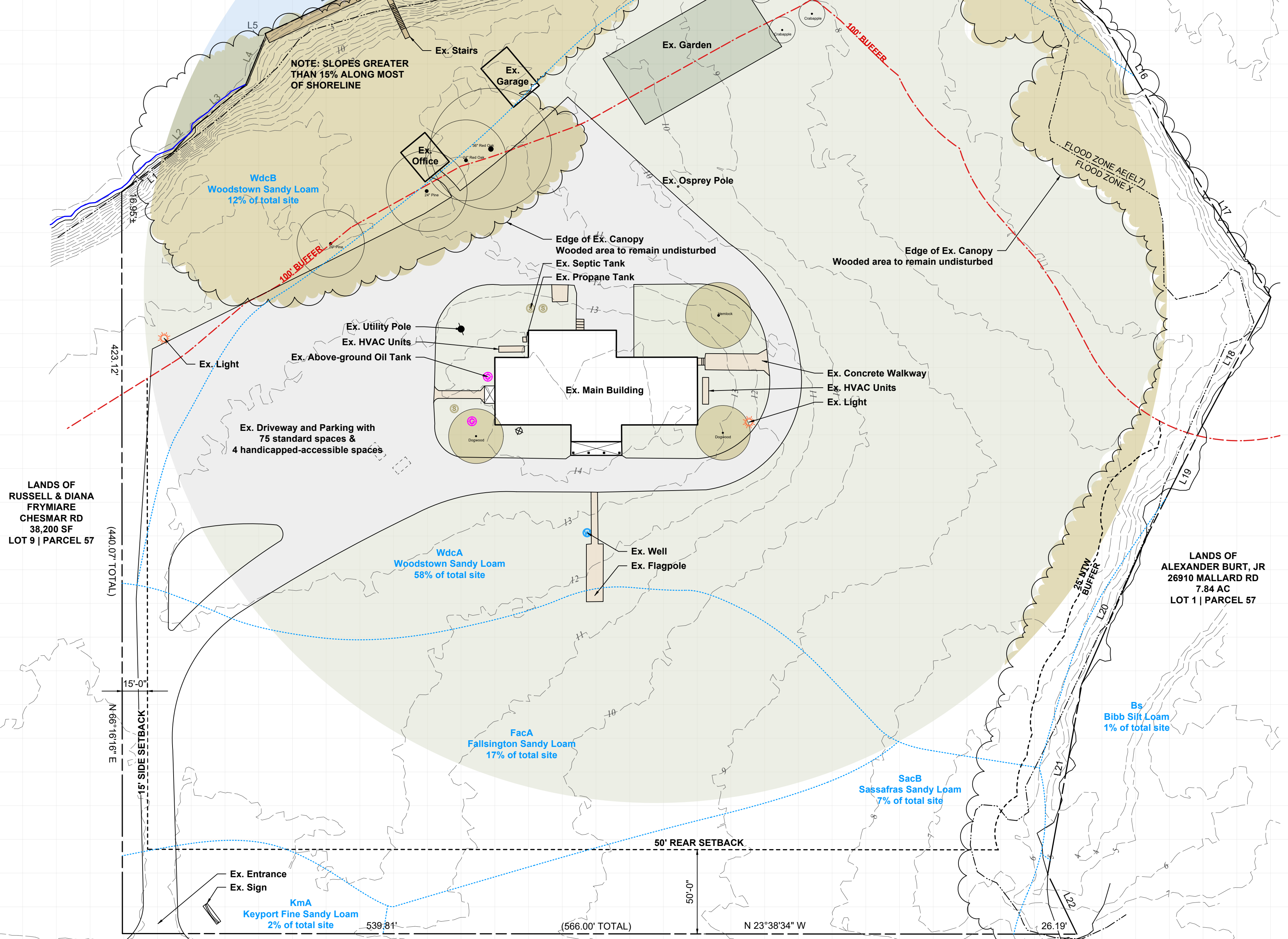
Attachments

- Submittal by applicants, dated September 23, 2023, for concept review

cc: Shelley L. Heller, Kent County Administrator
Carla Gerber, Deputy Director, DPHZ

Pre-development Lot Coverage - Minary's Dream Alliance	
Total Land Area (SF)	353,707 SF
Zoning Classifications	CAR
Allowed Lot Coverage (15%)	53,056 SF
Area Description	
Ex. Main Building	6,310 SF
Ex. Garage	499 SF
Ex. Office	420 SF
Ex. Driveway	52,950 SF
Ex. Walkways and other Paving	1,204 SF
Total Lot Coverage	61,482 SF

LINE	BEARING	DISTANCE
L1	S 61°16'24" E	38.22'
L2	S 73°06'49" E	20.57'
L3	S 63°15'21" E	38.73'
L4	N 88°20'41" E	31.75'
L5	N 41°19'41" E	0.91'
L6	S 48°40'19" E	82.60'
L7	S 41°19'41" W	6.00'
L8	S 27°04'26" W	9.62'
L9	S 37°26'34" E	39.06'
L10	S 52°47'37" E	86.50'
L11	S 47°42'22" E	84.27'
L12	S 45°28'35" E	62.32'
L13	S 05°07'58" E	56.00'
L14	S 18°34'50" W	63.07'
L15	S 21°17'24" W	72.31'
L16	S 36°27'56" W	71.76'
L17	S 34°10'17" W	118.46'
L18	N 85°39'18" W	86.61'
L19	N 87°02'20" W	73.58'
L20	N 89°54'56" W	95.14'
L21	S 76°29'30" W	114.72'
L22	S 40°24'28" W	39.60'



REVIEWED FOR KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE _____

KENT SOIL & WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

APPROVED: _____ DATE _____ KENT COUNTY PLANNING COMMISSION CHAIR

APPROVED: _____ DATE _____ HEALTH DEPARTMENT APPROVING AUTHORITY

Property Information:
9155 American Legion Drive
Chestertown, MD 21620
Map 38 Grid 3A Parcel 57
8.12 Acres

County: Kent
Election District 4, Precinct 1

Scale: 1" = 40'
Drawn by: DMB

L0.1

1st Issue Date 01-12-23

SOUTH FORK STUDIO
LANDSCAPE ARCHITECTURE, INC.
10810 CLIFF ROAD
CHESTERTOWN, MD 21620
410 778 1098 410 778 6848(O)
www.southforkstudio.com

