

**MINUTES**  
November 7, 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, November 7, 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, Ray Strong, Sean Jones, and Paula Reeder. Member William Crowding attended remotely online.

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; Robert Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Acting Clerk; and Tyler Arnold, GIS Specialist.

Representatives for Wicomico Hunt Club included Genevieve H. R. Macfarlane, Esq., Partner with Stevens Palmer, LLC, Eden Kloetzli, future Huntsman, and Ed Fry, Master of Foxhounds.

Representatives for KNR Inc. included Kevin Shearon, P.E., LEED AP, DMS & Associates and applicant Mr. Sunil Dutta.

Representatives for Delmarva Power included Tony Kupersmith, Esq. of McAllister, DeTar, Showalter & Walker LLC; Scott Parker, P.E., Senior Project Manager, Verdantas; and Ida Parrett, Real Estate Specialist, Delmarva Power.

Representatives for Ms. Vanantwerp and Mr. Lamont included Designer Tammy Brice of South & Main Designs, LLC and property owner Frank Lamont.

No member of the public spoke on any item. The sign-in sheet for members of the public included Alison Howard.

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

**MINUTES**

Ms. Reeder moved to approve the minutes of October 3, 2024, as presented. Mr. Saunders seconded. The motion passed 5-0 with one abstention by Vice Chair Paul Ruge who noted that he was not present at the October meeting.

**PUBLIC HEARING**

*24-57 Wicomico Hunt Club, Inc. -- Zoning Text Amendment  
Adding Dog Kennels, Fox Hunting Club as a permitted use on farms in RCD*

Adopted on December 5, 2024

Mr. Strong made a motion to open the public hearing, Mr. Jones seconded. The motion passed unanimously.

Ms. Gerber presented the staff report on an applicant-initiated text amendment to include dog kennels, fox hunting club as a permitted use on farms in the Resource Conservation District (RCD). Staff recommended changes to the amendment as submitted by the applicant, and Ms. Gerber reviewed the changes in the staff report. The report is available online.

The applicants' representatives, Genevieve Macfarlane, Esq., Ms. Kloetzli and Mr. Fry, provided testimony regarding the club's 95-year history and current operations. The representatives noted that foxes are not killed in the hunt process.

The Planning Commission raised concerns with requiring membership in a specific organization as part of granting the use. The Planning Commission also entertained the concept of expanding the use to commercial dog kennels in general within RCD.

Chair Hickman requested comments from the public in the room and online. Hearing none, Chair Hickman asked for a motion to close the public hearing.

Ms. Reeder moved to close the public hearing. Mr. Jones seconded. The motion passed unanimously.

Ms. Reeder moved to issue a favorable recommendation to the Commissioners to amend the Land Use Ordinance of Kent County as it pertains to the Resource Conservation District to permit *dog kennels* on properties of 20 acres or more, provided the kennels are 200 feet from any side or rear lot line, or located in an existing building, that there is provision made for proper management of waste disposal, and to satisfy such other requirements as may be mandated by the Health Department, and the Critical Area Commission, as a condition of the approval of their operation. Vice Chair Ruge seconded. The Planning Commission deliberated on the scope of use as moved. The motion failed 3:3.

Mr. Jones moved to send a favorable recommendation to the County Commissioners to amend Article 5 of the District regulations to allow *dog kennel, fox hunting clubs* on farms in the Resource Conservation District and also amend Article 11 which would read as follows: *dog kennel, fox hunting clubs* keeping of hounds owned by fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing, training the hounds for the sport of fox chasing, in addition to making sure that the kennels also have a 200-foot [setback] from the side or rear lot line or are in an existing building and that the waste is managed properly. It's found that this is in sync with the Comprehensive Plan and supporting natural and cultural, historic features of Kent County. Mr. Strong seconded. The motion passed unanimously.

## **APPLICATIONS FOR REVIEW**

*23-68 KNR – Convenience Store/Deli – Major Site Plan (Preliminary)  
10816 Worton Road, Worton – Third Election District – Zoned Village*

Ms. Gerber presented the staff report, noting that the Planning Commission's approval of outdoor storage areas, the location of the building, and the location of parking in light of the railroad easement across the property is part of this approval process. Staff recommended preliminary site plan approval with conditions including recommended findings.

Mr. Shearon and Mr. Dutta presented details of the application, noting that the citizens' participation plan had been presented with the concept site plan and summarized the feedback from the public. The applicant confirmed that the proposed building is located due to the railroad easement across the property. The applicant agreed to relocate the propane storage, so windows are not blocked. The single vehicular access was discussed by the Planning Commission. The applicant noted that the Planning Commission had requested removal of the previous separate loading area access.

