

MINUTES

September 5, 2024

1:30 p.m.

Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

The Planning Commission met in regular session on Thursday, September 5, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Paula Reeder, William Crowding (remotely via MS Teams), and Sean Jones. Ray Strong emailed ahead of time that he could not attend.

Acting Planning Commission Attorney Thomas N. Yeager, Esquire, was present. Staff attending included Bill Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Rob Tracey, AICP, Associate Planner; and Beth Grieb, Office Manager, serving as Acting Clerk.

Representatives for Great Oak Manor included Lance Young, Esq., Macleod Law Group, LLC; Kevin Shearon, P.E., LEED AP, DMS & Associates; Jo Anne Baker-Gebelein, AIA, Vice President, Torchio Architects; Werten F. W. Bellamy, property and business owner; and Calin Taralunga, business manager.

Representatives for the Joyce variance included Miles Barnard, ASLA, RLA, South Fork Studio Landscape Architecture; John C. Hutchison, AIA, NCARB of John Hutchison Architecture; Mr. William F. Joyce, property owner; and Mrs. Linda Joyce, property owner.

Members of the public who spoke were Miles Barnard (speaking as a property owner on Cliff Rd near Great Oak Manor), Hannah Hen, and Bronwyn Fry.

Members of the public who signed in but who did not speak were Fran Besack, George Besack, Dan Richardson, Dennis F. Cox, and Alexa Lee Fry.

Chair Hickman called the meeting to order at 1:36 p.m.

MINUTES

Vice Chair Ruge moved to approve the minutes of August 1, 2024, as presented. Ms. Reeder seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

APD 24-01 - Agricultural Preservation District Application

Claude and Stephen Westcott; 12982 Augustine Herman Highway, Kennedyville

Mr. Tracey presented the staff report for an Agricultural Preservation District application. The property is approximately 124 acres and is located in the Priority Preservation Area, adjacent to over 7,500 acres of preserved land. Discussion included concerns about the amount of land being sequestered from potential future development, especially near existing developable areas and municipalities. It was noted the property has no Class 1 soils and is principally woodland.

Adopted on October 3, 2024

Mr. Saunders moved to send a favorable recommendation to the Board of County Commissioners for the applicant's request for an Agricultural Preservation District. Mr. Jones seconded. The motion passed 5-1.

*24-28 Freedom Properties GOM, LLC – Special Exception – Redesignation as a Retreat
10568 Cliff Road, Chestertown – Sixth Election District – Zoned Critical Area Residential (CAR)*

Ms. Gerber presented the staff report for Freedom Properties GOM, LLC's application for a Major Site Plan (Concept) and Special Exception to redesignate Great Oak Manor from a Country Inn to a Retreat. The property is located at 10568 Cliff Road, Chestertown.

Mr. Young and Mr. Bellamy presented their plans and addressed concerns, requesting approval with no conditions.

Members of the public, Miles Barnard, Hannah Hen, and Bronwyn Fry, spoke in support of the kitchen and yoga studio being currently proposed as the project on the site, while objecting to the idea of approval with no conditions whatsoever.

The Planning Commission members discussed the Land Use Ordinance and what is already permitted on the property under the current Country Inn designation. Discussion continued regarding the proposed changes, potential impacts on the neighborhood, and the implications of the Retreat use designation, including uses permitted by right as a result.

Ms. Reeder moved to send a favorable recommendation to the Appeals Board for the applicant's request for a Retreat special exception to modify his zoning from a Country Inn to a Retreat [amended to remove reference to the site plan]. My recommendation is that this favorable recommendation be forwarded to the Appeals Board without any further conditions, finding those to be preemptive and unnecessary, that they can be easily negotiated between the applicant and the Neighborhood Association, and findings were also noted. Mr. Saunders seconded. The motion failed 2-4.

Mr. Crowding made a new motion to send a favorable recommendation to the Board of Appeals for Great Oak Manor for their request to change a special exception from a Country Inn on their proposed 15.271-acre parcel to build an accessory structure for demonstration kitchen and yoga studio with the following conditions: That no more than 15 guest rooms are permitted without prior approval to expand the retreat use, no parking for events is permitted on Cliff Road, no maintenance facilities or equipment is visible from outside the property, the limits on hours for outdoor events, and a road maintenance agreement for Cliff Road is signed by all property owners of record. Vice Chair Ruge seconded. The motion passed 5-1.

*24-27 Freedom Properties GOM, LLC – Major Site Plan (Concept) – Retreat
10568 Cliff Road, Chestertown – Sixth Election District – Zoned Critical Area Residential (CAR)*

There was brief discussion about the concept plan for the Great Oak Manor project, focusing on the design and location of the proposed structures and parking areas. Chair praised the quality and appearance of the proposed structure.

*24-42 William and Linda Joyce – Variance – Steep Slope and Expanded Buffer
29349 Glencoe Road, Kennedyville – Second Election District – Zoned Critical Area Residential (CAR)*

Mr. Carper presented the staff report for William and Linda Joyce's application for a variance to construct an ADA-compliant carport, retaining wall, driveway, and wooden walkway on a slope greater than 15% and in an expanded buffer within the critical area.

Ms. Reeder moved to send a favorable recommendation to the Board of Appeals for approval of the variance requested by William and Linda Joyce to construct an ADA-compliant carport, retaining wall, driveway, and wooden walkway on a slope greater than fifteen percent and in an expanded buffer within the Critical Area, noting that the Kent County Health Department has no objections to the application, that there's no known detriment to adjacent or neighboring

properties or change in the character of the neighborhood that would be caused by the proposed variance; that the proposal is consistent with the Comprehensive Plan; that the practical difficulty, which has not been created by the applicants, is created by the steep slope around the main house, including a ravine on the east side of the property, causing the buffer expansion; that there is no known adverse impact to water quality, fish, wildlife or plant habitat that would be caused by the proposed variance; that the application has been sent to the Critical Area Commission for review; that the proposed variance would provide for continued safe and ADA-accessible use of the property; that strict application of the ordinance would produce an unwarranted hardship; that this hardship is not known to be shared by other properties within the vicinity or as a common feature in the zoning district; that a literal interpretation of the ordinance would deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County; and that the variance also would not confer on the applicants any special privilege that would be denied to other lands or structures. Vice Chair Ruge seconded. The motion passed unanimously.

STAFF REPORTS

No staff reports were presented at this meeting.

ADJOURN

Mr. Saunders moved to adjourn. Vice Chair Ruge seconded. The meeting was adjourned at approximately 3:55 p.m.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ William Mackey
William Mackey, AICP, Director

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