MINARY'S DREAM ALLIANCE

Nature Sacred

REVISIONS

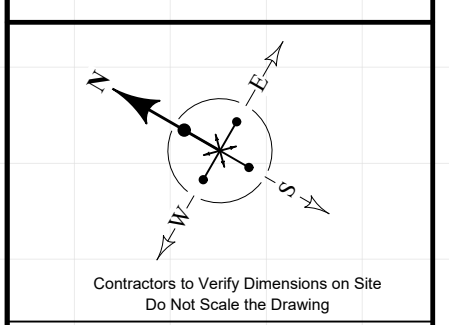
03-01-23	Design Questionnaire
03-29-23	Steering Comm. #2
08-30-23	Site Plan Review
09-26-23	Planning Commission

ISSUED FOR:

<input type="checkbox"/> Client Review	<input type="checkbox"/> Revision
<input type="checkbox"/> Bid	<input checked="" type="checkbox"/> Approval
<input type="checkbox"/> Permit	<input type="checkbox"/> Coordination
<input type="checkbox"/> Construction	

Minary's Dream Alliance
9155 American Legion Drive
Chestertown, MD

These drawings and specifications and the ideas represented thereby are and shall remain the property of the Landscape Architect. No part thereof shall be copied or used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and developed without the written consent of the Landscape Architect.



Existing Conditions

Scale: 1" = 40'
Drawn by: DMB

L0.1

1st Issue Date 01-12-23

Pre-development Lot Coverage - Minary's Dream Alliance	
Total Land Area (SF)	353,707 SF
Zoning Classifications	CAR
Allowed Lot Coverage (15%)	53,056 SF
Area Description	
Ex. Main Building	6,310 SF
Ex. Garage	599 SF
Ex. Office	420 SF
Ex. Driveway	52,960 SF
Ex. Walkways and other Paving	1,204 SF
Total Lot Coverage	61,482 SF

Post-Development Lot Coverage - Minary's Dream Alliance	
Total Land Area (SF)	353,707 SF
Zoning Classifications	CAR
Allowed Lot Coverage (%)	53056 SF
Pre-Development Lot Coverage	61482 SF
Area Description	
Ex. Main Building	6310 SF
Ex. Garage	599 SF
Ex. Office	420 SF
Ex. Walkways and other Paving to Remain	797 SF
Proposed Driveway	46492 SF
Proposed Walkways	3191 SF
Proposed Labyrinth	1197 SF
Proposed Greenhouse and Garage	2466 SF
Total Lot Coverage	61472 SF
Lot Coverage Change	-10 SF

LEGEND

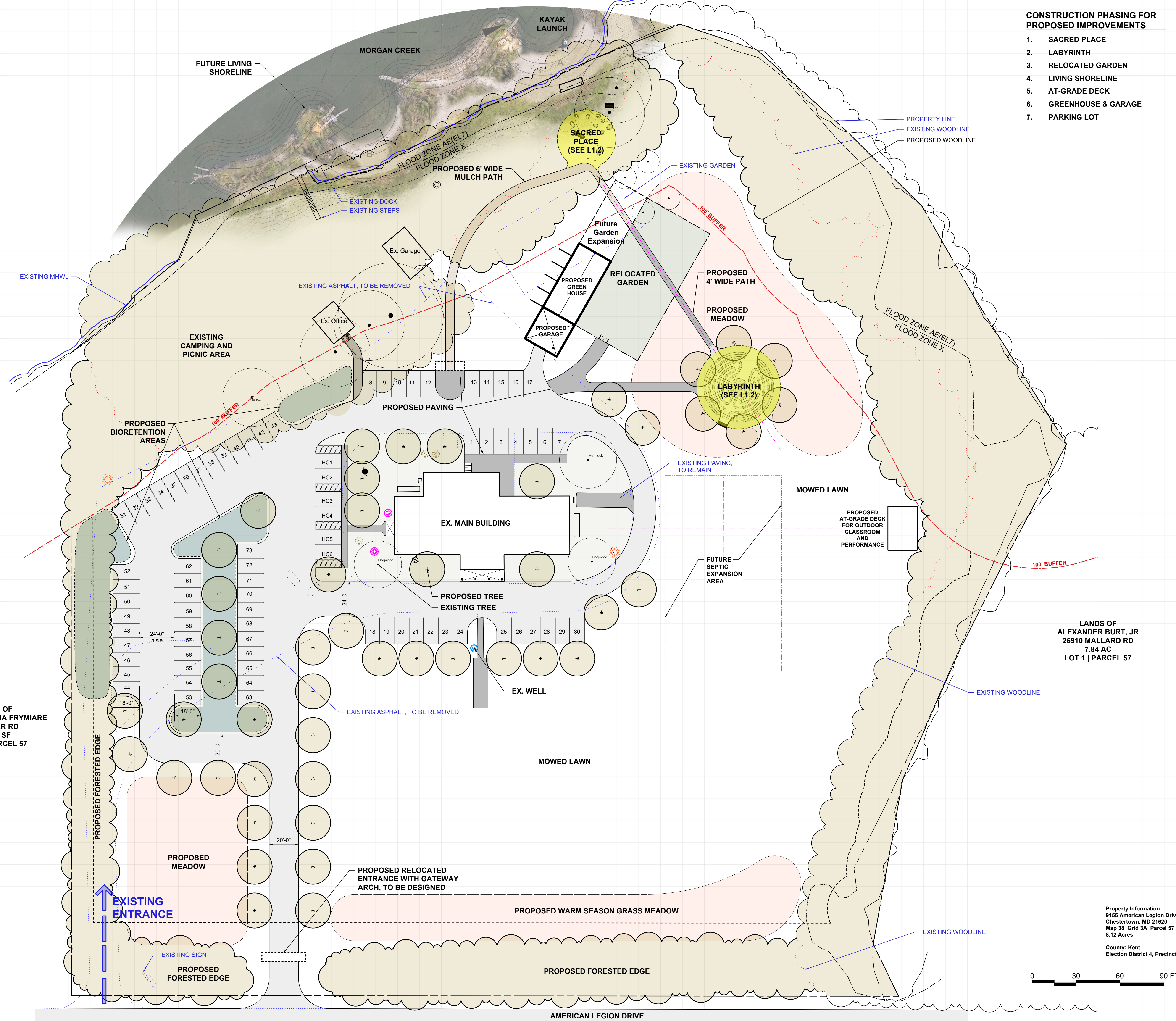
- Ex. Tree to remain
- Proposed Tree
- Existing 1' Contour
- Property Line
- Setback
- Telephone
- Water
- Electric
- Propane
- Sewer
- Flood Boundary
- Soil Boundary
- Mean High Water Line
- Existing, to be removed
- Ex. Tree Canopy
- Proposed Tree Canopy
- Proposed Planting Bed
- Proposed Bioretention
- Proposed Lawn
- Proposed Warm Season Meadow
- Proposed Walkways
- Proposed Driveway

