

MINUTES

The Kent County Planning Commission met in regular session on Thursday, November 4, 2021, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair Kim Kohl (remote), Vice Chair F. Joseph Hickman, Paul J. Ruge, Jr., James Saunders, William Sutton, and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; and Mark Carper, Associate Planner.

Because Ms. Kohl was participating remotely, she asked Mr. Hickman to chair the meeting. Mr. Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. Sutton made a motion to accept the minutes for the October 7, 2021, meeting, as distributed.

Ms. Kohl seconded the motion; the motion passed with all in favor.

APPLICATIONS FOR REVIEW:

21-36 Mervin Lapp – Major Subdivision (Final)

Ms. Gerber informed the Commission that Mervin Lapp requests final approval for a major subdivision of his 45.724-acre parcel into two lots. The lot with the existing farmstead will be 17.559 acres; the remainder will be 28.165 acres. The property is located on Coopers Lane, near the intersection with Still Pond Creek Road.

Ms. Gerber noted that:

- the proposed lot meets the minimum area, density, and width requirements.
- The applicants have paid the \$250 open space fee.
- A Forest Conservation Worksheet was submitted, and the forested areas were added to the plat. The forest conservation deed restrictions are under review.
- The application is consistent with the Comprehensive Plan. The property is located within a Tier III area of the adopted Growth Tier Map. Final review requires a public hearing.

Staff recommends granting final approval contingent upon approval of the forest conservation deed restrictions.

Ms. Gerber noted that the only comment received by the Department was a phone call from an adjacent property owner asking about any plans for additional development of the property.

Ms. McCann read the notice of public hearing that was published in the October 28, 2021, edition of the Kent County News.

At 1:39 p.m., Mr. Hickman entertained a motion to close the regular meeting and open the public hearing. All were in favor.

Michael Scott, surveyor, was sworn in, and Mervin Lapp, applicant, affirmed to tell the truth.

Mr. Scott clarified that only the forested areas on the proposed 17.559-acre lot were to be protected by the deed restrictions. Staff confirmed that only protecting those areas was acceptable.

Leona Van Dyke of Worton, Maryland, was sworn in. Mrs. Van Dyke informed the Commission that the computer tax map errors still haven't been corrected and opined that errors in the tax maps may lead to future costs to property owners and the County. She stated that she has no concerns with Mr. Lapp's request to subdivide his property.

There were no other members of the public who wished to comment. At 1:47 p.m., Mr. Hickman entertained a motion to close the public hearing and reopen the regular meeting. All were in favor.

Mr. Ruge asked a question about the jagged property line, to which Mr. Lapp responded that the proposed property line follows an existing fence.

Ms. McCann reminded the Commission that they were making a resolution to approve the subdivision and must consider the cost of providing public services and potential environmental issues.

Mr. Hickman resolved to grant final subdivision approval contingent on Staff's recommendation based upon the following:

- The subdivision meets the density and setback standards.
- The general standards concerning open space and forest conservation have been addressed.
- The subdivision is consistent with the *Comprehensive Plan* and other regulations.
- There will be no effect on traffic patterns.
- There will be no tree removal and the use of the property will remain the same.
- The Health Department has approved the application.
- Per SB236, the subdivision will not cause an increase in the cost of providing public services and there are no environmental concerns.

Mr. Ruge seconded the motion, which was approved by the members.

20-41 Cliff Road Properties (Great Oak Manor) – Site Plan Review (Final – Cottages)

Ms. Gerber informed the Commission that the applicant is proposing improvements to expand and enhance their existing county inn use to construct two, free-standing cottages, which will have two guest rooms per cottage, associated pedestrian walkways, and expansion of the guest parking lot.

Ms. Gerber added that the 8.515-acre property is located at 10568 Cliff Road and is zoned Critical Area Residential. A citizen participation meeting was held on December 10, 2020.

The proposal complies with the lot coverage limits and a Major Buffer Enhancement Plan has been submitted. Ms. Gerber indicated the property meets density, area, height, width, and yard requirements, lot coverage limits, and parking and loading requirements. The Buffer Enhancement Plan has been corrected since preliminary review to reflect the correct square footage of new lot coverage and so that no more than 10% of the plantings are grasses.

Staff recommends granting final approval of the cottages with the following conditions:

- Final approval of the sediment control and stormwater management plans for this phase of the project.
- Submission of all required Letters of Credit or proof of other surety for this phase of the project.
- The extension and enlargement of the use is limited to the previously approved tent area and these two cottages.
- No permanent roof or other pavilion will be constructed over the approved tent area.

Ms. Gerber noted that all correspondence received by the Department had been included in the published packet.

Harry Reed, applicant, who was participating remotely, and Tom Davis, DMS and Associates, were sworn in. Lance Young, Esquire, with the McCleod Law Group, also appeared on behalf of the applicant.

Mr. Davis noted the corrections to the plans following the October meeting and an addition to the Statement of Purpose and Intent to include the condition that “no more cottages will be proposed and that no permanent pavilions will be proposed by Cliff Road Properties, LLC.” Mr. Davis also acknowledged that Mr. Reed’s bank is prepared to issue letters of credit upon final approval of the project.

There were no members of the public who wished to comment present at the meeting.

Mr. Ruge made a motion to approve the final site plan contingent on Staff’s recommendation based upon the following:

- The application is consistent with the Comprehensive Plan and other regulations.
- Great Oak Manor will not exceed the fifteen room limit for Country Inns.
- The applicant has addressed the concerns of the neighbors.
- The property is supported by private well and septic.

The motion was seconded by Mr. Saunders. All were in favor.

STAFF REPORTS

Mr. Mackey informed the members that given current staffing issues meeting minutes may be simplified, and he asked for patience while we try to fill the openings. Some discussion ensued on reducing Task Force meetings in order to address current projects and needs of residents. There was also discussion on how to retain staff.

Carla Gerber noted that October was busy with normal routine business.

Mark Carper informed the members that he is becoming more engaged with Critical Area review and feels well supported by other staff members.

Ms. McCann mentioned that in reviewing forest conservation deed restrictions she has noticed a need for a standardized easement document. She hopes to have something to present at a future meeting.

GENERAL DISCUSSION


Mr. Ruge suggested the idea of staff creating a “motion template” ahead of meetings that would make it easier for any member to make a motion. Mr. Hickman raised a concern that he wouldn’t want something “too scripted.” Ms. Kohl opined that all of the elements for making motions are in the staff reports and suggested that staff could underline or highlight the pertinent findings. Ms. McCann suggested that a workshop might be appropriate, which was supported by several members.

ADJOURN

Mr. Saunders made a Motion to Adjourn which was seconded by Mr. Ruge. The meeting adjourned at 2:44 p.m.



Joe Hickman, Vice-Chair



Carla Gerber, Acting Clerk