



MINUTES

January 22, 2024

5:00 PM

A video recording of the Board of Appeals meeting is available for viewing on YouTube at: https://www.youtube.com/watch?v=xoRX_YSJPY4&list=PL2Rnicle5LpPRSLmeHJFpJImf4bFr836.

The Board of Appeals met on January 22, 2024, at 5:00 p.m. in the County Commissioners Hearing Room. The Board members in attendance were Chair Dr. Albert Townshend, Member John Massey, Member Joan Horsey, and Alternate Member David Hill.

Chris Drummond, Esq., Board's Attorney; Bill Mackey, AICP, DPHZ Director; Carla Gerber, AICP, Deputy Director; and Beth Grieb, Office Manager were also in attendance.

The applicant's representatives, Alex Dolgos and Kyle Lindstrom were present, and applicant Greg Watson and Ms. Elizabeth Clark attended remotely via Microsoft Teams.

The meeting was called to order at 5:00 pm by Chair Townshend.

The Board considered the appeal of Kyle Lindstrom on behalf of Greg Watson regarding the Planning Director's decision to deny a permit for a proposed 45-foot stone revetment above the mean high-water line at 12594 Coopers Lane in Worton.

Attorney Drummond explained that the hearing would be *de novo*, with the Board sitting in place of the Planning Director. He summarized the application materials in the record, including the proposed revetment plan, photographs of the eroding bank, and correspondence.

Mr. Lindstrom and consultant Alex Dolgos were sworn in. Mr. Dolgos provided background on the site and prior discussions with Maryland Department of the Environment (MDE), noting MDE's position that a living shoreline would be required below the mean high-water line. He argued that a living shoreline would not survive at this location due to lack of sunlight and northwest fetch. Mr. Dolgos also voiced concerns about the experience level of State reviewers.

In response to questions, Mr. Dolgos clarified that the proposed revetment would not disturb the bank near the large oak tree and would be located about 15 feet into the yard with a 3:1 slope.

Attorney Drummond outlined the relevant provisions of the County's Critical Area provisions of the Land Use ordinance that prohibit structures in the 100-foot buffer and require preservation of natural vegetation. He stated his opinion that the revetment does not qualify as a water-dependent facility exempt from the buffer rules.

Adopted on August 19, 2024

Mr. Dolgos asserted the revetment is needed to dissipate wave energy and prevent scouring of the bank. He reiterated his doubts about the successful establishment of a marsh due to lack of sunlight.

After deliberation, Member Massey made a motion to affirm the decision of the Kent County Planning Director regarding the sediment erosion control application at 12594 Coopers Lane. Member Horsey seconded the motion. The motion passed 2-1 with Chair Townshend opposed.

The meeting adjourned at 7:30pm.

/s/ Albert S. Townshend
Dr. Albert Townshend, Chairman

/s/ W. A. Mackey
William A. Mackey, AICP, Director DPHZ

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