REVIEWED FOR KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE
 KENT SOIL & WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

APPROVED: _____
 DATE _____ KENT COUNTY PLANNING COMMISSION CHAIR

APPROVED: _____
 DATE _____ HEALTH DEPARTMENT APPROVING AUTHORITY



- CONSTRUCTION PHASING FOR PROPOSED IMPROVEMENTS**
- SACRED PLACE
 - LABYRINTH
 - RELOCATED GARDEN
 - LIVING SHORELINE
 - AT-GRADE DECK
 - GREENHOUSE & GARAGE
 - PARKING LOT

SOUTH FORK STUDIO
 LANDSCAPE ARCHITECTURE, INC.
 10810 CLIFF ROAD
 CHESTERTOWN, MD 21620
 410 778 1098 410 778 6848(O)
 www.southforkstudio.com

Minary's Dream Alliance

Nature Sacred

REVISIONS

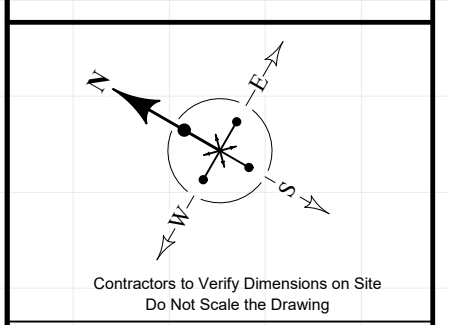
DATE	DESCRIPTION
03-01-23	Design Questionnaire
03-29-23	Steering Comm. #2
08-30-23	Site Plan Review
09-26-23	Planning Commission

- ISSUED FOR:**
- Client Review
 - Bid
 - Permit
 - Construction
 - Revision
 - Approval
 - Coordination

Minary's Dream Alliance
 9155 American Legion Drive
 Chestertown, MD

These drawings and specifications and the ideas represented thereby are and shall remain the property of the Landscape Architect. No part thereof shall be copied or used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and developed without the written consent of the Landscape Architect.

Not for Construction



Master Plan

Scale: 1" = 30'
 Drawn by: DMB

L1.0
 1st Issue Date 01-12-23

Property Information:
 9155 American Legion Drive
 Chestertown, MD 21620
 Map 38 Grid 3A Parcel 57
 8.12 Acres
 County: Kent
 Election District 4, Precinct 1

REVISIONS

03-29-23	Steering Comm. #2
08-30-23	Site Plan Review
09-26-23	Planning Commission

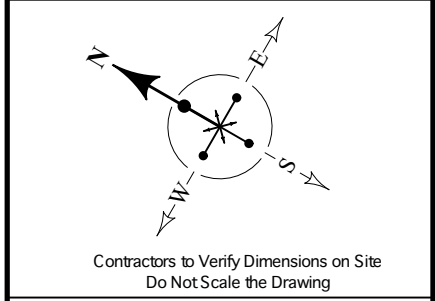
ISSUED FOR:

<input type="checkbox"/> Client Review	<input type="checkbox"/> Revision
<input type="checkbox"/> Bid	<input checked="" type="checkbox"/> Approval
<input type="checkbox"/> Permit	<input type="checkbox"/> Coordination
<input type="checkbox"/> Construction	

