

MINUTES

September 7, 2023

1:30 p.m.

An official recording of the Kent County Planning Commission meeting is available for viewing in its entirety on the County's YouTube channel: Kent County Government (<https://www.youtube.com/watch?v=UHLiObjjUh8>.)

The Kent County Planning Commission met in regular session on Thursday, September 7, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, James Saunders, Paula Reeder, and William Crowding. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. Ruge moved to approve the minutes of August 3, 2023, as presented. Ms. Reeder seconded the motion. The motion passed unanimously 5-0.

APPLICATIONS FOR REVIEW

*23-48 Choptank Electric Cooperative Inc. – Lot Line Adjustment – Front Yard Setback
Map 16, Parcel 61 – First Election District – Employment Center (EC)*

Choptank Electric Cooperative is requesting review and approval of a lot line adjustment plat that would establish a 46-foot front yard setback from the right of way, equivalent to 60 feet from the edge of the roadway. The property is located along Massey Rd (MD State Highway 299), just north of Massey.

Mr. Carper presented the staff report, recommending approval with conditions.

The Planning Commission heard from Michael Noh, PLS, and Robert Beadle, PE, with RGrid Power, PLLC, on behalf of Choptank Electric Cooperative Inc.

Mr. Beadle indicated that the proposed setback will allow for increased spacing between electrical equipment.

Mr. Crowding moved to grant final approval to Choptank Electric Cooperative located at 12305 Massey Road in Massey, Maryland, for the proposed lot line adjustment and reduction of the front yard setback to 46 feet. The proposal is in conformance with the Comprehensive Plan and the provisions of all applicable rules and regulations of County, State, and Federal agencies. The applicants have proven convenience and safety of both vehicular and pedestrian movement within the site and in relation to adjoining ways and properties. There is a reasonable demand placed on public services and infrastructure. There is no sewer and water needed on this project. If any trees are to be removed, replacement trees shall be planted.

Adopted on October 5, 2023

Ms. Reeder seconded the motion, and the motion passed unanimously, 5-0.

*23-46 Little Neck Farm Homeowners Association Inc. – Variance – Pier Length
Map 45, Parcel 49 – Fifth Election District – Resource Conservation District (RCD)*

The Little Neck Farm Homeowners Association is requesting a variance to remove, replace, and further extend a nonconforming community pier. The community pier is located off Burriss Road.

The pier encroaches 224 feet into Swan Creek and the main 240-foot-long portion runs perpendicular to the shore. The proposed actions will extend the pier and all of its components to 239 feet channelward of the MHW, 15 feet further than that existing.

Mr. Carper presented the staff report, recommending approval with conditions.

The Planning Commission heard from George Barnett with Little Neck Farm Homeowners Association Inc.

Mr. Barnett stated that the community pier is in poor condition. Extending the pier 15 feet channelward will allow the inner slips to be used. Currently, the inner slips are only accessible for pontoon boats, small motorboats, or canoes.

When asked, Mr. Barnett noted that the HOA has not pursued shoreline management measures in order to prevent shoreline vegetation and sediment from intruding further into the waterway.

Chair Hickman asked for clarification regarding the practical difficulty. Chair Hickman expressed concerns about the validity of a practical difficulty that is simply the water depth.

Mr. Mackey opined that the water depth, siltation, and the change in the land are eligible to be considered as topographical practical difficulties not caused by the applicant's own actions.

Mr. Crowding expressed interest in receiving additional documentation pertaining to the increase in sedimentation over time along the shoreline of the subject property.

Ms. Reeder moved to send a favorable recommendation to the Board of Appeals for a variance of the pier length after finding that MDE and the U.S Army Corps of Engineers have found the proposal to be acceptable; the variance will not cause a substantial detriment to adjacent or neighboring property; the variance will not change the character of the neighborhood or district; the variance is consistent with the Comprehensive Plan and the general intent of the Ordinance; the practical difficulty cited by the applicant is the change in the condition of the property that affects the access to the inside section of the pier slips; and the practical difficulty or other injustice was not caused by the applicant's own actions. The recommendation is made subject to the Homeowners Association confirming it has the legal authority to pursue the application and speak for the homeowners; the applicant's agreement, at their expense, to install a standpipe system in accordance with NFPA 303 and that plans be submitted to the Fire Marshal for review and approval prior to any action being taken; and that the applicant provide more substantive information to the Board of Appeals regarding the change in the condition of the property over time.

Mr. Ruge seconded the motion, and the motion passed, 4-1.

GENERAL DISCUSSION

Millington Comprehensive Plan

Mr. Mackey presented the staff report and noted that the Town of Millington's proposed 2023 Comprehensive Plan Update is a working draft. The Plan states that it is intended to be forward-looking and fiscally oriented. Discussions are still underway by Millington to finalize the proposed annexation areas. A public hearing by the Town's Planning Commission is scheduled for September 28, 2023, at 7 p.m.

Discussion ensued regarding the proposed annexation areas.

Mr. Mackey noted that the Town of Millington Planning Commission would like to coordinate with the Kent County Planning Commission on the review of projects in the Town's designated growth areas.

Mr. Crowding recommended that the Millington 2023 Comprehensive Plan include language stating that developers will pay a portion of the infrastructure costs associated with their development projects. Mr. Ruge spoke in agreement.

Proposed Draft Land Use Ordinance Review

The Planning Commission reviewed Article IV "Processes" of the Proposed Draft Land Use Ordinance for Review.

Discussion ensued regarding Article IV Section 6 "Waivers."

Mr. Mackey stated that the waiver processes existing in the current Land Use Ordinance are included in the Proposed Draft Land Use Ordinance for Review. The waiver processes have been reorganized and streamlined; however, the content and substance of the Ordinance is preserved.

The Planning Commission discussed Article IV Section 1.14 "Amendments" and Section 1.15 "Appeals."

Mr. Mackey introduced the Partial Amendment process, which is a new amendment category proposed in the Draft Land Use Ordinance. A Partial Amendment allows applicants to amend a phase or a component of the larger project without requiring that the entire project be reviewed again.

STAFF REPORTS

ADJOURN

Mr. Crowding moved to adjourn the meeting. Ms. Reeder seconded. The meeting adjourned at approximately 3:30 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist