

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, December 2, 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, Vice Chair F. Joseph Hickman, Paul J. Ruge, Jr. (remote), William Sutton, P. Thomas Mason, and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; and Mark Carper, Associate Planner.

Ms. Kohl called the meeting to order at 1:30 p.m.

## MINUTES

Mr. Ruge made a motion to accept the minutes for the November 4, 2021, meeting, as distributed.

Mr. Hickman seconded the motion; the motion passed with all in favor.

## PUBLIC HEARING

Ms. Kohl opened the public hearing at 1:35 p.m.

Mr. Mackey presented the staff report for the zoning text amendment to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. *Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer in accordance with these Regulations*, in order to allow for one-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district. The proposed zoning text amendment is modeled on similar provisions in other sections of the Land Use Ordinance.

There was some discussion concerning various provisions of the proposed text. Mr. George Boyd, resident of Broad Neck, asked a question concerning the definition of "immediate family". Ms. McCann suggested that the County could use the definition found within COMAR.

Mr. Hickman made a motion to send a favorable recommendation to add the proposed use to the Land Use Ordinance with the following recommendations for amendments to the proposed text:

- Amend "15 e" to be a maximum lot size of 2 acres.
- Amend Article XI, Section 2 to add the State's definition of immediate family

Mr. Sutton seconded the motion, and all were in favor.

The public hearing was closed at 2:03 p.m., and the regular meeting was reopened.

## APPLICATIONS FOR REVIEW

### ALP 21-01 – Redman Family Farms LLC – Ag Preservation District

Mary Ann Scott, Redman Family Farms LLC, wishes to create an Agricultural Preservation District on its 118.31-acre farm located on Bakers Lane in the Sixth Election District. The farm consists of 114.5 acres of crop land. Approximately 98.5% of the soils are considered Class I or II. There is one dwelling on the property and approximately 0.5 acres will be withheld for an existing cellular communications tower. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 5,360 acres of districts and easements and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

Mr. Hickman seconded the motion, and the motion passed unanimously.

**ALP 21-02 – Goose Chase Farm LLC – Ag Preservation District**

Mark Miller, Goose Chase Farm LLC, wishes to create an Agricultural Preservation District on its 380.96-acre farm located on Edesville Road in the Fifth Election District. The farm consists of 200 acres of crop land, and 180 acres of woodland. Approximately 55.9% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is not adjacent to other protected lands and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Mark Miller was sworn in. He had no comments.

Mr. Ruge raised a concern about the farm's proximity to Rock Hall and if preserving it would be detrimental to the town. Mr. Mason indicated that a number of farms similarly situated near towns have already been preserved. He raised a concern about the whether the farm would perc and mentioned concerns of the MALPF Board of Trustees to spend State funds to preserve farms that cannot be developed.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

Mr. Ruge seconded the motion, and the motion passed unanimously.

**ALP 21-03 – B and K Family Farm LLC – Ag Preservation District**

Kevin Miller, B and K Family Farm LLC, wishes to create an Agricultural Preservation District on its 202-acre farm located on Morgnec in the Second Election District. The farm consists of 187 acres of crop land and 13 acres of woodland. Approximately 96% of the soils are considered Class II or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 480 acres of districts and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

Mr. Ruge seconded the motion, and the motion passed unanimously.

#### **21-50 – Chris and Susan Pavon – Buffer Variance**

Chris and Susan Pavon are requesting a variance to the Critical Area buffer standards in order to demolish and reconfigure an existing waterfront deck, add a small front porch, add a formal entrance to the "rear" of the house, expand the kitchen by five feet, and reconfigure an existing brick sidewalk. None of the work will be closer to the water or the top of the slope, and the reconfigured deck will be farther from the water. The house was built in 1973, and due to steep slopes along the shoreline, there is an expanded buffer which completely encompasses the house.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. Staff recommends forwarding a favorable recommendation to the Board of Appeals.

Mr. Buck Nickerson, Extreme Measures LLC, representing the applicants, was sworn in. He submitted pictures of the house and property that were entered into the record as Applicant's Exhibit 1, A-E.

Mr. Ruge asked a question about the health of a 24-inch oak tree that the applicants hope to save by reconfiguring the deck. Mr. Nickerson replied that the tree had survived the 2012 derecho and appeared to be healthy and stable.

Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals based on the following findings:

- Granting a variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The granting of a variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- The extraordinary topographical condition of the property whereby 90% of the property is within the expanded buffer creates an unwarranted hardship.
- The house was built prior to the adoption of the Critical Area Law.
- The granting of the variance is in harmony with the general spirit and intent of the Critical Area Law.
- The granting of the variance will not adversely affect water quality, impact fish, wildlife, or plant habitat.
- Any change to the footprint of the house would require a variance

Mr. Ruge seconded the motion, which was approved unanimously.

**Queen Anne’s County Draft Comprehensive Plan (PlanQAC 2021)**

Mr. Mackey presented the staff report outlining the structure of the Queen Anne’s County draft Comprehensive Plan and noted several items on which the Planning Commission may want to discuss and comment.

The Planning Commission noted that the Plan was done well, especially in the area of agriculture. The Commission decided to reiterate Kent County’s position on the importance of the Chester River Bridge boulevard concept and the specific right-of-way alignment that is included in Kent County’s Comprehensive Plan.

**STAFF REPORTS**

Mr. Mackey informed the members that today’s meeting would be the last one for Sandy Adams as she is moving to Parks and Recreation. He asked for patience while DPHZ tries to fill the opening. He noted that he was planning to discuss reducing Task Force meetings in order to address current projects and needs of residents.

Carla Gerber noted that November was busy and trying to keep up with project and permit review.

Mark Carper informed the members that he is becoming more engaged with a broader range of tasks.

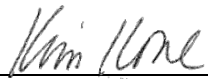
Ms. McCann mentioned that she would be presenting a draft, standardized forest conservation easement document in January.

**GENERAL DISCUSSION**

There was no general discussion.

**ADJOURN**

Mr. Sutton made a Motion to Adjourn which was seconded by Mr. Ruge. The meeting adjourned at 3:00 p.m.

  
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Kim Kohl, Chair

  
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Carla Gerber, Acting Clerk