Minary's Dream Alliance
 9155 American Legion Drive
 Chestertown, MD

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Not for Construction

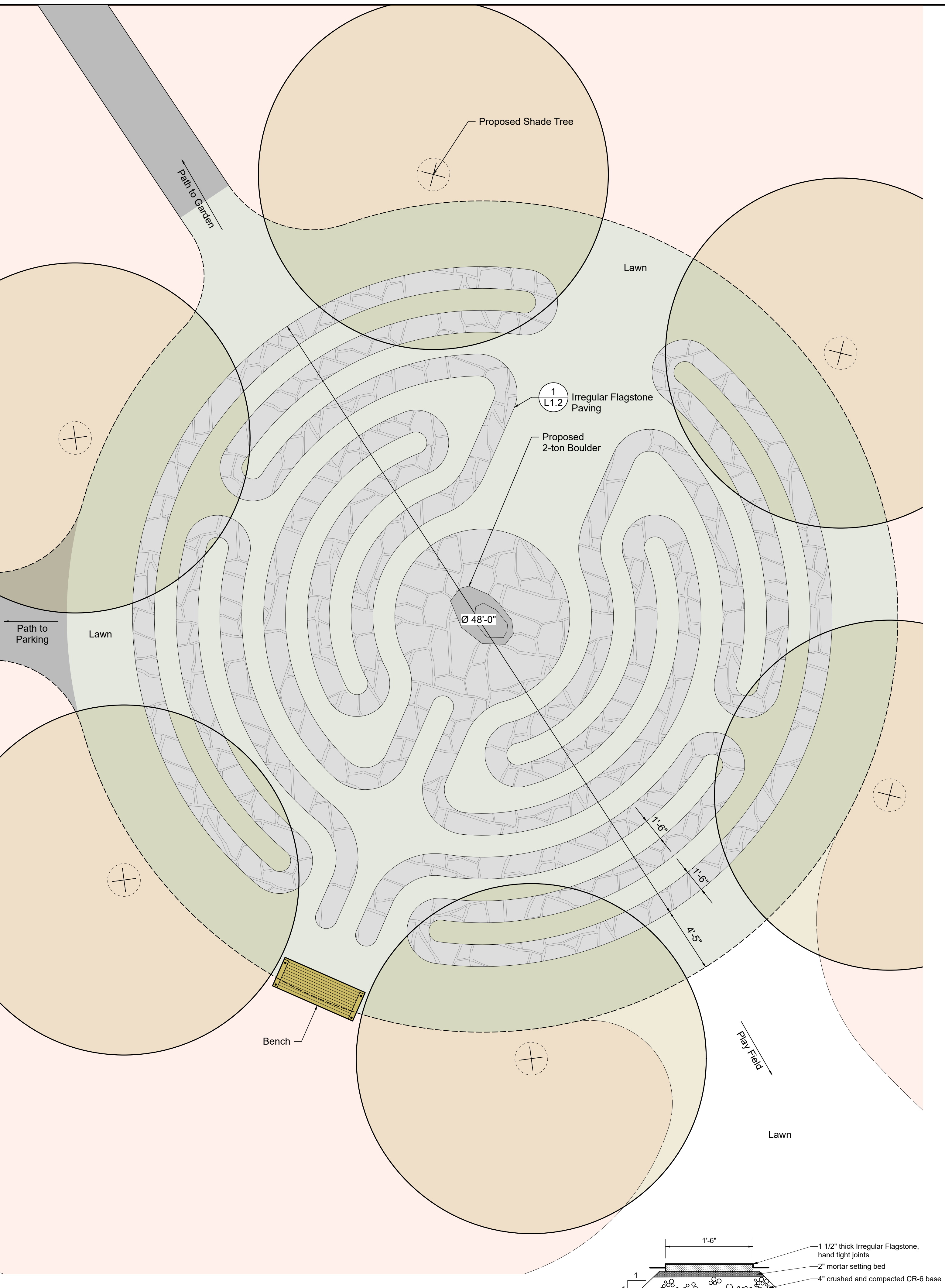
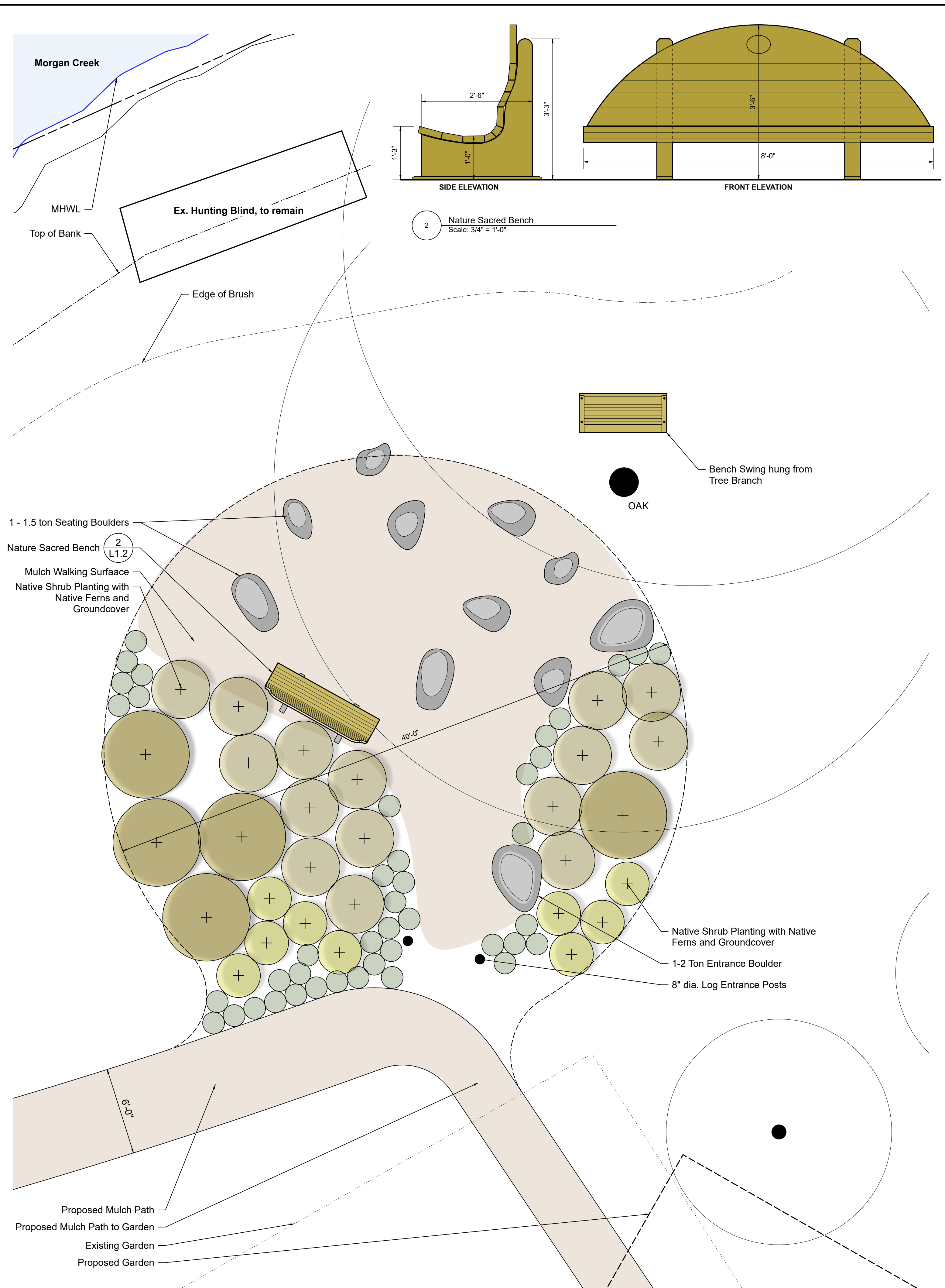


Detailed Plans

Scale: 1/4" = 1'-0"
 Drawn by: DMB

L1.2
 1st Issue Date 03-29-23

Property Information:
 9155 American Legion Drive
 Chestertown, MD 21620
 Map 38 Grid 5A Parcel 57
 8.12 Acres
 County: Kent
 Election District 4, Precinct 1



LABYRINTH
 Scale: 1/4" = 1'-0"

1 Irregular Flagstone Paving
 Scale: 3/4" = 1'-0"



To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: January 4, 2024
Subject: Minary’s Dream Alliance, Inc. – Site Plan Review – Preliminary and Final

Executive Summary

Request by the Applicant

Minary’s Dream Alliance, Inc. (MDA) is requesting preliminary and final review of a proposed Site Plan that will function as MDA’s master plan for projects on the site and would be implemented over time as funding allows. If required, building permits will be issued for individual projects.

Public Process

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

Summary of the Staff Report

MDA is proposing site improvements including the creation of a “Sacred Place” sitting area, labyrinth, living shoreline, reconfigured garden with added greenhouse and garden storage garage, wooden platform for outdoor classroom or performance, and reconfigured entrance/parking area. The site plan in this case must be considered with respect to Judge Murphy’s order concerning the legal non-conforming use of the property and as to permitted uses currently allowed within the Critical Area Residential district.

Staff Recommendation

The Planning Commission has the authority to decide if preliminary and final approval may be granted at the same meeting. MDA is still working with the Health Department, and the size and design of the new septic system has not been finalized. There are no sureties that need to be posted prior to final approval.

Staff recommends granting final approval with the condition that MDA apply for building permits, as applicable, as each project moves forward and all requirements of the Health Department, or other agencies as applicable, are met.

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
Subject: Minary's Dream Alliance, Inc.
Site Plan Review – Preliminary
Date: December 29, 2023

Description of Proposal

The applicants are seeking site plan review for their property at 9155 American Legion Drive near Chestertown. The Site Plan identifies a number of improvements that will be implemented over time as funding allows. The improvements include creation of a "Sacred Place," labyrinth, living shoreline, reconfigured garden with added greenhouse and garden storage garage, wooden platform for outdoor classroom or performance, and reconfigured entrance/parking area. More details may be found in the applicant's narrative. If required, building permits will be issued for individual projects.