Ms. Reeder moved to grant preliminary approval to the site plan prepared for KNR, Inc., based on the fact that the proposal is consistent with the Comprehensive Plan, the property is served by public water and sewer, the number of parking spaces meets the minimum required, and there are no known impacts or unreasonable demands on public services and infrastructure; the lighting plan is in the process of being developed and will be submitted as a part of final review; the proposed building complies with setback requirements; they have held a citizens' participation meeting and to our knowledge there are no adverse comments; the ice chest and propane cage have been shown on the site plan and comments have been made relative to the most attractive sighting for those elements of the plan; it's recommended they consider putting curbing at the entrance and egress; the final approval will be contingent on submission of a storm water management and erosion and sediment control plan, which are currently under review; a plan review for a food service facility will need to be obtained and approved by the Kent County Health Department; relative to staff recommendations [referring to the Staff Report, dated for November 7, 2024, pages 1-2, bulleted items 1), 2), and 3)], the buildings will generally be within 40 feet, no closer than 20 feet, to the front line; staff has considered the proposed location of the building and has found it to be consistent with the spirit and intent of the Ordinance; further, staff has recommended that given the unique size and shape of the parcel and restricted area easement, the Planning Commission agrees that parking be allowed as proposed. And we note that neighborhood retail sales, once the building is established, are to be conducted entirely within the building; [except that] the Planning Commission approves outdoor storage and sales [of ice and propane to be shown on the final site plan]. Mr. Jones seconded. The motion passed 5-1 (Mr. Saunders).

*24-13 Delmarva Power and Light Co. of MD -- Major Site Plan (Final)  
509 Morgnec Road, Chestertown – Fourth Election District – Zoned Commercial*

Mr. Tracey presented the staff report, noting a landscape waiver was previously approved by the Planning Commission at the preliminary site plan stage. Staff recommends approval with two conditions: 1) approval of the sediment and erosion control and stormwater management plans, which are still under review, and 2) submission and approval of sureties for the sediment and erosion control, stormwater management, and landscaping.

Mr. Kupersmith presented details of the application, including changes to the landscaping features that the applicant believes help to harmonize the relocated wall with the local area, since the fence is closer to the street.

Mr. Saunders moved to approve the final site plan with staff conditions: 1) approval of the sediment and erosion control and stormwater management plans, and 2) submission and approval of sureties for sediment and erosion control, stormwater management, and landscaping. Ms. Reeder seconded. The motion passed unanimously.

*24-45 Shelia Beth Vanantwerp and Frank Joseph Lamont, Jr. – Variance  
29303 Glencoe Road, Kennedyville – Second Election District – Zoned Critical Area Residential*

Mr. Carper presented the staff report, noting the existing detached garage is planned to be attached to the house, and the project is partially located in the Critical Area Buffer. The Critical Area Commission did not object to the project. Staff recommended a favorable recommendation with one condition, including a list of recommended findings.

Ms. Brice presented details of the application. Mr. Lamont detailed the current issues that affect aging in place.

Mr. Strong moved to send a favorable recommendation to the Board of Appeals for approval of the requested variance with the following conditions: submission and approval of a buffer management plan, that the 5.3-foot variance from the 15-foot side yard setback and a buffer variance [is requested] in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom; the 2.356-acre property is located at 29303 Glencoe Road, Kennedyville, in the Second Election District and is zoned Critical Area Residential; to include the staff recommendations and TAC comments of Section B [referring to the Preliminary Staff Report, dated on November 1, 2024, page-2]; the home was constructed prior to the adoption of the Critical Area Program, and much of the structure is within the 100-foot buffer; due to the existing floor plan, the structural supports of the dwelling, and the location of the existing septic system in the rear yard, alternative expansion opportunities are limited; [thus,] the practical difficulty was not caused by the applicants. Ms. Reeder seconded. The motion passed unanimously.

### **STAFF REPORTS**

Mr. Mackey reported that Morgnec Solar is on the TAC agenda and therefore could be on the December agenda of the Planning Commission. At the December meeting, Russ Richardson’s urban design firm, LRK Inc., will be presenting a general update on Millington Crossing [but not including an update on the Everton Industrial project]. Upon Chair Hickman’s request, Mr. Mackey discussed the process for the final adoption of the Land Use Ordinance in 2025.

Ms. Gerber reported that the Board of Appeals granted the special exception for Great Oak Manor with a condition that the road maintenance agreement be negotiated in good faith with the neighbors, but not be a requirement.

Mr. Yeager explained the condition’s legal basis and the special exception is not contingent upon the agreement.

Mr. Carper conveyed that the Mason Solar project may be on the December agenda for the Planning Commission.

Vice Chair Ruge asked about signs on site plans. Staff responded that size and location are regulated, not content.

### **ADJOURN**

Chair Hickman called for adjournment. Vice Chair Ruge moved. The meeting was adjourned at 3:15 p.m.

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

/s/ William Mackey  
William Mackey, AICP, Director

*Please note 25% of this document was created by Claude 3 from Anthropic, using a transcript from Microsoft Teams.*