

MINUTES

July 7, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, July 7, 2022, at 1:30 p.m. 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 F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, and Ray Strong. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Mark Carper, Associate Planner.

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

MINUTES

Mr. William Sutton moved to accept the minutes of June 2, 2022, without correction. Mr. James Saunders seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

#22-17 William & Valerie Ashmore – Site Plan (Final)

Private Destination/Residence Club, Southeast corner of the intersection of Skinners Neck Road and Kelly's Park Road – Fifth Election District – Marine (M)

Ms. Gerber presented the staff report. The Chair swore in Ms. Valerie Ashmore and Mr. Kevin Shearon, DMS and Associates.

Mr. Shearon updated the Commission on approvals received since the prior meeting for sediment and erosion control, stormwater management, landscaping, and public works. He noted that FEMA has issued a conditional letter of map amendment for the fill to raise the building out of the floodplain. A final letter will be issued following construction and submission of as-built surveys.

Mr. Ruge asked if any more thought had been given to moving the electric pole from in front of the driveway. He would prefer that it be relocated to the opposite side of the road if it cannot be buried. Mr. Shearon responded that the property owners are in discussion directly with Delmarva Power, but no decision has yet been made.

Chair Hickman moved to grant final approval contingent upon submission of all required sureties and recordation of the slip agreement. The approval was based on the following.

- Consistency with the Comprehensive Plan.
- The Department of Public Works has approved the project.
- Stormwater management and erosion and sediment control plans have been approved.
- Sufficient parking is available on the property.
- Landscaping meets the requirements.
- The building elevations are compatible with the neighborhood.
- No signs are proposed.
- Lighting will be dark-sky compatible.

The motion was seconded by Mr. Strong and was passed unanimously, 5-0.

*22-27 Tucker White – Special Exception – Oversized Accessory Structure
21779 Sunnyside Avenue – Fifth Election District – Critical Area Residential (CAR)*

Mr. Carper presented the staff report. The Chair swore in Mr. White.

Mr. White stated that he is a third-generation waterman, and the purpose of the building is to support his business. He is currently leasing space for storing materials and supplies. The building will allow him to operate more efficiently. He has tried to design the building to fit the neighborhood.

Mr. Sutton asked about the location of the building. Mr. White responded that the building will be at the back end of his driveway toward the rear of his lot. He tried to locate it so it will not be as noticeable.

Mr. Ruge asked about any tree removal. Mr. White stated that the only trees that might be affected are trees that he planted. He will relocate them if necessary. Mr. Ruge also asked about the height of the building in relation to his home. Mr. White responded that his house is taller than the proposed building.

Mr. Ruge asked if there were any thoughts of putting in a retail store. Mr. White responded that as of this time he doesn't foresee that type of use.

Mr. Saunders noted that Mr. White is trying to grow his business and build something that he will be proud of. He doesn't see anything wrong with it.

Mr. Ruge asked if Mr. White had investigated any grants that would support his business.

Chair Hickman agreed with the statements of the other members.

Mr. Strong made a motion to forward a favorable recommendation to the Board of Appeals finding that the application was consistent with the Comprehensive Plan and compatible with the neighborhood. The motion was seconded by Mr. Ruge and passed unanimously, 5-0.

*22-28 Chen Residence – Variance – development within the 100-foot buffer
4833 Deep Point Drive – Seventh Election District – Resource Conservation District (RCD)*

Mr. Carper presented the staff report. The Chair swore in Mr. David Mallon, Kimmel Studio Architects, representing the applicant.

Mr. Mallon presented his case as to the need for the variance. He stated that the existing house is in disrepair and needs to be replaced. The owner desires to make the property better but will maintain the square footage of the existing dwelling.

Mr. Ruge asked about the septic system. Mr. Mallon stated that the current system will be abandoned. The new drain field will be on the farm field, across the marsh behind the house, and the Best Available Technology (BAT) tank will be located near the house.

Mr. Ruge asked about the setbacks and orientation of the proposed house. Mr. Mallon responded that the proposed house would be moved back from the water's edge about 20 feet from the location of the current house, and they were attempting to true up the house to the garage.

Chair Hickman asked about the practical difficulty. Mr. Mallon stated that they were trying to avoid reducing the loss of tillable land. In addition, if the house is moved off the point, then the owner loses the advantage of being on the water. The point is also the highest location.

Mr. Strong asked about the time frame. Mr. Mallon replied that they hope to be finished within 16 months.

Chair Hickman made a motion to forward a favorable recommendation to the Board of Appeals noting that the application will not cause substantial detriment to neighboring properties or change the character of the neighborhood. The need for a variance was not caused by the applicant. The granting of a variance will minimize possible negative effects on the farmland, and the buffer mitigation plan should follow the recommendation of the Critical Area Commission. The motion was seconded by Mr. Sutton and passed unanimously, 5-0.

STAFF REPORTS

Mr. Mackey reported on the upcoming Comprehensive Rezoning Update Task Force meeting in July. The goal is to provide materials in advance of the meeting as requested. The meeting will focus on signs and nonconformities. The goal moving forward is to cover the consultant's work product by the end of the calendar year.

Ms. Gerber reported on conducting MALPF easement inspections and reviewing and ranking the 16 agricultural easements that were received. All 16 easement applications were submitted to the State for consideration.

Mr. Carper reported on recent Critical Area training he's been able to attend, as well as a recent Eastern Shore Climate Adaptation Partnership (ESCAP) meeting.

Ms. McCann reported on signature changes being made to the adopted model forest conservation easement document. Ms. McCann also attended MML and Open Meeting Act training, noting that a workshop on motion-making for the Planning Commission will be scheduled for a future meeting.

GENERAL DISCUSSION

There was no general discussion.

ADJOURN

Mr. Sutton moved to adjourn. Mr. Ruge seconded. The meeting adjourned at approximately 2:36 pm.

Francis J. Hickman, Chair

/s/ Carla A. Gerber
Carla A. Gerber, Deputy Director