The 8.12-acre property is zoned "CAR" Critical Area Residential and is located on American Legion Drive adjacent to Morgan Creek. There are residential uses on either side along the creek and an agricultural field across the road. The property is currently improved with an existing main building, plus accessory buildings used as an office and garage. There is also a camping and picnic area and dock that runs parallel to the shoreline.

History

The property was developed in the 1960s and owned by the American Legion until it was sold to the applicants. Under current zoning regulations, the Legion's use as a social, charitable, business, and civic organization was a legal non-conforming use. A decision of the Zoning Administrator that the use of the property by the applicant to provide education to families, community services, and youth services was consistent with the uses conducted by the American Legion and could continue was appealed to the Kent County Board of Appeals, which was then appealed to Kent County Circuit Court. The Court ruled that use of the property consistent with the historic uses could continue with some contingencies. Judge Murphy's order is included in the applicant's documentation.

Relevant Issues

I. Uses

- B. *Applicable Law:* Article VIII, Nonconformities, Section 1.1 establishes that nonconforming uses may continue. Article V, Section V, Critical Area Residential establishes the permitted and accessory uses within the district.
- C. *Staff and TAC Comments:* The Zoning Administrator has the authority to determine if uses are permitted. Determinations on proposed uses will be made following review of the concept site plan."

II. District Environmental Standards

- A. *Applicable Law:* Article V, Section 5.7 in the Kent County Land Use Ordinance establishes the Critical Area Environmental Design Standards, which include stormwater and Critical Area standards. The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the County to maintain the quality of the County's ecosystem in the face of continuing activity, growth and change.

Article VI, Section 9 of the Kent County Land Use Ordinance sets forth the provisions for Erosion and Sediment Control and Section 10, Stormwater Management.

- B. *Staff and TAC Comments:* The proposed site plan includes enhanced landscaping along the perimeter of the property and within the proposed parking lot. No clearing of existing forest is proposed. Proposed improvements are located outside of the floodplain and proposed structures are outside of the Critical Area buffer and the non-tidal wetlands buffer. The living shoreline will enhance water quality.

Stormwater management and sediment and erosion control plans will be submitted with individual projects, as applicable.

The total existing lot coverage exceeds the 15% limit and is grandfathered. The proposed lot coverage is 10 square feet less than the existing and will establish a new limit of 61,472 square feet. MDA will not be allowed to exceed the new limit in the future without a variance.

IV. Parking and Loading Requirements

- A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards. Community Centers/Civic Clubs/Museums require one parking space per 50 square feet of gross floor area. There are no parking standards for parks or greenhouses.
- B. *Staff and TAC Comments:* There are currently 75 standard parking spaces and 4 handicapped-accessible spaces, which is less than the required number of spaces for community centers or civic clubs. The reconfigured parking lot will have 73 standard spaces and 6 handicapped-accessible spaces. As there are no changes proposed with the existing building and the total number of spaces is not decreasing, it has been the practice of DPHZ that additional parking is not required to comply with the current standards.

V. Site Plan Review

- A. *Comprehensive Plan:* "Implement thorough design review for new development and major renovations." (Page 33)
- B. *Applicable Law:* Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with strategies and goals of the Comprehensive Plan. The programs operated by MDA support the Plan's goal to develop an educated workforce with the skills and training required to serve current and future employers. In addition, MDA programs are intended to fill gaps in services provided by other community facilities such as schools, libraries, and parks and recreation. The proposed shoreline and landscaping improvements support goals of the Environment section to protect sensitive resources and expand forests.
- The property is served by private well and septic. The applicant is working with the Health Department to establish a new septic reserve area. If the Health Department determines that they cannot sign the final site plan, then their approval will be required as each project moves forward
- The redesign of the parking lot is intended to improve traffic patterns and safety of pedestrians within the site.
- Stormwater management and erosion and sediment control plans will be reviewed with individual projects, as applicable.
- The applicant has designed the project with the goal to complement the neighborhood and to enhance habitat and improve water quality.
- Existing vegetation will not be removed.
- Design charrettes, which were open to the public, have been conducted.
- As located on the site plan, the greenhouse will require a variance. Greenhouses are permitted in CAR but require a 200-foot setback from all property lines. Changes to the location would require an amendment to the site plan.
- As located on the site plan, the garden storage and garage will require a special exception as it is an accessory structure in the front yard of a waterfront parcel. Changes to the location would require an amendment to the site plan.
- The applicant has included a new note on the site plan concerning the existing camping area. It is now noted as a "Primitive Campground and Picnic Area" with "Tent camping only by private groups." The Land Use Key has been updated for consistency.

Staff Recommendation

The Planning Commission has the authority to decide if preliminary and final approval may be granted at the same meeting. MDA is still working with the Health Department, and the size and design of the new septic system has not been finalized. There are no sureties that need to be posted prior to final approval.

Staff recommends granting final approval with the condition that MDA apply for building permits, as applicable, as each project moves forward and all requirements of the Health Department, or other agencies as applicable, are met.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ Amount Paid: _____ Date: 8-30-23

Project Name: MINARY'S DREAM ALLIANCE

District: _____ Map: 38 Parcel: 57 Lot Size: 8.12 Deed Ref: 01230 Zoning: CAR

LOCATION: 9155 AMERICAN LEGION DR. CHESTERTOWN, MD

PROPOSED USE: NO USE CHANGES PROPOSED

OWNER OF LAND:

Name: MINARY'S DREAM ALLIANCE, INC. Telephone: 302-566-8160

Address: 9155 AMERICAN LEGION DR. CHESTERTOWN, MD 21620 Email: minarys dream alliance@gmail.com

APPLICANT:

Name: MILES BARNARD, SOUTH FORK STUDIO Telephone: 410-778-1098

Address: 10810 CLIFF RD. CHESTERTOWN, MD Email: miles@southforkstudio.com

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DAVIS, BOWEN & FRIEDEL Telephone: 410-770-4744

Address: 106 N. WASHINGTON ST. EASTON, MD 21601 Email: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: _____

Water Supply: [] Public System [x] On lot system

Sewerage: [] Public System [x] On lot system

TELEPHONE SERVICED BY: _____

ELECTRIC SERVICED BY: _____

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

D. Mike Barnard 8-30-23

Signature of Applicant Date

- [] Concept Plan Approving Authority: _____ Date _____
[] Preliminary Approving Authority: _____ Date _____
[] Final Approving Authority: _____ Date _____



September 26, 2023

Kent County Department of Planning, Housing and Zoning
300 High Street
Chestertown, MD 21620

Re: Minary's Dream Alliance, Inc.
9155 American Legion Drive
Chestertown, MD 21620
Map 38 – Parcel 57 8.12 Acres
Zoning: Critical Area Residential

NARRATIVE

We are submitting this project for Minor Site Plan approval of a proposed Master Plan for 9155 American Legion Drive in Chestertown which is the headquarters for Minary's Dream Alliance (MDA). MDA was founded in 2020, and their mission is to transform the lives of youth, families, and communities through education, resource development, and community engagement. In 2022 they purchased the American Legion property to serve as their home where they have offices, hold events such as food drives, movie nights, and back-to-school giveaways. They provide indoor and outdoor education, teach about sustainable gardening and renewable energy, and provide other community support.

MDA is the recipient of a grant from an Annapolis-based organization called Nature Sacred which has been funding design services that have resulted in the attached drawings showing an overall property Master Plan. The intention of the Master Plan is to provide a road map for property improvements over the next 5-10 years. We are seeking Minor Site Plan approval for the Master Plan only. MDA would then seek individual building permits through Kent County Planning, Housing and Zoning for each project as funding becomes available.

Property Specifics

The property sits along the banks of Morgan Creek, a tributary of The Chester River and is 8.12 acres. It is entirely located within the Chesapeake Bay Critical Area, zoned Critical Area Residential, and is served by private water and sewer. While operating as the American Legion from 1978 until 2021, nonconforming uses were taking place and accepted by Officials and citizens. However, when MDA was under contract to buy the property in 2021, some neighbors challenged the validity of ongoing nonconforming uses. This challenge resulted in a lawsuit which ended with a ruling from Judge Harris Murphy which is included with this submission. In that ruling, Judge Murphy acknowledges the historic nonconforming uses, and allows for those nonconforming uses to continue under the MDA ownership with some contingencies. Those

contingencies are that the nonconforming uses cannot be intensified and includes some specific examples such as not constructing new athletic facilities or creating new access points on Morgan Creek.

Proposed Improvements

The Master Plan includes improvements to existing features and the addition of some new ones. The overall theme of site improvements is to maintain harmony with adjacent properties, enhance and expand habitat for animals, birds, and insects, improve water quality of Morgan Creek, incorporate sustainable construction where possible, and in general honor the site's existing attributes. All the improvements on the Master Plan result in a zero net change in Lot Coverage which is detailed on the drawing worksheets.

Sacred Place: First and foremost is the creation of what is called a Sacred Place. This is an important part of the Nature Sacred design philosophy and will be a place where people can sit alone on a bench and write in a weatherproof journal, gather as a group to discuss current events or attend an outdoor class, or simply sit to commune with nature, enjoy the view, and read a book. The Sacred Place will have a bench (on the drawings), boulders for sitting, native plantings, and a mulch walking surface. The Sacred Place installation would be phase 1 of implementation and a detailed drawing of this space is included in the package. If this Master Plan is approved, we would immediately submit a building permit for the Sacred Place.

Labyrinth: The labyrinth is a meditative walking experience that can be done alone or with other people. The labyrinth path would be built in the grass with flagstone as the walking path. The Labyrinth would be built as part of phase 1 and a detailed drawing of this space is included in the package. If this Master Plan is approved, we would immediately submit a building permit for the Labyrinth.

Driveway Entrance Relocation: The proposed shift to the entrance off American Legion Drive would allow for a better parking lot design as seen on the drawings. The existing entrance would be removed and planted with trees.

Parking Area: The existing parking lot is an aging expanse of asphalt. The proposal is to remove all this asphalt and reconfigure the paving as shown. If budget allows, a large portion of the new parking lot would be built using porous pavers to aid in stormwater management. The parking lot would also be designed to drain water to a series of bioretention areas which would further treat stormwater. The end result is a parking lot with less paving and more parking, trees, and environmental benefits.

Living Shoreline: What makes this property special is its location along Morgan Creek. We plan to celebrate and enhance this special and sensitive habitat with a living shoreline. This is a project within the project and would require approvals from The State along with the County. This project would stabilize the undercut bank along Morgan Creek and restore native plantings in the tidal zone. In addition, it allows children access to shallow water. This type of shoreline stabilization is preferred over a traditional stone revetment. The construction of the living shoreline may result in the relocation of water dependent access from the currently existing stairs

to the currently existing naturally graded slope to the creek. All these details would be provided in a separate prepared building permit application in the future.

Garden: The current vegetable garden would be relocated and rotated to sit outside the 100' buffer. In the long term there would be a greenhouse built beside the garden and a storage building for garden equipment. Behind the greenhouse would be composting bins to support garden activities. In the garden, kids would learn how to grow their own food, generate their own power, and build a garden of their own using sustainable practices.

At-Grade Deck: This low wooden deck (12" off the ground) would provide clean dry space for outdoor classroom activities as well as outdoor performance space for something like community theatre.

Meadows: As part of the plan to enhance and create habitat, a series of small warm season grass meadows would be created throughout the property. Warm Season grass meadows provide habitat for declining populations of Bobwhite Quail and provide forage for insects and nesting habitat for other ground dwelling bird species.

Mowed Lawn: The drawings show ample area of mowed lawn to provide for freeform play and activities.

Tree Planting: In addition to tree planting around the proposed parking lot, the drawings indicate that the long-term goal is to surround the site with a forest edge to provide habitat and privacy. Some areas show expanding existing forest cover.

Requirements per Land Use Ordinance Article VI, Section 5.4B

1. *Owner/Representative*

- a. Owner: Minary's Dream Alliance, Inc. P.O. Box 35 Denton, MD 21629
- b. Representative: South Fork Studio Landscape Architecture 10810 Cliff Rd.
Chestertown, MD 21620

2. *Street address, tax map, parcel number, and subdivision if any.*

9155 American Legion Drive
Chestertown, MD 21620
Map 38 – Parcel 57
8.12 Acres

3. *Zoning:* Critical Area Residential

4. *Current and proposed use of the property*

Current/Previous Use: American Legion Post 36. While operating as the American Legion from 1978 until 2021, nonconforming uses were taking place and accepted by Officials and citizens.

Proposed Use: Minary's Dream Alliance Headquarters and offices with events such as food drives, movie nights, and back-to-school giveaways taking place. They provide indoor and outdoor education, teach about sustainable gardening and renewable energy, and provide other community support.

5. *An explanation of the viewshed, open space, and conservation analysis undertaken during the design of the site plan*

There are two primary viewsheds on this property. One is the view *of* the property from Legion Drive, the other is the view of Morgan Creek *from* the property. To address views of the property from Legion Drive, the design calls for the creation of a forested edge. This forested edge will also extend up the side property lines. This will help to define the property lines, improve privacy, and also create habitat for birds, mammals and insects. The approach for the view of Morgan Creek is to simply conserve, maintain and celebrate it. A Sacred Place with a bench will allow visitors a place to sit and enjoy the view of the Creek. All existing native trees and understory vegetation will be conserved, protected and expanded. Some areas of open and mowed lawn outside the 100' Buffer will be maintained as such, but other areas will see expansion of forested areas and creation of native warm season grass meadows.

6. *How the proposed development complies with the Comprehensive Plan and the design and environmental standards of this Ordinance*

- a. Comprehensive Plan: Some of the activities that take place at MDA, particularly outreach and education of young members of the community are in direct support of the Comprehensive Plan's section on *Economy* and specifically Education and Training. Here, youth will learn many skills to help them enter the workforce and contribute to the economy of Kent County. As is more completely described in the

next section of this narrative under *Environmental Standards*, the project has many environmental benefits to Kent County and its tidal waters. While technically not a public facility, MDA serves many similar functions and can fill the gaps in services provided by other *Community Facilities* like Schools, Libraries and Parks & Recreation facilities. In addition, these services are being provided using an existing facility, preventing the need for a new development project.

- b. Environmental Standards:** No new agriculture land will be created, and no activities that would adversely affect Anadromous fish will be undertaken. No existing trees or vegetation is proposed to be removed within the 100' Critical Area Buffer. A bench/gathering area with mulch groundcover is proposed within the 100' Buffer. A new living shoreline is the only Development Activity proposed inside the buffer for the Morgan Creek waterfront. This project would stabilize the shoreline, allow for the establishment of aquatic and subaquatic plants, create aquatic and shoreline habitat that currently does not exist, improve water quality, and provide water dependent access for the users of Minary's Dream Alliance. There are two existing accessory structures within the 100' buffer. No expansion or changes are proposed to those structures. If the proposed greenhouse and garage by the relocated garden is approved, it may be possible to remove the existing garage from the buffer. No forested areas are planned for development or disturbance. Every effort will be made to reduce existing impervious surfaces (lot coverage), but no net increase in impervious surface will happen. The current lot coverage exceeds the allowed 15%, but is grandfathered at 61,482 square feet. There are currently no non-tidal wetlands mapped on the project site. The only slopes over 15% are within the buffer along the shoreline and will not be disturbed. There is currently no Low Impact Development stormwater management on the property. The proposed Master Plan calls for a newly designed parking area that would use porous paving and Micro-Bioretenion to more effectively control both volume and quality of stormwater runoff. There are no known endangered or protected species of concern on the property. Regarding sewage disposal, MDA is communicating with MDE and the Kent County health Department about establishing provisions for future septic disposal area expansion to comply with all current and proposed uses.

7. *Proposed type of water and sewer service:* Private Water & Sewer

8. *Number of employees:* 6

9. *The proposed development schedule and phases of development for all proposed construction*

- a. Sacred Place Sitting Area
- b. Sacred Place: Labyrinth
- c. Relocate existing Garden
- d. Living Shoreline Construction
- e. At-grade Classroom and Performance Deck

- f. Greenhouse & Garage Construction
- g. Parking Lot Reconstruction

10. ***Statement of provisions for ultimate ownership and maintenance of all parts of the development including streets, structures, and open space:*** This is all private property and this question does not pertain to the project.

11. ***The only water dependent uses in the Critical Area for this project would be the Living Shoreline. See the following response related to the Living Shoreline proposal:***

- a. *That the activities will not significantly alter existing water circulation patterns or salinity regimes:*
 - i. The living shoreline will have no impact on circulation or salinity.
- b. *That the water body upon which these activities are proposed has adequate flushing characteristics in the area of development.*
 - i. This shoreline is tidal with continuous water movement
- c. *That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized.*
 - i. *Current water depth suggests there is very little submerged aquatic vegetation. However, this will be more closely analyzed when a permit is filed with MDE. Aquatic habitats will only be improved and expanded, not disturbed.*
- d. *That adverse impact to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized.*
 - i. Water quality will only be improved by the Living Shoreline simply from the creation of new riparian plantings alone.
- e. *That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting.*
 - i. There are no known shellfish beds that existing in Morgan Creek in front of this property.
- f. *That dredging shall be conducted in a manner, and using a method, which creates the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area.*
 - i. No dredging is proposed
- g. *That dredge spoil will not be placed within the minimum 100-foot buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for the following:*
 - i. *Backfill for permitted shore erosion protection measures;*
 - ii. *Use in approved vegetated shore erosion projects;*
 - ii. *Placement on previously approved channel maintenance spoils disposal area*
 - iv. *Beach nourishment*
 - 1. No dredging is proposed
- g. *That interference with the natural transport of sand will be minimized.*
 - i. The Living Shoreline will be designed and constructed in a way that minimizes impacts to the natural movement of sediment.

- h. That in the context of existing uses, the proposed use will result in only minimal individual and cumulative impact on water quality and fish, wildlife and plant habitat in the Critical Area.*
 - i. The proposed Living Shoreline should improve water quality, fish, wildlife and plant habitat
- i. That the activity meets all required environmental standards*
 - i. Once a final design is created, and the design goes through the permitting process it will be reviewed for compliance with all required environmental standards.

12. Critical Area density calculations based on the original parcel

- i. The project does not involve the addition of any parcels or dwelling units that would generate density

13. Citizen Participation Plan

- i. To date, the planning and design process has included several design charrettes open to the public and the Major Site Plan Review process will also allow citizens to participate in the process.

In summary, the proposed improvements to the property are meant to enhance habitat, improve water quality, and improve use without negatively impacting adjacent properties.

Thank you're your consideration of this proposed Master Plan at 9155 American Legion Drive.

Sincerely,



D. Miles Barnard, ASLA RLA

Cc: Doncella Wilson - Minary's Dream Alliance
Vanessa Holloway-Truxon - Minary's Dream Alliance
Paul Tue - Minary's Dream Alliance
Kim Righi - Minary's Dream Alliance
Darran Tilghman – Shorerivers
Neha Srinivasan – Nature Sacred

Attachments:

January 4, 2022 Order by Judge Harris P. Murphy
September 15, 2023 Email from MDE

Entered: Clerk, Circuit Court for
Kent County, MD
January 4, 2022

IN THE CIRCUIT COURT FOR KENT COUNTY, MARYLAND

In the Matter of Thomas Voshell, et al.

for Judicial Review of the Kent County

Case No: C-14-CV-21-44

Board of Appeals

* * * * *

ORDER

Having considered the record and pleadings, and for the reasons more fully articulated on the record at the hearing on December 30, 2021, it is, this 01/04/2022 2:54:00 PM, by the Circuit Court for Kent County,

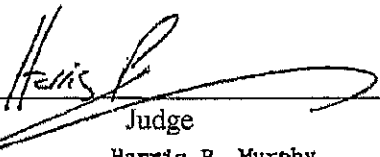
ORDERED, that Appellee, Frank M. Jarmen American Legion Post 36's, Motion to Strike Petitioners' Amendment to Petition for Appeal is DENIED; and it is further,

ORDERED, that Appellee, Minary's Dream Alliance's, Motion for Reconsideration of the Motion to Dismiss is GRANTED with respect to Petitioner, Thomas Voshell, as his property has been transferred. However, the Court will permit substitution of the new owner as one of the Appellants, if requested within 30 days of the date of this order; and it is further,

ORDERED, that the decision of the Kent County Board of Appeals (hereinafter "the Board") is AFFIRMED IN PART and REVERSED IN PART as indicated below.

The Court finds that the Board's determination that there were certain existing and legal non-conforming uses of the property was based on substantial evidence. The uses for which there was substantial evidence of an existing and legal non-conforming use are: social, charitable, business and civic meetings, events and functions of a character and nature consistent with the established non-conforming use (i.e.: Cancer Society fundraisers, Red Cross Blood Dives, food drives, cotillion, and various other dinners, dances, meetings and events).

However, to the extent that the Board addressed uses other than the legal non-conforming uses indicated above, the Court finds that the Board was incorrect as a matter of law in determining that other uses – current, anticipated or contemplated – constituted, or could constitute, a permissible intensification of the non-conforming use. By way of example, the Court finds that the implantation of a program that includes any services involved in substance abuse treatment, or the use of the property for sporting events, particularly where that may involve the construction of new facilities for that purpose, or the creation of a new point of access to the Chester River or facilities at that location, or any similar development or use would be an impermissible transmogrification of, and inconsistent with, the nature and character of the established and legal non-conforming use of the property.



Judge
Harris P. Murphy

TRUE COPY TEST
SHERISE L KENNARD, CLERK

BY 
DEPUTY CLERK



Find address or place



Queen Anne's Co



40m
200ft

-76.035 39.228 Degrees

Miles Barnard

From: Brennan Greene -MDE- <brennan.greene@maryland.gov>
Sent: Friday, September 15, 2023 10:30 AM
To: Miles Barnard
Cc: Carla Gerber; William Mackey; Erika Hercher -MDH-
Subject: Re: Chestertown Project

Hi Miles,

After reviewing the file, it looks like the two sand mound disposal systems were approved by John Beskid in 2019/2020 for a maximum of 600 gallons per day (gpd) of flow from the existing American Legion. In 2022 the owners of Minary's Dream approached the Kent County Health Department (KCHD) regarding the change in use for the establishment. At the time they were asked to provide an accurate assessment of what current usage and future plans were for the establishment to get an understanding of what kind of wastewater flow would be necessary to accommodate the structure.

MDE was brought in at the time to assist with the restrictive soils outside of the approved sewage disposal area, and we had advised and requested that KCHD work with the owners to pin down the projected usage of the establishment. To-date it does not seem that any projected or existing usage has been provided to the KCHD for the purposes of sizing the wastewater generated by the establishment.

What we would be looking for at the moment is a realized wastewater flow of the current establishment. What are the operations that are occurring out of the establishment? What are the hours of operation? Specifically, how many people are in the establishment? How many other entities use it and how many people are in these groups? Without changing anything, what operations can be conducted there? We know that there is a kitchen that can be utilized, but may not be to the fullest extent at this point in time.

As for expansion, the current approved area for sewage disposal is for two sand mounds (one initial, and one replacement) for 600 gpd. We generally do not evaluate a structure or proposal before application is submitted, but the Maryland Department of the Environment does have a guidance for wastewater flows for on-site systems on their website that is promulgated to the Approving Authorities and the public here:

<https://mde.maryland.gov/programs/water/BayRestorationFund/OnsiteDisposalSystems/Documents/Onsite%20Systems/MDEGuidanceWastewaterFlowsForDesign.pdf>

Please note that from our brief evaluation of the site in April of 2022, that aside from the already approved sewage disposal area (SDA), the soils were poor, and sensitive environmental receptors (non-tidal wetlands, open water) were restrictive for placement of other areas for sewage disposal. We had recommended that once Minary's Dream had provided a definitive proposal for the existing and expansion, that they may need a third party consultant to evaluate the property for potential non-conventional disposal.

If you have any questions regarding this, please feel free to contact me and I will try to assist as I can.

Brennan E. Greene, L.E.H.S.
Sanitarian VI, Regional Consultant
On-Site Systems Division Wastewater Pollution Prevention and Reclamation Program
Water and Science Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230 (c) 410-207-7291
brennan.greene@maryland.gov
[Website](#) | [Facebook](#) | [Twitter](#)

Click here to complete a three question [customer experience survey](#).

REVISIONS

03-29-23	Steering Comm. #2
08-30-23	Site Plan Review
09-26-23	Planning Commission

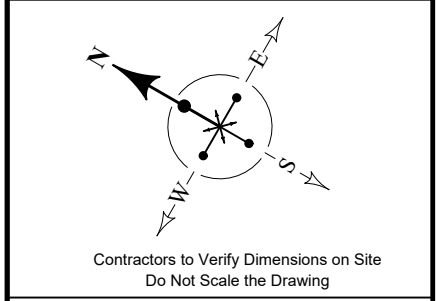
ISSUED FOR:

<input type="checkbox"/> Client Review	<input type="checkbox"/> Revision
<input type="checkbox"/> Bid	<input checked="" type="checkbox"/> Approval
<input type="checkbox"/> Permit	<input type="checkbox"/> Coordination
<input type="checkbox"/> Construction	

Minary's Dream Alliance, Inc
 9155 American Legion Drive
 Chestertown, MD
 Election District 4

These drawings and specifications and the ideas represented thereby are and shall remain the property of the Landscape Architect. No part thereof shall be copied or used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and developed without the written consent of the Landscape Architect.

Not for Construction



Detailed Plans

Scale: 1/4" = 1'-0"
 Drawn by: DMB

L1.2
 1st Issue Date 03-29-23

Property Information:
 9155 American Legion Drive
 Chestertown, MD 21620
 Map 38 Grid 3A Parcel 57
 8.12 Acres
 County: Kent
 Election District 4, Precinct 1

